



Regular City Council Meeting - Monday, May 9, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM 5/9/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

May 9, 2022

MEMBERS PRESENT: Karen Paul

Joan Shannon

Jack Hanson

Ali Dieng

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Gene Bergman

Ben Traverse

Ali House

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Stephen Ellis

Justin St. James

Jordan Redell

Lori Olberg



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Sarah Montgomery

Chapin Spencer

Laura Wheelock

Olivia Darisse

Brian Pine

Christine Curtis

Todd Rawlings

Darren Springer

Chris Burns

Evan Detrick

Susana Ross

Steve Woods

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Paul at 6:13 PM.

MOTION by Councilor Hightower, SECOND by Councilor Traverse, to amend and adopt the agenda as follows:

- **Add amendment to item 7.04 per Councilor Dieng**

VOTING: unanimous; motion carries (Councilor Shannon absent for vote).

2. COMMUNICATION: UPDATE ON NEGOTIATIONS(verbal)(**expected executive session**)

2.01 Communication: Assistant City Attorney St. James, CAO Schad and HR Director Durfee re: Update on Negotiations (expected executive session)**start time: 6:00 pm - 7:00 pm**

Attorney St. James noted that negotiations with the unions are generally in the early stages, and the City Attorney's Office



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would like to update the Council and receive guidance from City Council on moving forward.

MOTION by Councilor Hanson, SECOND by Councilor Traverse, that the Council find that premature general public knowledge of information concerning the City's position and legal advice concerning such a position in regard to labor relations agreements with employees would clearly place the City at a substantial disadvantage when entering such negotiations.

VOTING: unanimous; motion carries (Councilor Shannon absent for vote).

MOTION by Councilor Hanson, SECOND by Councilor Traverse, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a labor relation agreement with employees matter, 1 VSA §313(a)(1)(B).

VOTING: unanimous; motion carries (Councilor Shannon absent for vote).

3. PRESENTATION REGARDING MAIN STREET PROJECT

3.01 Presentation Regarding Main Street Project

Director Spencer updated conceptual plans for the Main Street Great Streets Project. He said that this is a time-limited generational opportunity to reinvigorate and reimagine Burlington's aging Main Street. He said that tonight is another public engagement opportunity to hear a status update on the project. He said that DPW plans to seek approval for the general concept later in May.

Evan Detrick noted that Vanasse, Hangen, and Brustlin (VHB), the Agency Landscape and Planning, and Grayscale are the three consultants working with the City on this project. He said that this project will span six blocks of Main Street from Battery Street to South Union Street. He provided an overview of the project schedule, which entails public meetings, conceptual and preliminary plan development in 2022, and final design plans, contract plans, and bid the project for construction in 2023, with construction beginning in late 2023 through 2025.

Susana Ross provided an update on community engagement for the project. She said that they have conducted neighborhood meeting sessions, online surveys, and a website. She noted common themes, which include that Main Street should represent the diverse and rich culture, history, and identity of residents, as well as concerns from businesses about investments and coordination with other city priorities.

Ms. Ross provided an overview of the proposed Main Street cross section, which will generally allow for 2 lanes of traffic and two lanes for parallel parking, as well as pedestrian/bike and greenway spaces. Steve Woods spoke briefly about artful



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gateways at crossroads in the project. He additionally spoke about a landscape option called Lake, City, Mountain, which would contain ecologically-rich planting inspired by the different biomes surrounding Burlington and would change to express the character of these three zones in the City.

Mr. Detrick said that the design team is incorporating feedback from the April 28th neighborhood meeting and May 6th business meeting as well as any additional feedback received up to May 14th into the concept plans. He said that five listening sessions will occur after that and the concept plan will be shared with DPW on May 18th.

Councilor House asked about the reduction in parking and how it could impact people who have reduced mobility. She also said that the reliance on technology for parking management, such as the parking app that is used to pay for parking, may also be a barrier for older people or people with reduced physical ability. Director Spencer replied that one strategy the City is reviewing is whether they can maximize spaces on intersecting streets to provide good proximal parking access. Senior Engineer Wheelock additionally noted that they do look at the neurodiverse population that will be accessing this part of town. She added that one of the choices to make the middle section of Main Street curbsless is to provide better access.

Councilor Dieng thanked staff working on this project for presenting to the Racial Equity, Inclusion, and Belonging (REIB) Committee. He asked what landscape elements of this project will be included on some blocks but not on other blocks. Mr. Woods said that they have not yet made decisions on specific elements for specific spaces yet. Councilor Dieng asked if there has been an inventory put together of what future maintenance may look like. Mr. Detrick replied that the City has begun putting together that list.

Councilor Hightower asked about the permeable parallel parking strips and what they are. Mr. Detrick replied that they are aiming to have permeable pavers at some parking spots, where the water runs off the road into the ground where those pavers are. He said that installing these pavers in parallel parking spaces would increase the amount of permeable surface on the road. Councilor Hightower observed that it is difficult to engage the public on projects when they are in the conceptual stage, and encouraged the design team to be flexible to making changes later on once some of the detail has been worked out.

Councilor Barlow asked how many parking spaces are being lost and what measures are being taken to mitigate that loss. Senior Engineer Wheelock noted that the proposal would remove 67 parking spaces. She said that this project would rebalance the layout of the street and the different types of transportation being used. She said that they are conducting an inventory and a parking study. Mr. Detrick added that Church Street is extremely successful and well-visited and that it does not have parking.

Councilor Carpenter expressed concern about the loss of parking, saying that they should exercise caution when removing parking. She asked about the implications of the City Council's approval on the proposed road width. Director Spencer said that changing from diagonal to parallel parking would be what allows for the accommodations for stormwater and the bicycle/pedestrian lanes. He said that the City Council has the authority to change the line and grade of road, and so they



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must weigh in on this at their next meeting.

Councilor Bergman asked whether roundabouts are a design consideration. Mr. Detrick replied that they have been charged with examining how intersections should operate along the corridor, whether they be signalized or converted to roundabouts. He said that the decision will be based on a number of components (safety, operation, bicycle circulation, etc). He said that they will analyze the options and provide an evaluation and recommendation at a later stage in the project.

Councilor Freeman spoke supportively about the move to alternative modes of transportation. They advocated for inclusive design and said that it could be done in a way that is to the benefit both of motor vehicles and alternative modes of transportation.

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

VOTING: unanimous; motion carries.

4.0 PUBLIC FORUM

4.01 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

Burlington residents (in person):

- Todd Lacroix spoke about the weakening of democracy and his experiences with police brutality.
- Christopher Aaron Felker spoke in support of the resolution on decarbonizing all buildings in Burlington. He cautioned the City to proceed carefully so that they do not contribute to the unsustainable rising costs of housing in Burlington.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the resolution on decarbonizing all buildings in Burlington by 2030. She spoke in support of decarbonizing policies and expressed support for the phased approach. She said that with regards to the timeline, she is concerned that BED's report-back in July seems like a tight turnaround time. She additionally said that funding this policy could be difficult. She said it might be useful to put together example estimates (for City Hall or Dealer.com, for example).
- Keith Pillsbury said that there are not enough volunteer workers to staff the Ward 8 polls. He also expressed concern that Ward 8 does not have a functioning democracy because many of its residents are on campus at the University of Vermont. He said that Ward 8 should be replaced with a ward that has a balanced community.



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- Lynn Wood spoke about the resolution on decarbonizing buildings in Burlington, noting concerns with the effectiveness of heat pumps in some residences and buildings, as well as potential added strain to Burlington's electrical grid.

Non-Burlington residents (via Zoom):

- Luce Hollman spoke on behalf of the University of Vermont regarding decarbonizing buildings in Burlington, requesting that the University be involved in this conversation as it moves forward.

Forum closed at 7:45 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

None at this time.

6. CONSENT AGENDA

6.01 Motion to adopt the consent agenda (as amended) and take the actions indicated

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

6.03 Communication: C/T Office, re: Special Board of Civil Authority Meeting Minutes, March 4, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.04 Communication: C/T Office, re: Board of Civil Authority Meeting Minutes, March 7, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.05 Communication: C/T Office, re: Regular City Council Meeting Minutes, March 7, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.06 Communication: C/T Office, re: Local Control Commission Meeting Minutes, March 7, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.07 Communication: C/T Office, re: Local Control Commission Meeting Minutes, March 21, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.08 Communication: C/T Office, re: Regular City Council Meeting Minutes, March 21, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.09 Communication: C/T Office, re: City Council Organization Day Meeting Minutes, April 4, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.10 Communication: C/T Office, re: Local Control Commission Meeting Minutes, April 11, 2022, Draft - waive the reading,



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accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.11 Communication: C/T Office, re: Regular City Council Meeting Minutes, April 11, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.12 Communication: C/T Office, re: Full Board of Abatement of Taxes Meeting Minutes, April 25, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.13 Communication: C/T Office, re: Regular City Council Meeting Minutes, April 25, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.14 Communication: C/T Office, re: Local Control Commission Meeting Minutes, April 25, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2022 Regular City Council Meeting.

6.15 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources, Tony Berry, Human Resources Manager, re: Reclassification of two (2) Clerk/Treasurer positions - approve the: • Reclassification of the Commission & Licensing Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 13, position to Commission & Licensing Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 14, position in the Clerk/Treasurer's Office; and • Reclassification of the Customer Service Associate and Cemetery, a Regular, Full-time, Non-exempt, AFSCME, Grade 14, position to Customer Service Associate, a Regular, Full-time, Non-exempt, AFSCME, Grade 14, position in the Clerk/Treasurer's Office.

6.16 Communication: Jenna Olson, Water Policy & Programs Manager, Steve Roy, Senior Water Resources Engineer, re: Authorization to sign the attached 248a waiver in relation to the City's impending rehabilitation project of the Redstone Water Tower - waive the 30-day notice and intervention period and opportunity to formally comment on AT&T d/b/a New Cingular Wireless PCS, LLC's application to the Vermont Public Utility Commission for a Certificate of Public Good in connection with the construction of a temporary cellular tower on City-owned property during the repair period for the Redstone Water Tank and to authorize the Mayor to execute a waiver on behalf of the City Council to such effect, subject to review by the City Attorney's Office.

6.17 Communication: James Unsworth, Chair, Burlington Ad-hoc Reappraisal Committee, re: Minutes - waive the reading, accept the communication and place it on file.

6.18 Communication: Jessica Lavalette, Customer Care & Finance Manager, re: Authorization to accept grant funds from the Low-Income Household Water Assistance Program - approve and authorize the acceptance of grant funds from the Low Income Household Water Assistance Program (LIHWAP) through the Vermont Department for Children & Families of the Vermont Economic Services Division to satisfy eligible water utility bills owed by customers meeting certain income thresholds as outlined in and subject to the terms and conditions outlined in Attachment A, and to further authorize the Director of the Department of Public Works to execute the LIHWAP's certification and terms and conditions agreements, subject to review by the City Attorney's Office.

6.19 Communication: Mary Danko, Library Director, Kerin Durfee, Director of Human Resources, Tony Berry, HR Manager, re: Reclassification of One (1) Role within the Fletcher Free Library - approve the reclassification of the Tween/Teen Librarian, a Regular, Full-time, Non-Exempt, AFSCME, Grade 18, role to Tween/Teen Librarian, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Fletcher Free Library.

6.20 Communication: Church Street Marketplace District Commission, re: FY22 Budget and Related Fee Suggestions - waive the reading, accept the communication and place it on file.

6.21 FIO Documents – for information only.





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MOTION by Councilor Bergman, SECOND by Councilor Hanson, to amend/adopt the consent agenda and take the actions as indicated for items 6.01-6.21.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.01 Public Hearing: Community Development Block Grant and HOME Proposed Allocations For the 2022 and 2019 Action Plans for Housing & Community Development

Director Pine began by noting that the Community Development Block Grant (CDBG) has been in existence for the last 50 years and focuses on housing, economic development, and housing services. He said that the City Council is being asked to approve the annual action plan for spending the allocated funding. He said that CEDO is proposing anticipated revenue totals of \$706,200 in new CDBG funding and \$415,000 in new HOMES funding (to support housing development and preservation/rehabilitation) in addition to anticipated program income of \$30,000 and carryover funding of approximately \$640,000 (CDBG) and \$425,691 (HOMES). He said that they were able to allocate more funds to public service activities, since the Covid-19-related funding had more flexibility in how it can be used.

City Council President Paul opened the public hearing.

There was no public comment.

City Council President Paul closed the public hearing.

7.02 Resolution: Authorization To Submit 2022 Burlington One-Year Action Plan, And Amended 2019 Burlington One-Year Action Plan (Community Development and Neighborhood Revitalization Committee) (10 mins.)

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

DISCUSSION:

- **Councilor Freeman asked for a more detailed explanation. Director Pine replied that the funding is comprised of CARES Act funding, carryover funding, and projected new CDBG and HOMES funding.**
- **Councilor Dieng asked if other municipalities in Vermont receive similar funding. Director Pine replied that the City of Burlington is an entitlement community and receive funding directly from the federal government. He added that the State itself receives similar funding from the federal government and that it distributes funding to other communities in Vermont. Councilor Dieng asked who these dollars are serving in**



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the community and whether they are serving regional residents. Director Pine replied that the dollars are being used specifically for the Burlington community. Councilor Dieng asked if this money is being used to fund the early childhood initiative. Mayor Weinberger replied that the City has set aside a certain amount of funding for the early learning initiative, but that it has not completely expended the funding in the past. He said that as the program grows, they may look to CDBG to help supplement the funding.

VOTING: unanimous; motion carries.

7.03 Resolution: Amendment To Appendix B, Rules And Regulations Of The Burlington City Council Re: Addition Of Racial Equity, Inclusion, And Belonging Committee To Rule 4(a) Standing Committees (Councilor Dieng)(10 mins.)

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

DISCUSSION:

- Councilor Dieng said that this resolution would update the rules to include the REIB Committee as a standing committee.

VOTING: unanimous; motion carries.

7.04 Resolution: Decarbonizing All Buildings In Burlington By 2030 (Councilors Hanson, Bergman, Traverse)(20 mins.) -
**Amendment posted 2:44pm by CAO Schad

MOTION by Councilor Hanson, SECOND by Councilor Traverse, to waive the reading and adopt the resolution with the inclusion of amendments from Councilor Dieng.

DISCUSSION:

- Councilor Hanson noted that the Governor recently signed into law Burlington's charter change that would give it authority to regulate thermal energy systems in both new and existing buildings. He said that this gives the City the opportunity to be a national leader in this area of emission-decreasing efforts.
- Councilor Barlow said that he supports the Net Zero 2030 Roadmap and agreed that decarbonizing buildings represents one of the most significant challenges in reaching the goals of the roadmap, but expressed caution about any policy that would make Burlington less affordable to live in. He asked for BED to weigh in. General Manager Springer said that the resolution would direct BED to work with the Department of Permitting & Inspections and return to the Council with an initial report on July 18th focusing on new construction, major renovations, City buildings, and large commercial buildings (not focused on existing residential buildings). Councilor Barlow said that an example concern is if a resident needs to replace a hot water heater, and asked if that would be considered a major renovation. General Manager Springer replied that no, that would not be considered a major renovation.



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- Mayor Weinberger said that the non-fossil fuel options are not always more expensive, and that becomes even more true over time. He said that the efficacy of the technology also improves over time.
- Councilor Carpenter said that there is concern among constituents about how this will impact residences, and said that it will be extremely important to conduct an extensive education campaign about this policy.
- Councilor Dieng said that the City needs to strive to implement this without controversy and that it should take the opportunity to educate residents. He asked how many homes are currently using heat pumps. General Manager Springer said that residentially, around 1,200 homes currently have heat pumps. He said that new heat pump technology is being developed and will be more affordable in the coming years.
- Councilor Bergman stressed the urgency of addressing the climate emergency. He said that he has a heat pump in his house, which was made possible by Efficiency Vermont and the Burlington Electric Department.
- Councilor Hanson said that this policy is not intended to add more cost onto homeowners in Burlington.

VOTING: unanimous; motion carries.

7.05 Communication: Katherine Schad, CAO, re: Expanded Eligibility Criteria to Provide Property Tax Relief to Additional Taxpayers Using Existing ARPA Allocation (10 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to approve an adjustment to the eligibility criteria of the current Property Tax Relief Lag Program, as approved by the City Council in CC Resolution 5.06 in the year 2021, to include an increase in assessed property value in FY 22 from \$500,000 to \$550,000, to provide eligibility for properties who saw at least a 40% increase in assessment value, and to extend the Program's end date until June 30, 2022, with such criteria requirements becoming effective immediately upon adoption.

DISCUSSION:

- Councilor Traverse said that this is a one-year program funded by ARPA dollars designed to address the impact of property owners missing out on income-based state rebates due to those rebates being determined by FY21 assessed home values rather than FY22 assessed home values. He said that the program is eligible for households who have had a tax increase from reassessment, demonstrated financial need, and demonstrated financial hardship due to COVID-19. He said that eligible households can receive up to \$2,000. He said that tonight's proposal would outreach to eligible households to remind them of the program and increase the number of properties that are eligible. He said that the estimated cost of this would be between \$60,000-\$120,000. He said that any unspent funding would be returned to the City's ARPA funding pool.
- Councilor Dieng said that ARPA funding should be spent to assist those community members with lower incomes. He asked if tax abatement is an option for some of these households. Councilor Carpenter said that when there is tax abatement, it's being paid for with City dollars. She also noted that the abatement process is for a particular hardship, but at the end of the day, the City is using its tax money to cover the cost. She said that this resolution would solve a problem that is temporary.
- Councilor Barlow said that raising the house value cap for this program by design would still help those who have already proven that they are income-sensitized and have already received a property tax credit from the State.
- Councilor Dieng asked whether some of the potentially-eligible households could apply for tax abatement under manifestly unjust criteria. Councilor Traverse replied that the tax is not manifestly unjust, but that the households are finding themselves with a lag in the State's system with property tax rebates having put them



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in difficult financial circumstances. Councilor Dieng asked for the administration's perspective on raising the cap. Mayor Weinberger said that many are eager to see ARPA funds deployed in ways that will benefit the community, and this would be one of those initiatives.

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports

Councilor Shannon said that the Park, Arts & Culture Committee will meet on May 12th at 5:00 PM and will hear an update on Memorial Auditorium, the Dog Task Force, and on the City's public art guidelines. She also noted that a constituent contacted the Committee about flooding in Lakeview Cemetery, so they will hear from the Parks & Recreation Department about that. She additionally noted that they will hear from an organization called Wood for Good.

Councilor Bergman said that the Charter Change Committee will meet on May 11th at 10:00 AM and will discuss non-citizen voting. He said that they are also focused on community engagement and outreach for that discussion. He said that they will also discuss Councilor compensation and will receive information on that topic from the City Attorney's Office and the Human Resources Department.

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will meet on May 24th at 5:00 PM.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will meet on May 17th at 5:30 PM and will receive updates from the administration on racism as a public health emergency. He noted several events that will occur in the City, including Juneteenth and a Black Experience event, as well as updates on hiring a REIB Director.

Councilor Hightower said that the Community Development and Neighborhood Revitalization Committee will meet on May 24th and will focus on camping on municipal land, and future meetings will include joint topics such as non-citizen voting and landlord licensing.

Councilor Traverse noted that the next Ordinance Committee meeting will be on May 26th and will discuss the short-term rental ordinance.

8.02 Communication: Committee Chairperson Ben Traverse, re: Ordinance Committee Report

Councilor Traverse noted that he provided a written report on Ordinance Committee activities for other Councilors to review.



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9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

Councilor Barlow said that several boards and City commissions have a number of vacancies, and applications are being accepted until May 20th.

Councilor Dieng said he would like to explore having Green Up Day be a community-wide event.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

City Council President Paul also noted that May 20th is the deadline to receive applications for vacant seats on City commissions and boards. She said that the selection committee is still being formed. She also noted that the Council will hear an update on Memorial Auditorium on May 23rd, as well as review maps that are available from the redistricting discussion.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

Mayor Weinberger noted that the Board of Finance will hear department budget presentations on several nights this week and next week. He also spoke about the return of Kids Weekend with events on Friday, Saturday, and Sunday this weekend at various parks in the City.

12. ADJOURNMENT

12.01 Motion to Adjourn

MOTION by Councilor House, SECOND by Councilor Hightower, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 9:30 PM.



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