



Regular City Council Meeting - Monday, May 10, 2021, 7:00 pm

****VIRTUAL MEETING****

5/10/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

May 10, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Jane Stromberg

Mark Barlow

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Rich Goodwin

Eileen Blackwood

Jordan Redell

Amy Bovee

Chapin Spencer



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Laura Wheelock

Norm Baldwin

Jeff Glassberg

Kara Alnasrawi

Brian Lowe

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt the agenda

The meeting was called to order by City Council President Tracy at 7:04 PM.

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

- **remove from the agenda item 5.02 Communication: DPW Water Resources Division, re: Approval of the 2021 Water Resources Division Rate Restructuring and Affordability Programs Proposal (per Chapin Spencer);**
- **note proposed amendment for agenda item 5.04 Resolution: City Councilor Compensation (Councilors Hanson, Stromberg, Dieng)(per Councilor Carpenter);**
- **note revised version of agenda item 5.06 (per City Attorney Blackwood);**
- **note added written material for agenda item 5.07 Ordinance: Chapter 18 Housing--Change re Energy Efficiency and Weatherization in Rental Housing (Ordinance Committee, Department of Permitting and Inspections)(2nd reading)(per Jennifer Green)**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2.01 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

- Christie Delphia spoke about the weatherization of units. She said that this will save tenants money and improve the safety of their spaces, as well as will save the environment.
- Sophie Aaronson spoke in favor of weatherization of rental units.
- Chris Gish spoke about negative experiences pertaining to drafty rental units and having to pay high utility bills due



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to their under insulation. He said that energy efficiency upgrades are one of the most cost-effective ways to lower energy usage, though many landlords do not have the incentive to make those upgrades because they don't pay energy bills on their properties.

- Christine Fleming spoke in favor of the rental weatherization requirement ordinance.
- Daniel Munteanu spoke in favor of the proposed amendments to the rental weatherization ordinance as well as the January 2022 deadlines for leased buildings.

Forum closed at 7:40 PM.

3. CLIMATE EMERGENCY REPORTS

3.01 Climate Emergency Reports

Councilor Hanson noted the devastating drought in Taiwan, and that it is at the point at which they need to curtail basic water usage. He said it is a reminder to continue working on this issue, though Vermont's climate is relatively stable currently.

Mayor Weinberger noted that the Board of Finance approved an expansion of the program to charge a special electric vehicle rate at the Burlington Electric Department (BED). He said that if people own an EV and can charge at the off-peak schedule, the rate is significantly lower.

4. CONSENT AGENDA

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

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

4.03 Communication: C/T Office, March 8, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.04 Communication: C/T Office, March 8, 2021 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.05 Communication: C/T Office, re: March 22, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.06 Communication: C/T Office, re: March 22, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.07 Communication: C/T Office, re: April 5, 2021 Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.08 Communication: C/T Office, re: April 12, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.



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4.09 Communication: C/T Office, re: April 26, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.10 Communication: C/T Office, re: April 26, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2021 Regular City Council Meeting.

4.11 Communication: Katie Kinstedt, Acting Community and Economic Development Office (CEDO) Director, Todd Rawlings, CEDO Housing Program Manager, Tony Berry, Human Resources Manager, re: Reclassification of Lead Program Specialist I - Enrollment from part-time to full-time - approve the reclassification of the Lead Program Specialist I – Enrollment, a Regular, Part-time, Non-exempt, NonUnion, Grade 16, position to a Regular, Full-time, Non-exempt, Non-Union, Grade 16, position in the Community and Economic Development Office.

4.12 Communication: Max Madalinski, Parks Project Coordinator, re: Schifilliti Park Shared-Use Path Grant Agreement with VT Agency of Transportation - approve acceptance of the Transportation Alternatives Program grant, and authorize Cindi Wight, Director of Parks & Recreation, to execute the Cooperative Agreement with the Vermont Agency of Transportation, subject to review by the City Attorney's Office.

4.13 Communication: Cindi Wight, Director, Department of Parks, Recreation & Waterfront and Melissa Cate, Superintendent of Recreation Facilities, re: Lease of Vendor Space at Leddy Park - approve and authorize the execution of a lease agreement from May 29 through October 15, 2021 with Out Front Foods, Inc., to perform all food sales at Leddy Park, and to compensate the City with 10% of gross receipts for the use of space, and to authorize Mayor Miro Weinberger to execute the lease and any related documents needed to carry out the lease agreement, subject to the review of the City Attorney's Office.

4.14 Communication: Katie Kinstedt, Acting Director CEDO and Marcella Gange, Senior Community Development Specialist CEDO, re: Approval to accept transfer of Permanent Supportive Housing Continuum of Care Grant Agreements: VT0030L1T011910-Shelter Plus Care-New Horizons, July 1, 2021; VT0053L1T011904-Beacon Place Apartments, September 1, 2021; VT0021L1T011912-Shelter Plus Care-Housing First, September 1, 2021; VT0065L1T011903-Expanding Chronically Homeless Options, October 1, 2021 - approve the acceptance of four U.S. Dept. of Housing and Urban Development Continuum of Care grants to begin in FY22 and authorize the Director of CEDO to execute all documents necessary to accept the total funding of approximately \$530,000 from HUD, subject to the review and approval of the City Attorney.

4.15 Communication: Darren Springer, General Manager, BED, re: Electric Vehicle Rate Amendments - authorize the General Manager of the Burlington Electric Department or his designee to file with the Vermont Public Utility Commission the BED EV Rate Tariff amendments and accompanying Small General and Large General Tariff amendments as proposed.

4.16 FIO Documents – for information only.

4.17 Resolution: Reclassification Of The Director of Racial Equity, Inclusion, And Belonging (Board of Finance) – waive the treading and adopt the resolution.

MOTION by Councilor Stromberg, SECOND by Councilor Pine, to adopt the consent agenda as amended, taking the actions as indicated for items 4.01-4.17.

VOTING: unanimous; motion carries.



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5. DELIBERATIVE AGENDA

5.01 Resolution: Authorization To Submit 2021 Burlington Annual Action Plan And Amended 2020 Burlington Annual Action Plan (Board of Finance, Community Development and Neighborhood Revitalization Committee)

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

DISCUSSION:

- **Councilor Pine said that this is an annual process to allocate the federal funds received from the Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) program and the Home Investment Program. He noted that they are formula programs, meaning they are funded based on population and poverty rate. He said that the process for allocating the CDBG funds has been allocated and driven by a citizen-controlled process that considers the applications, ranks and scores them, and discusses the funding for them. He said that the Home funds are allocated according to whether a project is or isn't eligible for use of Home funds, which is done administratively.**

VOTING: unanimous; motion carries.

5.02 Communication: Megan Moir, Water Resources Division Director, Jessica Lavalette, Water Resources Customer Care and Finance Manager, Jenna Olson, Water Quality Program and Policy Manager, re: Approval of the 2021 Water Resources Division Rate Restructuring and Affordability Programs Proposal **agenda item removed**

No discussion at this time.

5.03 Communication: Norm Baldwin, P.E., Asst. Director Public Works, City Engineer and Laura K. Wheelock, P.E., Senior Public Works Engineer, re: Update for CityPlace Street Parcels, and other Public Improvements

Assistant Director Baldwin noted that this is an update on the concept design and development process for public improvements associated with street parcels to be acquired by the City including St Paul and Pine St, as well as projects on Bank and Cherry St.

Senior Engineer Wheelock noted that the update is focused on the design of the streets. She reviewed the Great Streets Design Standards, which are focused on concepts related of walkability/bikeability, sustainability, vibrancy, and functionality. She noted that the standards seek to create a balance among users and uses of the right-of-way, with the goal of unifying, rather than making uniform, the public streetscapes throughout the downtown area. She outlined the project area, which is surrounded by Cherry Street (north), St Paul St (east), Bank Street (south) and Pine Street (west). She said that in terms of next steps, the City is continuing with property rights acquisitions, and that construction is slated for 2024-2025.



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Councilor Hanson asked about the permeable pavers and whether they are for the streets or sidewalks or both. Senior Engineer Wheelock said that the permeable pavers are mostly for the tree belts. She said that as they become more comfortable maintaining these systems, they may try them out in the street.

Councilor Pine asked if this still needs to go out to bid. Senior Engineer Wheelock replied that CityPlace will handle the procurement, per the amended and restated development agreement. Jeff Glassberg added that the cost of the public improvements is subject to City review and confirmation. Councilor Pine asked about the timeline for the work to be undertaken. Mr. Glassberg replied that the first of the parcels will be completed no later than July 1, 2024, with the second of the parcels to be completed by July 1, 2025. He said that those are outside dates and could potentially be improved upon.

Councilor Mason also asked about timeline, and how current litigation around terms of acquisition and easements impacts it. Mr. Glassberg replied that the City is moving ahead with negotiations to acquire the 2,000 square feet necessary from the owner of 77 Pine St, and that the City had previously approved the option to acquire necessary ground from 150 Pine St. He said that they still need easement rights from 100 Bank St. He added that even if the project delays or is stalled, they will still need to secure easements.

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

VOTING: unanimous; motion carries.

5.04 Resolution: City Councilor Compensation (Councilors Hanson, Stromberg, Dieng)

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

DISCUSSION:

- Councilor Stromberg said that this resolution requests exploring the issue of compensation for City Councilors. She noted that Councilors spend a lot of time responding to constituents, chairing and attending committee meetings and NPA meetings, researching issues, and working with the City to draft resolutions. She said that these time commitments, in addition to the relatively low compensation, could be a barrier for more people to run for office such as City Council. She said that the City deserves the best possible representation.

MOTION TO AMEND by Councilor Carpenter, SECOND by Councilor Paul, to modify the first resolved clause to read "NOW, THEREFORE, BE IT RESOLVED that the City Council refers the question of the appropriate level of support and compensation for City Councilors to its Charter Change Committee. Those members and other interested



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Councilors shall conduct research on the norm for communities similar to Burlington. That research shall include but is not limited to consideration of the amount of work required of City Councilors, the need for more administrative support or office space, the appropriateness of cost of living increases, the possibility of other benefits (such as health insurance or a dependent care stipend) for City Councilors, tying compensation to the annual raises given to other city officials, the impact of possible future redistricting and whether or not such compensation shall be set in the charter or by other means such as by budget resolution; and"

DISCUSSION OF AMENDMENT:

- Councilor Carpenter said that the resolution makes the presumption that compensation is the barrier for running, but there could be more than that, and asked that the issue be holistically researched and reported back later than the original resolution. She suggested looking at other cities of the same size to see what incentives people.
- Councilor Hanson said that the resolution addresses the extremely low compensation that City Councilors receive for the amount of work that they do, and that more staff time shouldn't be used to research the issue additionally.
- Councilor Paul noted that the Charter Change Committee is there to take further testimony, make changes to charter language, and that it is not always utilized as a research body. She said that dependent care assistance should be included in the resolution in addition to health care assistance.
- Councilor Stromberg said that the resolution was written broadly with the intention that further specifics would be worked out during the research process that would follow.
- Councilor Hightower asked about the intent of the amendment and level of Councilor involvement in research. Councilor Carpenter said that a more holistic look at supports for Councilors is necessary, that it wouldn't be feasible to report back in August and that more time is needed.
- Councilor Pine suggested that any compensation increases take effect upon re-election of current Councilors, so that it wouldn't apply during current terms. He also said that there are many barriers to participating in City government and that they need to be chipped away at.
- Councilor Shannon said that the issue is much broader than compensation. She said she is concerned with the timing of the resolution, both because the City Attorney's office is currently experiencing staff turnover and lower bandwidth to research issues, and because the reassessment is impacting residential taxpayers in adverse ways, and so this may not be an opportune time to ask for pay increases for City Councilors. She also pointed out that School Board members don't receive compensation, though they put in a similar amount of effort.
- Councilor Barlow noted that the work on City Council is demanding and the learning curve is steep, and that time constraints are also an issue. He noted that Burlington Councilors are compensated more generously than in surrounding cities like South Burlington and Winooski. He also expressed support for helping councilors better use the resources available to them currently.
- Councilor Dieng noted that he cut the number of hours that he works in order to accommodate the workload associated with being a City Councilor.
- Councilor Hanson said that the original resolution doesn't exclude looking at dependent care in addition to health care.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – absent, Councilor Hanson – nay, Councilor Hightower – nay, Councilor Mason – aye, Councilor Paul – nay, Councilor Pine – nay, Councilor Shannon – aye, Councilor Stromberg – nay, City Council President Tracy – nay, (3 ayes, 1 abstention, 8 nays); motion fails.



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DISCUSSION (CON'T):

- Councilor Mason said that he cannot support a resolution that would explore increasing Councilor compensation during a property reassessment that will almost certainly increase taxes on Burlington residents.

MOTION TO AMEND by Councilor Shannon, **SECOND** by Councilor Mason, to add an additional resolved clause to state "that the Charter Change Committee will further research what the barriers to service are for potential candidates other than the stipend."

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye, (10 ayes, 1 abstention, 1 nay); motion carries.

MOTION TO AMEND by Councilor Carpenter, **SECOND** by Councilor Hightower, to modify the second resolved clause to read "BE IT FURTHER RESOLVED that the City Council respectfully requests that the Charter Change Committee refer this item back to the full City Council for its review no later than its last meeting in September. The report may include any recommendations for a charter change or ballot item to be consider at an annual city election."

DISCUSSION OF AMENDMENT:

- Councilor Hanson asked if this would exclude the Charter Change Committee from bringing a proposed charter change to the full City Council. Councilor Carpenter said that she would like an opportunity for the Council to explore the broader issues and options that could be considered.

MOTION TO AMEND THE AMENDMENT by Councilor Hanson, **SECOND** by Councilor Stromberg, to modify to say "the report may include any recommendations for a charter change or ballot item to be considered at the 2022 annual City election."

VOTING ON AMENDMENT TO AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye, (8 ayes, 1 abstention, 3 nays); motion carries.

VOTING ON AMENDMENT AS AMENDED: (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – aye, Councilor Hightower – aye, Councilor



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Mason – nay, Councilor Paul – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye, (8 ayes, 1 abstention, 3 nays); motion carries.

VOTING ON RESOLUTION AS AMENDED: (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye, (8 ayes, 1 abstention, 3 nays); motion carries.

5.05 Resolution: Tasking The Parks, Arts And Culture Committee To Make Recommendations About Creation Of Dog Task Force (Councilors Dieng, Barlow, Carpenter, Shannon)

Councilor Dieng said that the pandemic has resulted in an increase in dog ownership across the City and that it has become apparent that some dog owners do not know how to properly clean up after or monitor their dogs, resulting in an increase in dog excrement, dog fighting, dogs off leash at parks, unlicensed dogs, dog barking issues, and even dog attacks on people. He said that this resolution would refer these issues to the Park, Arts, and Culture Committee (PACC) and request a report-back of potential recommendations around the formation of a Burlington Dog Task Force by the end of June, 2021.

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

VOTING: unanimous; motion carries.

5.06 Resolution: Request for \$922,790 Of ARPA Funds to Continue City's COVID Response and Recovery (Board of Finance)

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

DISCUSSION:

- **Councilor Paul noted that Vermont is one of the leaders in both containing Covid-19 and vaccinating its population. She said that this request for funding would bring the City to the end of its fiscal year, and would continue assisting local businesses, Covid testing, wastewater testing, support of the Resource Recovery Center, and initiatives to reactivate businesses and downtown and waterfront areas within the community. She said that the funding would help the community both recover and move on from the Covid-19 pandemic.**
- **Director Alnasrawi said that the funding would help the public health response and community and economic reactivation geared toward businesses and residents.**
- **Councilor Shannon asked about the \$30,000 for Juneteenth art in the funding. Director Alnasrawi said that there are funds in REIB for specific Juneteenth murals, but that this allocation would be an additional mural as part of a graffiti deterrent initiative. Councilor Shannon said that she would be extremely supportive of additional funding for graffiti remediation and City beautification.**



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- **Councilor Hanson asked if it would be possible to explore storage lockers for the houseless as part of these initiatives.**

VOTING: unanimous; motion carries.

5.07 Ordinance: Chapter 18 Housing--Change re Energy Efficiency and Weatherization in Rental Housing (Ordinance Committee, Department of Permitting and Inspections)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Hanson, to waive the second reading and approve the ordinance as amended and request the Burlington Electric Department (BED) and the Department of Permitting and Inspections (DPI) to return to the Ordinance Committee within 90 days to discuss scheduling of rental properties above 50,000 BTUs.

DISCUSSION:

- **Councilor Mason said that this is continued discussion of the weatherization ordinance that was brought before the Council at its last meeting, after which it was referred to the Ordinance Committee. He said that the Ordinance Committee met and discussed the implementation schedule of the proposed applicability of the ordinance. He said that they decided to put in place an implementation deadline for the units that used more than 90,000 BTUs, but that they did not put deadlines in place for other usage tiers, and that this resolution would ask for a schedule to be developed for additional deadlines.**

VOTING: unanimous; motion carries.

5.08 Communication: City Attorney Blackwood, re: Recommended Changes to the Livable Wage Ordinance Provisions Concerning the Designated Accountability Monitor

MOTION by Councilor Pine, SECOND by Councilor Mason, to waive the first reading and refer to the Ordinance Committee consideration of proposed amendments to the Livable Wage Ordinance concerning the designated accountability monitor.

DISCUSSION:

- **City Attorney Blackwood said that in 2014, requirements around the designated accountability monitor was added into the ordinance and that from 2014 to June 2020, the Vermont Worker Center was the designated accountability monitor. She said that an open RFP process was conducted to determine if there were other entities interested in becoming the accountability monitor, but the process yielded no bids. City Attorney Blackwood then noted that she has, however, been contacted by several individuals who have previously experience with investigations into wages. Additionally, we've found over the years that the monitor conducted education and outreach, audited larger contractors. She said that the City's experience is that the**



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most effective way to enforce the ordinance was to have someone to go on site and then conduct a payroll audit, but that this has been a challenge for City staff due to lack of bandwidth and subject matter expertise. She said that this proposal is a modest change to the ordinance, which provides for the hiring individuals or a business to assist the City in conducting these audits. She said that the changes are also proactive in the enforcement side, rather than waiting for complaints to come in.

VOTING: unanimous; motion carries.

6. COMMITTEE REPORTS

6.01 Verbal Reports

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will be meeting on the 18th at 5:30 and that the biggest agenda item is to outline the goals for this upcoming year.

Councilor Hanson said the Transportation, Energy, and Utilities Committee is meeting on May 25th at 5:00 pm, in addition to having a special meeting at which will explore the issue of pedestrian safety. He said that it is part of a series of special meetings at that committee to take up special issues.

Councilor Hightower provided an update from the Joint Public Safety and Police Commission that the Talitha public safety survey will be going out on Thursday of this week.

7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports

None at this time.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports

City Council President Tracy noted that commission applications are due at 4:30 pm on Friday, May 14th, if anyone is interested in participating as volunteers on committees. He also noted that the Committee on Aging's application is live (new committee). He also noted that the City is hosting a number of budget sessions on May 12th, 17th, 19th and 20th at 5:00 pm. He additionally noted that Councilors have noted concern about the high school and developments there. He said he has asked for an update for the Superintendent and Schoolboard chair.

9. MAYOR – GENERAL AFFAIRS



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9.01 Verbal Reports

Mayor Weinberger also spoke about budget hearings and additional budget information on the City's website. He noted that a budget survey has been created and circulated through the public space, and has received at least 400 responses so far.

He noted that on Friday, over 100,000 Chittenden County residents received at least 1 shot (over 72% of eligible residents). He noted that the number of new Covid infections is down to an average of 10 a day in Chittenden County. He additionally noted that the FDA has approved usage of the Pfizer vaccine for children aged 12-15.

10. ADJOURNMENT

10.01 Motion to adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 9:53 PM.

RScty: AACoonrad