



Regular City Council Meeting - Monday, October 5, 2020, 6:00 pm.
****VIRTUAL MEETING****
10/5/2020

BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

October 5, 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

Chapin Spencer

Monika Ivancic

Mike Donoghue



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Kathy Olwell
Lia Ernst
Stephen Carey
Mike Fisher
Martine Gulick
Richard Haesler
Grace Ciffo
Stephanie Seguino
Nancy Brooks
Tyeastia Green
Jeff Padgett
Steven Locke
Brian Lowe
Kim Sturtevant
Lukas McGowan

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 6:01 PM.

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

- **note City of Burlington - Downtown TIF District: Substantial Change Request Narrative for agenda item 3.01 and 6.04 (per CAO Schad);**
- **note "draft" grant of easement and maintenance agreement for consent agenda item 6.14 Resolution: Harbor Watch Condominium Owners Association, Inc. - Easement Agreement (Councilor Shannon)(per Assistant City Attorney St. James);**
- **add to the consent agenda item 6.19 Communication: Mary Ann Ficociello, re: fire Pits with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 6.20 Communication: Mr. and Mrs. Fisher, re: Skatepark with the action to**



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- "waive the reading, accept the communication and place it on file";**
- add to the consent agenda item 6.21 Communication: Selena M. Nickerson, re: fire pits with the action to "waive the reading, accept the communication and place it on file";**
- add to the consent agenda item 6.22 Communication: Amy M. Tree, re: backyard fire pits in our city with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 6.23 Communication: Kelly Devine, Director, BBA, re: Downtown Business Environment with the action to "waive the reading, accept the communication and place it on file" (per City Council President Tracy);**
- note final version of agenda item 7.01 Presentation: Trends in Racial disparities in Burlington Traffic Stops (per City Council President Tracy per Dr. Stephanie Seguino);**
- add Councilor Dieng as a co-sponsor for agenda item 7.05 Resolution: Allow Permits For Safe Operation Of Contained Outdoor Fires During COVID-19 Winter (Councilors Shannon, Paul, Mason, Carpenter)(per Councilor Dieng);**
- note written materials for agenda item 7.06 Resolution: Extending COVID-19 Emergency Order: Limits On Gathering Size (Councilor Mason)(per City Attorney's Office and Mayor's Office);**
- note sponsor and written materials for agenda item 7.07 Resolution: COVID-19 Emergency Order Regarding Use of Champlain Inn By ANEW Place (Councilor Shannon)(per City Attorney's Office and Grace Ciffo)**

VOTING: unanimous; motion carries.

2. OPEN MEETING LAW WORK SESSION 6:00-7:30 PM

2.01 Mike Donoghue and Lia Ernst, re: Open Meeting Law Work Session **6:00 pm - 7:30 pm**

City Council President Tracy said that the Council will hear a presentation from Lia Ernst, a senior staff attorney with the ACLU and Mike Donoghue, a former journalist from the Burlington Free Press, on Open Meeting Law as part of the cure for the Open Meeting Law violation brought forward after the September 8, 2020 City Council meeting.

Ms. Ernst said that Open Meeting Law is guided by the policy that public agencies in Vermont exist to aid in the conduct of peoples' business and are accountable to them pursuant to the Vermont Constitution. She advised that in case of doubt, one should always err on the side of more openness and transparency.

Mr. Donoghue defined public bodies as boards, councils, commissions of the state and boards of municipalities and said that they are subject to Open Meeting Law, with the exception of governor's advisory commissions. He shared several examples of types of public bodies subject to Open Meeting Law.

Ms. Ernst defined a meeting in the context of Open Meeting Law, saying that it needs a quorum and is held to discuss the business of the public body (defined as setting policy or taking action on what the body has jurisdiction over). She defined a quorum, and noted that a quorum could be met in any setting (if a quorum of the body is at the same restaurant, for example). She noted one exception, which is a quorum of members of the body exchanging emails to discuss agenda-setting and planning, but not the business of the body.



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Councilor Carpenter asked about the difference between the business of the public and agenda-setting. She used the example of committee members trading information about action for future agendas. Ms. Ernst stressed that the less communication occurring in private channels away from a public setting, the better.

Commissioner Fisher asked what constitutes a violation to Open Meeting Law in terms of board members having individual conversations in small groups prior to a meeting. Ms. Ernst replied that if the conversations are taking place for the purpose of developing consensus prior to a meeting, then that would be considered a violation of Open Meeting Law.

Councilor Hanson asked about whether a Councilor can reach out to more than half of the Council about a resolution he or she has sponsored. He also asked about how caucuses are treated under Open Meeting Law. Ms. Ernst replied that the more action of that nature that is taken, the more risk is incurred. She stressed again that guidance discourages successive interrelated private conversations about the Board or Council's business. She suggested putting a resolution on an agenda and then inviting co-sponsorship at the meeting itself.

Councilor Dieng asked about public records requests, which can be used by the public at any time to gain access to information about the governing body. Ms. Ernst replied that the Public Records Act is not intended to be a substitute for Open Meeting Law and that if the public does not know to ask for certain records, they won't.

Mr. Donoghue noted that governing bodies must announce their public meetings ahead of time and must publish the date, time, and location of such meetings. He added that the governing bodies must post their agendas ahead of time.

Ms. Ernst outlined when it would be appropriate to enter into executive session, saying that a public body can only go into executive session for a majority vote and the vote must specify the subject of the session. She added that the public body is restricted to only speaking on the topic for which it went into executive session. She emphasized the importance of stating the specific finding to justify going into executive session. She outlined the appropriate parties who can also be included in executive session in addition to the public body itself.

Commissioner Fisher asked how detailed a public body needs to be when announcing the topic of the executive session, for example when contemplating disciplinary action on personnel. Mr. Donoghue replied that the specific personnel do not need to be named.

Mr. Donoghue outlined requirements for minutes of public body meetings, saying that the minutes must record the public body officials in attendance, other active participants of the meeting, and the results of any votes and actions taken. He said that minutes must be available to the public within five calendar days of the meeting.



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Commissioner Carey asked about the turnaround time requirements for committee meeting minutes, and whether draft minutes meet that requirement for posting. Mr. Donoghue replied that draft format minutes are acceptable.

Ms. Ernst outlined the process around Open Meeting Law violations and corrections, saying that if an allegation is made, the public body must respond within ten calendar days and must cure the violation or void it. She noted that if it is determined that there was indeed a violation, the public body then must void or ratify any action taken during the executive session and adopt specific measures to prevent future violations.

3. PUBLIC HEARING REGARDING BURLINGTON DOWNTOWN TAX INCREMENT FINANCING DISTRICT: SUBSTANTIAL CHANGE REQUEST

3.01 Public Hearing Regarding Burlington Downtown Tax Increment Financing District: Substantial Change Request

Assistant City Attorney Haesler explained that the Downtown TIF District was set up in 2011 and that the City has annually reported on its financing, debt servicing, finances, bonding, and the developments in the district. He said that he has worked with the Community Economic Development Office (CEDO) and the Clerk/Treasurer's office to update the TIF plan. He noted that a substantial amount of work has been completed since the inception of the district, but that a large body of work remains incomplete. He is requesting City Council approval to give the updated plan to the Vermont Economic Progress Council (VEPC) after this public hearing.

City Council President Tracy opened the public hearing.

There were no public comments.

City Council President Tracy closed the public hearing.

4. PUBLIC FORUM – TIME CERTAIN 7:30-9:30 PM

4.01 Verbal Comments

Forum opened at 7:35 PM.

COMMENTS:

- Al Larson said that Vermont has the second-highest rate of asthma in the country, which is in part due to inhaling wood-burning smoke. He spoke against the resolution that would allow permitting for contained outdoor fires, citing public health concerns for the most vulnerable populations.
- Linda Patterson spoke about the new Burton concert venue, expressing concern that the venue does not abut a state highway but would increase traffic on Home Avenue, which is in badly need of repair on both roadways and pedestrian walkways. She urged the City Council to require that concert-goers be bussed in to the venue.
- Andres spoke against the resolution pertaining to recreational outdoor fires, highlighting concerns about negative health effects of wood smoke, air quality degradation, and the concern for public safety.
- Tom Proctor expressed concern that Councilor Shannon has a conflict of interest as chair of the Charter Change Committee and should recuse herself from discussion pertaining to just cause eviction legislation, citing her status



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as a Burlington landlord.

- Kelly Devine spoke against the early shutdown of bars downtown on Church Street and urged the Council to support the end to the restriction on bar hours in Burlington, adding that there have been no spikes in COVID-19 cases.

Forum closed at 7:47 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

Mayor Weinberger introduced a proposal from the Burlington Electric Department (BED), saying that it is a significant step forward to meeting the City's Net Zero Energy goals. BED General Manager Springer said this proposal fulfills requirements from a May 2018 City Council resolution for a policy recommendation regarding decarbonization and electrification requirements for new buildings. He said that at the time of permit application for a new building, an owner must either certify that the building will not connect to fossil fuel infrastructure, or, if they are connecting to fossil fuel infrastructure, they must pay a Building Carbon Fee of \$100 per ton of CO₂ and demonstrate that the building is electric-ready and can meet the City's Net Zero Energy goals in the future. He said that any revenue from the carbon fee would be placed in the City's Green Revolving Fund, that the policy will be reviewed for potential conflicts should carbon pricing be adopted at the state or federal level, and that the department plans to evaluate policies to move toward Net Zero Energy in existing buildings once the policy work for new buildings is complete.

Councilor Pine noted that he worked with a constituent to develop a proposal for consideration by the Energy Action Network for tariff financing for residential energy efficiency investments. He said that if the EAN supports it, it will become part of a larger discussion on how to finance energy investments for both homeowners and renters.

Councilor Hanson said that the Vermont Energy Investment Corporation (VEIC) is considering characterizing fair free transit as well as other transportation measures such that electric utilities could incentivize them as part of their compliance with the renewable energy standards.

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: Matthew Walters, Executive Director and Shareholder, The Archives Bar, re: Reconsideration of Regulations surrounding opening hours of Bars in Burlington – waive the reading, accept the communication and place it on file.

6.04 Communication: Grace Ciffo, CEDO Assistant Director of Community Works, re: Substantial Change request to VEPC - Downtown Tax Increment Financing District - approve the City's substantial change request to VEPC for its Downtown TIF District and authorize City Council President Max Tracy and Chief Administrative Officer Katherine Schad to execute the attached formal request letter.



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6.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: Unsanctioned Skatepark - Champlain Parkway - deny the Encumbrance Application from the skateboard community group represented by Sam Watson and Blayne Patterson requesting continued use of an unsanctioned skate park located on the City right of way, and to direct the Department of Public Works to remove the structures placed in the City right of way, and to direct the public Safety Committee to address safety concerns in the area of the Champlain Valley Parkway between Home Ave and Queen City Parkway.

6.06 Communication: Luke McGowan, CEDO Director and Rachel Jolly, Assistant Director, CJC, re: VT Center for Crime Victim Services "Victims of Crime Act (VOCA) grant (Grant#02160VOCA19-40096-8) - approve the acceptance of Grant #02160VOCA19-400968 in the amount of \$140,164 for FY21 and to authorize Director McGowan or his designee to sign the grant acceptance and any necessary related documents.

6.07 Communication: Luke McGowan, Director, CEDO and Rachel Jolly, Assistant Director, CJC, re: VT Center for Crime Victim Services "Victims of Crime Act (VOCA) grant (Grant#02160VOCA19-40096-8-SJ) - approve the acceptance of Grant #02160VOCA19-40096-8-SJ in the amount of \$34,106.45 for FY21 and to authorize Director McGowan or his designee to sign the grant acceptance and any necessary budget amendments and related documents.

6.08 Communication: Kate Komorowski, IE, Water Resources Engineer and Martin Lee, PE, Water Resources Engineer, re: 33 North Avenue Slope Repair and Stormwater Rehabilitation Project Authorization to Award as well as Authorization to Approve an Easement - 1. "To authorize the Director of the Department of Public Works to execute an amendment to the construction agreement with Engineers Construction Inc. to increase the maximum limiting amount to \$244,000 for stormwater infrastructure improvements in the right-of-way and upon private property at 33 North Ave, and to execute any necessary related change orders and amendments to the contract term, subject to the prior review and approval of the City Attorney." 2. "To accept easements in substantial conformity with the attached easements affecting the 33 North Avenue parcel thereby allowing the Department of Public Works to both access and conduct necessary stormwater infrastructure improvements, subject to approval by the City Attorney's Office." 3. "To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY21."

6.09 Communication: Kara Alnasrawi, Director, Church Street Marketplace, re: Church Street Marketplace Snow Removal - Authorization to Award Contract - authorize the Director of the Church Street Marketplace to execute a three year contract with J. Labrecque, LLC for snowplowing services for a total of \$153,515, subject to final review and approval by the City Attorney's Office.

6.10 Communication: Corey Mims, PE, Public Works Engineer and Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization to Award Contract for Queen City Park Road Reconstruction - authorize the Director of the Department of Public Works to execute and amend a construction contract with Pike Industries, Inc. in the amount of \$369,147.25 with an additional \$50,000 in contingency funds for the Queen City Park Reconstruction for a total of \$419,147.25, subject to the final review and approval by the Office of the City Attorney.

6.11 Communication: Darren Springer, General Manager, BED, David White, Director of Planning, Office of City Planning, Bill Ward, Director of Permitting and Inspections, Department of Permitting and Inspections, Jen Green, Director of Sustainability/Workforce Development and Chris Burns, Director of Energy Services, BED, re: Resolution on Decarbonization and Electrification of Buildings - waive the reading, accept the communication and place it on file.

6.12 FIO Document – for information only.

6.13 Resolution: Authorization For Acceptance Of Streets--Franklin Square and Red Maple Lane (Transportation, Energy and Utilities Committee; Board of Finance) – waive the reading and adopt the resolution.



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6.14 Resolution: Harbor Watch Condominium Owners Association, Inc. - Easement Agreement (Councilor Shannon) – waive the reading and adopt the resolution.

6.15 Resolution: Authorization For \$350,000 Planning Loan From Vermont Clean Water State Revolving Fund And Contract With Hoyle Tanner & Associates For \$300,000 For Planning Of Upgrade of Nine Pump Stations (Board of Finance) – waive the reading and adopt the resolution.

6.16 Resolution: Authorization For Temporary Easement For The College Street Congregational Church To Create An Egress Connecting To Memorial Auditorium Parking Lot (Board of Finance) – waive the reading and adopt the resolution.

6.17 Resolution: Reclassifications And Staffing Updates - Department Of Public Works (Board of Finance) – waive the reading and adopt the resolution.

6.18 Resolution: Authorization For \$1,663,802 Loan From Vermont Clean Water State Revolving Fund And Construction Contract With SD Ireland For \$1,227,765 For The Upgrade Of The Flynn Avenue And Fletcher Place Pump Stations (Board of Finance) – waive the reading and adopt the resolution.

6.19 Communication: Mary Ann Ficociello, re: Fire Pits – waive the reading, accept the communication, and place it on file.

6.20 Communication: Mr. and Mrs. Fisher, re: Skatepark - waive the reading, accept the communication, and place it on file.

6.21 Communication: Selena M. Nickerson, re: fire pits - waive the reading, accept the communication, and place it on file.

6.22 Communication: Amy M. Tree, re: backyard fire pits in our city - waive the reading, accept the communication, and place it on file.

6.23 Communication: Kelly Devine, Director, BBA, re: Downtown Business Environment - waive the reading, accept the communication, and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Paul, to amend/adopt the consent agenda, taking the actions as indicated for items 6.01-6.23.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.01 Dr. Stephanie Seguino, re: Presentation: Trends in Racial disparities in Burlington Traffic Stops

Dr. Seguino described an analysis of trends in racial disparities in Burlington traffic stops. She said that the report looks at indicators of racial disparities in traffic stops from 2012-2019, including stop, arrest, search and hit rates, and disparities by violation. She added that the report evaluates trends over time to determine whether progress is being made, and compares the Burlington Police Department to other large law enforcement agencies in Vermont. She noted that black drivers are 28-59% overstopped compared to their share of the population, and that all other groups were understopped compared to their share of the population. She said the data shows that Black drivers have a higher probability of arrest, a higher probability of search, and that in some violations, white drivers are treated more favorably than Black drivers. She described trends from 2012-2019, noting that traffic stops per 1,000 drivers fell 64% from 2014 to 2019, that the disparities between white and Black drivers for stops and search rates have widened over time, and that Burlington's disparity rates are twice the national average. She further noted that Burlington has some of the highest Black/White search rate and





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arrest rate disparities when compared to other agencies in Vermont.

Councilor Paulino asked if Burlington's percentage of stops/arrests where race was not reported is in line with other departments. Dr. Seguino replied that Burlington has one of the highest missing race data rates among large Vermont agencies.

Councilor Hightower asked if there were other stop reasons not presented and additionally asked whether any of them did not show racial disparities. Dr. Seguino said that there were many stop reasons not presented due to small sample size and also noted that speeding violations did not show racial disparities.

Councilor Hightower asked Chief Murad about the data collection gaps and whether the department is working to address them. Chief Murad replied that the BPD is concerned about the gaps and has put measures in place to address them. Councilor Hightower if the Department had a timeframe or goal for addressing missing data, and Chief Murad replied that there is no hard deadline but that the goal is to close the data gaps by 100%.

Councilor Shannon asked about the data collected on the results of searches and also about statistical significance in the analysis presented. Dr. Brooks answered that in order to make results as valid as possible, the study used three-year averages for rates instead of looking solely at one year.

Councilor Pine asked about the rigor of the data in the study and whether it has gone through peer review. Dr. Brooks replied that the data is public data and that the methodology of the study has been peer-reviewed. Councilor Pine asked about the implications for public policy of this study. Dr. Seguino replied that there are strong links between interactions with police and other aspects of one's life, such as employment and family. Councilor Pine asked how the Burlington Police Department uses this data to evaluate police officers' job performance. Chief Murad replied that the BPD uses the data as a tool to monitor for issues such as racial disparities. Councilor Pine asked whether the theory of a 'few bad apples' holds true here. Dr. Seguino replied that no, the data reflects the culture.

Councilor Hanson asked if all officers are aware of the racial disparities as presented in Dr. Seguino's study. Chief Murad replied that the traffic report is published both internally and externally and that the BPD analyzes the same data that formed the basis of the study. Councilor Hanson asked what steps the Department is taking to eliminate disparities. Chief Murad replied that the work to eliminate disparities is ongoing and he additionally cited the work the City has begun to combat and dismantle systemic racism.

Councilor Dieng asked if the professors have had the opportunity to present this data to the Police Commission. Dr. Seguino replied that no, they have not been asked to present to the Commission. Councilor Dieng asked what recommendations the professors would give based on their study and the data. Dr. Seguino replied that more interaction among police departments in the state would be extremely beneficial.



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7.02 Communication: Mayor Weinberger, re: Update on Police Transformation Work (verbal)

Mayor Weinberger and Director Green provided an update on the City's racial justice work. Director Green noted that \$400,000 of the \$1 million in the Racial Equity Fund has been committed, that the RFP for a Racial Equity Strategic Plan has been posted, that the City's REIB Employee Resource Group has created the City's first racial affinity groups, is planning the 2021 Juneteenth celebration, is conducting a Racial Equity Engagement Survey/Census, is enacting race-based learning initiatives, and is focused on hiring, recruiting, and retaining BIPOC. She further noted that training for City employees is being conducted, that a Rapid Response Team was created to help with BIPOC business owners and ensure a racially-just recovery from COVID-19, that the City is working with the Population Health Alliance to develop a plan for addressing racism as a public health emergency, and that the full membership of the Slavery Task Force will be announced this week. She also updated the Council on the Phoenix RISE Mission's activities, including implementing cultural empowerment, securing equal opportunity, and expanding the REIB department.

Councilor Hightower asked Director Green to elaborate on the anti-racist training being conducted. Director Green replied that the training will address implicit bias but will also contain the historic context for racism in the country.

Councilor Pine asked Director Green to speak to recruiting and retaining BIPOC employees. Director Green replied that before recruiting BIPOC workers from other places, a cultural analysis of being an employee in Burlington need to be examined and addressed, to focus on how BIPOC employees are faring in Burlington.

Mayor Weinberger spoke on forging a new consensus on policing in Burlington, citing disconnects between the Police Department and the community on a number of issues for a number of years. He reviewed the assessments and reviews that the City has committed to through City Council resolutions, including an operational/functional assessment of the Police Department, an examination of public safety transformation, a review of who makes and reviews police disciplinary decisions, and a review of police disciplinary measures. He spoke about the creation of a temporary Director of Police Transformation position, which would expand the Mayor's ability to oversee the Police Department's planning, policy, and engagement efforts during this time of transformation. He said that he has appointed Kyle Dodson to this position.

Director Dodson spoke about his activities so far, noting that he is working on building relationships with the Police Chief and other staff and officers at the Police Department. He spoke about the operational assessment, police transformation, and work on changing disciplinary practices as activities he will work to accelerate progress on.

Mayor Weinberger provided an update on new actions taken to advance transformation of policing, including an Executive Order to require the Police Chief to present disciplinary decisions to the Mayor, a review of the City's contract with BPOA with recommendations for potential future changes, a request that the Police Commission approve a new body camera footage release policy, a Community Service Liaison pilot program to increase resources for non-sworn personnel trained in social work to respond to emergencies, and a request that the Police Commission recommend a more transparent policy around the release of police disciplinary records.



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Councilor Hightower expressed disappointment that more elected officials were not involved in the process of hiring for the Director of Police Transformation position. She questioned the housing of the Community Service Liaison personnel within the Police Department, suggesting that one or more of them be piloted elsewhere, to shift emergency response in some instances away from the Police Department.

Councilor Pine suggested that the City begin to discuss the ending of qualified immunity policies.

Councilor Dieng asked Director Dodson for his perspective on police transformation and how to approach it. Director Dodson replied that transformation will be about identifying specific behaviors and actions but also addressing the deeper issues and implicit biases within the community.

MOTION by Councilor Stromberg, SECOND by Councilor Shannon, to suspend the rules, complete the deliberative agenda and hear the City Council President Update.

VOTING: unanimous; motion carries.

Councilor Freeman asked where the Police Transformation Director position is housed. Mayor Weinberger replied that the position reports directly to the Mayor and has supervision over certain elements of the Police Department such as communications, policy, and planning decisions, but not day-to-day police decisions.

Councilor Stromberg said that the City should focus on eliminating qualified immunity. She also spoke about defining a reasonable officer standard. She asked if the position could be extended or expanded in a more permanent way and Mayor Weinberger replied that he will not ask for the position to become permanent and that it was formed to respond creatively to current challenges. Councilor Stromberg asked why the position was created so quickly and whether there are other factors that influenced the speed with which it was created and filled. Mayor Weinberger replied that he views it as one of his jobs to ensure that the City is properly resourced in any given moment to deal with challenges.

7.03 Communication: Jeffrey A. Padgett, MBA, Assistant Director for Parking and Traffic, re: Parking Services Integration Plan – Communication

Director Padgett noted that one of the budget recommendations for the Fiscal Year 2021 budget was to move services out of the Police Department such as parking enforcement, which is being moved to the Department of Public Works. He outlined a preliminary roadmap for the migration of those positions. He noted three phases for the transition, including administrative integration and division reorganization, operational integration, and infrastructure integration.

City Attorney Blackwood outlined policy review she has been conducting, specifically around Scoff Law and whether the



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policy needs updating, in addition to parking policies for contractors.

7.04 Ordinance: Burlington Code of Ordinances - Chapter 21, Offenses and Miscellaneous Provisions, Sec. 21 - 45A
Trespass on City Property (Ordinance Committee)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Hightower, to waive the second reading and adopt the ordinance.

DISCUSSION:

- Councilor Mason said that this ordinance contains amendments to existing fences and trespassing ordinance, which came about after a settlement between the City and the ACLU regarding an individual who was trespassing at City Hall Park. He noted that the amendments attempt to articulate parameters around what constitutes illegal behavior and contains provisions for appeals.
- City Attorney Blackwood noted that the basis for the law seeks to put structure around when City officials are authorized to tell individuals to leave City property.

VOTING: unanimous; motion carries.

7.05 Resolution: Allow Permits For Safe Operation Of Contained Outdoor Fires During COVID-19 Winter (Councilors Shannon, Paul, Mason, Carpenter)

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to adopt the resolution.

DISCUSSION:

- Councilor Shannon noted that this request came from the public and has public health implications, but would allow more outdoor socializing during winter as COVID-19 is still spreading within the community. She expressed concern about the negative health effects of isolation when COVID-19 arose in the end of last winter and hopes to mitigate that. She noted that this would be a temporary resolution and would expire April 30, 2021, would create a permitting process for the Fire Chief, and does not constitute permitting for backyard brush fires. She noted that the fire must be attended, there must be a water source, the fire must be a minimum distance from other structures, and must be extinguished by 10:00 PM.
- Councilor Hightower suggested that the City's Board of Health review the resolution to make sure that there will be no detrimental health effects.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Stromberg, to refer the resolution to the Burlington Board of Health who will report findings back to City Council by November 1.

DISCUSSION OF AMENDMENT:

- Councilor Shannon noted that there is a substantial amount of work that the Fire Chief needs to do to enact



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this prior to November 1, and requested that the Fire Chief consult with the Board of Health to develop the rules around the permitting process. She pointed out that the health impacts of wood smoke inhalation are already known. She also pointed out that the Fire Chief can already issue permits but that this resolution seeks to create a more formal process around that.

- Councilor Mason echoed Councilor Shannon's sentiments and noted that many neighborhoods already have outdoor wood-burning fire pits and that this resolution seeks to regulate it.
- Councilor Pine said it would be important to have the Board of Health assess the health impact of the creation of the permitting process.
- Councilor Dieng noted the concern among constituents about the potential health issues around wood-burning backyard fires.

MOTION by Councilor Stromberg, SECOND by Councilor Paul, to CALL THE QUESTION.

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

VOTING ON AMENDMENT (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, City Council President Tracy – aye (10 ayes, 2 nays). The motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Shannon clarified that the resolution would go to the Board of Health and be returned to the City Council prior to November 1 and requested that it be placed on the City Council meeting agenda for October 19th.

VOTING ON RESOLUTION AS AMENDED (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 – aye, Councilor Stromberg – aye, City Council President Tracy – aye (12 ayes, 0 nays). The motion carries.

7.06 Resolution: Extension Of The Emergency COVID Groups Size Requirements In Burlington (Councilor Mason)

MOTION by Councilor Mason, SECOND by Councilor Hightower, to waive the reading and adopt the resolution.

DISCUSSION:





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- Councilor Mason said the resolution seeks to continue efforts to prevent the spread of COVID-19 and would continue the restrictions on crowd sizes but would lift restrictions on the service hours for alcohol in bars and restaurants.
- Councilor Pine said that the accompanying memo notes 29 COVID-19 positive cases for both Champlain and the University of Vermont and asked how many students have been tested. Director Lowe replied that that is a cumulative number and that between the colleges they are testing around 12,000 people per week. He added that the positivity rate is 0.01%.

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 – aye, Councilor Stromberg – aye, City Council President Tracy – aye (12 ayes, 0 nays). The motion carries.

7.07 Resolution: COVID 19 Emergency Order Regarding Use of Champlain Inn By ANEW Place (Councilor Shannon)

MOTION by Councilor Shannon, SECOND by Councilor Hightower, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Shannon said that there is an opportunity for ANEW Place to take over Champlain Inn and convert it into low barrier shelter, but pointed out the current zoning ordinance allows for fewer beds as a shelter than as an inn. She said the Inn would be a much safer environment than previous shelter options, as it would allow for single or double occupancy of rooms.
- Councilor Pine asked if this resolution would grant a permit without changing the underlying zoning and whether it would last beyond the COVID-19 emergency. City Attorney Blackwood replied that the details are still being worked out but that this emergency order would give flexibility around the initiative.
- Councilor Freeman asked if the shelter would be a dry shelter. Mayor Weinberger replied that the shelter would not, and that occupants would be able to access services even if they continued to use alcohol or drugs.
- Councilor Dieng asked about the funding mechanism for this initiative. Councilor Pine replied that the funds are coming from the federal Coronavirus Relief Fund.

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports

None at this time.

9. CITY COUNCIL – GENERAL AFFAIRS





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9.01 Verbal Reports

None at this time.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

City Council President Tracy gave an update about the Reparations Task Force, saying that he will be appointing Frederick Randall II to the task force. He also noted that Director Green is appointing Rashad Williams. He said that three further appointments still need to be made. He additionally provided an update that Councilor Hightower will serve as the City Council representative on the School Resource Officer Task Force.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

None at this time.

12. ADJOURNMENT

12.01 Motion to adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 11:52 PM.

RScty: AACoonrad