

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, JULY 7, 2015, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Conaway, Mr. Ghaul, Ms. Hatala (7:15), Mr. Swan, Ms. Woodard, Mr. Babula. (6) Absent: Ms. Lollar. (1)

Also present: Municipal Attorney- George Saponaro, Lt. Fine.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on July 7, 2015 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC
Municipal Clerk

INVOCATION

Pastor Kim Crutchfield of the Broad Street Methodist Church

SALUTE TO FLAG

CONSENT AGENDA

Councilwoman Woodard, moved that all Consent Agenda items be approved. It was seconded by Councilman Conaway. All were in favor.

PETITIONS AND COMMUNICATIONS*

Approved by Consent Agenda. All were in favor.

CORRESPONDENCE FOR JUNE 2015

NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of May 2015. \$262.55

AGENDAS RECEIVED FROM VARIOUS BOARDS

06-01 Screening Board for June 2015

NOTICE TO PROPERTY OWNERS

06-20 Block 32 lots 2.01, 4, 4.01

COMMUNICATION TO AND FROM MUNICIPAL ENGINEER

06 -300 Pennoni Associates, dated June 11, 2015, re: Waste Water Treatment
06 -301 Pennoni Associates, dated June 17, 2015, re: Secondary Clarifier #1 drive replacement
06-302 Pennoni Associates, dated June 12, 2015, re: Second Clarifier drive replacement
06-303 Pennoni Associates, dated June 17, 2015, re: Emergency Repair of Rake Arm

CORRESPONDENCE TO AND FROM BURLINGTON COUNTY

06-501 Burlington County NJLINCS, dated July 2, 2015, re: Portuguese Man O War on Jersey Shore

CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY

06-700 DEP, dated June 2, 2015, re: National Trials Day Celebrations Across New Jersey on June 6
06-701 DEP, dated June 1, 2015, re: Proposes Common Sense Revision to Flood Hazard Area Control Act Regulations
06-702 DEP, dated June 5, 2015, re: Federal Court ruling to stop seismic research project
06-703 DEP, dated June 4, 2015, re: New Underground Tunnel to help wildlife cross road unveiled in Bedminster
06-704 State of New Jersey, 216 Legislature Introduced May 11, 2015

MISCELLANEOUS CORRESPONDENCE

06-800 Diamond Construction, dated June 2, 2015, re: ADA Improvements
06 -801 PSE&G, dated May 28, 2015, customers to apply for help paying energy bills
06-802 Endeavor Emergency Squad, Inc., re: monthly report May 2015
06-803 Elaine McClammy, dated June 8, 2015, re: Ordinance Unenforced
06-804 Elaine McClammy, dated June 10, 2015, re: untitled
06-805 Elaine McClammy, dated June 10, 2015, re: non enforcement of ordinance
06-806 Elaine McClammy, dated June 10, 2015, re: paring on streets and residential property
06-807 Elaine McClammy, dated June 25, 2015, re: speeding
06-808 Elaine McClammy, dated June 25, 2015, re: speeder
06-809 Elaine McClammy, dated June 25, 2015, re: non enforcement of ordinances
06-810 Elaine McClammy, dated June 24, 2015, re: enforcement of State Law
06-811 Elaine McClammy, dated June 23, 2015, re: lackadaisical officials
06-812 Elaine McClammy, dated June 23, 2015, re: speeding
06-813 Elaine McClammy, dated June 23, 2015, re: FYI-speeding
06-814 Elaine McClammy, dated June 24, 2015, re: leadership is sorely lacking
06-815 Elaine McClammy, dated June 18, 2015, re: city us lax
06-816 Elaine McClammy, dated June 16, 2015, re: Mehleville is trying to beautify
06-817 Investigate Reporting: Burlo's 911 call information
06-818 Babula Family, Thank you note loss of Betty Babula
06-819 Resolution of the Borough of Laurel Springs Supporting Assembly Bill A-4235

06-820 City of Burlington Board of Education legal notice, dated July 1, 2015
06-821 The Affordable Home Group, dated June 24, 2015, re: Affordable Housing Plan

APPROVAL OF INVOICES*

Approved by Consent Agenda. All were in favor.

APPROVAL OF MINUTES*

Approved by Consent Agenda. All were in favor.

ORDINANCE(S) - INTRODUCTION & FIRST READING

A BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE CITY FIRE DEPARTMENT IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$450,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$425,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Upon the motion of Councilman Ghaul, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar. (2).

ORDINANCE(S) - SECOND READING & FINAL DISPOSITION

ORDINANCE NO. 05-2015 OF THE CITY OF BURLINGTON AUTHORIZING A LEASE AND AMENDMENT TO SAID LEASE OF THE LEARNING INSTITUTE FOR FAMILY ENRICHMENT TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF BURLINGTON AND THE CITIZENS OF NEW JERSEY

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A.* 40A:12-1 et seq. (the ALLBL@), authorizes the City to lease any real property not presently needed for public use to a non-profit corporation or association for a public purpose for a term not in excess of 50 years with an extension not to exceed 25 years; and

WHEREAS, the LLBL allows the City to lease real property for a public purpose to a non-profit corporation or association that engages in any activity for the promotion of the health, safety, morals and general welfare of the community; and

WHEREAS, the City of Burlington (A the City@) is the record owner of property located at the Cooper School, as located between Clarkson and York Street as identified on the official tax map of the City of Burlington as Block 143, Lot 27, commonly known as “Cooper School”; and

WHEREAS, the City has determined that the Cooper School is presently not necessary for public use; and

WHEREAS, THE LEARNING INSTITUTE FOR FAMILY ENRICHMENT (The Learning Institute) is an incorporated non-profit organization to foster educate and benefit young children in the state of New Jersey; and

WHEREAS, the Common Council of the City of Burlington has determined that it is in the best interest of the City and its residents to authorize the Lease and Amendment of the Cooper School to The Learning Institute for an additional term of nine years, for the consideration stated below, because The Learning Institute engages in activities that promote the health, safety, morals and general welfare of the residents of the City of Burlington and the citizens of New Jersey;

WHEREAS, The Learning Institute requires some assistance with paying rent currently in arrears in the amount of \$6,341.58 and the Common Council of the City of Burlington determined that the presence of The Learning Institute is beneficial enough to merit a continued working relationship; and

WHEREAS, the City of Burlington is willing to accept payment of rent in the amount of \$200.00 per month as rent for each month's lease of the Cooper School; and

WHEREAS, the City of Burlington is willing to accept payment of \$100.00 per month towards the repayment of the amount of \$6,341.58 for the currently outstanding amount of rent owed to the City.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Burlington, County of Burlington and State of New Jersey, that the City is hereby authorized under the LLBL to authorize the Lease and Amend the Lease with The Learning Institute to amend the lease.

BE IT FURTHER ORDAINED, that among other things, the City agrees to Amend the lease with The Learning Institute in exchange for consideration of \$200.00 per month beginning on April 1, 2015, until August 1, 2023, with an additional payment of \$100.00 per month towards the currently outstanding balance of rent due.

BE IT FURTHER ORDAINED, that the Mayor or his designee is hereby authorized to execute any and all necessary documents to effectuate the execution of a lease agreement with The Learning Institute in a form drafted or approved by the City Solicitor.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with applicable law.

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Conaway asked if Administration could post that the multipurpose room is available for use along with the contact information on the City website.

Councilman Ghaul also asked for the information to be sent to the Beverly Bee.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Hatala, Ms. Lollar. (2).

ORDINANCE NO. 06-2015 OF THE CITY OF BURLINGTON TO AMEND SECTIONS 146-22, CHAPTER 277 ENTITLED “SEWERS” AND 146-29. CHAPTER 354 ENTITLED “WATER SERVICE” OF CHAPTER 146 ENTITLED “FEE SCHEDULE” SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE AND USAGE - **FAILED**

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing ordinance was introduced.

Public Comments

Danny Kiple, 843 Woodland Avenue- suggested to look at the increase closely; it is a huge increase over 3 years; suggested that the City should have looked at this 4 years ago, feels it’s a lot for the tax payer.

Council Comments

Councilwoman Woodard then made a motion to reject this ordinance. It was seconded by Councilman Swan.

This ordinance then **FAILED** by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms Lollar. (1).

The foregoing ordinance was then separated into two parts: 1) Sewer Connection Fees; 2) Water and Sewer Rate Increase.

AN ORDINANCE THE CITY OF BURLINGTON, TO AMEND SECTIONS 146-22, CHAPTER 277 ENTITLED "SEWERS" AND 146-29. CHAPTER 354 ENTITLED "WATER SERVICE" OF CHAPTER 146 ENTITLED "FEE SCHEDULE" SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE CONNECTION FEES

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

AN ORDINANCE OF THE CITY OF BURLINGTON TO AMEND SECTIONS 146-22, CHAPTER 277 ENTITLED "SEWERS" AND 146-29. CHAPTER 354 ENTITLED "WATER SERVICE" OF CHAPTER 146 ENTITLED "FEE SCHEDULE" SO AS TO MODIFY THE FEES TO BE CHARGED IN THE CITY OF BURLINGTON FOR MUNICIPAL SEWER AND WATER SERVICE - **FAILED**

Upon the motion of Councilwoman Hatala, seconded by Councilman Conaway, the foregoing ordinance **FAILED** by the following roll call vote: AYES: Mr. Conaway, Ms. Hatala, Mr. Babula. (3); NAYS: Mr. Ghaul, Mr. Swan, Ms. Woodard. (3); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

ORDINANCE NO. 07-2015 OF THE CITY OF BURLINGTON, AMENDING CHAPTER 76 OF THE MUNICIPAL CODE TO UPDATE AND AMEND VARIOUS FEES CHARGED FOR VARIOUS LICENSES, APPLICATIONS OR OTHER MUNICIPAL SERVICES AS PROVIDED FOR THEREIN

WHEREAS, the City of Burlington is required by Ordinance §76 to protect the public health, safety and welfare by regulating the sale and transportation of alcoholic beverages in the City of Burlington; and

WHEREAS, the vendors of alcoholic beverages in the City of Burlington are required to maintain licenses for the sale and transportation of alcoholic beverages in the City of Burlington pursuant to Ordinance § 76; and

WHEREAS, the Ordinance § 146-5, which sets the fees for licensure pursuant to Ordinance § 76 is presently out-of-date and does not set fees for the present year; and

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the City Code is hereby be amended as follows:

Fees to be charged pursuant to Chapter 76, Alcoholic Beverages, shall be as follows:

- A. Plenary Retail Consumption licenses shall be charged at the maximum fee allowable pursuant to State statute for each year and shall be raised accordingly to be consistent with the maximum fee allowable in that year pursuant to the State of New Jersey, Division of Alcoholic Beverage Control schedule of fees.

- B. Plenary Retail Distribution licenses shall be charged at the maximum fee allowable pursuant to State statute for each year and shall be raised accordingly to be consistent with the maximum fee allowable in that year pursuant to the State of New Jersey, Division of Alcoholic Beverage Control schedule of fees.

- C. Club licenses shall be charged at the maximum fee allowable pursuant to State Statute for each year and shall be raised accordingly to be consistent with the maximum fee allowable in that year pursuant to the State of New Jersey, Division of Alcoholic Beverage Control schedule of fees.

BE IT FURTHER ORDAINED that this Ordinance shall take effect on final passage and publication as required by law.

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul felt that this ordinance should not have to be done every several years, it should be in accordance with the State maximum.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

ORDINANCE NO. 08-2015 OF THE CITY OF BURLINGTON AMENDING CHAPTER 338 OF THE CODE OF THE CITY OF BURLINGTON (VACANT AND ABANDONED PROPERTIES)

WHEREAS, the City of Burlington contains several structures which are vacant in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, not maintaining or securing them to an adequate standard and/or not restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health and safety risks; and

WHEREAS, the City of Burlington incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls, and property inspections; and

WHEREAS, it is in the public interest for the City of Burlington to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the City of Burlington; and

WHEREAS, the presence of these structures within the City imposes a great cost on the City and it is in the public interest for the City of Burlington to impose a fee in conjunction with the registration of vacant and abandoned structures in an attempt to offset the disproportionate costs; and

WHEREAS, the provisions of the Public Laws of 2014, Chapter 35, the legislature has now empowered the City to further impose these requirements on a creditor to be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Burlington, in the County of Burlington and State of New Jersey that the City Code is hereby amended as follows:

The following section 338-9 shall be inserted to the Code for the City of Burlington.

Section 9. Foreclosure

A. Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the provisions of this Chapter of the Code of the City of Burlington, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

B. If the public officer, or other authorized municipal official, determines that a creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this Chapter of the Code, the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.

C. An out-of-State creditor shall include the full name and contact information of the in-state representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the 10 day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

D. Except as set forth in this Chapter and herein, any person, firm, corporation or entity violating any provision of this Chapter shall, upon conviction, be punishable as provided in this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notices issued pursuant to Section 9(B) shall be subject to a fine of \$1,500.00 for each day of the violation.

E. Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Chapter shall be given to a foreclosing creditor pursuant to the procedures of this Code as required by P.L. 2014, c. 35.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication

shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Conaway asked if this is a new change to the ordinance.

Mr. Saponaro said yes; spoke of the vacant abandoned property ordinance passes a few years ago.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

ORDINANCE NO. 09-2015 OF THE CITY OF BURLINGTON AUTHORIZING THE SALE OF PROPERTY IN ACCORDANCE WITH THE NEW JERSEY LOCAL LANDS AND BUILDINGS LAW, N.J.S.A. 40A:12-1, et seq.

WHEREAS, the City of Burlington (hereinafter referred to as the “City”) is the owner of Block 221, Lot 3 on the City of Burlington Tax Map (collectively referred to as “the Property”); and,

WHEREAS, Cementex Products, Incorporated has expressed a desire to purchase a subdivided portion of Block 221, Lot 3 on the City of Burlington Tax Map (collectively referred to as “the Property”); and,

WHEREAS, said subdivided portion of the Property is not needed for public use; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale of real property no longer needed for public purposes; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale of real property which is less than the minimum size required for development and is without any capital improvement to a contiguous owner of that property; and

WHEREAS, said Property meets those requirements; and

WHEREAS, the Cementex (“Purchaser”) is the only contiguous owner who has expressed any interest in purchasing the Property;

WHEREAS, on March 25, 2015, Cementex appeared in front of the City of Burlington Land Use Board and requested a subdivision of Block 221, Lot 3 on the City of Burlington Tax Map; and

WHEREAS, the City of Burlington Land Use Board approved Resolution 11-2015, subdividing aforementioned Block 221, Lot 3 which shall be added to Cementex’s presently owned properties, Block 221, Lot 4.01.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington as follows:

1. The Common Council for the City of Burlington hereby authorizes a contract with Cementex; for sale of the Property.
2. The Common Council for the City of Burlington hereby authorizes the City Administration to sell the Property for the sum of \$5,000.00 in accordance with the terms and conditions contained in the contract between the parties.
3. The Mayor and/or the City Administrator are authorized to sign any documents in order to complete the conveyance and such forms as approved by the City Attorney.
4. The sale shall be made subject to:
 - a. such state of facts which an accurate survey may disclose;

- b. easements and restrictions of records, if any;
 - c. tenancies, leaseholds, and rights of persons in possession;
 - d. all federal, state, county and municipal laws, statutes, codes, ordinances, rules and regulations affecting the property, its use and occupation;
 - e. riparian rights or claims;
 - f. Certificate of Occupancy.
5. The properties herein described, or any part thereof, are sold “as is” and without any representation or warranty, either expressed or implied, as to their present condition.
- a. Prospective purchasers are put on notice that the City’s records as to any code violations may not be accurate or up to date and the City expressly makes no representations as to such violations.
 - b. Purchasers will be given an opportunity to inspect the property prior to the auction to ascertain the condition of the property.
 - c. It shall not be grounds to nullify the contract of sale if the purchaser discovers or is notified of any code violations after the sale.
6. In the event that the State of New Jersey or any upland owner shall have any rights or claims on the land being sold herein by reason of a riparian interest or otherwise, they are to be paid for and borne by the purchaser, in addition to the sale price which is bid for said property.
7. The purchase price for such properties shall be paid by payment to the City of Burlington in cash, money order, bank check or certified check for the full purchase price immediately after the completion of the contract and closing of the property
8. Purchaser may, at its option, arrange for a report on title before closing. Within thirty (30) days after the confirmation of sale by the governing body, purchaser shall notify the City in writing of any defects of title which may render title unmarketable. Marketable title is defined herein to mean title which a title company authorized to do business in the State of New Jersey is willing to insure at regular rates. Upon confirmation of such notice, the City shall refund purchaser’s entire purchase price without interest and neither party shall have any further obligation or claim under this contract. If the purchaser fails to notify the City in accordance with this paragraph, purchaser shall be deemed to have waived all objections to title.
9. Conveyance of deed:
- a. Upon delivery of deed, the purchaser shall be entitled to receive all rents and profits from the property and shall be liable for and make payment to the City for all real

property taxes, water and sewerage charges, or other assessments against said property, if any;

- b. The purchaser may only use, repair, alter or improve the property the property so that it complies with the Uniform Construction Code, all City Ordinances, and any applicable State and Federal Statutes or Codes.
10. Upon the date of delivery of deed to the Purchaser, risk of loss or damages to the property by fire, storm, burglary, vandalism or other casualty shall be assumed by the Purchaser, who shall be completely responsible therefore without any claim against the City. The Purchaser shall not be released, by reason of any such loss or damage to the Property from any obligation hereunder and shall at his/her own expense properly repair and restore same, without limiting the obligations of the Purchaser hereunder, the proceeds of any insurance coverage provided by the Purchaser, shall be made available to the Purchaser for such repair or restoration. Further, from the date of contract of the sale the Purchaser shall release the City from and shall covenant and agree that the City shall not be liable for and to indemnify and hold the City harmless against any loss or damage to property or injury or death due to defect in the property to be conveyed or arising from any neglect of the City or any construction or rehabilitation performed on the property prior to the date of delivery of deed.
11. If purchaser fails to pay the purchase price when due or within a time as extended or fails to comply with any term of this contract, the City may at its option rescind the contract or sue purchaser for any damages accruing or both. The City's failure to exercise any right or power arising out of purchaser's breach of the contract shall not be deemed a waiver.
12. PLEASE TAKE NOTICE that no employee, agent, officer body or subordinate body has any authority to waive, modify or amend any of the conditions of sale without the express approval of the governing body of the City.
13. No commissions shall be paid to any agent, representative or broker or the successful purchaser of the Property.
14. The purchaser shall not assign or transfer the Contract of Sale, or any interest therein without the prior approval of the City and Common Council, and such approval to assign to transfer shall be deemed to be an approval of a subsequent assignment or transfer. Any assignment or transfer without the approval shall be void and shall constitute a default and breach.
15. The City or its duly authorized agents and inspectors shall have the right at all reasonable times to enter upon the property and to examine and inspect the property to determine

compliance with this Ordinance and the Contract of Sale, or to enforce any remedies in the event of default.

16. The City shall execute a Contract of Sale with the Purchaser upon terms and conditions consistent herewith and upon any additional terms and conditions which are necessary to effectuate the purposes herein and to secure the best interests of the City and its citizens, provided that any additional terms and conditions shall not be inconsistent with the terms and conditions of this ordinance.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Swan asked how \$5,000 was arrived at.

Mr. Saponaro said that it was negotiated.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

BOND ORDINANCE NO. 01-2015 AUTHORIZING THE COMPLETION OF VARIOUS ROAD AND RELATED IMPROVEMENTS IN THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING THE SUM OF \$260,000; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF BURLINGTON, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$60,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Common Council of the City of Burlington, County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively

concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Burlington, County of Burlington, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purpose stated in Section 7 hereof is \$260,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purpose stated in Section 7 hereof is up to \$60,000; and
- © a down payment in the amount of \$4,000 for the purpose stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A.* 40A:2-11.

Section 3. The sum of up to \$60,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$4,000, which amount represents the required down payment, and the sum of \$196,000, which amount represents a grant from the New Jersey Department of Transportation Municipal Aid Program, are hereby appropriated for the purpose stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$60,000 to finance the costs of the purpose described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purpose described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$60,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$50,000.

Section 7. The improvements hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

	Estimated Total Cost	Down Payment	Grant	Amount of Obligations	Period of Usefulness
<u>Purpose</u>					
A. Repaving and/or Reconstruction of Various City Roads including, but not limited to, Oakland Avenue and Laumaster Street, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the plans and specifications on file in the office of the City Clerk	\$260,000	\$4,000	\$196,000	\$60,000	10 years

Section 8. Grants or other monies received from any governmental entity, other than those described in Section 7 above, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purpose described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$60,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the

resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

© it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Swan spoke of Councilwoman Lollar proposed increasing the budget 1 cent for roads, this is just shy of that.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

RESOLUTIONS / CONSENT AGENDA RESOLUTIONS*

Resolution No. 137-2015

AMENDING THE CAPITAL BUDGET FOR 2015

WHEREAS, the City of Burlington, County of Burlington desires to amend the 2015 Capital Budget for the second time by inserting thereon or correcting the items therein as shown in such budget for the following reasons:

Adding the “Acquisition of Fire Self-Contained Breathing Apparatus” project and funding the total cost of \$450,000.00, with \$25,000.00 from Capital Improvement Fund and authorizing \$425,000.00 of

NOW, THEREFORE, BE IT RESOLVED, by the City of Burlington, County of Burlington that the Capital Budget of the year 2015 is hereby amended as per the attached sheets 40b, 40c and 40d.

Councilman Swan spoke of Administration and the Fire Department working together.

Councilman Ghaul spoke various changes of Fire Chiefs; Administration should have been aware, but the cost would have been the same; Departments have since been eliminated and merged, now the cost has been reduced by over half.

Councilwoman Woodard agreed with Councilman Ghaul, but the Administration should get with the Fire Department so there are no more misses.

Councilwoman Hatala spoke of technology and how it has changed; it is cheaper now.

Councilman Babula spoke of Federal law mandates; spoke of the importance of the safety of the men and women of the Fire Department.

Upon the motion of Councilman Ghaul, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

Resolution No. 138-2015*

**RESOLUTION AUTHORIZING DEMOLITION AND OTHER NECESSARY SERVICES
LIENS ON PROPERTIES LOCATED AT 312 EAST UNION STREET IN BURLINGTON**

WHEREAS, the City of Burlington is required by Ordinance §195 to protect the public health, safety and welfare in buildings used for dwelling purposes; and

WHEREAS, under N.J.A.C. 52:27D-132 and N.J.A.C. 5:23-2.32, the Construction Official for the City of Burlington issued a “Notice of Unsafe Structure,” which is attached to this resolution, for the property located at 314 East Union Street ordering the owner to correct the unsafe conditions of the structure and specifically the “[o]utside wall and partial roof collapse;”and

WHEREAS, the owner of 314 East Union Street did not act to correct the unsafe condition and thereafter the property continued to be unsafe and hazardous to the lives, health and safety of the Residents and Citizens of Burlington; and

WHEREAS, sometime after January 13, 2014, that one of the properties located at 312 or 314 East Union Street did become so unstable and partially collapse causing instability at 312, 314 and 316 East Union Street; and

WHEREAS, Officials from the City of Burlington met with the owners and/or representatives of the properties located at 314 East Union Street and determined that said structures needed to be either stabilized or demolished; and

WHEREAS, the City of Burlington demolished and/or stabilized the aforementioned properties, including the partial demolition of 312 and 314 East Union Street; and

WHEREAS, the City incurred costs of \$65,581.10 for 312 East Union Street; and

WHEREAS, the City of Burlington desires to be compensated for the funds expended in an effort to protect the public health, safety and welfare of the Citizens and residents of the City of Burlington from these dangerous dwellings; and

WHEREAS, the Construction Official for the City of Burlington has submitted a report of the work done and expenses incurred to abate the condition to Common Council and that report is attached to this resolution; and

WHEREAS, the Common Council for the City of Burlington is authorized, pursuant to Ordinance § 195-23(B) to approve the expenses and costs of said report such that they may become liens against the aforementioned and associated properties.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Burlington as follows:

1. That the Common Council for the City of Burlington approves the expenses and costs of the report submitted by Howard N. Wilkins, Construction Official for the City of Burlington.
2. That the Common Council for the City of Burlington authorizes the cost of \$65,581.10 to be retained as a lien against the property located at 312 East Union Street.
3. That a copy of the resolution shall be certified by the Municipal Clerk and filed with the Tax Collector, who shall be responsible for the collection thereof.
4. That a copy of the report and resolution shall be sent by certified mail to the owner of the property located at 312 East Union Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 139-2015*

**RESOLUTION AUTHORIZING DEMOLITION AND OTHER NECESSARY SERVICES
LIENS ON PROPERTIES LOCATED AT 314 EAST UNION STREET IN BURLINGTON**

WHEREAS, the City of Burlington is required by Ordinance §195 to protect the public health, safety and welfare in buildings used for dwelling purposes; and

WHEREAS, under Ordinance § 195-23, where there is “an immediate threat to life, health, safety or the well-being of residents in the City unless abated without delay,” the City may issue an order reciting the existence of such an emergency and abate the violation; and

WHEREAS, the City of Burlington did so issue a Warning of Imminent Hazard on January 13, 2014 as to the property located at 314 East Union Street; and

WHEREAS, Officials from the City of Burlington met with the owners and/or representatives of the property located at 314 East Union Street and determined that said structures needed to be either stabilized or demolished; and

WHEREAS, sometime after January 13, 2014, that one of the properties located at 312 or 314 East Union Street did become so unstable and partially collapse causing instability at 312, 314 and 316 East Union Street; and

WHEREAS, the City of Burlington had to demolish and/or stabilize the aforementioned properties, including the partial demolition of 312 and 314 East Union Street; and

WHEREAS, the City incurred costs of \$82,083.74 for 314 East Union Street; and

WHEREAS, the City of Burlington desires to be compensated for the funds expended in an effort to protect the public health, safety and welfare of the Citizens and residents of the City of Burlington from these dangerous dwellings; and

WHEREAS, the Construction Official for the City of Burlington has submitted a report of the work done and expenses incurred to abate the condition to Common Council and that report is attached to this resolution; and

WHEREAS, the Common Council for the City of Burlington is authorized, pursuant to Ordinance § 195-23(B) to approve the expenses and costs of said report such that they may become liens against the aforementioned and associated properties.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Burlington as follows:

1. That the Common Council for the City of Burlington approves the expenses and costs of the report submitted by Howard N. Wilkins, Construction Official for the City of Burlington.
2. That the Common Council for the City of Burlington authorizes the cost of \$82,083.74 to be retained as a lien against the property located at 314 East Union Street.
3. That a copy of the resolution shall be certified by the Municipal Clerk and filed with the Tax Collector, who shall be responsible for the collection thereof.
4. That a copy of the report and resolution shall be sent by certified mail to the owner of the property located at 314 East Union Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 140-2015*

**RESOLUTION AUTHORIZING DEMOLITION AND OTHER NECESSARY SERVICES
LIENS ON PROPERTIES LOCATED AT 316 EAST UNION STREET IN BURLINGTON**

WHEREAS, the City of Burlington is required by Ordinance §195 to protect the public health, safety and welfare in buildings used for dwelling purposes; and

WHEREAS, under N.J.A.C. 52:27D-132 and N.J.A.C. 5:23-2.32, the Construction Official for the City of Burlington issued a “Notice of Unsafe Structure,” which is attached to this resolution, for the property located at 314 East Union Street ordering the owner to correct the unsafe conditions of the structure and specifically the “[o]utside wall and partial roof collapse;”and

WHEREAS, the City of Burlington issued a Warning of Imminent Hazard on January 13, 2014 as to the property located at 314 East Union Street; and

WHEREAS, the owners of 312 and 314 East Union Street did not act to correct the unsafe condition and/or imminent hazard and thereafter the property continued to be unsafe and hazardous to the lives, health and safety of the Residents and Citizens of Burlington; and

WHEREAS, sometime after January 13, 2014, that one of the properties located at 312 or 314 East Union Street did become so unstable and partially collapse causing instability at 312, 314 and 316 East Union Street; and

WHEREAS, Officials from the City of Burlington met with the owners and/or representatives of the properties located at 312 and/or 314 East Union Street and determined that said structures needed to be either stabilized or demolished; and

WHEREAS, the City of Burlington demolished and/or stabilized the aforementioned properties, including the partial demolition of 312 and 314 East Union Street; and

WHEREAS, in order to effectively protect the residents or dwellers at 316 East Union Street, the City was so required to act to protecting various plumbing and utility items; and

WHEREAS, the City incurred costs of \$4,371.82 for 316 East Union Street; and

WHEREAS, the City of Burlington desires to be compensated for the funds expended in an effort to protect the public health, safety and welfare of the Citizens and residents of the City of Burlington from these dangerous dwellings; and

WHEREAS, the Construction Official for the City of Burlington has submitted a report of the work done and expenses incurred to abate the condition to Common Council and that report is attached to this resolution; and

WHEREAS, the Common Council for the City of Burlington is authorized, pursuant to Ordinance § 195-23(B) to approve the expenses and costs of said report such that they may become liens against the aforementioned and associated properties.

NOW THEREFORE BE IT RESOLVED by the Common Council for the City of Burlington as follows:

1. That the Common Council for the City of Burlington approves the expenses and costs of the report submitted by Howard N. Wilkins, Construction Official for the City of Burlington.
2. That the Common Council for the City of Burlington authorizes the cost of \$4,371.82 to be retained as a lien against the property located at 316 East Union Street.
3. That a copy of the resolution shall be certified by the Municipal Clerk and filed with the Tax Collector, who shall be responsible for the collection thereof.
4. That a copy of the report and resolution shall be sent by certified mail to the owner of the property located at 316 East Union Street.

Approved by Consent Agenda. All were in favor.

Resolution No. 141-2015

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Dennis L. and Melanie L. Pease, 4 Cobbler Lane, Marlton, N.J. to operate a business at 28 E. Union Street t/a “28 East Gallery.”

Council Members spoke highly of and welcomed the new business.

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

Resolution No. 142-2015*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on July 7, 2015, that an Executive Session Closed to the Public shall be held on July 7, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- i Real Estate/Contracts N.J.S.A. 10:4-12 (7) Waterworks Redevelopment Agreement
- i Real Estate N.J.S.A. 10:4-12 (7) City Sewerage System Developer’s Agreement

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in July of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

Resolution No. 143-2015

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Alan Rosen, 5 Beverly Road, Purchase, N.Y. to operate a business at 499 Veterans Drive t/a “Junior’s Cheesecake & Desserts.”

Upon the motion of Councilwoman Woodard, seconded by Councilman Hatala, the foregoing resolution was introduced.

On the question, Councilwoman Hatala spoke of taking a tour.

Council Members spoke highly of and welcomed the new business.

Councilman Babula spoke of the business employing 75 people so far.

The resolution was then adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

PUBLIC COMMENTS

George Stafford, 16 Kitchen Avenue, Wharton NJ- spoke of the Highlands Master Plan; they are asking towns that receive water from the Highlands to pass a resolution supporting the goals and purposes of the Highlands Water Protection Planning Act.

Paul Bracey, 12 Regency Drive, Mt. Holly- spoke of scholarships for youth; said his life is about giving back, a lot of people helped him in the past.

Lt. John Fine, 525 High Street- spoke of the 2015 Youth Police Academy.

COUNCIL COMMENTS

Councilman Ghaul requested a resolution honoring Delran soccer player, Carli Lloyd; spoke of her 3 goals, hat trick in 16 minutes; Congratulated Ms. Lloyd.

Councilwoman Hatala spoke of water and sewer increases; rates had not gone up in a few years; if they don't increase it will go into the Federal fund and the tax increase that would have to pay for the service; spoke of Carli Lloyd and how wonderful that she is from Burlington County.

Councilman Babula thanked Mr. Stafford for coming from the Highlands Consortium

EXECUTIVE CONFERENCES

- i Waterworks Redevelopment Agreement - Brooks DiDonato, Esq.
- i City Sewerage System Developer's Agreement - George Saponaro, Esq.

RESOLUTION

Resolution No. 144-2015

RESOLUTION NO. 144-2015 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON AUTHORIZING THE CITY OF BURLINGTON TO ENTER INTO A DEVELOPER'S AGREEMENT WITH AVIS REALTY AND REDEVELOPMENT, LLC

WHEREAS, the City of Burlington has engaged in negotiations with Avis Realty and Redevelopment, LLC for the purpose of a connection by Avis to the City's sanitary sewerage collection system; and

WHEREAS, the City's Director of Law has negotiated a Developer's Agreement with Avis Realty and Redevelopment, LLC which outlines the rights, obligations and terms of such Agreement with Avis Realty and Redevelopment, LLC; and

WHEREAS, the Common Council for the City of Burlington believes that it is in the best economic interest of the City of Burlington to enter into such an Agreement, by virtue of the various financial terms of the Agreement;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington as follows:

- 1) The Mayor and City Clerk are authorized and directed to execute a Developer's Agreement with Avis Realty and Redevelopment, LLC in a final form as approved by the City Attorney;
- 2) The City Attorney, City Clerk and/or City Administrator are authorized and directed to take any and all steps necessary to effectuate the terms and conditions of the Developer's Agreement, as attached hereto.

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Conaway, Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (6); NAYS: (0); ABSTAIN: (0); ABSENT: Ms. Lollar. (1).

ADJOURNMENT

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, this meeting of July 7, 2015 was adjourned.

Cindy A. Crivaro, RMC

Municipal Clerk

