



**Regular City Council Meeting - Monday, June 1, 2020, 7:00 pm,  
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**BURLINGTON CITY COUNCIL**

**CITY HALL**

**BURLINGTON, VERMONT**

**MINUTES OF MEETING**

**June 1, 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

Jordan Redell

Norman Baldwin

Chapin Spencer



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Brian Lowe

Lori Olberg

Amy Bovee

Damian Gilbert

David van Deusen

Katherine Schad

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

The meeting was called to order by Council President Tracy at 7:15 PM. He asked for a moment of silence in remembrance of Mr. George Floyd. He then led the Council in the Pledge of Allegiance.

1.01 Motion to amend/adopt the agenda

**MOTION by Councilor Stromberg, SECOND by Councilor Hightower, to approve the agenda with the following amendments:**

- **note written material for consent agenda item 4.13 Communication: Jeffrey A. Padgett, Assistant Director for Parking and Traffic (Interim) with the action to "approve and authorize the Director of Public Works to execute a contract with L&D Painting with a maximum limiting amount of \$270,000.00 for the provision of long-line pavement markings, traffic paint, and stencils, subject to approval by the City Attorney's Office;**
- **add to the consent agenda item 4.19 FIO Document; remove from the agenda item 5.05 Resolution: Authorization To Submit 2020 Burlington One-Year Action Plan, Amended 2019 Burlington One-Year Action Plan, And Amended Citizen Participation Plan (councilors Pine, Carpenter;**
- **Board of Finance) and place it on the consent agenda as item 4.20 (per City Council President Tracy); remove the Board of Finance as a co-sponsor of this agenda item (per City Attorney Blackwood); note updated version for agenda item 5.01 Communication: Mayor Miro Weinberger, re: Mayoral Appointments for Fiscal Year 2021 (per COS Redell);**
- **note power point slides for agenda item 5.06 Communication: Martha Keenan, Capital & Asset Program Manager, Brian Lowe, Chief Innovative Officer and Katherine Schad, Chief Administrative Officer, re: VIA - contract amendment for City Hall Improvements (per Martha Keenan);**
- **note Councilors Hanson, Tracy, Stromberg and Hightower as co-sponsors for agenda item 5.04 Resolution: Just Economy Charter Changes (Councilor Freeman)(per Councilor Freeman);**
- **add to the Deliberative Agenda Item 5.08 Resolution: COVID Exemption For Vacation-Use Policy with the action to "waive the reading and adopt the resolution"(per City Attorney Blackwood); note written material**



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and title change for this agenda item (per CAO Blackwood).

**VOTING: unanimous; motion carries.**

1.02 Motion to further amend the agenda with the addition of agenda item 5.09 Resolution: Condemning Killing Of George Floyd By Minneapolis Police Officer And Respectfully Requesting Mayor To Order And Raise Black Lives Matter Flag At City Hall For Duration of COVID-19 Emergency (Councilors Dieng, Carpenter, Paul, Paulino, Shannon).

**MOTION by Councilor Dieng, SECOND by Councilor Hightower, to further amend the agenda with the addition of agenda item 5.09 Resolution: Condemning Killing Of George Floyd By Minneapolis Police Officer And Respectfully Requesting Mayor To Order And Raise Black Lives Matter Flag At City Hall For Duration of COVID-19 Emergency (Councilor Dieng, Carpenter, Paul, Paulino, Pine, Shannon)(per City Attorney Blackwood per Councilor Dieng).**

**VOTING: unanimous; motion carries.**

## **2. PUBLIC FORUM**

### 2.01 Verbal Comments

Forum opened at 7:23 PM.

#### COMMENTS:

- Charlie Messing spoke about the policing issues, noting that he is not against the police, and also spoke about the construction project in City Hall Park.
- Robert Kiernan spoke about the Everyone Loves a Parade mural, noting that tearing down and hiding the mural does not help the City in being thoughtful members of the community, and added that censorship is not needed on this issue.
- Andrea Rogers stated that the Just Economy charter change resolution is a well-meaning but badly-timed proposal, noting that the proposal does not have an identified strategy and it creates a class differentiation at a time when the city needs to come together.
- Karen Allen stated that the timing is awful for the proposed increase luxury tax, further noting that the home value threshold is arbitrary and income threshold is arbitrary.
- Kate Purcell expressed concern about the income thresholds in the Just Economy charter change resolution, noting that selling assets is considered income, even though some (especially those on a fixed income) may be selling assets in order to pay property taxes. She added that she would like to see a cap on property taxes for those who are over 65 and on a fixed income.
- Walter Keaty expressed support for the Just Economy charter change resolution, stating that it is a gesture to both political and economic democracy, and that progressive income and property taxes are a step toward equity.
- Steve Lipkin noted his opposition to the Just Economy charter change resolution, noting that a \$125,000 income for a family of 3 or 4 is not very much, and that the resolution would put Burlington at a disadvantage in terms of being a desirable place to live.
- Leslee MacKenzie spoke against the Just Economy charter change resolution, noting that adding stress to business-owners would do serious harm to Burlington's economy and hamper its ability to retain and attract homeowners and businesses.
- Kirk Jones encouraged Burlington to pass a resolution like South Burlington and Winooski to have the Burlington



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Airport to apply for an FAA sound monitoring and tracking grant. He added that this is more of a federal issue, but that the City can do something about it.

- Andy Vota spoke against the Just Economy charter change resolution, stating that the City can't create new taxes without creating incentives for businesses and residents to move right outside of the City, further stating that it does not seem like a carefully scoped package of taxes. He suggested tackling the issue in a more regional way.
- Matt Parisi spoke out against the Just Economy charter change resolution, noting that the average home price is around \$500,000, and that the lack of affordable housing is a supply problem.
- Jean Hopkins spoke out against F35 jets, and would like noise monitoring in South Burlington, Burlington, Williston, and Winooski.
- TJ Jemieson/Sean Kelly spoke against the Just Economy charter change resolution, noting that they had a number of questions on the substance of the proposal, including how the City arrived at the \$125,000 income tax threshold and the \$500,000 property sale tax threshold. They stated that a tax based on principle does not make good policy sense.
- Marissa McDonald spoke about the Just Economy charter change resolution, urging the City Council to look into exactly what they're asking, why the numbers were arrived at, and what that additional taxation will be used for. She stated that she would also like to know if the City is planning to open the trash depot, as it is currently closed.
- Matt Hurlburt noted that the Just Economy charter change resolution feels very discriminatory. He asked the City Council if they have explored and studied the potential for out-migration, noting that taxes to live in Burlington are currently much higher than what others are paying in other states or regions of the state.
- Trav Freier spoke in favor of condemning the killing of George Floyd and raising the Black Lives Matter flag at City Hall. He additionally spoke in favor of the Just Economy charter change resolution, suggesting a more progressive tax on the top 1% rather than a dollar amount.
- Brian Armstrong noted his concern about the Just Economy charter change resolution, citing consistent year-over-year tax increases even without the resolution.
- Paul Fleckenstein voiced his support for the Just Economy charter change resolution. He suggested putting it to a vote and letting the people decide what they want. He additionally spoke about the airport director's refusal to install noise monitoring equipment around the airport, stating that the director does not want sound monitoring because it would prove how unhealthy the F35s are.
- Benjy Adler asked about the goal and underlying message of the Just Economy charter change resolution. He stated that Burlington should be a model city, but is concerned that this resolution will lead to unintended consequences that will not raise money for the City and that will work against its intentions. He encouraged the City Council to have a dialogue with the business community.
- Kelly Devine spoke against the Just Economy charter change resolution, noting that the public process has not been followed in the development of the resolution, and noted that many people have their entire nest egg invested in their home, and that this would harm them.
- Donald Sligh voiced concern about the Just Economy charter change resolution, noting that the language around preventing eviction of a tenant without just cause is too general and vague. He implored the City Council to consider the needs of landlords as well as tenants.
- John Caulo urged the City Council to pause their vote on the Just Economy charter change resolution and allow for a robust discussion.
- James Loupe spoke against the Just Economy charter change resolution.
- Ben Travers thanked the City Council for the resolution honoring George Floyd and the Black Lives Matter movement and spoke against the Just Economy charter change resolution.
- Brian Lovejoy spoke against the Just Economy charter change resolution.
- Christie Delphia: spoke in favor of the Just Economy charter change resolution, stating that renters in Burlington need protection and that throwing more buildings at the problem will not solve it.
- Mark Hughes spoke about the murders of Breonna Taylor, Ahmaud Arbery, and George Floyd, stating that Black



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people have not been afforded equal protection under the law.

Public forum closed at 8:31 PM.

### **3. CLIMATE EMERGENCY REPORTS**

#### **3.01 Verbal Reports**

Councilor Hanson noted that there will be an Ordinance Committee meeting tomorrow night, which will discuss the mandatory weatherization of rental units. Councilor Paul noted that the other item on the agenda for the Ordinance Committee will be one regarding electric lawn-mowers and electric lawn equipment.

Mayor Weinberger gave an update on the green stimulus plan that is part of the COVID-19 response, noting that the City received approval from the public utilities commission to green-lights \$880,000 in incentive funds.

### **4. CONSENT AGENDA**

4.01 Motion to amend/adopt consent agenda taking the following actions as indicated.

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

4.03 Communication: Herb Sinkinson, re: ELAP Mural - waive the reading, accept the communication and place it on file.

4.04 Communication: Michael Gados, re: Leahy Way Mural - waive the reading, accept the communication and place it on file.

4.05 Communication: Susan Bowen, re: Mask mandates - waive the reading, accept the communication and place it on file.

4.06 Communication: Susan Bowen, re: Question: what studies do you have that warrant Mask wearing - waive the reading, accept the communication and place it on file.



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4.07 Communication: Brian Drourr, re: Cambrian Ridge is a firm NO - waive the reading, accept the communication and place it on file.

4.08 Communication: Michael Mullen, re: Masks - waive the reading, accept the communication and place it on file.

4.09 Communication: Steven Shepard, re: Church St. Mural - waive the reading, accept the communication and place it on file.

4.10 Communication: James, re: Mural - waive the reading, accept the communication and place it on file.

4.11 Communication: Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Leddy Park Tennis Courts Reconstruction - approve and authorize the execution of a contract with Vermont Recreational Surfacing & Fencing Inc., for a price not to exceed \$165,581.00 for the Leddy Tennis Courts Reconstruction project, plus a project contingency of \$16,500.00, 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.

4.12 Communication: Chip Mason, Chair, Ordinance Committee, re: Sprinkler systems Related to Accessory Dwelling Units - waive the reading, accept the communication and place it on file.

4.13 Communication: Jeffrey A. Padgett, Assistant Director for Parking and Traffic (Interim), re: Request for Approval for \$270,000 for Long-Line Painting, Traffic Paint, and Stencils - approve and authorize the Director of Public Works to execute a contract with L&D Painting with a maximum limiting amount of \$270,000.00 for the provision of long-line pavement markings, traffic paint, and stencils, subject to approval by the City Attorney's Office.

4.14 Resolution: Authorization For \$2,560,000 Loan From Vermont Clean Water State Revolving Fund For Upgrade Of Stormwater Collection System (Board of Finance) – waive the reading and adopt the resolution.

4.15 Resolution: Stormwater System Revenue General Bond Resolution Adopted June 2020 (Board of Finance) – waive the reading and adopt the resolution.

4.16 Resolution: Stormwater System Revenue Supplemental Bond Resolution No.1 (Board of Finance) – waive the reading and adopt the resolution.





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4.17 Resolution: Authorization For Short Term Public Improvement Bonds (Board of Finance) – waive the reading and adopt the resolution.

4.18 Resolution: Authorization For Bond Anticipation Notes For School District Capital Improvements (Board of Finance) – waive the reading and adopt the resolution.

4.19 FIO Document – for information only.

4.20 Resolution: Authorization To Submit 2020 Burlington One-Year Action Plan, Amended 2019 Burlington One-Year Action Plan, And Amended Citizen Participation Plan (Councilors Pine, Carpenter; Board of Finance)\*\*was 5.05\*\*

**MOTION by Councilor Stromberg, SECOND by Councilor Hightower, to amend/adopt the consent agenda taking the actions as indicated for items 4.01 through 4.20.**

**VOTING: unanimous; motion carries.**

City Council President Tracy recessed the City Council and called the Local Control Commission to order at 8:37 PM. City Council President Tracy resumed the City Council meeting at 8:48 PM.

## **5. DELIBERATIVE AGENDA**

5.01 Communication: Mayor Miro Weinberger, re: Mayoral Appointments for Fiscal Year 2021

Mayor Weinberger introduced this item, acknowledged the department heads that are currently working in the administration and their resilience and resourcefulness during the difficult times of COVID-19. He stated his hope that the City Council will give them strong unanimous support.

**MOTION by Councilor Paul, SECOND by Councilor Stromberg to confirm the Fiscal Year 2021 Mayoral Appointments.**

### **DISCUSSION:**

- **Councilor Dieng asked which department heads were not Burlington residents. Mayor Weinberger replied that residency exceptions were not being considered for this vote.**
- **Councilor Paulino thanked the department heads for their service.**
- **Councilor Pine thanked the department heads for their exceptional service to the City.**
- **Councilor Shannon noted the hard work of this team during the COVID-19 crisis, stating that Burlington has fared far better than most of the country.**
- **City Council President Tracy thanked the department heads for their collaboration.**



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**VOTING: unanimous; motion carries.**

### **5.02 Update From Bargaining Unit Representatives (verbal)**

Damion Gilbert and David van Deusen provided comments as representatives of the American Federation of State, County, and Municipal Employees (AFSCME) bargaining unit. Mr. Gilbert highlighted the essential services provided by city employees during the COVID-19 crisis, such as water, wastewater, park and recreation, and code enforcement. He noted that the Mayor had requested opening the union contract and freezing wages in order to avoid layoffs, but has since stated that the administration is no longer considering these concessions or layoffs. He asked the Mayor on behalf of the union members to put assurances in writing that no union members would suffer layoffs. He also spoke in favor of the Just Economy charter change resolution. He finally noted that AFSCME will hold an informational picket around City Hall on June 9th in solidarity with school workers, medical staff, nurses, and other union workers.

Councilors thanked Mr. Gilbert and Mr. van Deusen for their work on behalf of all essential workers during these challenging times.

Mayor Weinberger reiterated Mr. Gilbert's statement that city employees have been committed to the residents of Burlington during the COVID-19 crisis. He further noted that the administration has hoped to avoid asking for concessions from the union during the budgeting process, and that they have no desire to open these contracts unless forced to by external events.

City Council President Tracy thanked Mr. Gilbert and Mr. van Deusen for their willingness to speak before the Council and that he appreciates the open lines of communication between bargaining units and the administration.

### **5.03 Communication: Chip Mason, Chair, CPDAC, re: Report on recommendations for changes to Central Peddling District**

**MOTION by Councilor Mason, SECOND by Councilor Hightower, to waive the reading, accept the communication and place it on file.**

**VOTING: unanimous; motion carries.**

### **5.04 Resolution: Just Economy Charter Changes (Councilor Freeman)**

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

#### **DISCUSSION:**

- **Councilor Freeman explained that this resolution seeks to address structural wealth inequality and bring more power to working people. She summarized the proposed charter changes, which involve protections from eviction, employment termination, a minimum wage, a personal income tax, a luxury tax on home**



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sales, and provisions for a participatory budgeting process, and noted that the timing of placing these changes on a ballot would be staggered through 2020 and 2021. She noted the concerns from public forum about the public process, and stated that there will be ample opportunity to public input once the resolution is referred to the Charter Change Committee. She additionally noted that the figures in the resolution are a proposed set of numbers which will need to be analyzed and potentially modified, but that the overarching principle in the resolution centers on the concept of progressive taxation.

- Councilor Pine stated his general support of the resolution but expressed concern that these changes would be referred to one committee. He suggested a joint committee process to leverage the subject matter expertise of other committees and using the committee structure inclusively to fully vet policies.
- Councilor Carpenter stated that the resolution as written is not specific enough and is lacking detail in process and input.
- Councilor Hightower noted that the resolution would be a starting point for developing policies.
- Councilor Shannon expressed concern about the eviction and wrongful discharge of employees language and noted that the taxes in the resolution are regressive and could encourage people to move out of Burlington and businesses to relocate and operate outside of Burlington.
- Councilor Mason acknowledged that the resolution would be a starting point but that it reads like a set of very specific and concrete proposals. He noted that Burlington already has a reputation as a challenging place to live and do business and that this resolution could reinforce that.
- Councilor Dieng noted that it is unclear what the taxes created by the resolution would be used for and stated his reluctance for the City to get involved in the employee/employer relationship. He added that there are components of the resolution that are very important and that should be considered.

**MOTION by Councilor Dieng, SECOND by Councilor Paulino, to postpone action on the resolution until the June 15th City Council meeting.**

### **DISCUSSION:**

- Councilor Pine noted that it is important to engage more fully with the community on this resolution, thereby building support and creating consensus around key items.

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

5.05 Resolution: Authorization To Submit 2020 Burlington One-Year Action Plan, Amended 2019 Burlington One-Year Action Plan, And Amended Citizen Participation Plan (Councilors Pine, Carpenter; Board of Finance)

This item has been moved to the consent agenda.

5.06 Communication: Martha Keenan, Capital & Asset Program Manager, Brian Lowe, Chief Innovative Officer and Katherine Schad, Chief Administrative Officer, re: VIA - contract amendment for City Hall Improvements

Capital Improvement Program Manager Keenan gave an update on current activity and proposed future work on this renovation project, noting that the overarching goal for renovations is to create a safer, more secure, and more energy-





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efficient space for employees. She noted that some departments would be moved to City Hall from other locations (such as Payroll) and that an increased level of separation between public activities and employee workspace would be created through these renovations. She further noted that the main work would be done to the ground floor of the facility, that the auditorium's audio and lighting would be improved, and that a security wall would be added to the second floor. She spoke about the timeline for the project, stating that the Request for Proposals (RFP) would be released in August with an anticipated construction award in September and an anticipated completion date by January. She further noted that now is an ideal time to conduct this work, as many employees are currently working remotely and would not be disrupted by renovation work in the building. She finally noted that this activity would invest in the local economy by contracting the work out to local companies, and that the capital allocation for this work are not part of the General Fund.

Councilor Hanson asked what revenue sources would be used for these renovations. He also expressed concern about sacrificing openness and transparency in government for additional security. Ms. Keenan replied that the renovations will be funded by general obligation bonds. She added that maintaining openness while adding more security features is a challenge, but that many of the departments at City Hall aren't public-facing to begin with.

Councilor Pine asked whether City Hall's fourth floor had usable space. Ms. Keenan replied that there is a substantial amount of usable space on the fourth floor if it were renovated, but that access would be a challenge due to a lack of elevator or code compliant stairwell.

**MOTION by Councilor Shannon, SECOND by Councilor Dieng, to approve and authorize the Director of Public Works to amend the existing contract with VIA for design, construction documents, and project management services at City Hall by increasing the total contract amount from \$36,063 to an amount not to exceed \$135,000, subject to final review and approval by the City Attorney.**

### **DISCUSSION:**

- **Councilor Shannon thanked the administration for their work on this project and that it will be a good benefit for the dollars spent on it.**

**VOTING: unanimous; motion carries.**

**MOTION by Councilor Hanson, SECOND by Councilor Pine, to suspend the rules to complete the agenda.**

**MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Pine, to postpone the committee reports but complete the deliberative agenda and executive session.**

**VOTING ON AMENDMENT (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – nay, Council President Tracy – aye (9 ayes, 3 nays); motion carries.**



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**VOTING ON MOTION AS AMENDED (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (unanimous); motion carries.**

5.07 Communication: Chapin Spencer, Director of Public Works and Norman J. Baldwin, P.E. City Engineer/Assistant Director of Public Works, re: Making Space for Restaurant and Retail Recovery Program

Director Spencer and City Engineer Baldwin spoke about this item, noting that they are working with departments, downtown stakeholders, and businesses to respond to the pandemic in innovative ways. They have collaboratively developed 3 programs to support small businesses, including a temporary pickup zone designation for businesses that have takeout options, an expanded sidewalk/street seats program that builds on the prior year's parklet and street seats pilot program, and an open streets initiative that would entail rolling street closures on weekends to open up space for outdoor seating and retail activities. They asked that the Ordinance Committee be charged with setting up ordinance language that would allow these initiatives to continue past the end of the State of Emergency, if needed.

**MOTION by Councilor Hanson, SECOND by Councilor Pine, to refer the Making Space for Restaurant and Retail Recovery program, established in the Mayor's COVID 19 Emergency Regulation 3, to the Ordinance Committee to consider development of an ordinance consistent with its terms.**

### **DISCUSSION:**

- Councilor Pine asked whether this process could be expedited. Attorney Blackwood replied that the Mayor invoked his authority to start this and expedite it, and it could be placed in all stages of passage to further expedite out of committee.
- Councilor Dieng asked Mr. Spencer about the Street Seats pilot and its results. Mr. Spencer replied that there was positive feedback on the pilot from the three sites that participated.

**VOTING: unanimous; motion carries.**

5.08 Resolution: COVID Exemption For Vacation-Use Policy

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

### **DISCUSSION:**

- Councilor Paul noted that this resolution would accommodate those City employees who could not use their vacation time during COVID-19 by carrying accrued leave over to the next fiscal year.



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- **Councilor Dieng asked if City employees were involved in this discussion. Chief Administrative Officer Schad replied that this recommendation was made after looking at data on vacation time and that it was discussed with department heads.**
- **Councilor Hanson asked if the unions have weighed in. Ms. Schad replied that the union contract specifies that this vacation time would expire at the end of the fiscal year, so this resolution is offering an additional benefit.**

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

**5.09 Resolution: Condemning Killing Of George Floyd By Minneapolis Police Officer And Respectfully Requesting Mayor To Order And Raise Black Lives Matter Flag At City Hall For Duration of COVID-19 Emergency (Councilors Dieng, Carpenter, Paul, Paulino, Pine, Shannon)**

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

### **DISCUSSION:**

- **Councilor Dieng provided the context for this resolution and stated that it is a call to action for Burlingtonians to condemn the killing of George Floyd in Minneapolis and asks for action-oriented change to develop programs that promote equitable policies and practices at all levels of the government. It also asks the City Council to recognize and appreciate the non-confrontational and professional manner in which the Burlington Police Department acted at the May 30 protest, and asks the Mayor to raise the Black Lives Matter flag at City Hall for the remainder of the COVID-19 State of Emergency.**

**MOTION TO AMEND by Councilor Stromberg, SECOND by Councilor Freeman strike lines 34-39 in resolution.**

### **DISCUSSION:**

- **Councilor Stromberg stated that lines 34-39 state our appreciation for our police being non-confrontational and professional; however, this is always an expectation of our police department and other departments. She added that this statement waters down the resolution and is insulting to the organizers and attendees of the rally.**
- **Councilor Hightower agreed with Councilor Stromberg. She extended thanks to Police Chief Morrison and officers regarding their conduct on May 30th but she does not think this belongs in the resolution.**

**MOTION TO AMEND THE AMENDMENT by Councilor Stromberg, SECOND by Councilor Hanson, to strike “recognizes and**

**appreciates the non-confrontational and professional response by the Burlington Police Department to the events of May 30th, and” from lines 34-36 of the resolution.**



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

### **DISCUSSION OF AMENDMENT AS AMENDED:**

- Councilor Hanson stated that this resolution was drafted to show solidarity with the protestors, who are demanding meaningful reform and change to the Burlington Police Department. He does not think it is appropriate to commend the conduct of that police department during the May 30th protest.
- Councilor Hightower pointed out that the police are the only group in the resolution that is called out for thanks. She suggested either removing the language thanking the police department or adding language to thank all other groups that attended the May 30th rally as well.
- Councilor Shannon stated that the goal should be having a community with better policing than a community without police. She emphasized the importance of coming together to condemn the actions that have occurred around the country.
- Councilor Freeman stated that the language thanking the police department is inappropriate for this resolution, and speaks to the entitlement of people in positions of power to continue their current behavior. She expressed concern that the community is too afraid to disrupt the status quo when it comes to conversations about policing practices.

**MOTION TO CALL THE QUESTION** by Councilor Mason, **SECOND** by Councilor Paulino.

**VOTING ON CALLING THE QUESTION (by roll call):** Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – nay, Councilor Shannon – aye, Councilor Stromberg – nay, Council President Tracy – nay (6 ayes, 6 nays); motion fails.

### **CONTINUED DISCUSSION OF AMENDMENT AS AMENDED:**

- Councilor Pine stated that the police play an important role in society, but that this resolution sends a clearer message if it is amended to strike the language around thanking them.
- Councilor Hanson noted that there will be many opportunities to address the good work of the police, but that thanking the police force in this resolution takes the focus away from those for whom this resolution is being passed.

**VOTING ON AMENDMENT (by roll call):** Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Paulino – nay, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, Council President Tracy – aye (6 ayes, 6 nays); motion fails.



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**MOTION TO CALL THE QUESTION** by Councilor Hightower, **SECOND** by Councilor Paulino.

**VOTING ON CALLING THE QUESTION** (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – nay, Councilor Shannon – aye, Councilor Stromberg – nay, Council President Tracy – aye (8 ayes, 4 nays); motion carries.

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

## **6. COMMITTEE REPORTS**

8.01 Verbal Reports –

No discussion at this time.

## **7. CITY COUNCIL – GENERAL AFFAIRS**

9.01 Verbal Reports –

No discussion at this time.

## **8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES**

10.01 Verbal Reports –

No discussion at this time.

## **9. MAYOR – GENERAL AFFAIRS**

11.01 Verbal Reports –

No discussion at this time.

## **10. COMMUNICATION: CITY ATTORNEY BLACKWOOD, RE: UPDATE ON PENDING POLICE USE OF FORCE LITIGATION \*\* EXPECTED EXECUTIVE SESSION\*\***

10.01 Communication: City Attorney Blackwood, re: Update on pending police use of force litigation \*\*expected executive



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session\*\*

Attorney Blackwood: litigation involves 3 lawsuits, each of them are in relatively early stages of the case and discovery; where both sides of the case investigate and take depositions and collect documents. Would not expect any of the cases to come to trial in this calendar year.

**MOTION by Councilor Pine, SECOND by Councilor Freeman, that the City Council find the necessity to enter into executive session to discuss pending litigation because premature disclosure would place the City at a substantial disadvantage.**

**VOTING: unanimous; motion carries.**

**MOTION by Councilor Pine, SECOND by Councilor Hightower, to enter into executive session.**

**MOTION by Councilor Paulino, SECOND by Councilor Stromberg, to postpone action on this item until the June 15th City Council meeting.**

**VOTING: unanimous; motion carries.**

## **11. ADJOURNMENT**

11.01 Motion to Adjourn –

**MOTION by Councilor Pine, SECOND by Councilor Hanson to adjourn the meeting.**

**VOTING: unanimous; motion carries.**

The City Council meeting adjourned at 12:00 AM.

*RScty: AACoonrad*