



Regular City Council Meeting - Monday, June 14, 2021, 6:30 pm

****VIRTUAL MEETING****

6/14/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

June 14, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Jack Hanson

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Jane Stromberg

Mark Barlow

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Rich Goodwin

Jordan Redell

Kara Alnasrawi

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt the agenda



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The meeting was called to order by City Council President Tracy at 6:30 PM.

MOTION by Councilor Hightower, SECOND by Councilor Barlow, to amend/adopt agenda as follows:

- **note written material for agenda item 2.01 (per City Council President Tracy);**
- **note written materials for agenda items 6.09 and 6.10 (per COS Redell);**
- **note written material for agenda item 6.11 Resolution: Establishing An Ad Hoc Committee On Redistricting For 2021 (Councilor Paul)(per Councilor Paul);**
- **note added co-sponsors, Councilors Barlow and Carpenter;**
- **this agenda item has been removed (per Councilor Paul).**

VOTING: unanimous; motion carries.

2. WORK SESSION: TRANSITIONING BACK TO IN-PERSON MEETINGS

2.01 Work Session: Transitioning to In-Person Meetings

Chief Administrative Officer Schad spoke about transitioning back to in-person meetings. She provided an overview of the various types of meetings, including fully remote meetings (which are occurring now), mostly remote meetings, which entail a remote Zoom location for Council members but a physical location with at least one staff person present so that members of the public could participate in that physical space, fully in person meetings, which will be feasible in July, and will allow for streaming by Town Meeting TV (without remote participation), and hybrid in-person and remote meetings, where the public can participate both in person and remotely, should they choose. She noted that Contois Auditorium will be ready for hybrid-style meetings in August. She noted that hybrid meetings would have remotely operating TV cameras, improved audio/microphone equipment that would integrate with Zoom, a screen so that presenters can be seen remotely, and close collaboration with CCTV.

She noted that staff would like guidance from the City Council on several items related to meetings going forward. She asked if the Council would allow both remote commenters and in person commenters for public forum and how the public forum signup process would be managed. She also asked how the Council would facilitate participation from a Councilor who attends the meeting remotely. She additionally asked if the Council would allow presenters to participate remotely.

City Attorney Blackwood noted the legislature had passed an emergency bill to allow for remote meetings until the end of the Governor-declared State of Emergency, and that the City doesn't have authority to hold fully remote meetings with the expiration of that declaration.

Councilor Hanson said that remote meetings have been beneficial in order to increase access and participation from the community. He said he would be interested in some form of remote component moving forward. He said that for public



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forum, he suggested prioritizing those speakers who attend public forum in person but also allow remote public comment. He said that allowing advanced sign-up for public comment should be continued.

Councilor Hightower agreed that allowing remote access for public presenters and Councilors would be helpful. She expressed concern that if there are many public speakers who attend in person, then the remote public speakers might not be given a chance to speak. City Council President Tracy suggested that a certain amount of time be set aside for remote speakers at every meeting, in addition to in-person public speakers.

Councilor Shannon asked about how the video would integrate with Zoom and be projected for in-person participants. CCTV Director Aiden replied that the Zoom meeting would be viewable on the projector. He said other communities have purchased extra monitors to show the Zoom participants.

Councilor Mason said that allowing presenters other than public forum speakers to present remotely could pose some challenges.

Councilor Dieng said that whatever is decided for this summer should be considered a pilot prior to making decisions about permanent approaches. He asked which public speakers would be prioritized for speaking—those that sign up for in-person speaking, or those that sign up via Zoom or other remote methods. He asked whether standing Committees can no longer be remote. City Attorney Blackwood replied that the Committee meetings scheduled for the upcoming week would be held in-person but also remotely, both for members and public forum participants. She asked what the Council's preference would be for Committee meetings going forward. Councilor Dieng said he would be open to having Committee meetings include a remote option.

Councilor Barlow asked how many concurrent meetings are able to be held at Contois. City Attorney Blackwood noted that the Bushor Conference Room at City Hall has been set up for meetings already. She noted that Contois itself is not yet ready for remote access. Chief Administrative Officer Schad noted that there are 3 rooms that could be used out of a total of 6 conference rooms, with the remainder being used for internal meetings. She said she would get back to the Council with further information.

Councilor Dieng solicited the opinion of support staff and the Mayor on the approach for holding future meetings. Support staff did not have comments. Mayor Weinberger replied that the City has been focusing on having the technology as soon as possible in order to be as accommodating as possible. He noted that this technology would also be used to make the City more flexible as an employer and encourage more remote work by its employees.

3. PUBLIC FORUM

3.01 Verbal Comments





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Forum opened at 7:30 PM.

COMMENTS:

- Christie Delphia reiterated written comment she submitted several months ago, citing code violations in her apartment building and the dangerous conditions in which she and her elderly mother are living.

Forum closed at 7:33 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Mayor Weinberger noted that he joined other mayors from New England states to publish an editorial in the Boston Globe calling for the funding for the North Atlantic Rail Effort, which would create a high-speed rail line linking the major cities along the East Coast, and which would also become the backbone of a new system that would link other major mid-sized cities in New England.

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: Caleb Manna, Excavation Inspector, Department of Public Works, re: Main and Saint Paul Street - Encumbrance Application - Historical Marker - approve the Encumbrance Application for the State of Vermont, for the installation of a historical marker on the corner of Main and Saint Paul Street and authorize the Mayor to execute a License Agreement—subject to approval by the City Attorney’s Office—on behalf of the City of Burlington for a term commencing on the date of execution and terminating on April 30, 2039.

5.04 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 198 Saint Paul Street - Bolt Mobility - approve the Encumbrance Application for Bolt Mobility requesting use of public right of way space at 198 Saint Paul Street for an electric bike hub, and to authorize the Mayor to execute the attached Encumbrance Permit and License Agreement.

5.05 Special Event Outdoor Entertainment Permit Applications (4 total, specific dates in August): Higher Ground Presents, BCA Center - 405 Pine Street (in back parking lot of building) - approve the Special Event Outdoor Entertainment Permit Applications (4 total, specific dates in August) for Higher Ground Presents, BCA Center - 405 Pine Street (in back parking lot of building).

5.06 Special Event Outdoor Entertainment Permit Application (three days only): Burlington City Arts, Festival of Fools, July 30th - August 1st, City Hall Park, Church Street Marketplace, 11 am - 10 pm each day - approve the three day only special event outdoor entertainment permit application for Burlington City Arts, Festival of Fools, July 30th - August 1st, City Hall Park, Church Street Marketplace, 11 am - 10 pm each day.

5.07 Special Event Outdoor Entertainment Permit Application (one day only): Green State Gardener, 699 Pine Street, July 10,





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2021, 5 pm - 10 pm, Parking lot, Dancing by Patrons YES, Amplified Music YES - approve the one day only special event outdoor entertainment permit application for Green State Gardener, 699 Pine Street, July 10, 2021, 5 pm - 10 pm, Parking lot, Dancing by Patrons YES, Amplified Music YES.

5.08 Communication: Steve Roy, Senior Water Resources Engineer, Mike Schramm, Water Resources Engineer, re: Request for Approval to Execute Main On-Call Agreements for Electrical & Controls Services and Plumbing & Mechanical Services - 1. "To authorize the Director of Public Works to execute Main On-Call Agreements for Electrical & Controls Services with a cumulative maximum limiting amount not to exceed \$100,000 per agreement with Benoit Electric, Christian Electric, Nolan Electric and Pratt & Smith, subject to the prior review and approval of the City Attorney"; and 2. "To authorize the Director of Public Works to execute Main On-Call Agreements of Plumbing & Mechanical Services with a cumulative maximum limiting amount not to exceed \$100,000 per agreement with Mongeon's P&H, Mountain Air Systems and Vermont Mechanical, subject to the prior review and approval of the City Attorney."

5.09 Communication: Parks & Recreation Waterfront Commission, re: FY22 and Fully Funding Penny for Parks - waive the reading, accept the communication and place it on file.

5.10 Communication: C/T Office, re: Regular Schedule of Meetings of the City Council through August 2022 - approve the regular schedule of Meetings of the City Council through August 2022 as listed.

5.11 FIO Documents – for information only

5.12 Resolution: Authorization To Permit The Mailing Of Ward Three Special Election Absentee Ballots To All Active Registered Ward Three Voters (Councilor Tracy) - waive the reading and adopt the resolution.

MOTION by Councilor Stromberg, SECOND by Councilor Freeman, to adopt the consent agenda as amended, taking the actions as indicated for items 5.01-5.12.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Indoor Entertainment Permit Application (2021-2022): Zero Gravity, 716 Pine Street

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Indoor Entertainment Permit Application for Zero Gravity, 716 Pine Street with all standard conditions.

VOTING: unanimous; motion carries.

6.02 Outdoor Entertainment Permit Application (2021-2022): Zero Gravity, 716 Pine Street





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MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Outdoor Entertainment Permit Application for Zero Gravity, 716 Pine Street with all standard conditions.

VOTING: unanimous; motion carries.

6.03 Indoor Entertainment Permit Application (2021-2022): Burlington Beer Company, d/b/a Burlington Beer Company, 180 Flynn Avenue

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Indoor Entertainment Permit Application for Burlington Beer Company, d/b/a Burlington Beer Company with all standard conditions.

VOTING: unanimous; motion carries.

6.04 Outdoor Entertainment Permit Application (2021-2022): Burlington Beer Company, d/b/a Burlington Beer Company, 180 Flynn Avenue

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Outdoor Entertainment Permit Application for Burlington Beer Company, d/b/a Burlington Beer Company, 180 Flynn Avenue with all standard conditions.

VOTING: unanimous; motion carries.

6.05 Communication: Board and Commission Selection Committee, re: 2021 Appointment Slate

MOTION by Councilor Dieng, SECOND by Councilor Dieng, to approve the slate as presented by the City Council Board of Commissions. The slate is as follows: Chittenden County Regional Planning Commission – Re-advertise, Chittenden County Regional Planning Commission – Andy Montroll, Church Street Marketplace Commission – Sarah Beal, Church Street Marketplace Commission – Jed Davis, Fence Viewer – Shay Totten, Fence Viewer – Re-advertise, Fence Viewer – Re-advertise, Housing Board of Review – Olivia Irene Taylor, Housing Board of Review – Evan Litwin, Winooski Valley Park District – Aaron Keech.



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VOTING: unanimous; motion carries.

6.06 Public Hearing Regarding FY22 Common Area Fees for the Church Street Marketplace

City Council President Tracy opened the public hearing.

There was no public comment.

City Council President Tracy closed the public hearing.

6.07 Appeal of Assessment of Common Area Fee by BTC Mall Associates, LLC

City Council President Tracy opened the public hearing.

Councilor Mason recused himself from the hearing due to a professional conflict of interest.

William Fellows with BTC Mall Associates said he is appealing the assessment of common area fees because the mall is essentially empty and is facing over a million dollars in losses. He said that Covid took a weak situation and made it even worse, and that many mall tenants have left over the last year. He said that prospective mall tenants are looking for unsupportable leases and rents and that labor shortages and productivity issues also negatively impact the mall.

Director Alnasrawi said that there is no precedent for having fees abated due to vacancy. She said that the fees for the mall for the year will be billed in four separate payments totaling \$71,530, which represents 10% of the common area fees for the fiscal year, and it represents almost 8% of the total budget.

Councilor Shannon asked if there is anything in the development agreement that speaks to waiving the fees for BTC. Mayor Weinberger replied that there were negotiations around fees in the original development agreement but that they were not changed in the revision to the development agreement and they remain in place. City Attorney Blackwood agreed.

Councilor Shannon said that Covid has affected other landlords on the Marketplace, and waiving fees for this entity would increase the burden on the other Marketplace feepayers.



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Mayor Weinberger noted that the City made an effort to assist Marketplace ratepayers through the pandemic and to find ways to support the Marketplace Commission in waiving the equivalent of four full quarters of fees. He said that he would advise taking the recommendation of the Marketplace Commission and reinstate fees.

Councilor Dieng asked whether abatement or a payment plan would be an option, rather than waiving the fees. Mr. Fellows replied that BTC Mall Associates doesn't see itself as unique on the Marketplace in this situation and that they would be open to other repayment options. City Attorney Blackwood said that this is an appeal of the Common Area fee, which needs to be set by June 15. She advised making a decision on this tonight. She said that the Council could choose to abate the fees once they are set.

MOTION by Councilor Dieng, SECOND by Councilor Barlow, to deny this appeal and convene a Board of Tax Abatement to consider an abatement for this Marketplace Common Area fee.

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Freeman, to deny the appeal only.

VOTING ON AMENDMENT: unanimous; motion carries.

VOTING ON MOTION AS AMENDED: unanimous; motion carries.

6.08 Resolution: Allocation Method And Standards For Common Area Fee Formula, And Establishment Of Common Area Fees For The Church Street Marketplace For Fiscal Year 2022 (Board of Finance)

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

DISCUSSION:

- **Director Alnasrawi noted that the Marketplace Commission is recommending returning to a fee of \$2.87 per square foot, which was the pre-Covid fee amount (comparable to FY19).**

VOTING: unanimous; motion carries.

6.09 Resolution: Annual Appropriation And Budget For Fiscal Year beginning July 1, 2021 And Ending June 30, 2022 (Mayor Weinberger; Board of Finance)

Mayor Weinberger said that the FY22 budget is a full-service budget and includes additional important investments to make the City more equitable and inclusive. He provided an overview and highlights of the budget. He noted the principles used to form the budget, which include seeking to restore services to pre-pandemic levels, continuing historic levels of



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critical infrastructure investment, retaining emergency reserves at high levels, minimizing property tax increases as much as possible, including strategic new priority investments in racial equity and justice, climate emergency investments, supporting the City's enterprise funds, and using significant amounts of American Rescue Plan Act (ARPA) funding from the federal government to achieve these principles.

Mayor Weinberger summarized the budget process, noting that it began in late April with a number of budget meetings with the Board of Finance (7 meetings in total). He said that the City fielded a budget survey that generated more than 800 responses from the community. He said that this budget includes funding in certain areas as a result of City Councilor feedback, including increased funding for the NPAs, funding for a community bystander training program, funding to prioritizing the accessibility committee, and funding for a transportation demand management study.

Mayor Weinberger spoke more broadly about the ARPA funding from the federal government. He said that the City has received \$9.4 million out of \$19.3 million in direct allocation for the City of Burlington and that the City is expecting to receive the remainder in approximately 12 months. He said that the City will also receive an additional \$8 million through a county allocation. He noted that the Fiscal Year 22 budget would encumber approximately \$10 million of the \$27 million total, which is less than they had previously anticipated using of the ARPA funds. He said the City is still determining how much flexibility it has in using ARPA funds, particularly around infrastructure. He noted that there are expanded investments in sidewalks and bike paths in the budget, but they have removed investments in other City facilities. He said that later in the fiscal year, the City may propose to add back additional infrastructure investment as the rules around ARPA funding become clearer.

Mayor Weinberger discussed the increased investments in the budget. He said there are numerous areas where substantial investments are being made, compared to the FY20 budget. He noted \$5.5 million in new investments, the majority of which (\$3.9 million) will be made permanent. He noted that the majority of unsecured investments (\$1.6 million) are for equity initiatives, but he expressed optimism that funding could be found to make these investments permanent in future years.

Mayor Weinberger spoke about the budget items that combat the climate emergency. He noted that some of the most dramatic are \$2 million that is included in the Burlington Electric Department (BED)'s budget for investments such as further electrification efforts and continuing the green incentive program. He also highlighted \$2.2 million for new and replaced sidewalks, which would sustain 3 miles of new sidewalks, and \$1.5 million for bike and pedestrian improvements (one of the big four net zero efforts—reducing vehicular miles traveled). He noted a total of \$750,000 for traffic-calming measures. He additionally noted significant rail investment, including bringing Amtrak passenger service back to Burlington, as well as \$250,000 for a study to make the airport as green as possible. He further noted positive trends in the increase of electrification of the City's fleet. He also spoke about increased funding for parks.

Councilor Hanson asked for clarification around charging stations and the degree to which they can be increased. Mayor Weinberger replied that one fast-charging station will be included in the budget, which is included with the electric bucket truck purchase and which will be compatible with other electric vehicles. He said that both the federal and state governments have signaled that charging stations are a priority for funding, so it is likely that the City will be able to obtain funding from those levels for additional charging stations. Councilor Hanson added that the City should try to shift how the



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it incentivizes the transportation behavior of City employees as well.

Councilor Freeman asked if the administration is interested in creating informational tools to go along with the budget that could help citizens understand where the tax dollars are going and what resources and programs are available to them. Mayor Weinberger said that the administration is open to generating additional supplemental information to accompany the budget.

Councilor Dieng noted that the budget includes almost \$2 million in funding that isn't accompanied by a sustainability plan, much of which is for social services. He noted the creation of a grant monitoring position but said that more work needs to be done to ensure the sustainability of these programs in the next 2-3 years.

MOTION by Councilor Stromberg, SECOND by Councilor Hightower, to postpone action on this agenda item until the June 28, 2021 City Council meeting.

VOTING: unanimous; motion carries.

6.10 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2021 And Ending June 30, 2022 (Mayor Weinberger; Board of Finance)

Mayor Weinberger recommended postponing this item in tandem with the above item, since one deals with the revenue side of the budget equation and the other deals with the expense side of the budget equation.

MOTION by Councilor Stromberg, SECOND by Councilor Freeman, to postpone action on this item until the June 28, 2021 City Council meeting.

VOTING: unanimous; motion carries.

6.11 Resolution: Establishing An Ad Hoc Committee On Redistricting For 2021 (Councilor Paul) ****AGENDA ITEM REMOVED****

No discussion at this time.

6.12 Presentation: Eileen Blackwood, City Attorney, re: Presentation of Airport Regionalization Report ****expected executive session****



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City Attorney Blackwood noted that this item is related to a report conducted in relation to a number of inquiries that have been received about concerns about regionalizing the airport. She reviewed the executive summary of the report. She noted that her office reviewed actions and finances put into the airport through the years. She noted substantial historic investment from Burlington's taxpayers, much of which occurred in the first 30 years of its existence (afterwards, the airport received substantial funding through Federal Aviation Administration grants). She noted investments including funding for runways from the Burlington Streets Department, the maintenance of benefits for Airport employees by virtue of their employment by the City and entitlement to a pension, and additionally oversight from the City Council. She noted the airport's current asset value as \$1.04 billion. She said that her office examined whether the City's governance of the airport is atypical in the nation, and said that they found that it is in the range of typical municipal models. They also looked at whether there are best practices in terms of overseeing and managing a municipal airport, and found that there are a variety of approaches and no single best approach to doing so. She noted that the cost of transferring the airport to another governance structure, such as a regional structure, would be costly. She noted the inclusion of additional Airport Commission members from additional communities to allow more regional input into the airport and its operations.

Councilor Hightower asked about the benefits of a different governance model. City Attorney Blackwood said that many of the benefits are speculative in nature, adding that one of them would be having a voice in operations.

Councilor Paul noted that there has been discussion and potential legislation at the state level and asked about their implication for the airport. City Attorney Blackwood replied that more recent bills have been to develop a study committee to look at regionalization. She said that Burlington's concern would be that the cost for Burlington's taxpayers would be high if regionalization were pursued. Councilor Paul asked if this legislative action would mean that Burlington would pay for a regionalization study, and City Attorney Blackwood said she that it would be conducted by the state. Councilor Paul asked what the state's rights are on this asset, and City Attorney Blackwood said that this discussion would be better suited for executive session or an offline conversation.

MOTION by Councilor Dieng, SECOND by Councilor Hanson, to accept the communication and place it on file.

MOTION TO AMEND by Councilor Paul, SECOND by Councilor Stromberg, to additionally affirm that the City Council is satisfied with the current ownership and governance of the Airport.

DISCUSSION:

- **Councilor Carpenter and Councilor Hanson said that they don't currently support regionalization but don't know enough about the different options to affirm that current ownership is necessarily the ideal form of governance.**

MOTION TO AMEND THE AMENDMENT by Councilor Hanson, SECOND by Councilor Paul, to strike the prior amendment and replace it with "Burlington City Council does not support regionalization of the Burlington International Airport at this time."





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VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy (11 ayes, 0 nays); motion carries.

VOTING ON AMENDMENT AS AMENDED: unanimous; motion carries.

VOTING ON MOTION AS AMENDED: unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Paul noted that the Public Safety Committee will be meeting on Thursday, June 17 at 5:00 PM at City Hall (and remotely) to discuss the CSL job description and a discussion about police oversight.

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will hold a special meeting to examine the topic of rooftop solar and reducing barriers for residents to obtain it, as well as a regular meeting on June 22 at 5:00 PM to discuss consolidated collection and taking a vote on the redesign of Colchester Avenue.

Councilor Hightower noted that the Joint Commission on Public Safety and Police Commission will meet on June 23 at 5:30 PM and will receive an update on the two ongoing assessments, noting that the Talitha consults will be doing their final report-out prior to submission of a written report.

Councilor Mason said that the Ordinance Committee will meet on June 16 at 5:30 PM remotely and in person to discuss renewable primary heating systems, ordinances referred, and changes to the minimum wage.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will meet on June 22 and will discuss explorations of the Racial Equity and Inclusion Commission as well as an update from the Racism as Public Health report.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

No discussion at this time.



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9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Tracy noted the need for the Council to appoint 3 Councilors to serve alongside the Board of Tax Appeals to hear reappraisal appeals. He asked any interested Councilors to let him know, and that a vote to appoint will be taken at the next City Council meeting.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger reminded the public and Council that Burlington will host its first-ever Juneteenth celebration, which will include music, food, and educational programs around the City. He also noted that the Governor declared the end of the pandemic-related State of Emergency.

11. ADJOURNMENT

11.01 Motion to adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 10:12 PM.

RScty: AACoonrad