



**Regular City Council Meeting - Monday, December 21, 2020, 5:30
pm **VIRTUAL MEETING**
12/21/2020**

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

December 21, 2020

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Franklin Paulino

Perri Freeman

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Eileen Blackwood

Olivia LaVecchia

Jordan Redell



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Lori Olberg

Amy Bovee

Kyle Dodson

Jon Murad

Andy Barker

Signe Daly

Peter McConville

Isha Ibrahim

Lukas McGowan

Katie Kinstedt

Grace Ciffo

Erik Hoekstra

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 5:56 PM.

MOTION by Councilor Stromberg, SECOND by Councilor Pine, to amend/adopt agenda as follows:

- **note presentation slides for agenda item 3.01 (per Acting Chief Jon Murad);**
- **note written materials and motion for consent agenda item 6.11 Communication: Capital Committee, re: Approval to Amend Contracts for City Hall Renovations (per Martha Keenan);**
- **note revised checklist, memo and motion for consent agenda item 6.12 Communication: Chapin Spencer, Director, Norman Baldwin, P.E., Assistant Director/City Engineer and Susan Molzon, P.E., Senior Public Works Engineer, re: Railyard Enterprise Project - Advancement to Preliminary Engineering Phase (per Susan Molzon)**

VOTING: unanimous; motion carries.



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2. COMMUNICATION: CITY ATTORNEY EILEEN BLACKWOOD AND TIM SAMPSON, DOWNS, RACHLIN, MARTIN, RE: CITYPLACE BURLINGTON MEDIATION UPDATE (start time: 5:30 PM) ** expected executive session**

2.01 Communication: City Attorney Eileen Blackwood and Tim Sampson, Downs, Rachlin Martin, re: CityPlace Burlington mediation update **expected executive session**

City Attorney Blackwood said the executive session would be used to provide the City and City Council with a status update of the mediation process for the lawsuit against BTC Mall Associates. She said that no action is expected to be taken by the Council after the executive session.

MOTION by Councilor Hightower, SECOND by Councilor Stromberg, that the Council find that premature general public knowledge of information related to the recent confidential mediation sessions, the City's strategy and legal advice related to the pending litigation with BTC Mall Associates would put the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Stromberg, SECOND by Councilor Pine, that based on that finding, the Council go into executive session to consider pending litigation and confidential attorney-client communications pursuant to 1 VSA 313(a)(1)(E) and (F).

Individuals to be invited into executive session in addition to the Council and Mayor: Mayor's office staff, City Attorney, Chief Administrative Officer, Jeffrey Glassberg, Downs Rachlin Martin attorneys (Tim Sampson).

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:01 PM.

The City Council exited executive session and returned to public forum at 7:07 PM.

3. BPD STAFFING WORK SESSION (START TIME: 6:30PM)

3.01 BPD staffing work session with Acting Chief Jon Murad to present

Acting Chief Murad introduced this work session, beginning with noting that the June 2020 Racial Justice Resolution included a requirement for the Burlington Police Department (BPD) to attrit by 30%. He outlined the process of recruiting and hiring for the BPD, saying that there is a pre-academy process that lasts for 6 months and then a police academy and field training program for 8 months, and a post-basic field training at Vermont Policy Academy of 3 weeks. He spoke about



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current staffing, noting that the BPD has 81 effective sworn personnel, and spoke of the upcoming tour beginning in January (tours of duty typically last around 3 or 4 months each). He anticipates a lower number of sworn officers going into 2021, and that if the number of officers drops to 76 or fewer, the BPD will not be able to staff an overnight patrol. He spoke about the officer availability factor, which means that 86% of officers are available at any given time, due to contractually-required leave time. He said that he anticipates a number of officers departing for other job opportunities, as well as a number of retirement-eligible officers, which would leave around 59 sworn officers on the force by September 2021.

He said the implications of anticipated attrition would necessitate elimination of proactive midnight patrol, leaving a gap in coverage for in-person police response between 3:00 AM and 7:00 AM. He said that there would be no short-term fix for this, due to the lengthy training and onboarding process for new officers. He suggested that there are alternatives to armed police service that have a shorter hiring timeframe, but that it would still take a number of months to onboard alternative personnel. He expressed hope that the assessments coming out of the Racial Justice Resolution would provide guidance moving forward, though noted that those assessments have not yet taken place.

He outlined a two-year plan, saying that if the assessments determined that the police should restaff, it would take five or six years for the BPD to staff up to current levels (but expressed doubt that the assessments would come to that conclusion). He said that some calls could be diverted to civilian employees rather than armed police officers for low-level public-order issues like homelessness and non-violent behavioral health crises. He said that non-sworn officer options include more Community Service Officers (CSO) and Community Service Liaisons (CSLs), which both already exist.

He spoke about the Public Safety Continuity Plan, which might require two or more years to implement fully, and would involve offloading police services to the CSO and CSL positions and maintaining a level of sworn officers of less than 80. He asked for City Council approval to immediately increase the cap on sworn officers from 74 to 86 and a conceptual approval of the CSO and CSL plan outlined above.

Councilor Paulino asked when BPD anticipates coming to the City Council to seek approval for the cap increase and Continuity Plan, and also asked about how the 3 AM to 7 AM midnight shift would be handled in that Plan. Acting Chief Murad replied that the Plan accommodates the midnight shift because it allows the daytime and evening shifts to be offset by the CSOs and CSLs. Councilor Paulino asked about the time period that covers bar closures around 2:00 AM. Acting Chief Murad replied that the BPD normally has an evening shift that overlaps with the midnight shift, and that the Plan would have an evening shift extending to 3:30 or 4:00 AM, but no midnight-shift coverage after that. Councilor Paulino expressed concern about an increase in disorderly conduct and larceny if individuals know that there is sparse police coverage during a certain period of time.

Mayor Weinberger said that the administration and BPD are seeking City Council feedback and approval for the cap increase request and conceptual approval of the Continuity Plan, with additional action on them to be taken in January.

Councilor Pine said it would be helpful for the public to hear ideas that could address staff shortage concerns, such as utilizing the officers deployed at the Burlington International Airport. Acting Chief Murad replied that the officers staffing



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the airport should continue to do so, since it is Burlington's airport and should be staffed by Burlington's police officers. Councilor Pine also asked about utilizing some of the University of Vermont's officers, and Acting Chief Murad responded that they are working with UVM to reallocate some of those resources to downtown.

Councilor Carpenter said that she is comfortable with a cap greater than 74 officers, since the analysis to arrive at 74 included the officers at the airport, when they aren't necessarily serving the general public of Burlington. She also agreed with Councilor Pine about asking the University to contribute officer support. She said that feedback should be sought from the Joint Committee in the next month on the proposed Continuity Plan.

Councilor Hanson said that the administration has done work in some areas of implementing the Racial Justice Resolution, but that little work has been done in areas around the reduction in police force and using general fund dollars freed up through that attrition to support more community initiatives and resources. He said that the Joint Committee needs to be supported in conducting its assessments of the police force and can't move forward until those are conducted. He also said that it is important to understand how public safety has fared in Burlington since the Racial Justice Resolution has passed. Acting Chief Murad replied on the last point that call volume has decreased drastically, but the proportion of those calls that are severe, criminal, or violent has increased. He expressed concern that call volume will spike again once the pandemic has ended and the community becomes active while the police force is simultaneously being reduced.

Mayor Weinberger said there is no plan to stop the emergency services that the BPD provides. He said there is an opportunity now to avoid sustained bad outcomes with some form of collaboration through the proposed Continuity Plan while the Joint Committee is conducting its assessments of the BPD. He said that the Director of Police Transformation position was created to help support the Joint Committee.

Councilor Hightower said that the Joint Committee and its processes are slow-moving (which was anticipated) and that the administration has been supportive of its work. She said that City leadership as a whole should be more proactive in identifying solutions.

Councilor Dieng asked if this proposal from the police department (increasing the cap) could be transformed into a ballot item to allow voters to weigh in on the issue. City Attorney Blackwood replied that this kind of advisory question could be posed to the voters on the ballot, and said that changes can be made to ballots until January 25th. Councilor Dieng suggested having a question ready in case the administration would like to move forward. Mayor Weinberger replied that he wouldn't recommend drafting an advisory question for the ballot, since it would mean delaying any decision on the proposal until at least March.

Councilor Dieng suggested hiring the non-officer positions and then conduct a needs assessment of the number of police officers Burlington truly needs, and hire the appropriate number of officers based on that assessment. Acting Chief Murad replied that he is concerned that the assessment will take time and that attrition during that time will leave a gap in coverage.





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Councilor Stromberg said that the Council should not increase the cap on the number of sworn officers, but should adhere to the resolution it passed in June, and said that the City leadership should collaborate to address potential gaps in coverage for the midnight shift.

Councilor Shannon asked the sponsors of the June resolution what the plan was to implement changes brought forth in that resolution. Councilor Hightower said that the implementation would take on a piloting approach to determine what works and what doesn't, as well as some solutions to address short-term capacity gaps, such as community social workers to help deal with low-risk, high-intensity situations. Councilor Shannon said that gaps in coverage for BPD were anticipated when the resolution was passed and it should not be surprising that BPD leadership is asking for an increase in the cap on sworn officers.

Councilor Pine noted that use of force incidents and traffic stops have decreased in the last several years. He said it would be helpful for the innovation department to conduct an analysis of that data to help inform decisions. He also asked if the Police Commission or Joint Committee have had a chance to discuss this proposal. Acting Chief Murad replied that he has shared staffing concerns with the Commission. He also said that the data that Councilor Paul is requesting was put together and presented to City Council in June. He added that there is an online dashboard that makes that data available to the public.

Mayor Weinberger pushed back on the assertion that the administration has not done enough to implement provisions of the June resolution.

Councilor Hanson said that increasing police presence while there is still underlying sentiment of distrust in the community is not a desirable option.

Director Dodson said that the conversation has conflating the number of officers with how they interact with the community, and that reducing the number of officers will not necessarily result in better policing. He also said that taxpayers expect a consistent public safety response and that they shouldn't have to be negatively impacted as a result of policy decisions that lead to shortages.

Councilor Freeman said that the City needs to address the underlying issues in the community, such as systemic racism, sexism, and poverty.

Councilor Mason asked about next steps for this proposal, in terms of opportunity for collaboration and engagement with the public. Mayor Weinberger said the Police Commission and Joint Committee should have the opportunity to weigh in before a proposal or resolution comes back to City Council for further consideration.



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4. PUBLIC FORUM

4.01 Verbal Comments

There were no comments during public forum.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

Councilor Hanson said that a constituent reached out to him because they have been tracking air quality in Vermont and that air quality has deteriorated in Burlington. He asked if CIO Brown Lowe could look into this data.

6. CONSENT AGENDA

6.01 Motion to adopt the consent agenda and take the actions indicated

6.02 Communication: C/T Office, re: Accountability List - waive the reading, accept the communication and place it on file.

6.03 Communication: Peg Clement, Ward Five Inspector of Election, re: Resignation - waive the reading, accept the communication and place it on file.

6.04 Communication: Johnathan Croft, Mapping Section Chief, State of Vermont, re: Certificate of Highway Mileage - waive the reading, accept the communication and place it on file.

6.05 Communication: Patrick O. Murphy, re: Just cause eviction - waive the reading, accept the communication and place it on file.

6.06 Communication: Emma Kouri, South Prospect Street, re: City council meeting tonight, community control of police - waive the reading, accept the communication and place it on file.

6.07 Communication: Katherine Schad, Chief Administrative Officer and Amy Bovee, Assistant City Clerk, re: March 2021 Annual City Election Update - waive the reading, accept the communication and place it on file.

6.08 Communication: Rich Goodwin, DFO, re: Management Letter – approve the FY20 management letter.

6.09 Communication: Rich Goodwin, DFO, re: Abridged Finances General Fund Only - waive the reading, accept the communication and place it on file.

6.10 Communication: Steven A. Locke, Fire Chief, re: Vermont Coronavirus Workforce Stabilization Grant Award - approve and authorize the acceptance of the Vermont Coronavirus EMS Workforce Stabilization grant award in the amount of \$121,107.00 and the funds be distributed to personnel through payroll as outlined in Chief Locke's memo dated, December 10, 2020.

6.11 Communication: Capital Committee, re: Approval to Amend Contracts for City Hall Renovations – 1. authorize the Director of the Department of Public Works to execute amendments to the contract with Farrington Construction Company to increase the maximum limiting amount by up to \$723,928, and allotting \$104,460.50 of contingency, for a new total of





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up to \$2,058,088.00; 2. To authorize the Director of the Department of Public Works to execute amendments to the contract with Vermont Integrated Architecture to increase the maximum limiting amount by up to \$38,066.50, for a new total of up to \$173,066.50; 3. To authorize the Chief Administrative Office to transfer \$50,000 from the Unassigned Fund Balance Facility Reserves (110-00-000-000.4259_101 GF Dedicated Fundings, Non-Departmental, Admin, Admin) to the 811 City Hall renovation project (811-19-700.4990_100) to cover approximately 47% of the contingency funding for the additional construction work.

6.12 Communication: Chapin Spencer, Director, Norman Baldwin, P.E., Assistant Director/City Engineer and Susan Molzon, P.E., Senior Public Works Engineer, re: Railyard Enterprise Project - Advancement to Preliminary Engineering Phase - recommend that the Mayor direct the Department of Public Works, in partnership with the State of Vermont Agency of Transportation and Federal Highway Administration, to advance the Railyard Enterprise Project to a preliminary engineering phase.

6.13 Communication: Darren Springer, General Manager, Munir Kasti, COO and Manager of Utility Services and Engineering and David MacDonnell, Director of Generation, re: Chittenden Solid Waste District Contract Extension - authorize the General Manager of the Burlington Electric Department to execute a three-year contract extension, with the option to extend for an additional two years, with the Chittenden Solid Waste District to continue BED's operation and maintenance of the Wood and Yard Waste Depot at the McNeil Generating Station, subject to final review and approval by the City Attorney's Office.

6.14 Communication: Scott Gustin, Principal Planner & Zoning Division Manager, re: Open Space Addendum Contract and Conservation Legacy Fund Disbursement Request - approve the use of the Conservation Legacy Fund, an amount not to exceed \$25,000, for the purposes of contracting with Resilience Planning & Design, LLC for professional planning services to assist in creating the Open Space Addendum and authorize William Ward, Director of Permitting & Inspections, to execute all necessary documents relative to that contract, subject to the review and approval of the City Attorney.

6.15 Communication: Elizabeth Ross, Planner, DPW, re: Bikeway Connectivity, Pedestrian Safety, and Stormwater Management in Burlington's Old North End - Scoping Study - waive the reading, accept the communication and place it on file.

6.16 Danielle Cota, HR Manager and Brian Lowe, Chief Innovation Officer, re: Re-Classification of BTVStat Analyst Position as Senior Policy & Data Analyst - approve the re-titling and re-classification of the current Regular, Fulltime, Exempt, Non-Union, Grade 19, BTVStat Analyst position to the Regular, Full-time, Exempt, NonUnion, Grade 20, Senior Policy & Data Analyst position.

6.17 Communication: Laura Wheelock, P.E., Senior Public Works Engineer, re: Authorization to Amend University Place UVM-City Agreement - authorize the Mayor to execute a Third Amendment to the 'Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan,' substantially consistent with the draft submitted herewith, subject to final review and approval by the City Attorney's Office.

MOTION by Councilor Stromberg, SECOND by Councilor Pine, to amend/adopt the consent agenda, taking the actions as indicated for items 6.01-6.17.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA





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7.01 Burlington City and Lake Semester Presentation (verbal)(10 mins.)

Andy Barker, Project Director for the City and Lake Semester, spoke about the program. He said that the program is a partnership between Shelburne Farms and the Burlington School District, and that it gives 20 Burlington HS juniors and seniors the opportunity to participate in an immersive program to study real world issues pertaining to the City, like policing and social justice. He said that they work with community partners and connect the students with adults in the City. He said they have three goals: empowering young people from all backgrounds, transforming education to meet the needs of students, and also strengthening the community. He spoke about one of the projects from this fall and how the program partnered with local stakeholders.

Isha Ibrahim, a student who participated in VCL, spoke about her experience and how she made a 'zine about symbolism and social justice in Burlington. She said the students worked with a professional photographer to put together the 'zine. She said the program was helpful to get her out of her comfort zone, as well as the opportunity to meet and bond with new people. She said that faculty members empowered students to show initiative and gain confidence and skills in a non-traditional setting.

Peter McConville teaches in the program and he spoke about his experiences with opening up the community to students and exposing them to many different organizations to talk about real issues that are relevant to the Burlington community. He said that students say they have a greater sense of agency and feel more connection to the community after their semester at VCL.

Signe Daly said that there have been around 100 students who have graduated from the program to date, and that the program is currently conducting a 'mini-VCL' to provide the experience for a smaller cohort of students during the pandemic.

Councilor Paul spoke about the level of effort that went into standing up this program and commended Mr. Barker and his staff for their work. She asked about expanding the City and Lake Semester program. Mr. Barker replied that the program is continuing to partner with Burlington School District about other kinds of community-based learning that could occur.

Councilor Stromberg spoke about the value of being able to take concepts from a class and apply them to real-world experiences.

Councilor Dieng asked about credit received for participating in the program. Mr. McConville said that students receive credits in English and social studies. He added that this program significantly broadens students' horizons about what kinds of jobs and industries are out there.

Councilor Mason spoke about his daughter's experience with the VCL program, highly praising the levels of engagement and the passion for learning that the program has evoked for her. He asked what challenges the program is facing and how



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the Council could be of assistance. Mr. Barker said the program is in a bridge phase and that they are currently contemplating how to move forward. Ms. Daly said that one of the program goals is to have cohorts of students with as diverse backgrounds as possible.

7.02 Communication: Katie Kinstedt, Assistant Director Administration & Finance, Christine Curtis, Community Development Specialist I - Grant Support and Luke McGowan, Director, CEDO, re: Consolidated Annual Performance & Evaluation Report

Director McGowan said that CEDO is asking for a recommendation to submit the Consolidated Annual Performance and Evaluation Report (CAPER) to the federal Housing and Urban Development (HUD) department, which is a reporting requirement in order to access federal funding for certain programs to address goals related to affordable housing, economic opportunity, and suitable living environments. He said the timeline of the report is July 2019 through June 2020. He said that a deadline extension to submit the report was granted by HUD.

Assistant Director Kinstedt provided details on some of the programs in the report, such as lead testing through the Burlington Lead Program, providing shelter and services to individuals who were experiencing homelessness, work on the Moran Frame project, renovations to the Old North End Community Center, and providing technical assistance and grants to microenterprises in the community.

Councilor Pine asked about what some of the challenges going forward in achieving the goals and what the barriers are during this reporting period. Director McGowan said the report outlined some of the challenges and education outcomes included in the reports, to get a sense of where Burlingtonians are doing well and where they are struggling. Assistant Director Kinstedt said that one challenge is the pandemic, and that many partners didn't receive block grants or CBDG funds. She said they also saw slower invoicing on some of the activities, and that CEDO is thinking about how to deploy remaining funds creatively to the community in a timely manner.

7.03 Public Hearing Regarding Consolidated Annual Performance & Evaluation Report (CAPER)

City Council President Tracy opened the public hearing at 10:00 PM.

City Council President Tracy closed the public hearing at 10:01 PM.

MOTION by Councilor Pine, SECOND by Councilor Dieng, to accept the communication and authorize the director of CEDO or their designee to submit the 2019 Consolidated Annual Performance & Evaluation Report to the US Department of Housing & Urban Development.



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VOTING: unanimous; motion carries.

7.04 Resolution: Authorization To Apply To Downtown Sales Tax Reallocation Program Re Redstone Development Project - 54 South Winooski Avenue

MOTION by Councilor Stromberg, SECOND by Councilor Pine, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Stromberg said that this resolution authorizes CEDO to apply to the downtown program for reallocation of sales tax receipts for building materials for the Redstone development project at 54 South Winooski Avenue and that the aim of this is to make improvements to the public infrastructure in the City. She added that the proposal is for 38,400 sq ft building, which would be a 69-unit housing project.
- Councilor Carpenter clarified that the business would not be exempt from sales tax, but that the purchases of building materials would be exempted from sales tax. Erik Hoekstra replied that the project the total construction cost is \$7.2 million, and that \$2.9 million would be construction materials. He said that the size of the application for sales tax reallocation is around \$115,000.
- Councilor Hanson noted that this would be a large housing project in the district where student housing is concentrated. He asked about what kinds of pressures this would put on the rental market. He said that new production does not tend to create pressure on the market, and that creating new housing should relieve pressure on the rental market. Councilor Hanson asked about the price point for the units being constructed through this project. Mr. Hoekstra replied that Redstone is still in the planning stage of the project and has not yet secured permits. He anticipated construction to begin in 2021, but won't be completed until the latter part of 2022. Councilor Hanson asked for more information about the sustainability component of the project. Mr. Hoekstra replied that the project would have zero onsite parking, to create onsite bike storage both internally and externally, to have a comprehensive transportation demand management strategy, and that the building will have energy star certification and an all-electric energy plan. Councilor Hanson said that this is an opportunity to show that it is possible to provide realistic alternatives to a car-centric design.
- Councilor Pine pointed out that this property has been tax-exempt until now because it had previously been owned by a church.

VOTING: unanimous; motion carries.

MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to suspend the rules and complete the remaining portion of the agenda.

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, City Council President Tracy – aye (11 ayes, 1 nay); motion carries.



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8. COMMITTEE REPORTS

8.01 Verbal Reports

Councilor Paul gave the quarterly report for CommStat. She said that there was no ComStat meeting for December, but they have continued virtually and even with the departure of Jackie Corbally, they have continued on with meaningful presentations. She said that regarding the resolution on overdose prevention sites, the committee did receive a legal update from Attorney Blackwood about a month ago and that one outstanding item is regarding conceptualizing with a budget and idea of what an overdose prevention site in Burlington would look like. She said that this would be worked on by whoever fills that opioid manager position, or the Mayor's designee.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

None at this time.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

City Council President Tracy said that the City will need any materials for the January 4th Council meeting to be submitted by the end of the day on December 28th. He also provided an update on the North Winooski project. He said that the south section has been dealt with and that the section north of Pearl Street still needs work. He noted that they have identified a parking study and will create a committee made up of community members and the TEUC, and that he and Mayor were tasked with appointing those community members. He said that they have selected four members to represent different stakeholder groups: Kelly Dougan from Old Spokes Home, Kirsten Merriman-Shapiro, from the company that owns the Feeding Chittenden building, Charlie Sizemore from local restaurant Taco Gordo, and Max Horowitz, a resident on the corridor.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

Mayor Weinberger expressed gratitude for the flexibility, persistence, commitment, and dedication of City employees during the pandemic to address the needs of the City and its residents. He advised Burlingtonians not to gather with others outside of their household for the Christmas holiday.

12. ADJOURNMENT

12.01 Motion to adjourn



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MOTION by Councilor Dieng, SECOND by Councilor Pine, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 10:58 PM.

RScty: AACoonrad