



Regular City Council Meeting - Monday, September 14, 2020, 6:30 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 14, 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

Marc Heath

Jeff Glassberg

Jackie Corbally

Grace Keller

Sarah George

David White

Lee Perry

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 6:32 PM.

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

- **remove from the consent agenda item 5.29 Communication: C/T Office, re: June 15, 2020 Draft Minutes, Local Control Commission Meeting;**
- **remove from the consent agenda item 5.73 Resolution: Easement For Urban Reserve Encroachment By 11 Lakeview Terrace (Councilor Pine)(per Assistant City Attorney Sturtevant);**
- **note revised version of agenda item 6.02 Resolution: An Analysis Of Establishing Overdose Preventing Sites In Burlington (Revised)(Councilors Paul, Tracy, Shannon, Carpenter, Hanson, Stromberg)(per City Attorney's Office);**
- **add Councilors Mason and Paulino as co-sponsors to this agenda item (per Councilors Mason and Paulino);**
- **add Councilor Hightower as a co-sponsor for this agenda item (per Councilor Hightower);**
- **note proposed amendment for this agenda item (per Councilor Hightower);**
- **add Councilor Paulino as a co-sponsor for agenda item 6.06 Resolution: Extending COVID-19 Emergency Order: Limits On Gathering Size And Alcohol Sales (per Councilor Paulino);**
- **add to the agenda item 11.02 Communication: Eileen Blackwood, City Attorney, re: BPD Personnel Matters**



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(verbal)(expected executive session)(per City Council President Tracy);

- **add to the agenda item 11.03 Communication: Eileen Blackwood, City Attorney, re: Seven Days Open Meeting Law Complaint (verbal)(expected executive session)(per City Council President Tracy).**

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Mason, to further amend the agenda to move item 11.03 to item 2.02.

VOTING ON AMENDMENT: unanimous; motion carries.

VOTING ON AGENDA AS AMENDED: unanimous; motion carries.

2. COMMUNICATION: MAYOR WEINBERGER AND CITY ATTORNEY BLACKWOOD, RE: UPDATE ON CITY PLACE (VERBAL)

2.01 Communication: Mayor Weinberger and City Attorney Blackwood, re: Update on CityPlace (verbal)

Mr. Heath provided an update on legal activity around the City Place project, saying that the City notified BTC Mall Associates that they have defaulted on the development agreement and did not receive a reply, that Don Sinex had sent a letter to the City indicating that he would terminate the development agreement and withdraw his DRB permit, that the City then filed a complaint in the Chittenden Superior Court on behalf of the City against BTC Mall Associates and filed a preliminary injunction asking the court to order the developer to fulfill the public improvements in the agreement, and finally that BTC Mall Associates filed their own complaint with the Chittenden Superior court, saying that it had terminated the development agreement and had no further obligation to the City.

Jeff Glassberg also provided an update, saying that the interim restoration on Cherry and Bank Streets has been completed, BTC will need to submit a request by October 1st to extend encumbrances on those streets, and representatives from BTC completed a preapplication meeting with City staff to review process for submission of revised plans for the project. He added that BTC representatives have failed to provide the City with documentation regarding ownership and control of the BTC entity or financial documentation about its proposed project, and that the City is unsure about BTC's financial position and feasibility for the project.

Councilor Dieng asked if the City was aware that BTC would file a complaint with the Chittenden Superior Court. Mr. Heath replied that they gave no indication that they would do so, though filing a complaint or suit is within their rights.

Councilor Carpenter asked for background on BTC Mall Associates. Mr. Heath replied that the lawsuit is against BTC Mall Associates, which is the owner of the property. He added that the managing partner of BTC Mall Associates for the last several years has been Brookfield Associates, which announced this summer that they were withdrawing from the project.





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Councilor Pine asked how the developer could build the public improvements without the private development in the context of the TIF. City Attorney Blackwood replied that the developer made an agreement to perform the public improvements and be reimbursed under TIF as long as certain circumstances and requirements are met, but that due to the delays, the developer may no longer be eligible for TIF reimbursement. Mr. Heath added that the public improvements were always intended to be funded by this project.

Councilor Pine asked whether it would be possible to have a development agreement with other partners even if TIF were lost, and also whether the City could use the City portion of the future growth increment in taxable value to service debt/bonds. Mr. Glassberg replied that this option would generate less revenue, but that it could be a possible option.

Councilor Shannon asked whether it matters who the partners are at the time that the lawsuit is filed, and whether the lawsuit follows those partners. Mr. Heath replied that the lawsuit is against BTC Mall Associates and that they are the receiving entity of the lawsuit. City Attorney Blackwood clarified that no, the suit does not follow the partners if they leave.

Councilor Mason asked about the timeline for mediation. Mr. Heath replied that mediation will occur once basic information has been received, which could be within weeks. Councilor Mason asked about the status of a permit for the Macy's site. Mr. Glassberg replied that permits will be filed for the mall site but not the Macy's site. He added that the developers have not made representations for the potential reuse of that building that include UVMMC.

Councilor Dieng asked whether Mr. Heath would recommend approaching the developer about using the Macy's building for other purposes, if the community expressed a desire to do so. Mr. Heath replied that he would look into that recommendation. Councilor Dieng asked Mr. Glassberg about the other developers who had approached the City and whether they were developers who had formerly worked with Don Sinex and Mr. Glassberg replied that the developers are new developers who have not formerly worked with the City on this project.

Councilor Paulino asked whether the developers' arguments around causes for the delays were related to COVID-19 or quarantine activities, which would lower demand for malls at this time. Mr. Heath replied that the developers' complaints did not include those types of arguments, rather arguing that because construction has not begun, they have the right to back out of the project. Councilor Paulino asked for clarification about the legal definition of construction. Mr. Heath replied that the definition for construction is very broad.

Mayor Weinberger noted that the City is open to meetings with the developer and that the City is open to mediation. He added that prior to any mediation, all information that had previously been requested of the developer should be provided to the City.

2.02 Communication: Eileen Blackwood, City Attorney, re: Seven Days Open Meeting Law Complaint (verbal) *expected



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executive session** WAS AGENDA ITEM 11.03

City Attorney Blackwood provided context for the requirements to address the complaint lodged by Seven Days regarding a violation of open meeting law at the City Council's September 8. She said that if an individual or organization provides written notice of alleged violation of open meeting law, the public body is required to respond publicly to that violation within ten calendar days by either acknowledging the violation and intending to cure it within 14 calendar days, or saying that they have determined that no violation has occurred and no cure is necessary. She added that her recommendation is to go into executive session and be provided legal advice for responding to the allegation prior to responding to it.

MOTION by Councilor Pine, SECOND by Freeman, to find that premature disclosure of the legal advice to the City Council regarding the open meeting law violation complaint would place the City at a substantial disadvantage.

DISCUSSION:

- Councilor Shannon requested City Attorney Blackwood's determination of what the extent of the City's disadvantage might be if this were to be discussed in open meeting, since the discussion is about a violation of open meeting law. City Attorney Blackwood replied legal advice typically gives a client multiple choices for how to proceed and that the Council should be able to consider and discuss those without having that discussion publicly, and that once that discussion takes place, the City Attorney would explain that legal advice in a public meeting. Councilor Shannon said that she thinks the financial liability to the City is minimal and that because this speaks to the public interest, it should be debated in public.
- Councilor Dieng cautioned that this is a potential violation of open meeting law, not a definite violation. He asked if any violation would apply to the entire Council, or just those Councilors who had voted to go into executive session. City Attorney Blackwood replied that the violation would apply to the entire public body but that any misdemeanor charges would require demonstration of an individual intentionally violating the law.
- Councilor Mason said that this is a matter of public interest and that the Council can modify its comments and advice to make the discussion appropriate for a public meeting.
- Councilor Paulino said that the intention of the open meeting law is to rectify situations to allow public access to information.

MOTION by Councilor Shannon, SECOND by Councilor Freeman, to table the finding of need to go into executive session.

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.

City Attorney Blackwood outlined a process for moving forward, saying that the Council must decide whether there was a violation and whether and how to cure it.

Councilor Freeman noted the importance of using executive session sparingly and deliberating in public as much as



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possible.

Councilor Shannon expressed support for obtaining the City Attorney's legal advice in public session. She asked City Attorney Blackwood about the process around curing the violation, should the Council determine that a violation was made. City Attorney Blackwood reviewed the demands from Seven Days, which included release of the names of all parties who attended executive session, how long they participated in the meeting, the topics of conversation discussed, an explanation of how having them testify in public would put the City at a substantial disadvantage, and demanded that the City cease its violations of open meeting law in this manner.

Councilor Hanson said he does not believe open meeting law was violated but welcomes discussion on how the Council can be more discerning in future with regard to the use of executive session, in order to be as transparent a public body as possible.

Councilor Mason said the Council should err on the side of caution with the use of executive session.

MOTION by Councilor Mason, SECOND by Councilor Freeman, that the City Council find that going into executive session and inviting individuals in on September 8 2020, was in violation of open meeting law.

DISCUSSION:

- Councilor Hightower said that the question of a violation is open to interpretation but that restorative actions could be taken to ensure that open meeting law is not violated in future and that the Council can be as transparent as possible.
- Councilor Carpenter said that the individuals invited into question felt that they in good faith thought they had information to share that was appropriate for executive session. She added that the Council may not have ascertained specifically enough whether those individuals had information that was relevant to the personnel decisions in executive session.
- Councilor Mason noted that the Council cannot take curative action unless they find that there was a violation. He also noted that this motion does not require that a cure be determined during this meeting, but within the next fourteen days.
- Councilor Pine noted that the Council's intent during the executive session in question was to limit the scope of the conversation with the invited individuals to a narrow scope, which was made clear to the public and invited individuals. He also said that at the time, the Council believed it was gathering information in a manner appropriate for executive session.
- Councilor Hanson asked the City Attorney whether the Council can act on the cure if they determine that there was no violation. City Attorney Blackwood said that a cure cannot be made if there is no violation to cure, but recommended that the Council propose changes to how they use executive sessions going forward. Councilor Hanson said the Council should work toward more transparency regardless of whether they determine that open meeting law was violated.

MOTION by Councilor Hanson, SECOND by Councilor Shannon, to waive attorney client privilege and hear the





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opinion of the City Attorney in public session.

VOTING: unanimous; motion carries.

CONTINUED DISCUSSION:

- **City Attorney Blackwood provided her legal opinion, stating that the legal standard requires the individuals to have privileged information, but that it is within the discretion of the public body to invite into its executive session persons whose information is needed. She said that the vast majority of provisions within open meeting law and other transparency laws don't talk about the discretion of the public body, but in this case the discretion is given to the public body to make that determination. She added that if it turns out that the information in question was not needed, it is not a violation of open meeting law after the fact. She acknowledged that this is an unusual situation, but that the law allows it.**
- **Councilor Carpenter said that the Council should give Seven Days some of the information requested, whether or not there is a violation. City Attorney Blackwood agreed, saying that information could be provided even if there is not a finding of a violation.**
- **Councilor Mason cautioned that voting against finding there was a violation and then providing a cure may still open the City up to litigation.**
- **Councilor Shannon said she is not comfortable with the idea of inviting individuals into executive session for any reason, saying that it is intended for information that cannot be shared publicly. City Attorney Blackwood said that this law applies to public bodies of all sizes and that other bodies may need this provision more than City Council does in this situation.**

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – nay, 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 – aye (9 ayes, 3 nays); motion carries.

Based on this vote, City Attorney Blackwood will provide City Council with suggestions for a cure on the deliberative agenda on September 21, 2020.

3. PUBLIC FORUM – TIME CERTAIN: 7:30 PM – 9:30 PM

3.01 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:



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- Ashley Laporte spoke about her experience with and treatment by the police growing up in Vermont, noting that they often are taught to act first and ask questions later. She expressed her concern that City leaders will not act to remove violent officers from the department.
- Jess Laporte spoke about the 21 days of active protest against police brutality and racism and the demands of the protesters. She asked the City Council to base their decisions around these issues on fact, legal advice, and also (importantly) act in line with the statement they made that racism is a public health issue.
- Melo Grant spoke about using Rochester, New York as an example of how Burlington could act to remove the violent officers from the Burlington Police Department and urged City Council to examine and make changes to its contract with the police union.
- Karla Salazar spoke about holding the City Council accountable for systemic racism and standing by their statement that racism is a public health crisis. She spoke specifically in support of the Racial Justice Alliance's demands to remove the violent officers from the Burlington Police Department. She also spoke in support of a charter change to grant authority to the City Council to make personnel changes in the police department.
- Mark Hughes spoke about the Racial Justice Alliance educating the community about various areas of systemic racism and continuing its work to support social justice and fomenting change in the community. He additionally spoke about the Racial Justice Alliance's demands to terminate the three violent officers from the Burlington Police Department.
- Dana Keyes-Gibbons spoke in support of demands to terminate officers Corrow, Campbell, and Bellavance because that they have displayed a pattern of violence with just cause, particularly toward Black men. She encouraged the City Council to find a solution to swiftly remove the officers from the BPD.
- Representative Selene Colburn voiced her appreciation and support of the previous public forum speakers and urged the City Council to work through the logistical and legal issues with terminating the officers in question. She also spoke in support of overdose prevention sites, citing a significant increase in overdose fatalities. She suggested that State Attorney Sarah George could be a resource on this issue as a subject matter expert.
- Caitlin La Dolce added her support to the demands calling for the immediate firing of officers Corrow, Campbell, and Bellavance, and urged those Councilors who have not voiced support for firing them to consider supporting steps to do so.
- Infinite Culcleasure thanked the protesters in Battery Park for exposing the complex social, bureaucratic and political components for who is accountable to whom in Burlington. He also requested that City leaders consider setting up a pop-up COVID-19 testing site in Battery Park.
- Sarah Lincoln voiced support for the protesters at Battery Park and demanded that City Council remove the systems that are keeping the violent officers in their jobs at the BPD, saying that the Council is not keeping the community safe, and suggested that the Council work more closely with the Racial Justice Alliance.
- Em Bauer amplified the demands of protesters for the termination of officers Corrow, Campbell, and Bellavance from the Burlington Police Department, saying that they are a threat to the safety of the community. They also said they recognize the legal and financial challenges for doing so, but that dismantling systemic racism requires sacrifice.
- Sylvia Knight applauded the Council's proposal for exploring possibilities to change the City charter to change authority in police matters. She urged the City Council to challenge the concept of qualified immunity for police. She spoke against the firing of the officers in question, saying that it would not help to dismantle systemic racism, rather, she suggested some form of reparative justice.
- Laura Williams called for the resignation of Corrow, Campbell, and Bellavance, and that the release of these three officers doesn't distract from the task of dismantling systemic racism in the City as laid out in the June resolution. She additionally called for a charter change to make the role of dismissing police officers to be a duty not under the sole authority of the police chief, but also of the City Council.
- Danielle Shaw amplified the demands of the Racial Justice Alliance and protesters at Battery Park. She also asked City Council to hold themselves accountable to their own declaration of racism as a public health crisis during this time and urged them to do the work to end racism.



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- Allison Putnam called on the City Council to accede to the demands of the Racial Justice Alliance to remove the violent officers from the police force.
- Denise Casey spoke in favor of the Racial Justice Alliance's demands to terminate the contracts with officers Corrow, Campbell, and Bellavance, saying that the police are public figures and need to act in the public interest, and further supporting the work to make a charter change.
- Jill Allen spoke on behalf of disabled members of every race in the City that need to be protected, citing violence by one of the officers in question against disabled members of the community.
- Joanne Kalisz expressed disappointment for the poor choices made by leaders and the police department in Burlington.
- Alana Redden urged the City Council to help the community hold the Burlington Police Department accountable for their actions.
- Ian Lund urged the City Council to hold the police accountable and fire the violent police officers in the BPD, saying that they have the power to change the rules for the benefit of public health, safety, and welfare. He said the protest movement is about creating a better, more restorative justice system.
- Brian Cina said that the protests at Battery Park are the immune response to the infection of the public health crisis of racism, demanding the termination of the violent officers in the BPD as well as the beginning of a process of healing, restoration, and criminal justice reform.
- Fern Aguda-Brown urged the Mayor and City Council to either terminate or executive a separation agreement with officers Corrow, Campbell, and Bellavance, as well as embarking on the task of dismantling systemic racism in the Burlington community. She additionally urged the City to listen to the BIPOC members of the community.
- Eliza Spaulding spoke in favor of the demands of the Vermont Racial Justice Alliance and the community of protesters in Battery Park, who are doing what they can to ensure that the BIPOC community feels safe in Burlington. She urged the City Council and Mayor to take their demands seriously, said that these are the people who make the community so vibrant, and that the inaction of the Mayor and City Council show that they are valuing money, personal privilege, and the desire for the status quo over Black lives in the community.
- Caroline Hauser spoke in support of the organizers at Battery Park and the Racial Justice Alliance, calling for the termination of officers Corrow, Campbell, and Bellavance, saying that it will be a positive step for the community and progress for the City and police department.
- Karen Flynn spoke in favor of the City Council's framing of racism as a public health emergency and urged officers Corrow, Campbell, and Bellavance to step down, and called on the Mayor and City Council to execute a separation agreement with these officers if they do not.
- Isaac Lee said it is astounding that the City Council and Mayor support the dismantling of systemic racism but have not fired abusive officers Corrow, Campbell, and Bellavance and urged them in the strongest language to do so.
- Mackenzie Marsacci spoke in support of the Racial Justice Alliance demands to remove violent officers Corrow, Campbell, and Bellavance from the BPD. She also addressed safety concerns voiced for those who are at the Battery Park encampment, saying that through mutual aid, the encampment has had 24/7 safety, food, and medical support for the three weeks they have occupied Battery Park.
- Emma Redden urged the City Council to set new precedents and make new rules centered on the rights and safety of Black lives, rather than exist in inaction in the structures that currently exist.
- Liv Numa called for officers Corrow, Campbell, and Bellavance to step down from the police department, additionally calling on the Mayor and City Council to remove the officers at any cost because Black lives matter more than money. She also spoke in support of a charter change to ensure that the role of firing police officers is within the authority of City Council and not just the chief of police.
- Rosalie LaCroix called for officers Corrow, Campbell, and Bellavance to step down from their role in the police department, as well as voiced support for the above-mentioned charter change, and called on the Council to remove the violent officers at any cost.
- Eliza Fehrs spoke in support of the demands of the protestors in Battery Park, including firing the abusive officers,



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require the use of body cameras for all police officers and release those videos to the public, and defund the police and reallocate funds to community supports. She also spoke in support of the above-mentioned charter change to give authority to the City Council to fire police officers.

- Alexis Monti spoke in support of the Black Lives Matter movement and calls to fire abusive officers Corrow, Campbell, and Bellavance. She additionally spoke in support of ranked-choice voting on the March ballot.
- Stephi Drago spoke in support of the demands to fire officers Corrow, Campbell, and Bellavance, and called on the Mayor to ensure that the justifiable termination of those officers does not distract from the bigger issue of dismantling systemic racism in the City of Burlington. She also urged the City Council to make the charter change that would ensure that the authority to fire police officers not solely reside with the chief of police.
- Lea Terhune spoke in support of the protesters at Battery Park. She also noted how incredible it is that three police chiefs resigned over issues with social media and yet three police officers with violent track records have remained on the payroll of the Burlington Police Department.
- Marcia Johnson voiced support for the protesters at Battery Park and called for the resignation or termination of officers Corrow, Campbell, and Bellavance. She called on the City Council to remove the officers no matter the cost, and urged the Mayor to use every tool available to ensure that this issue does not distract from the bigger issue of dismantling systemic racism in Burlington.
- Alexander Lavin expressed support for ranked-choice voting, saying that it only enhances democracy. He also noted that the Black Lives Matter movement is not a marginal movement and is not going away.
- Alexandra Karambelas spoke in favor of the demands to remove the violent officers in question from the Burlington Police Department, saying that police officers should not have more legal protections than the rest of the citizenry.
- Tom Proctor spoke in favor of the protests occurring in Battery Park, in favor of overdose prevention sites, and in favor of ranked-choice voting.
- D. Bouchard urged City Councilors to support making laws to protect Black lives and for a charter change to give the Council the authority to fire police officers.
- Hazel Civalier called for the resignation of officers Corrow, Campbell, and Bellavance, and urged the City to execute a separation agreement with the officers to ensure the safety of the community and to allow the City and BPD to dismantle systemic racism in Burlington.
- Carter Neubieser spoke in support of the demands of the Racial Justice Alliance and Battery Park protests, in addition to ranked-choice voting and overdose prevention sites, which are included in resolutions up for consideration by the Council tonight.
- Kate Seitz spoke in favor of the Racial Justice Alliance demands to fire the abusive officers from the BPD in order to ensure the safety of the Burlington community.
- Jimmy Martucci spoke in support of the Battery Park protesters and urged Councilors to visit the encampment if they have not yet done so.
- Adria Suhr called for the firing of officers Corrow, Campbell, and Bellavance from the Burlington Police Department, urging the Council to enact measures that will ensure the safety of Black community members.
- TJ Jemison spoke in support of ranked-choice voting and said that though he supports the resignation of the violent officers at the Burlington Police Department, he does not support expending additional funds to try and fire them because it distracts from the issue of systemic racism.
- Grace Monti spoke in support of ranked-choice voting because it increases democracy. She additionally spoke in support of the Racial Justice Alliance and the protests in Battery Park and called for the resignation of officers Corrow, Campbell, and Bellavance.
- Emily Tardie spoke in support of the Racial Justice Alliance's demands to remove the violent officers from the police officers and not allow them to hold officer positions elsewhere in Chittenden County.
- Wyatt Luce spoke in support of removing officers Corrow, Campbell, and Bellavance from the police force, and also cautioned Councilors not to waste current momentum in the movement to dismantle racist systems by delaying a decision on this first step, adding that it is crucial to keep the movement going forward and prevent the community



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from getting burnt out with current protests.

- Jessica Shevitz-Rausch spoke in support of police reform, racial justice, and the protest movement in Battery Park. She specifically called for the removal of violent officers Corrow, Campbell, and Bellavance at any cost.
- Jimmy Leas spoke in favor of the removal of officers Corrow, Campbell, and Bellavance, saying that their treatment by the City represents qualified impunity. He added that as a signatory on the police union contract, the Mayor has the power to address the wrongs in it and make changes to it.
- Laura Waters spoke about the DRB approval of the Burton Higher Ground conditional use permit and expressed concern about traffic and road conditions leading to this venue. She noted that there are state and local requirements for bike/walk safety and sustainable transportation that should have been included in the permit approval conditions.
- Kate Lapp spoke on behalf of VPIRG to support ranked-choice voting, saying that it has proven effective in improving democracy and choice.
- Michelle Lavigne spoke about the disruptive nature of the protests in Battery Park and her experience in feeling unsafe there.

Forum closed at 9:30 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

No discussion at this time.

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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 2020 Regular City Council Meeting.

5.08 Communication: C/T Office, re: February 18, 2020 Local Control Commission Meeting - waive the reading, accept the



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communication, place it on file and adopt the minutes at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 2020 Regular City Council Meeting.

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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 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 at the September 21, 2020 Regular City Council Meeting.
- 5.29 Communication: C/T Office, re: June 15, 2020 Draft Minutes, Local Control Commission Meeting *material to be posted later
- 5.30 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 at the September 21, 2020 Regular City Council Meeting.
- 5.31 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 at the September 21, 2020 Regular City Council Meeting.
- 5.32 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 at the September 21, 2020 Regular City Council Meeting.
- 5.33 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 at the September 21, 2020 Regular City Council Meeting.
- 5.34 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 at the September 21, 2020 Regular City Council Meeting.
- 5.35 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 at the September 21, 2020 Regular City Council Meeting.
- 5.36 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 at the September 21, 2020 Regular City Council Meeting.
- 5.37 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 at the September 21, 2020 Regular City Council Meeting.
- 5.38 Communication: C/T Office, re: July 13, 2020 Draft Minutes, Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes at the September 21, 2020 Regular City Council Meeting.
- 5.39 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 at the September 21, 2020 Regular City Council Meeting.
- 5.40 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 at the September 21, 2020 Regular City Council Meeting.



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5.41 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 at the September 21, 2020 Regular City Council Meeting.

5.42 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 at the September 21, 2020 Regular City Council Meeting.

5.43 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 at the September 21, 2020 Regular City Council Meeting.

5.44 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 at the September 21, 2020 Regular City Council Meeting.

5.45 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 at the September 21, 2020 Regular City Council Meeting.

5.46 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 at the September 21, 2020 Regular City Council Meeting.

5.47 Communication: Ulrich Friese, re: Camping - waive the reading, accept the communication and place it on file.

5.48 Communication: Scott Anderson, re: Protesters in streets - waive the reading, accept the communication and place it on file.

5.49 Communication: Max Gailey, re: Our Demands for the Burlington Police Department - waive the reading, accept the communication and place it on file.

5.50 Communication: Emma Cripps, re: Concerning the employment of Jason Bellavance, Cory Campbell, and Joseph Corrow by the Burlington Police Department - waive the reading, accept the communication and place it on file.

5.51 Communication: Fosca Bechthold, re: BPD Accountability - waive the reading, accept the communication and place it on file.

5.52 Communication: Molly Hetzel, re: BPD Accountability - waive the reading, accept the communication and place it on file.

5.53 Communication: Jane Krohn, re: BPD accountability - waive the reading, accept the communication and place it on file.

5.54 Communication: Anna Dolen, re: Please act on the safety of the community - waive the reading, accept the communication and place it on file.

5.55 Communication: Maggie Chadwell, re: Re: Fire Bellavance, Campbell and Corrow NOW - waive the reading, accept the communication and place it on file.

5.56 Communication: Joe Benning, re: Fire Bellavance, Campbell and Corrow NOW - waive the reading, accept the communication and place it on file.

5.57 Communication: Liv Datre, re: Call for Termination of BPD Officers Bellavance, Campbell, & Corrow - waive the reading, accept the communication and place it on file.

5.58 Communication: Brooke Van Buiten, re: Fire Officers Jason Bellavance, Cory Campbell and Joseph Corrow - waive the



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reading, accept the communication and place it on file.

5.59 Communication: Steven Goodkind, re: City Council Oversight Of BTC Issues 8/23/20 - waive the reading, accept the communication and place it on file.

5.60 Communication: Weiwei Wang, Member, BRV, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days, and send a letter of appreciation to Weiwei Wang thanking her for her time served on the Board of Registration for Voters.

5.61 Communication: Mark Hughes, Member, Police Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Mark Hughes thanking him for his time served as a Member of the Police Commission.

5.62 Communication: Cathy Davis, Lake Champlain Chamber of Commerce, Charlie Baker, Chittenden Regional Planning Commission, Kelly Devine, Burlington Business Association, Kelly Stoddard Poor, AARP Vermont and Sandy Thibault, CATMA, re: Parking minimums - waive the reading, accept the communication and place it on file.

5.63 Communication: Mary Danko, Library Director, Lynn Reagan, HR Manager and Team Lead, Tony Berry, HR Manager, re: Reclassification of Reference & Cataloging Librarian - approve the reclassification of the Reference & Cataloging Librarian, Fletcher Free Library, a Regular, Full-time, Exempt, AFSCME, Grade 18, position to a Regular, Full-time, Exempt, AFSCME, Grade 17, position.

5.64 Communication: Darren Springer, General Manager, Munir Kasti, COO and Manager of Utility Services and Engineering, James Gibbons, Director of Policy & Planning, BED, re: License Agreement for Solar Research Center at McNeil - approve licensing the use of space at the McNeil Generating Station for a term of 5 years for the purpose of constructing and operating a solar research center in partnership with University of Vermont, and to authorize the General Manager of BED to execute any documents necessary for the license of use of the space at McNeil for the solar research center subject to final review by the City Attorney's Office.

5.65 Communication: Madeline Suender, Associate Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, Susan Molzon, PE, Senior Public Works Engineer, DPW, re: Authorization of Budget Amendment for CY20 Sidewalk Reconstruction Program - 1. To authorize a budget amendment to carry forward FY20 Capital funds to FY21 to be available for the construction contract with SD Ireland Brothers Corporation for the CY20 Sidewalk Reconstruction Program in the amount of \$106,579. 2. To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the referenced funding sources as needed to pay the project expenses in FY21.

5.66 Communication: Laura Wheelock, PE, Senior Public Works Engineer, DPW, re: Authorization for the FY21 Budget and to Amend the CY20 Paving Contract - 1. "To authorize the Director of Public Works to execute an amendment to the CY20 Street Reconstruction Contract with S.D. Ireland Brothers Corp to increase the maximum limiting amount by \$40,000.00, raising the total maximum limit amount to \$1,980,298.00, for additional water patch repairs, 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 approve the FY21 Project Budget for the CY20 Street Reconstruction Contract with S.D. Ireland Brothers Corp with the total maximum limiting amount of \$1,980,298.00, with \$1,867,377.11 of that contract appropriated to FY21." 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."

5.67 Communication: Darren Springer, General Manager, BED, re: Decarbonization and Electrification of Buildings Resolution - waive the reading, accept the communication and place it on file.

5.68 Communication: Lee Perry, Assistant Director DPW Maintenance Division, Deryk Roach, Superintendent of Parks





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Maintenance and Operations, Parks, Recreation and Waterfront, re: Parks, Public Buildings, and Downtown Trash Receptacles - approve and authorize the execution of a contract with Victor Stanley Receptacles for a price not to exceed \$97,955, plus a project contingency of \$6,811 and to authorize Cindi Wight, Director of Parks and Recreation and Chapin Spencer, Director of Public Works to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

5.69 Communication: Mary Ann Ficociello, re: Protesting in Battery Park - waive the reading, accept the communication and place it on file.

5.70 FIO Documents – for information only.

5.71 Resolution: Approval Of Third Agreement With Burlington Business Association Re Downtown Parking And Transportation Management (Board of Finance) - waive the reading and adopt the resolution.

5.72 Resolution: Approval Of Amendment No. 15 To Wood Fuel Transportation Agreement Between New England Central Railroad And Burlington Electric Department (Board of Finance) - waive the reading and adopt the resolution.

5.73 Resolution: Easement For Urban Reserve Encroachment By 11 Lakeview Terrace (Councilor Pine) *material to be posted later **AGENDA ITEM REMOVED** - 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 5.01-5.72.

VOTING: unanimous; motion carries.

MOTION by Councilor Hightower, SECOND by Councilor Shannon, to suspend the rules to complete agenda items 6.01-6.07 and items 11.01-11.02.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Presentation: Mayor's Office, Jackie Corbally and Grace Keller, re: Update on Administration's Opioid Crisis Efforts

Mayor Weinberger first provided history on Burlington's opioid response policies, including CommunityStat, a collaborative effort in Chittenden County that includes a number of state and local organizations across numerous sectors. He outlined the principles of CommunityStat, which include timely and accurate information and intelligence, effective tactics and strategies, rapid deployment of resources, and relentless follow-up and assessment. He outlined top successes of CommunityStat, which included a contribution to the elimination of the Hub waiting list, a reduction in overprescribing opioids, and adding nodes to the Hub & Spoke network.

Grace Keller from the Howard Center spoke about data from the Safe Recovery Low Barrier Buprenorphine Program. She noted that the program focused on immediate access for clients that the traditional treatment system could not engage or retain, and that the goal is to stabilize the client and help them engage with a Spoke. She noted that the program has



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treated 215 people since October of 2018.

Mayor Weinberger noted a 50% reduction in fatal overdoses from opioids in Chittenden County from 2017 to 2018 which was maintained through 2019, but he then noted an increase in fatalities in 2020.

Mayor Weinberger outlined next steps and future activities, including a focus on retaining patients in Medically-Assisted Treatment (MAT) programs, increasing the use of telemedicine and telehealth strategies, more follow-up with individuals who come into contact with law enforcement and screen positive for opioid use, further consideration of safe consumption (injection) facilities, and increased communication of data and collaboration with the State Attorney's office.

Councilor Paul thanked Jackie Corbally, Grace Keller, and State Attorney Sarah George for their contribution to addressing the opioid crisis.

6.02 Resolution: An Analysis Of Establishing Overdose Prevention Sites In Burlington (Councilors Paul, Tracy, Shannon, Carpenter, Hanson, Stromberg)

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

DISCUSSION:

- Councilor Paul said that overdose prevention sites are a proven approach to reducing overdoses and are considered a normal and common response to the opioid epidemic in other countries. She noted parallels with syringe exchange programs, which were viewed as radical when they were first developed, though they have been proven to be effective harm reduction methods. She noted that the resolution asks the City Attorney to conduct a legal analysis of laws, statutes, and regulatory frameworks, and identifying any legal barriers for establishing an overdose prevention site. She said that it additionally shows the Council's support for the establishment of such a site, when possible.
- Councilor Hanson asked for some background information on the use of mobile safe injection sites. Ms. Keller replied that mobile safe injection sites are used in some cities where access to traditional safe injection sites is an issue and further that other countries have successfully been able to use mobile safe injection sites. Councilor Hanson asked why provisions for mobile safe injection sites were not included in the resolution. Councilor Paul replied that the language doesn't preclude looking at mobile sites, but that the need for a safe injection site in Burlington is in a geographically concentrated area where a stationary unit makes sense.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Stromberg, to amend line 60 to read "in consultation with Howard Center/Safe Recovery as well as the Joint Committee's participatory process led by the Community Facilitator on Public Safety (a consultant), work together to formulate an overall schematic and..."

DISCUSSION:





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- **Councilor Dieng spoke in support of making the resolution more inclusive of public feedback and involvement from the public.**

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Paul, to amend line 62 add "educational needs" after budget needs.

VOTING: unanimous; motion carries.

VOTING ON RESULTION AS AMENDED: unanimous; motion carries

6.03 Public Hearing Regarding ZA-20-04 Minimum Parking Requirements

City Council President Tracy opened the public hearing.

PO Murphy spoke in support for the proposed elimination of minimum parking requirements and the introduction of new requirements to support more sustainable transportation options among tenants and employees. He thanked Mayor Weinberger for his initiative to implement some of these changes. He added that these changes provide a solid foundation for a longer-term, more sustainable, more equitable mobility plan for the city.

City Council President Tracy closed the public hearing.

6.04 Ordinance: Comprehensive Development Ordinance - Minimum Parking Requirements ZA #20-04 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

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

DISCUSSION:

- **Councilor Mason noted this as an outgrowth of the housing summit that occurred in 2019, and thanked staff, the Ordinance Committee, and interested stakeholders during the public hearing process.**
- **Councilor Hanson stressed that this ordinance is an important climate initiative, since transportation is the number one source of emissions.**



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VOTING: unanimous; motion carries.

6.05 Ordinance: Burlington Code of Ordinances - Solid Waste Increasing the Solid Waste Generation Tax for Fiscal Year 2021 (Board of Finance, Department of Public Works)

MOTION by Councilor Pine, SECOND by Councilor Dieng, to vote to suspend the rules and place the attached corrected amendment to Chapter 14 § 14(2)(b) in all stages of passage, to reflect that the FY21 solid waste generation tax rate be retroactively applied to July 1, 2020.

DISCUSSION:

- **Councilor Pine noted that this is an administrative requirement that would allow the City to retroactively apply the solid waste generation tax back to July 1, 2020.**

VOTING: unanimous; motion carries.

6.06 Resolution: Extending COVID-19 Emergency Order: Limits On Gathering Size And Alcohol Sales (Councilor Mason)

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

DISCUSSION:

- **Councilor Mason noted that this seeks to extend the order that was put in place on August 20, 2020 on restricting hours of operations for bars and restaurants until October 5, 2020, at which time the consideration to further extend the order will be reviewed.**

VOTING: unanimous; motion carries.

6.07 Resolution: Resumption Of Amtrak Service To Vermont (Councilors Hanson, Stromberg, Shannon, Paul, Carpenter & Tracy)

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

DISCUSSION:

- **Councilor Hanson explained that Amtrak suspended service due to COVID-19 in March, but that in the months since then, Amtrak has developed safety protocols and other states have resumed Amtrak services.**



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He noted that Amtrak is willing to resume service in Vermont, and that VTrans is also looking to move forward with the resumption of Amtrak services.

VOTING: unanimous; motion carries.

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

No discussion at this time.

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

10.01 Verbal Reports

None at this time.

11. COMMUNICATION: EILEEN BLACKWOOD, CITY ATTORNEY, RE: PENDING LITIGATION REGARDING MELI V. CITY CASE (VERBAL); BPD PERSONNEL MATTERS (VERBAL); SEVEN DAYS OPEN MEETING LAW COMPLAINT (VERBAL) ** EXPECTED EXECUTIVE SESSIONS **

11.01 Communication: Eileen Blackwood, City Attorney, re: Pending Litigation regarding Meli v. City Case (verbal)

expected executive session





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City Attorney Blackwood noted that she would like to enter into executive session to discuss strategy around pending litigation which would include details that if prematurely disclosed would put the City at a substantial disadvantage during litigation.

MOTION by Councilor Freeman, SECOND by Councilor Mason, that the City Council find the necessity to enter into executive session to discuss pending litigation and personnel matters, the premature disclosure of which would put the City at a substantial disadvantage per 1 VSA 313(1)(e) and 313(1)(f).

VOTING: unanimous; motion carries.

MOTION by Councilor Freeman, SECOND by Councilor Stromberg, to enter into executive session to discuss current pending litigation involving the Meli case, the premature disclosure of which would place the City at a substantial disadvantage, to include City Attorney Blackwood, Mayor's Office staff pertinent to the discussion, and Director Green.

VOTING: unanimous; motion carries.

11.02 Communication: Eileen Blackwood, City Attorney, re: BPD Personnel Matters (verbal) **expected executive session**

City Attorney Blackwood proposed that the City Council enter into executive session to discuss legal advice as well as discuss potential contract issues related to the employment and discipline of the three police officers. She noted that the Council has already discussed how to respond to some of the demands from protesters but would like to provide legal advice, premature of disclosure of that to the public would disadvantage the City in discussions with those employees.

MOTION by Councilor Freeman, SECOND by Councilor Pine, that the City Council find the necessity to enter into executive session to provide legal advice and discuss the City's position based on contractual issues and employee discipline matters, the premature disclosure of which would put the City at a substantial disadvantage per 1 VSA 313(1)(a), 313(1)(f), and 313(4).

VOTING: unanimous; motion carries.

MOTION by Councilor Freeman, SECOND by Councilor Pine, to enter into executive session to discuss contractual issues and employee discipline matters, the premature disclosure of which would place the City at a substantial disadvantage, to include City Attorney Blackwood, Mayor's Office staff pertinent to the discussion, Chief of Police Murad, and Director Green.





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VOTING: unanimous; motion carries.

11.03 Communication: Eileen Blackwood, City Attorney, re: Seven Days Open Meeting Law Complaint (verbal) *expected executive session**

This is now agenda item 2.02.

12. ADJOURNMENT

12.01 Motion to adjourn

The City Council meeting entered into executive session and subsequently adjourned at 1:29 AM.

RScty: AACoonrad