



Regular City Council Meeting - Monday, August 10, 2020, 6:00 pm.
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BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

August 10, 2020

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Franklin Paulino

Perri Freeman

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Eileen Blackwood

Olivia LaVecchia

Jordan Redell

Chapin Spencer



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Lori Olberg

Amy Bovee

David White

Wendy Koning

Gail Champnois

Joe Speidel

Laura Wheelock

Sandy Yusen

Katherine Birrow

Tyeastia Green

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 6:08 PM.

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

- add Champlain College to agenda item 7.02 (per City Council President Tracy per Councilor Paul);
- note revised version of agenda item 7.06 Resolution: Establishing A Task Force To Study A Proposal For Reparations And To Consider A City Apology For The Institution Of Slavery (Councilors Freeman, Hightower, Stromberg, Tracy, Hanson, Pine)(per Councilor Freeman);
- add to the agenda item 7.10 Outdoor Entertainment Permit Application (2020-2021): Nectar's, 188 Main Street

VOTING: unanimous; motion carries.

2. COMMUNICATION: MAYOR WEINBERGER, RE: CITYPLACE UPDATE **expected executive session** 6:00 pm

2.01 Communication: Mayor Weinberger, re: CityPlace Update **expected executive session** 6:00 pm





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Jeff Glassberg provided an update on the CityPlace project. Mr. Glassberg said that representatives of Devonwood Investors have reached out to the City for engagement and discussions without Brookfield. He also said that there has been interest in the site from third parties, including from experienced national firms. He said that while the City does not own the site, the expression of interest from others is a positive sign, and that the development opportunity within Burlington's downtown is still attractive for a range of for-profit and not-for-profit developers. He additionally said that Brookfield has not responded to the July 18, 2020 default letter from the City, and that nor have there been further discussions from the City and Brookfield. He also noted a Wall Street Journal article about Brookfield's failure to develop old malls. He also spoke on the restoration of Bank and Cherry Streets, and that the work will result in additional on-street parking on Bank Street and full-width sidewalks on both Bank and Cherry Street.

Councilor Pine asked for clarification about the jurisdiction for the private portion of this property and he stressed the importance of providing clarity about the City's role in the project. Mr. Glassberg replied that the City could play a role in finding the appropriate team to move forward with the site.

Councilor Pine said that Burlington's constituents need to be provided with a clear path forward that is inclusive and transparent, and that the Council and City should work to achieve that in the near future. Mayor Weinberger agreed, and said that the executive session does involve robust legal action so that the City can have a unified position. He also added that the clear nonperformance of the developers and two years of forbearance will give the City a role in this disposition of what happens moving forward.

MOTION by Councilor Pine, SECOND by Freeman, that the City Council find the need to enter into executive session to discuss legal issues involving the CityPlace project, the premature disclosure of which could place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Pine, SECOND by Councilor Freeman, to enter into executive session to discuss potential litigation around City Place, the premature disclosure of which could place the City at a substantial disadvantage, to include City Attorney Blackwood, Mayor's Office staff, Mr. Farkas, and Mr. Glassberg.

VOTING: unanimous; motion carries.

MOTION by Councilor Pine, SECOND by Councilor Freeman, that the City Council find the need 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.



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VOTING: unanimous; motion carries.

MOTION by Councilor Pine, SECOND by Councilor Freeman, 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, CAO Schad, and Director Green.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:24 PM.

The City Council exited executive session and returned to public forum at 7:40 PM.

3. COMMUNICATION: CITY ATTORNEY BLACKWOOD, RE: UPDATE ON MELI V CITY LITIGATION **expected executive session**

3.01 Communication: City Attorney Blackwood, re Update on Meli v City Litigation **expected executive session**

4. PUBLIC FORUM

4.01 Verbal Comments

Forum opened at 7:40 PM.

COMMENTS:

- Ashley Laporte spoke to support the Racial Justice Alliance's call to pass the reparations resolution. She said that establishing a reparations task force is a vital next step in the process of continuing to center BIPOC lives in the community.
- Jess Laporte said that the reparations resolution is an opportunity for Burlington to gather and listen to the BIPOC community and consider an apology and action around that apology, and said that the most effective way for that to occur would be to establish a task force to take action.
- Harmony Edosowon said that a reparations taskforce is imperative, and so is an apology to the Black residents of Vermont for the way Burlington has been complacent in the face of white supremacy in its institutions.
- Jabari Jones voiced support for the Racial Justice Alliance's call to pass a reparations resolution in Burlington to form a task force and provide recommendations for moving forward.



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- Mark Hughes spoke in favor of the reparations resolution and provided a summary of the history around reparations bills in the legislature.
- Christine Hughes spoke on the reparations bill, and said she is encouraged by the City Council's considering it.
- Infinite Culcleasure thanked the Racial Justice Alliance for their work to support reparations. He also urged City Council to override the Mayor's veto on the ballot resolution.
- Arnold Thomas spoke in support of the reparations resolution to establish a reparations taskforce. He said that allowing the task force to exist allows the BIPOC community to have a voice that has often been denied to them and access to creating a vision for their future.
- Arima Menard spoke in support of the reparations resolution.
- Amanda Moran spoke in support of the passage of the reparations resolution, saying that the taskforce will provide the City with a recommendation on reparation and legislation to address gaps in wealth, homeownership, and other aspects of life for the BIPOC community.
- Brian Cina urged the City Council to pass the reparations resolution, adding that slavery still exists in the form of systemic racism, and that Burlington needs to take accountability for history and acknowledge the harm that it has caused, and plan for a future that dismantles systemic racism.
- Estefania Puerta spoke in support of the reparations resolution, saying that Burlington could become a model for the state and the rest of the country through this work.
- FaRied Munarsyah spoke in support of having a ballot item on just cause eviction, adding that the BIPOC community is the most vulnerable to evictions at this time.
- Sara Sciortino spoke to support the passage of a reparations resolution and spoke against the Mayor's veto of the ranked-choice voting resolution.
- Dana Keyes-Gibbons spoke in support of the passage of a reparations resolution, saying that this work must begin for the city to consider an apology and reparations for the role that Burlington has played in chattel slavery. She also urged City Council to overturn the Mayor's veto of the ranked-choice voting resolution.
- Ian McHale spoke in support of passing a reparations resolution in Burlington, saying that creating this task force will help continue the momentum and next steps forward in the RJA's Operation Phoenix Rise.
- Lydia Kern spoke in support of the RJA's call to pass a reparations resolution.
- Julie Terman spoke in support of the people of color who have spoken, and urged the City Council to listen to their call to pass a reparations resolution.
- Lilla Fortunoff spoke in support of the reparations resolution, echoing the voices of the people of color who have called for the passage of this resolution.
- Diane Bensel said that the City needs to do the necessary work to support its BIPOC community members and that she supports the RJA's Phoenix Rise and the call to pass a reparations resolution in Burlington.
- Leah Dollar voiced her support for the creation of a reparations task force through the reparations resolution up for a vote at tonight's meeting.
- Hannah Brislin echoed the demands of the RJA to pass a resolution to form a task force to research and provide the City with recommendations on reparations and an apology for the role that Burlington has played in slavery. She also called for the City to veto Mayor Weinberger's veto of the ranked-choice voting resolution. She also called for protection against eviction for Burlington's most vulnerable populations.
- CD Mattison called for the formation of a task force to issue recommendations to the City around reparations, through the resolution up for consideration at tonight's meeting. They also said that this country should adopt approaches such as those in Germany and South Africa so that generational healing can take place.
- Dan Kirk echoed support for the RJA's call to pass a reparations resolution in Burlington, to help implement real solution for the BIPOC community in the City. He said that this should be an easy decision, that none of the promises made upon ending legal slavery were ever fully kept, and that we need to begin to right those wrongs.
- Danielle Shaw voiced her support for the leadership and the work done by the RJA to help pass a reparations bill in Burlington; she also voiced her disappointment that this change isn't coming from within the City or City Council.



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She also expressed disappointment with the Mayor's veto of the ranked-choice voting resolution, saying that election reform is a racial issue.

- Carol Pfeiffer called for the passage of the reparations resolution, saying that this would begin to realize the initiatives set forth in the racial justice resolution passed in June.
- Ian Pfeiffer spoke in favor of the reparations resolution up for consideration tonight, insisting that any reparation work needs to be centered on the BIPOC community.
- Lillian Traviato spoke in support of the reparations resolution to form a reparations task force.
- Christie Delphia spoke about the Mayor's veto, saying that it isn't about ranked-choice voting or money, but rather is about taking away the democratic right to vote for housing reform and just-cause evictions. She insisted that the City Council override the Mayor's veto and allow the ballots to be printed.
- Kate Lapp stressed the importance of supporting the ranked-choice voting resolution. She acknowledged that there are concerns about the monetary resources needed to make this change but said that the resolution addresses fundamental questions about how to elect leaders.
- Ezra Steinfeld spoke in favor of the reparations resolution and the formation of a reparations task force.
- Steven Margolin spoke in support of the RJA and the reparations resolution to support the BIPOC community in Burlington.
- Lillian Vinson spoke in support of the RJA and that Burlington needs to form a reparations task force to provide the City with recommendations on what kinds of reparations need to be considered. She also urged the City Council to overturn to Mayor's veto on the ranked-choice voting resolution.
- Hannah Sorkow spoke to support the RJA and its call to pass a reparations resolution in Burlington.
- Willoughby Carlo spoke in support of a task force to begin conversations and research into reparations for Burlington and in Vermont. She emphasized the importance of beginning the work to right historic wrongs done to the BIPOC community.
- Alexander Lavin spoke about the Mayor's recent veto of the ranked-choice voting resolution. He said that he has admired some of the executive actions taken by the Mayor in the past but cannot support this current action. He expressed concern that there are political motives behind the veto.
- Abby German said that Vermont should lead the nation and take these steps toward reparation, and the resolution tonight would be a starting point for this to occur in Burlington.
- Lucy German echoed the sentiments of other public forum callers, calling for City Council to pass the reparations resolution.
- Anna Stevens voiced her support and gratitude to the RJA and uplifted their call to pass a reparations resolution in Burlington.
- Alexandra Sullivan spoke in support of the RJA's work and called for City Council to pass a resolution to begin the work of reparation and apology to the BIPOC community.
- Aleya Feinberg voiced support for the RJA and asked City Council to pass a reparations resolution in Burlington as well as issue an apology for Burlington's role in institutional slavery and white supremacy. She also called on the Council to overturn Mayor Weinberger's veto of ranked-choice voting resolution.
- Marcie Gallagher spoke against the Mayor's veto of the ranked-choice voting resolution. She also spoke against the Mayor's veto of the ranked-choice voting measure.
- Thaya Zalewski spoke to support the reparations resolution and its creation of a reparations task force. She also urged City Council to heed the words of BIPOC community members and reflect on Burlington's role in chattel slavery, as well as override the Mayor's veto of the ranked-choice voting resolution.
- Tom Proctor spoke against the Mayor's veto of the ranked-choice voting resolution, saying that the veto isn't just about ranked-choice voting but also about just-cause evictions. He cited the Mayor's reasons as spurious, and that it illustrates his position against fair housing practices.
- Maisie Wormser spoke in support of the reparations resolution and urged City Council to pass it.
- Nick Cavanaugh thanked the RJA for their leadership and work and called on the City Council to support and pass



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the reparations resolution. He also spoke in opposition of the Mayor's veto of the ranked-choice voting resolution and called on the Council to override it.

- Joe O'Brien spoke in support of the reparations resolution. He also called on the Council to override the Mayor's veto of the ranked-choice voting measure, saying that they need to reject his attempt to position himself as the decider on the issue of ranked-choice voting.
- Paul Bierman spoke about COVID and the return of students to UVM's campus. He noted that many students are not wearing masks, are having parties, and that UVM is not enforcing or cannot enforce off-campus measures. He expressed concern about infection increases and potential ensuing shutdown of Burlington. He urged the City Council to take action to protect public health of Burlington citizens if UVM will not step up and enforce social distancing measures for its off-campus students.
- Kristen Vrancken spoke against the veto of the ranked-choice voting initiative.
- Selene Colburn spoke in favor of the reparations task force initiative and also urged City Council to override the Mayor's veto so that citizens can weigh in on just cause eviction and ranked choice voting in November.
- Katherine Berke spoke in favor of the passage of the reparations resolution, which will help decrease racial disparities in wealth and health.
- Corrine Yonce spoke in support of the reparations resolution, as well as overriding the veto of the ranked-choice voting initiative.
- Lea Terhune spoke about reparative justice. She also expressed concern that people will be evicted without just cause and asked the City Council to help support a just-cause eviction ballot question for the voters to consider in November.
- Barbara Rachelson noted that she has heard from concerned constituents about the return of students to campuses in Burlington, noting that COVID has spread quickly in college towns with returning students. She cited a lack of social distancing and disregard for the City and state's mask mandates. She urged City Council to take action to ensure the protection of the Burlington community.
- Libby Camp spoke in support of the reparations resolution and urged City Council to pass it.
- Ryan Garvey spoke in support of the creation of a reparations task force. He also urged the City Council to overturn the veto of the ranked-choice voting resolution.
- Nate Lantieri spoke in support of the reparations resolution and the formation of a reparations task force. He also spoke about the veto of the ranked-choice voting ballot initiative, saying that this sets an unfortunate precedent for democracy in Burlington.
- Gina Clithero spoke in support of the RJA demands to pass the reparations resolution. She said that this resolution should not be seen as a risky decision for City Council. She also expressed hope that City Councilors push back on the Mayor's veto of the ranked-choice voting ballot initiative.
- Robin Lloyd spoke in support of the reparations resolution.
- Amy Cronin expressed support for the resolution to establish a reparations task force. She said that this shows that the community has a great desire for healing, but that that cannot happen without an acknowledgment of past wrongs and an apology.
- James Martucci spoke in support of the resolution to form a reparations task force, which will begin the difficult work of issuing recommendations to create solutions for the BIPOC community in Burlington.
- Emma Redden said that Burlington needs to do everything in its power to give back what has been stolen from the Black community.
- Stephie Drago spoke in support of the reparations resolution and the establishment of a task force to consider reparations for the City.

Forum closed at 10:10 PM.



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5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

No discussion at this time.

6. CONSENT AGENDA

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

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

6.03 Communication: Mayor Miro Weinberger, re: City Hall Park construction update and tree issue - to accept the communication and ratify the action proposed in it.

6.04 Communication: Letter from Mayor Weinberger to UVM President Garimella regarding planning for safe return of students - waive the reading, accept the communication and place it on file.

6.05 Communication: Stephanie Lusk, re: Mask Resolution - waive the reading, accept the communication and place it on file.

6.06 Communication: Peter Clavelle and Thomas Tremblay, re: Transforming Police Services - waive the reading, accept the communication and place it on file.

6.07 Communication: Elise Marks, re: Mandate - waive the reading, accept the communication and place it on file.

6.08 Communication: Peter Newland, re: The Future of Policing in Burlington - waive the reading, accept the communication and place it on file.

6.09 Communication: Veranda Smartwater, re: Public Health Emergency - waive the reading, accept the communication and place it on file.

6.10 Communication: Sharon Bushor, re: Comments regarding Minimum Parking Requirements ordinance - waive the reading, accept the communication and place it on file.

6.11 Amendment to Outdoor Entertainment Permit Application (2020-2021): American Flatbread - Burlington Hearth, 115 St. Paul Street - approve the amendment to the 2020-2021 Outdoor Entertainment Permit Application for American Flatbread - Burlington Hearth, 115 St. Paul Street, front of the building, everyday, one speaker, 11:30 am - 9:30 pm; note that the outdoor entertainment in the alley will remain as is: 11:30 am - 11:30 pm, every day.

6.12 Communication: Caleb Manna, Excavation Inspector, DPW, re: 131 Main Street - Construction Encumbrance - The Historic Vermont House - to approve the encumbrance application from The Historic Vermont House for a 100' hydraulic lift and sidewalk closure on the East side of Saint Paul Street between Main and King Street to access the roof of 131 Main Street from the date of execution until January 1, 2021 and authorize the Mayor to execute a License Agreement - subject to approval by the City Attorney's Office and substantially similar to the attached - on behalf of the City of Burlington for a term commencing on the date of execution and terminating on January 1, 2021.

6.13 Communication: Chapin Spencer, Director Public Works, Lee Perry, Assistant Director - Fleet Maintenance Division and Martha Keenan, Capital & Asset Management Program Manager, re: Approval to Order and Finance 30 vehicles and equipment - to authorize the Director of Public Works to purchase 30 pieces of equipment for a total value of \$2,300,334





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with lease financing determined by the Clerk/Treasurer's Office at a rate not to exceed 4% for terms of 5 or 10 years, subject to review and approval by the City Attorney.

6.14 Communication: Gene Richards, Director of Aviation, re: Request to Approve Acceptance of FAA Grant Installation of Outdoor Noise Monitoring Equipment and Operations & to execute Associated Contracts for Design, Planning, Construction Services, and Purchasing of Equipment - 1. "To authorize the Director of Aviation to execute an Airport Improvement Program grant with the Federal Aviation Administration and accept up to \$386,032.00, plus \$57,904.80 contingency, for the for the Installation of Outdoor Noise Monitoring Equipment and Operations, subject to the final review and approval by the City Attorney's Office." 2. "To approve a budget neutral amendment for \$443,937 to increase the Airport's grant fund listed budget accounts, as described in affiliated memorandum language." 3. "To authorize the Director of Aviation to execute contracts totaling up to \$354,750.00, plus \$53,212.50 (15%) contingency, for work affiliated with the Outdoor Noise Monitoring Equipment and Operations, specifically, with Jones Payne Group, Inc. for the design, planning, and construction services, and possibly with Jones Payne or another vendor for the purchasing of noise monitoring equipment, subject to final review and approval by the City Attorney's Office."

6.15 Communication: Gene Richards, Director of Aviation, re: Request to Approve Acceptance of FAA Grant for Chamberlin School HVAC Upgrade & to Execute Contract for Related Engineering Services and Construction Oversight - 1. "To authorize the Director of Aviation to execute an Airport Improvement Program grant with the Federal Aviation Administration and accept up to \$3,499,916.00, plus a \$524,987.40 contingency, for the Chamberlin School HVAC Upgrade, subject to the final review and approval by the City Attorney's Office." 2. "To authorize the Director of Aviation to execute a contract with the Jones Payne Group Inc., as part of the Chamberlin School HVAC Upgrade, for engineering design services in the amount of up to \$403,849.00, plus \$60,577.35 (15%) contingency, and for construction oversight in the amount of \$94,231.00, plus \$14,134.65 (15%) contingency, for a combined amount of up to \$498,080.00 in regular spending, plus \$74,712.00 (15%) contingency, subject to final review and approval by the City Attorney's Office."

6.16 Communication: Sophie Sauve, Parks Comprehensive Planner, Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Burlington Greenway Rehabilitation: Maple Street-College Street Realignment - to approve and authorize the execution of a contract with Vanasse, Hangen & Brustlin, Inc., (VHB), for a price not to exceed \$139,810 for the Burlington Greenway Realignment Project, plus a project contingency of \$34,953 for a total of \$174,763 and to authorize Cindi Wight, Director of Parks and Recreation, to execute the amended contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

6.17 Communication: Jon Adams-Kollitz, Parks Project Coordinator, Sophie Sauve, Parks Comprehensive Planner, Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Phase 3a South Bike Path Rehabilitation Construction Contract - to approve and authorize the execution of a contract with Engineers Construction, Inc., for a price not to exceed \$630,826 for the Burlington Bike Path Rehabilitation Phase 3a South Construction Project, plus a project contingency of \$94,625, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

6.18 Communication: Steve Roy, Senior Water Resources Engineer and Mike Schramm, Water Resources Engineer, re: Request for Approval to Execute Contract for Boiler Replacement at Penny Lane Water Treatment Plant - to authorize the Director of Public Works to execute a contract with Hallam-ICS for design/build services for the replacement of the Penny Lane Water Treatment Plant boiler system for up to \$122,478, with an additional \$25,000 in contingency, subject to final review and approval by the City Attorney's Office.

6.19 Communication: Martha Keenan, Capital and Asset Program Manager, Department of Public Works, re: Disposal of Furniture - City Hall & 645 Pine Street - to approve and authorize the Department of Public Works to dispose of furniture valued at less than \$2,000 from various City facilities and currently stored in storage units and to donate such furniture to ReSource or a similar waste diversion entity on behalf of the City of Burlington.



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6.20 Communication: Chapin Spencer, Director of Public Works and Norm Baldwin, P.E., City Engineer/Assistant Director of Public Works, re: Request Authorization to execute property rights acquisition agreement in support of re-establishing St. Paul Street Right of Way between Bank and Cherry Street - to authorize the Mayor to enter into the attached Agreement to Convey Real Property and Grant Easements with Milot 150 Burlington Properties, LLC, subject to the prior review and approval of the City Attorney.

6.21 Communication: Retirement Presentation by Hooker & Holcombe 2019 Actuary Report - waive the reading, accept the communication and place it on file.

6.22 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: FY20-City Wide Purchasing Savings Results - waive the reading, accept the communication and place it on file.

6.23 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: Investment Performance Summary: FYTD 06/30/20 - waive the reading, accept the communication and place it on file.

6.24 Communication: CT Office, re: June 2020 Sweep Report - waive the reading, accept the communication and place it on file.

6.25 Communication: Rich Goodwin, Director Financial Operations, re: \$27MM General Obligations Notes - Financial results - waive the reading, accept the communication and place it on file.

6.26 FIO Documents – for information only.

6.27 Ordinance: Comprehensive Development Ordinance - Front Yard Parking ZA #20-07 (Planning Department, Planning Commission)(1st reading) - waive the reading, consider it a first reading and refer to the Ordinance Committee.

6.28 Ordinance: Comprehensive Development Ordinance - Convalescent Home Lot Coverage & parking ZA #20-08 (Planning Department, Planning Commission)(1st reading) - waive the reading, consider it a first reading and refer to the Ordinance Committee.

6.29 Ordinance: Comprehensive Development Ordinance - 311 North Ave Rezone, parks lot coverage standards, WRM Height Exemption ZA #20-09 (Planning Department, Planning Commission)(1st reading) - waive the reading, consider it a first reading and refer to the Ordinance Committee.

6.30 Resolution: Appointment of Acting Ward Clerks For Wards Five And Six; Acting Inspectors Of Election For Wards Two, Four, Six, Seven And Eight (Councilor Tracy) - waive the reading and adopt the resolution.

6.31 Resolution: Creation of Racial Equity Public Policy & Research Analyst Positions (Board of Finance) - waive the reading and adopt the resolution.

6.32 Resolution: Update To City's Emergency Paid Leave Policy (Board of Finance) - waive the reading and adopt the resolution.

MOTION by Councilor Stromberg, SECOND by Councilor Paulino, to amend/adopt the consent agenda, taking the actions as indicated for items 6.01-6.32.

VOTING: unanimous; motion carries.





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City Council President Tracy recessed the City Council meeting and called the Board of Civil Authority and Local Control Commission to order at 9:56 PM. City Council President Tracy resumed the City Council meeting at 10:04 PM.

7. DELIBERATIVE AGENDA

7.01 Indoor Entertainment Permit Application (2020-2021): Good Trouble, 71 South Union Street #4

MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to approve the 2020-2021 Outdoor Entertainment Permit Application for Good Trouble, 71 South Union Street #4 with the following conditions: complete record checks, contingent upon Fire Marshal approval with all standard conditions.

VOTING: unanimous; motion carries.

7.02 Communication: Joe Speidel and Gail Champnois, re: UVM Update On Fall Reopening; Sandy Yusem, Director of Communications and External Relations and Katherine Birrow, Chief of Staff, re: Champlain College Update on Fall Reopening

Wendy Koning spoke about UVM's on-campus plan regarding students returning amidst the COVID-19 pandemic, which contains actions around de-densification of campus, a comprehensive testing program, quarantine and isolation activities, and off-campus interaction with the community. She said that UVM is offering a stay-at-home option for the fall semester and that 1,400 students so far have opted for this offering, and that visitors to campus will be curtailed for the fall semester. She said that UVM will have a pre-arrival testing program which will be sent to students prior to their return to campus, testing on day 7 of being at campus, and then testing once a week for five weeks. She said that students must follow all state quarantine laws and that a special dormitory space has been set up for those who will quarantine in Vermont, and that an isolation unit with capacity equivalent to 5% of the student population has been set up.

Gail Champnois spoke about off-campus policies and procedures regarding re-opening and COVID. She said that a survey of students has been fielded three times. A good portion of the off-campus population had already moved in in June. 96% of them said they would be living with other UVM students, 94% of them were aware of the quarantine rules, and 63% had made plans with housemates regarding quarantine. Are paying attention to three student groups—those who are doing the right thing, students who are doing the right thing but their guests or roommates are not, and those who are not doing the right thing. Are also working on education and outreach, including signage, tips for dealing with isolation in quarantine, and sending postcards of information and tips.

Joe Speidel added that UVM has been working collaboratively with BPD and code enforcement and expressed appreciation for neighbors who are able to call BPD in the moment and provide as much information as possible to hold students accountable both on and off campus. He also emphasized that there are severe consequences for those who are violating COVID-related rules.



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Sandy Yusen spoke about Champlain College's reopening plans, which will include a mix of in-person and virtual instruction as well as on-campus living for a reduced student population. She said that Champlain's protocols are designed to decrease the risk of COVID-infected students and staff from entering campus, preventing transmission of COVID-19, and to carefully track possible cases within the campus community. The protocols include daily health screenings, testing, contact-tracing, mask policies, disinfecting, quarantine and isolation requirements, travel restrictions, and modification of campus events. She said that the fall semester will begin at the end of August and will run until Thanksgiving on campus, after which time students will return home and classes will be conducted online.

MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

Councilor Hanson asked about whether UVM has plans to create a real-time system to deal with off-campus violations of social distancing, such as large gatherings without masks. He also asked about contingency planning and what level of infection would trigger all-remote learning. Ms. Koning replied that there is not a specific number that would trigger classes moving to all-virtual learning but will work with the Vermont Department of Health and other experts to evaluate infection rates on a weekly basis. Ms. Shampnois added that she has met with the provost and chief of campus police about potential real-time actions and will follow up with Councilors with further information.

Councilor Paul asked how many students would be off campus. Ms. Shampnois replied that students are still deciding whether to return to campus or opt for remote learning, so that number is not yet known. Councilor Paul also requested having a single point of contact for these issues with UVM, asked whether daily testing results would be released, and what kinds of modifications will be made for Greek life. Ms. Koning said that Ms. Shampnois's office will be the single point of contact. She also said that the president has committed to weekly test result communication. Ms. Shampnois added that Greek life will continue during the fall semester, but that plans are not yet known.

Councilor Dieng asked if the staffing levels in the Office of Student and Community Relations had been increased. Ms. Shampnois replied that staffing levels are the same, but that they work with other organizations and coalitions.

Councilor Dieng asked about pre-arrival testing, arrival testing, and ongoing testing at Champlain College. Ms. Yusen replied that Champlain has a robust testing plan for students returning to campus. Ms. Birrow added that entrance testing is being conducted on days 0 and 7, and weekly testing until the Thanksgiving break.

Councilor Dieng asked about collaboration and coordination between the two colleges. Ms. Koning replied that UVM and Champlain have been communicating on a regular basis. She added that there is a regular meeting of college presidents and that UVM and Champlain both participate in these meetings.



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Councilor Stromberg said she does not support the reopening of campuses in the fall, and that this choice is detrimental to the progress that has been made. She asked who at UVM has to make the final decision about reopening. Ms. Koning replied that the decision ultimately rests with the president of the university. Councilor Stromberg expressed disappointment about the lack of direct communication from the UVM president on the issue of reopening.

Councilor Pine expressed worry that there are loopholes around students following rules around quarantining and other COVID-related regulations and that students will not abide by these rules and will increase infection rates in Burlington. Ms. Koning replied that anyone who is living in Burlington must sign the Green and Gold pledge whether they are on campus or not.

Councilor Mason noted that a common concern among constituents is around students and social gatherings and asked if UVM and Champlain could develop a clear rule that forbids social gatherings or requires masks and social distancing.

Councilor Shannon expressed disappointment that there is a lack of communication between the President of UVM and the Burlington community. She also expressed concern that it takes three police calls for action to be taken regarding off-campus students. She said that UVM has the ability to enforce where the City does not, and asked UVM to explain what they can do in terms of enforcement. She asked about the accuracy of the tests currently being used, why a frequency of once a week was selected, and the strategy around compliance with contact tracing. Ms. Koning replied that the process around addressing violations for COVID is much stricter than that of the usual student conduct process, that UVM is using PCR testing, which is one of the most accurate tests for COVID, and that noncooperation with contact tracers is an offense that warrants fines and suspensions.

Councilor Hightower said that there needs to be more coordination and communication between the colleges and the Burlington community, in addition to coordination with the state. She said that constituents are calling for a concrete plan that includes both the strategies outlined for students returning but also an outline for procedures if those strategies fail.

Councilor Paul requested that testing be reported to the City on a daily basis.

7.03 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 reading and set for Public Hearing.

DISCUSSION:

- **Councilor Mason noted that the amendments to this ordinance eliminates on-site parking requirements from places where a concentration of mixed-use development exists and is served by a variety of transportation modes and make car possession less of a necessity. It also exempts a number of properties types from**





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minimum parking requirements.

- Mayor Weinberger noted that this was one of the five major reforms to come out of the 2019 housing summit, and expressed appreciation for the hard work of Councilors and others on these amendments.
- Councilor Pine noted that the issue of impact fees should be researched at the state level, if savings are realized by developers as a result of this ordinance change.

VOTING: unanimous; motion carries.

7.04 Public Hearing Regarding ZA-20-06 Bowling Alley in E-LM

City Council President Tracy opened the public hearing.

There were no members of the public who wished to speak on the item.

City Council President Tracy closed the public hearing.

7.05 Ordinance: Comprehensive Development Ordinance - Bowling Alley in E-LM ZA #20-06 (Office of City Planning, Planning Department)(2nd reading)

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

DISCUSSION:

- Councilor Shannon said that this change would permit a bowling alley to be put into the zone.

VOTING: unanimous; motion carries.

7.06 Resolution: Establishing A Task Force To Study A Proposal For Reparations And To Consider A City Apology For The Institution Of Slavery (Councilors Freeman, Hightower, Stromberg, Tracy, Hanson, Pine)

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

DISCUSSION:

- Councilor Freeman said that making reparations is a basic, foundational step that needs to be taken to begin the process of making amends with the Black community. She added that this resolution is based on HR 40, which was introduced into Congress 30 years ago and has yet to be approved. She further noted that tonight's resolution would establish a task force to conduct the research and work needed to produce



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recommendations on making reparations.

- Councilor Pine said that this is an opportunity to confront past tragedies committed by others but in a system that has been inherited, adding that this resolution represents a coming to terms with the injustices of the past.
- Councilor Stromberg said she is encouraged by the trajectory of the City in terms of racial justice and thanked everyone who has worked on this resolution.
- Councilor Dieng said he was unsure what a recommendation around reparations would look like from a municipal standpoint but is interested in the work that will be done to research this.
- Councilor Hanson said that the moral imperative and public feedback have made it the choice around this resolution clear.
- Mayor Weinberger expressed thanks for the work on this resolution and voiced appreciation for the role that the Mayor's office will have in the task force. He added that no other cities have taken the steps that Burlington is taking with this resolution.
- Director Green thanked the Mayor and Councilors for supporting this historic resolution.

VOTING: unanimous; motion carries.

7.07 Resolution: Referral To Charter Change Committee Of Charter Change To Authorize Ordinances On Just Cause Evictions (Community Development and Neighborhood Revitalization Committee)

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

DISCUSSION:

- Councilor Pine noted that this issue was brought to the voters as an advisory question on the ballot in 1988 and that there were grave concerns from developers and landlords and property-owners about rent control. He said that this resolution is a way to ensure that residential tenants have some degree of security and stability in their housing.
- Councilor Carpenter offered clarification on what the resolution would do, which is that it would ask the State of Vermont to allow the City of Burlington to set up ordinances and standards to further regulate residential rental housing. She added that this will need to be approved by the legislature and said that deferring this decision until March would allow for time to educate voters on the issue.

MOTION TO AMEND by Councilor Carpenter, SECOND by Councilor Shannon, to change the resolution language as follows:

- Line 38: strike "at its August 24" and replace with "no later than its December 7"; and
- Line 39: strike "November special election" and replace with "March 2021 Annual Meeting".

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Paul, to replace "no later than its December 7" with "no later than November 9".





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

DISCUSSION OF AMENDMENT AS AMENDED:

- Councilor Pine asked the Mayor to weigh in on how he would approach this resolution, since it impacts ballot printing and mailing and the Mayor had recently vetoed another resolution citing costs to ballot printing and mailing. Mayor Weinberger replied that this is a different resolution, and it is also unclear how the Charter Change Committee would treat or impact.
- Councilor Pine said that this resolution will take a long time to make its way through the consideration and approval process with the legislature, and that it would work to Burlington's advantage to have as much support both from Councilors and the public as possible to ensure its success.
- Councilor Freeman does not agree with delaying the resolution further than a November 2020 vote.
- Councilor Mason said that there is an opportunity to get greater buy-in for the resolution if it is delayed until 2021.
- Councilor Hanson said that there will be a major eviction crisis soon, given the fallout from the economy and the expiration of federal unemployment benefits. He said that protecting against evictions right now is extremely urgent.
- Councilor Carpenter pointed out that nonpayment of rent is just cause for eviction.

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

VOTING ON RESOLUTION AS AMENDED: unanimous; motion carries.

7.08 Communication: Mayor Miro Weinberger, re: Veto of Charter Change re: Ranked Choice Voting (RCV)

Mayor Weinberger spoke about the costs of holding a special election, especially given the tight budget and low staff bandwidth due to a hiring freeze. He also said that local initiatives are typically placed on March ballots, not November ballots.

MOTION by Councilor Hanson, SECOND by Councilor Pine, to reconsider the resolution pursuant to charter section 46.

DISCUSSION:



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- **Councilor Hanson asked if the Mayor would support this as a March ballot item. Mayor Weinberger replied that the success of a resolution getting through the Mayor's Office hinges on consultation with the administration about staff, budget impacts, policy, deliberations in committee about policy actions and language, and processes that secure public feedback. He said that this did not happen with this resolution, and that it is important to use this additional time to produce a proposal that addresses those issues.**
- **Councilor Hanson noted that when this resolution was approved previously, it was approved to go to the Charter Change Committee and then to go on the March 2020 ballot, but was delayed. He also noted that stifling local democracy is a good way to cut costs, citing the Mayor's argument that a special election would be too costly in the current budget.**
- **Councilor Shannon noted that there was not time to place the item on the March ballot, given the lack of time to deliberate the item in Charter Change Committee.**
- **Councilor Carpenter requested that there be a discussion and public education on the alternatives to ranked-choice voting.**
- **Councilor Mason said that he is willing to engage on alternative systems of voting but that he does not like ranked-choice voting as an option.**

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

7.09 Communication: Laura Wheelock P.E., Senior Public Works Engineer and Kimberlee Sturtevant, Assistant City Attorney, re: Authorization to Amend University Place UVM-City Agreement

MOTION by Councilor Hightower, SECOND by Councilor Freeman, to authorize the Mayor to execute a Second Amendment to the 'Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan,' substantially consistent with the draft submitted herewith.

VOTING: unanimous; motion carries.

7.10 Outdoor Entertainment Permit Application (2020-2021): Nectar's, 188 Main Street

MOTION by Councilor Freeman, SECOND by Councilor Hanson, to approve the 2020 - 2021 Outdoor Entertainment Permit Application for Nectar's, 188 Main Street with all standard conditions.

VOTING: unanimous; motion carries.



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8. COMMITTEE REPORTS

8.01 Verbal Reports

None at this time.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

None at this time.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

None at this time.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

None at this time.

12. ADJOURNMENT

12.01 Motion to adjourn

The City Council meeting adjourned at 12:55 AM.

RScty: AACoonradt