



**Regular City Council Meeting - Monday, September 21, 2020, 6:00 pm. Please click the link below to join the webinar:**  
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**BURLINGTON CITY COUNCIL**

**CITY HALL**

**BURLINGTON, VERMONT**

**MINUTES OF MEETING**

**September 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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Chapin Spencer

Lori Olberg

Amy Bovee

Tyeastia Green

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## **1. CALL TO ORDER and AGENDA**

The meeting was called to order by City Council President Tracy at 6:05 PM. A brief moment of silence was held to reflect on the passing and legacy of Supreme Court Justice Ruth Bader Ginsberg.

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

- **note additional material for consent agenda item 5.46 Communication: Capital Committee, re: Approval for a contract with Farrington Construction for improvements to City Hall (per Martha Keenan);**
- **add to the consent agenda item 5.55 Communication: Jamilah Jadallah, re: Resignation from Tax Abatement Committee (Board of Tax Appeals) with the motion to "waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Jamilah Jadallah thanking her for her willingness to serve on the Board of Tax Appeals;**
- **note written materials and title change for agenda item 6.05 Communication: Eileen Blackwood, City Attorney, re: Open Meeting Law Violation Cure Letter (per City Attorney Blackwood);**
- **remove from the Deliberative Agenda item 6.06 Resolution: Restoration Of Rainforest Mural (Board of Finance) and place on the Consent Agenda as item 5.56.**

**MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Dieng, to include referring Consent Agenda item 5.55 to the Police Commission.**

**VOTING: unanimous; motion carries.**

**VOTING ON AGENDA AS AMENDED: unanimous; motion carries.**

## **2. PUBLIC FORUM**

2.01 Verbal Comments



## **Regular City Council Meeting - Monday, September 21, 2020, 6:00 pm. Please click the link below to join the webinar:**

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Forum opened at 7:37 PM

### **COMMENTS:**

- Jess Laporte spoke about the protesters who have been in Battery Park for 28 days protesting police brutality and urging the City to address previous wrongs by the BPD. She asked the City Council to act with bravery to address past patterns and set up systems for accountability in future.
- Ashley Laporte spoke about the symbolic movement but lack of action in holding the police department and City accountable to racial injustices. She expressed hope that any resolution coming out of executive session result in direct action. She additionally said that this would be an important step, but a first step in addressing systemic racism.
- Zanevia Wilcox said that the demonstrators have built safety, trust, peace, and community, and urged the City Council to do the right thing. She said that the movement has done much of the work for City Council and local government, but that they need to act.
- Marisha Lemoine spoke about her disappointment with the lack of action on the part of the Mayor, despite declaring racism a public health crisis. She said that the City must hold violent officers accountable for their actions. She said Battery Park has been a place of solace, change, peace, and openness for the community.
- Jill Allen voiced her support for ranked-choice voting, saying that it ensures that democracy is enacted.
- Emma Sopchak echoed the demands of BIPOC leaders in the community, calling for the firing of Corrow, Campbell, and Bellavance.
- Abby Hodson urged City Councilmembers to listen to the community and Battery Park protesters and fire the violent officers.
- Sienna Devoe-Toludo spoke about the protesters in Battery Park and urged the City to fire the abusive officers in question.
- Danielle Shaw said she does not understand how the City can declare racism a public health crisis but then follow the contracts, rules, and policies enacted by a racist system. She urged the City Council to fire the abusive officers from the BPD.
- Robert Bristow Johnson spoke in favor of full ranked choice voting, to elect the majority candidate and avoid spoiled elections.
- Alexander Lavin spoke in favor of ranked choice voting, adding that the peoples' values must be embraced.
- Joe O'Brien spoke in favor of ranked choice voting.
- Whitney Bentley spoke in support of the Battery Park protesters, calling for the removal of officers Corrow, Campbell, and Bellavance from the Burlington Police department. She said that the department and City must be held accountable to their promises.
- Deirdre Graham spoke in favor of the termination of officers Corrow, Campbell, and Bellavance from the BPD.
- Brian Cina spoke about legislation currently being considered at the Vermont State House that would address police use of force, body cameras, and other measures, and said that it would not be possible were it not for everyone exercising their First Amendment right to protest, including the members of the Burlington community at Battery Park.
- Jay Griffith spoke in support of the demands of BIPOC organizers to remove the three violent police officers from the Burlington Police Department
- Alexa spoke in support of the demands of the Battery Park protest. She said that the resolution coming out of executive session is a good first step, but that Burlington needs to reimagine how to structure public safety and how to hold community and City leadership accountable for their actions.
- Bella Westin spoke in favor of the demands of the Battery Park protesters to fire the abusive officers from the Burlington Police Department.
- Scheller H noted that the police cannot police themselves and called for the termination of the violent police officers from the Burlington Police Department.



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- Dana Steinhoff spoke in favor of the resolution that has come out of executive session, saying that it is a good first step but that there is more work that needs to be done. She asked why the City has decided to pursue a separation agreement with Bellavance, but not with Corrow or Campbell.
- Kate Lapp spoke on behalf of VPIRG in favor of ranked choice voting saying that elections should produce winners that have the support of the majority of voters. She implored City Council to move ranked choice voting forward as a ballot measure.
- Lia Dwyer spoke in support of removing violent officers Corrow, Campbell, and Bellavance from office and said that the community will hold the Burlington Police Department accountable. She added that the proposed resolution coming out of executive session is a good first step.
- Brianna Borch spoke in favor of the removal of officers Corrow, Campbell, and Bellavance. She said that action needs to be taken against the officers, and that the Police Department and City need to be held accountable.
- Phoebe Lo spoke in support of the removal of officers Corrow and Campbell in addition to any action taken on the resolution to execute a separation agreement with officer Bellavance.
- Emily Wanzer spoke in favor of removing the violent officers from the Police Department, that the Battery Park protesters have been demonstrating for too long and that now is the time to act.
- Avery Lentini spoke in favor of terminating officers Corrow, Campbell, and Bellavance from the Burlington Police Department.
- Jessie Gustafson said that despite declaring racism a public health crisis, the City has chosen a path which has led to the protest by the BIPOC community in Battery Park during a pandemic which has disproportionately affected their community, and urged the City to terminate the violent officers from the police force and begin the work to address systemic racism.
- Sarah Sciorti spoke in favor of the resolution which would execute a separation agreement, and said that action now is important in order to hold BPD accountable.
- Seanna McGraw spoke in favor of the demands to remove officers Corrow, Campbell, and Bellavance from the BPD, adding that it is a crucial decision to ensure that BIPOC members of the community live in a City that listens to them.
- Pigeon Nelson spoke in favor of the termination of officers Corrow, Campbell, and Bellavance. He said that the Battery Park protesters are doing more for the community of Burlington than the Burlington Police Department ever has.
- Jane spoke in favor of the removal of officers Corrow, Campbell, and Bellavance from the Burlington Police Department.
- Emily Tardie spoke in support of the demands to terminate officers Corrow, Campbell, and Bellavance from the BPD.
- Jake Van Wolvelier spoke in support of the demands of the Battery Park protests and the firing of officers Campbell, Corrow, and Bellavance, and expressed disappointment that the City has taken so long to act on this.
- Atalaya Murphy voiced support for the demands to remove violent officers Corrow, Campbell, and Bellavance, and that the community will hold the City and Police Department accountable for their action.
- Lane Dibler said that the City must remove the three violent officers Bellavance, Corrow, and Campbell, and that the City deserves action, and that the community is strong and will hold the City leadership and Police Department accountable for their actions.
- Dani Agin called for the removal of officers Corrow, Campbell, and Bellavance, and said that the City must act now.
- Caela Flanagan said that officers Bellavance, Corrow, and Campbell must be removed from their positions, and said that it is disheartening that protesters have been at Battery Park for 29 days and that nothing has been done, despite racism being declared a public health crisis, finally adding that the community will hold the City accountable for its inaction.



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**3. COMMUNICATION: EILEEN BLACKWOOD, CITY ATTORNEY, RE: BPD PERSONNEL MATTERS (VERBAL) \*\*expected executive session\*\***

3.01 Communication: Eileen Blackwood, City Attorney, re: BPD personnel matters (verbal) \*\*expected executive session\*\*

**MOTION by Councilor Pine, SECOND by Councilor Mason, that the City Council find the need to enter into executive session to discuss potential action/resolution concerning the employment of the three police officers that has been discussed for some time and to receive legal advice about that, premature disclosure of which would put the City at a disadvantage. 1 VSA 313(a)(1)(A) contracts, 1 VSA (a)(1)(F) legal advice, 1 VSA (a)(3) employment of officials, and 1 VSA (a)(4) discipline or discharge.**

**VOTING: unanimous; motion carries.**

**MOTION by Councilor Pine, SECOND by Councilor Stromberg, to enter into executive session based on that finding, to include City Attorney staff, Mayor's Office staff, Director Green, Police Chief Murad, and Deputy Chief Sullivan.**

**VOTING: unanimous; motion carries.**

**The City Council entered into executive session at 6:05 PM.**

**The City Council exited executive session and returned to public forum at 7:26 PM.**

**MOTION by Councilor Hanson, SECOND by Councilor Freeman, to waive the reading and adopt the resolution.**

**DISCUSSION:**

- Councilor Hanson noted that this resolution is a product of weeks of work by the entire Council to find common ground and a path forward on this extremely difficult issue. He acknowledged the public comments, organization, and fortitude around this issue. He added that rather than continuing to debate on points of contention, the Council is moving forward in an area in which they have consensus and agreement.
- Councilor Paulino said that this resolution is unprecedented in the amount of effort put forth to bring this issue to light. He said that this shows a desire to move forward and begin to do the real work to address systemic racism and the equal treatment of all Burlingtonians. He said that the separation agreement involves a large sum of money but is worth it and appropriate.
- Councilor Stromberg noted that the community's demand is for reparations, which the Council has committed to explore. She said that this resolution is an important first step and is not an exoneration. She



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commended the bravery of the community for demanding that the City leadership be held accountable.

- Councilor Pine said that the conversation over the last several months have provided a badly needed focus on racism, and that Burlington is in the early stages of addressing, acknowledging, and accepting the changes needed to dismantle systemic racism. He said the policing is an important area to focus on as it involves state-sanctioned use of force.
- Councilor Dieng said that the resolution in question does not solve the problem, harms the taxpayers of Burlington, and that no one has taken responsibility for what happened.
- Councilor Hightower said that the resolution is not a complete victory but should be thought of as a first step for the City to align policies with the community's values in a timely fashion
- Councilor Shannon said that while this resolution is not going to put the issue of racism in the Burlington community to bed, she expressed hope that it moves the City towards peace and reconciliation within the community. She added that the issue of racism is pervasive and that as long as it exists in the community, it will likely be reflected in policing, but also reflected in other areas of the community. She added that she does not know of additional actions against the other officers in question.
- Councilor Dieng said that in terms of additional actions against the officers in question, he proposed not renewing their contracts in 2022. City Attorney Blackwood replied that the individual employees do not hold contracts with the City but that the union itself holds the contract. She said that the City could go through layoff processes but cannot target specific individuals.
- Councilor Mason said that he hopes this is a turning point for the Council and the public and that it directs the Council's energy forward to taking additional steps to do the hard work around dismantling systemic racism.
- Councilor Shannon said that if the City Council were to take an illegal action to terminate officers' employment, they would be putting the City in a far worse position than the resolution up for consideration.
- Mayor Weinberger said that the resolution in question is intended to bring some form of closure around the officers. He said that he does not support resolutions around separation agreements with Corrow or Campbell. He said that he supports a separation agreement in the instance of Sergeant Bellavance, as his position and actions were different than the other officers, adding that the investigation concluded that there were de-escalation techniques he could have used prior to the use of force. He added that a higher standard must be applied to leaders, such as Sergeant Bellavance. He added that he does not support separation agreements with Corrow and Campbell, saying that their use of force was acceptable under the standards set forth at the time they occurred. He said that the best way to move forward is with action steps designed to dismantle systemic racism and improve accountability and transparency.

**MOTION by Councilor Stromberg, SECOND by Councilor Dieng, 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 – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (12 ayes); motion carries.**

**VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, 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 (11 ayes, 1 nay); motion carries.**



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### **4. CLIMATE EMERGENCY REPORTS**

#### **4.01 Climate Emergency Reports**

Councilor Stromberg spoke about the wildfires in the Western United States and the active hurricane season and that this is intertwined with racial justice because the most marginalized are often the most heavily affected by climate change.

### **5. CONSENT AGENDA**

#### **5.01 Motion to adopt the consent agenda and take the actions indicated**

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

5.03 Communication: C/T Office, re: January 6, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.04 Communication: C/T Office, re: January 21, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.05 Communication: C/T Office, re: January 21, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.06 Communication: C/T Office, re: January 27, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.07 Communication: C/T Office, re: February 10, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.08 Communication: C/T Office, re: February 18, 2020 Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.09 Communication: C/T Office, re: February 18, 2020 Draft Minutes, Full Board of Abatement of Taxes Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.10 Communication: C/T Office, re: February 18, 2020 Draft Minutes, Board of Civil Authority Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.11 Communication: C/T Office, re: February 18, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.





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5.12 Communication: C/T Office, re: February 26, 2020 Draft Minutes, Public Informational Hearing on Public Questions for March 3, 2020 Annual City Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.13 Communication: C/T Office, re: March 9, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.14 Communication: C/T Office, re: March 9, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.15 Communication: C/T Office, re: March 9, 2020 Draft Minutes, Board of Civil Authority Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.16 Communication: C/T Office, re: March 23, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.17 Communication: C/T Office, re: March 23, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.18 Communication: C/T Office, re: April 6, 2020 Draft Minutes, Organizational Day - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.19 Communication: C/T Office, re: April 13, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.20 Communication: C/T Office, re: April 27, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.21 Communication: C/T Office, re: April 27, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.22 Communication: C/T Office, re: May 11, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.23 Communication: C/T Office, re: May 11, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.24 Communication: C/T Office, re: May 14, 2020 Draft Minutes, Municipal Finance Workshop for City Councilors - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.





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5.25 Communication: C/T Office, re: May 18, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.26 Communication: C/T Office, re: June 1, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting

5.27 Communication: C/T Office, re: June 1, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.28 Communication: C/T Office, re: June 15, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.29 Communication: C/T Office, re: June 16, 2020 Draft Minutes, Continuation of Recessed City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.30 Communication: C/T Office, re: June 17, 2020 Draft Minutes, Continuation of Recessed City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.31 Communication: C/T Office, re: June 22, 2020 Draft Minutes, Full City Council Budget Worksession - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.32 Communication: C/T Office, re: June 29, 2020 Draft Minutes, City Council With Mayor Presiding Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.33 Communication: C/T Office, re: June 29, 2020 Draft Minutes, Board of Civil Authority Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.34 Communication: C/T Office, re: June 29, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.35 Communication: C/T Office, re: June 29, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.36 Communication: C/T Office, re: June 30, 2020 Draft Minutes, Recessed Regular City Council Meeting of June 29, 2020 - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.37 Communication: C/T Office, re: July 13, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept





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the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.38 Communication: C/T Office, re: July 13, 2020 Draft Minutes, Board of Civil Authority Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.39 Communication: C/T Office, re: July 13, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.40 Communication: C/T Office, re: August 10, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.41 Communication: C/T Office, re: August 10, 2020 Draft Minutes, Board of Civil Authority Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.42 Communication: C/T Office, re: August 10, 2020 Draft Minutes, Local Control Commission Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.43 Communication: C/T Office, re: August 20, 2020 Draft Minutes, Special City Council Meeting Re COVID-19 Emergency Order - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.44 Communication: C/T Office, re: August 24, 2020 Draft Minutes, City Council With Mayor Presiding Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.45 Communication: C/T Office, re: August 24, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 14, 2020 Regular City Council Meeting.

5.46 Communication: Capital Committee, re: Approval for a contract with Farrington Construction for improvements to City Hall - authorize the Director of the Department of Public Works to sign a contract with Farrington Construction for an amount of \$1,229,700 plus a contingency of \$184,455, for a total of \$1,414,155, for deferred maintenance and security improvements to City Hall, subject to review and approval by the City Attorney.

5.47 Communication: Burlington International Airport, Gene Richards, Director of Aviation, re: Authorization to Sign a Licensing Agreement with Garnet Transport Medicine at 481 White Street (Airport Park & Shuttle Building) - authorize the licensing agreement of certain identified space at the Burlington International Airport to Garnet Transport Medicine for the provision of COVID-19 testing services, and to authorize Mayor Weinberger to execute the agreement, subject to final review and approval by the City Attorney's Office.

5.48 Communication: Catherine Z. Davis, Lake Champlain Commerce, re: Regulation of short-term rental units - waive the reading, accept the communication and place it on file.

5.49 Communication: David W. Shevchik, Jr., Colonel, VTANG, Commander, 158th Fighter Wing, Department Of The Air Force, re: Federal F-35 Mission - waive the reading, accept the communication and place it on file.



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5.50 Communication: Sara Jelen, Ward Three Ward Clerk, re: Resignation - waive the reading, accept the communication, place it on file and send Sara Jelen a letter of appreciation thanking her for her time served as Ward Clerk of Ward Three.

5.51 Communication: James Marc Leas, re: Comments to the Burlington City Council September 14, 2020 - waive the reading, accept the communication and place it on file.

5.52 Communication: Tyeastia Green, Director Racial Equity, Inclusion and Belonging, re: BIPOC - owned Business Support Grants - approve the expenditure of \$50,000 from the Regional Programming budget, #7650\_350, to be distributed and monitored by the Director of Racial Equity, Inclusion and Belonging for the purpose of providing BIPOC-owned Business Support Grants.

5.53 FIO Documents - for information only.

5.54 Resolution: Authorization To Accept U.S. Department Of Housing And Urban Development Lead Hazard Control Grant (Board of Finance) - waive the reading and adopt the resolution.

5.55 Communication: Jamilah Jadallah, re: Resignation from Tax Abatement Committee (Board of Tax Appeals) - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Jamilah Jadallah thanking her for her willingness to serve on the Board of Tax Appeals.

5.56 Resolution: Restoration Of Rainforest Mural (Board of Finance) \*\*was agenda item 6.06\*\* - waive the reading and adopt the resolution.

**MOTION by Councilor Stromberg, SECOND by Councilor Pine, to amend/adopt the consent agenda, taking the actions as indicated for items 5.01-5.56.**

**VOTING: unanimous; motion carries.**

## **6. DELIBERATIVE AGENDA**

6.01 Special Event Outdoor Entertainment Permit Application: Burlington City Arts, September 11, 18, 23 and 25, 2020, Water Works Park, 6:30 pm - 10:00 pm, Fall Flicks

**MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to approve the special event outdoor entertainment permit application for Burlington City Arts, September 11, 18, 23 and 25, 2020, Water Works Park, 6:30 pm - 10:00 pm, Fall Flicks.**

**VOTING: unanimous; motion carries.**

6.02 Special Event Outdoor Entertainment Permit Application: Burlington City Arts, Wednesday, September 23, 2020, 6:30 pm - 9:00 pm, Water Works Park, near the Moran Plant and the Burlington Harbor Marina, Architecture & Design Film Series





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**MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to approve the special event outdoor entertainment permit application for Burlington City Arts, Wednesday, September 23, 2020, 6:30 pm - 9:00 pm, Water Works Park, near the Moran Plant and the Burlington Harbor Marina, Architecture & Design Film Series.**

**VOTING: unanimous; motion carries.**

6.03 Special Event Outdoor Entertainment Permit Application: Burlington City Arts, Saturday, September 26, 2020, Water Works Park, near the Moran Plant and the Burlington Harbor Marina, 7:15 pm - 9:00 pm, Vermont International Film Festival

**MOTION by Councilor Hanson, SECOND by Councilor Freeman, to approve the special event outdoor entertainment permit application for Burlington City Arts, Saturday, September 26, 2020, Water Works Park, near the Moran Plant and the Burlington Harbor Marina, 7:15 pm - 9:00 pm, Vermont International Film Festival.**

**VOTING: unanimous (Councilor Hightower recused); motion carries.**

6.04 Resolution: Ranked Choice Voting Charter Change (Councilors Hanson, Stromberg, Tracy)

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

**DISCUSSION:**

- Councilor Hanson said that the Council and community have actively debated and discussed the question of ranked choice voting as a system. He outlined the changes that exist in the resolution, saying that they strive to ensure that the issue is non-partisan. He said that the proposal would bring ranked choice voting on the ballot for March 2021 and would implement ranked choice voting for City Council races only (whereas previous iterations of the resolution also included ranked choice voting for mayoral and school board races).

**MOTION TO AMEND by Councilor Hanson, SECOND by Councilor Stromberg, to delete the words "and to allow for the adoption of ranked choice voting for the election of mayor and school commissioners upon an affirmative vote of the voters at a subsequent election" from lines 41-42, and strike lines 69-73.**

**DISCUSSION OF AMENDMENT:**

- Councilor Hightower asked what the advantage is to not have the mechanism of adding ranked choice voting to other offices. Councilor Shannon replied that this is a controversial issue in the community and that having it apply incrementally may ease community concerns. Councilor Hightower asked whether this resolution would go to the Charter Change committee. City Attorney Blackwood replied that it is at the





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**Council's discretion.**

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

**DISCUSSION OF MOTION AS AMENDED:**

- Councilor Hanson asked whether Councilor Shannon would prefer that the resolution be sent to the Charter Change Committee. Councilor Shannon replied that the Charter Change Committee currently has low bandwidth and has seen previous iterations of the resolution.
- Councilor Hightower asked about the process for making a charter change and City Attorney Blackwood replied that the process is to set two public hearings and then have City Council direct staff to make any changes to language based on those public hearings and present a revised question to go on the ballot later.
- Councilor Paul expressed concern that ranked choice voting would apply to City Council races but not to other races in 2022 if it is adopted. She also questioned whether the reasoning that ranked-choice voting prevents runoff elections is valuable, as there have been few run-off elections in the last fifteen years.

**VOTING (by roll call): Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Paulino – nay, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (7 ayes, 5 nays); motion carries.**

**MOTION by Councilor Stromberg, SECOND by Councilor Shannon, to suspend the rules and complete deliberative agenda through item 6.05.**

**VOTING: unanimous; motion carries.**

6.05 Communication: Eileen Blackwood, City Attorney, re: Open Meeting Law Violation Cure Letter

City Attorney Blackwood reminded the Council that a complaint was received from Seven Days pertaining to action taken by City Council to invite members of the public into executive session, which Seven Days alleged was a violation of Open Meeting Law. She added that City Council subsequently met and determined that this was indeed a violation of Open Meeting Law and that a cure would be necessary.

City Attorney Blackwood presented the recommended cure, which stated that the City Council should explain certain details of the portion of the executive session to which the public had been invited, release the names and affiliations of



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the members of the public present during executive session, describe the topics of conversation discussed during that portion of the executive session, adopt specific measures that prevent future violations, and discontinue its abuse of executive session. She suggested that some of the specific measures could include describing its future process about inviting members of the public to join executive session as well as receive additional training on Open Meeting Law.

**MOTION by Councilor Mason, SECOND by Councilor Freeman, to cure the violation of the Open Meeting Law on Sept. 8, 2020 by taking the actions recommended in the City Attorney's Sept. 18 Memorandum.**

**DISCUSSION:**

- Councilor Mason affirmed that during executive session on September 8, no action was taken at or resulting from that portion of the executive session, no advice from the City Attorney was discussed in the portion of the session for which those individuals were present, the individuals were excused and left the meeting at 11:45 PM, the executive session to discuss legal advice with the City Attorney and consider the employee discipline matter commenced after the three individuals had left, and that no minutes were taken or record made of the executive session.
- Councilor Shannon asked City Attorney Blackwood if the Councilors are able to discuss what was said during executive session. City Attorney Blackwood replied that the City Council has decided that the portion of executive session prior to 11:45 PM is the portion of interest to the public and should be made public.
- Councilor Pine noted that one of the topics of conversation during executive session was whether the organizers of the protest would accept any alternatives to their demands.
- Councilor Stromberg added that safety was another topic discussed during executive session and that the members of the public who were present stated that they had felt uncomfortable sharing their information during public meeting.
- Councilor Hanson further added that public figures of color in Vermont have experienced threats and racism in the past and could feel unsafe. He noted that another topic discussed was how members of the community at the protests in Battery Park have stepped up to provide resources and fill gaps that the City government has failed to provide.
- Councilor Dieng said that not all of the information shared during executive session had previously been discussed during public meetings.
- Councilor Shannon agreed, and added that the members of the public in executive session demonstrated a willingness to compromise on their demands. Councilor Shannon suggested that in the future, findings around executive session be published in the recommended actions section on BoardDocs so that they are easier to access.

**MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Mason, that the Council shall post in its 'recommended action' on BoardDocs the findings for going into executive session and who will be included in the executive session.**

**DISCUSSION OF AMENDMENT:**

- Councilor Shannon clarified that this amendment is meant to address point #4 of City Attorney Blackwood's recommended cure.
- Councilor Hightower expressed concern about adopting the proposed amendment at this meeting, as she thinks further planning is needed around how to implement it.



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**VOTING ON AMENDMENT (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); motion carries.**

**DISCUSSION OF MOTION AS AMENDED:**

- Councilor Mason suggested that the Council release the names, titles, and affiliations of the three members of the public who were invited into executive session. [Note from recording secretary: they were previously identified in the minutes from September 8, 2020 as Jess Laporte, Zanevia Wilcox, and Isabella Canete.]
- Councilor Stromberg noted that the speakers identified as BIPOC community members, not necessarily leaders or figures in leadership positions in the movement.

**VOTING ON MOTION AS AMENDED: unanimous; motion carries.**

6.06 Resolution: Restoration Of Rainforest Mural (Board of Finance)

This item was moved to the consent agenda.

**7. COMMITTEE REPORTS**

7.01 Verbal Reports

None at this time.

**8. CITY COUNCIL – GENERAL AFFAIRS**

8.01 Verbal Reports

None at this time.

**9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES**

9.01 Verbal Reports

None at this time.

**10. MAYOR – GENERAL AFFAIRS**



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10.01 Verbal Reports

None at this time.

## **11. ADJOURNMENT**

11.01 Motion to adjourn

**MOTION by Councilor Dieng, SECOND by Councilor Shannon, to adjourn the meeting.**

**VOTING: unanimous; motion carries.**

The City Council meeting adjourned at 11:12 PM.

*RScty: AACoonrad*

