



Regular City Council Meeting - Monday, April 26, 2021, 7:00 pm
****VIRTUAL MEETING****
4/26/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

April 26, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Rich Goodwin

Eileen Blackwood

Jordan Redell

Amy Bovee

Kerin Durfee

Jared Pellerin



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Katie Kinstedt

Scott Gustin

Meagan Tuttle

Kim Sturtevant

Rosaire Longe

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

- **note updated, revised version of consent agenda item 4.15 Emergency Work and Paid Leave Policy (per CAO Schad);**
- **note updated version for agenda item 5.06 Resolution: Creation Of The Burlington Aging Council (Councilors Pine, Carpenter) and add Councilor Hightower as a co-sponsor (per Councilor Pine);**
- **remove from the agenda items 5.07 Resolution: City Councilor Compensation (Councilors Hanson, Stromberg, Dieng) and 5.08 Resolution: Public Financing Of Local Elections (Councilor Stromberg)(per City Council President Tracy per Councilor Stromberg);**
- **note slides for agenda item 6.01 Update on Police Transformation Joint Committee - Councilor Hightower (per Councilor Hightower).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2.01 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

- David Schein spoke about the allegations of abuse in the Old North End Studios. He also spoke about the loss of community spaces that North End Studio ran. He expressed concern that Burlington is not preserving small community spaces for artists.



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- Abbey Jermyn suggested that City Hall be opened so that the public can physically show up to the meeting if they don't have access to WiFi or a phone or internet, while maintaining social distance practices.
- Carol Hinson spoke about her frustration around the reappraisal process.
- Jeanne Keller expressed concern about the lack of transparency and replicability around some of the calculations related to the reappraisal process.
- Lilla Fortunoff spoke about the communication around graffiti removal and said that there are better issues that the City can spend funds on rather than graffiti, such as reparations for Black Vermonters.
- Dan said the City should not prioritize removing graffiti. He additionally spoke about the NCCRC and how it can provide legal counsel for civil suits. He said this is particularly important as the nationwide eviction moratorium expires. He asked the Council to look into providing legal counsel for housing cases for individuals who cannot afford their own legal representation.
- Dan Cunningham said that graffiti is a crime and that it is harming historic buildings. He said that graffiti also leads to crime increases.
- Kelly Devine spoke about the graffiti remediation plan, saying that downtown Burlington is negatively impacted by graffiti, both in appearance and damage to older brick buildings. She spoke favorably about the community involvement component of the project. She also spoke in support of the creation of a Council on Aging to support Burlington's older community members.

Forum closed at 7:59 PM.

3. CLIMATE EMERGENCY REPORTS

3.01 Climate Emergency Reports

None at this time.

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: Susan Molzon, PE Senior Public Works Engineer, Olivia Darisse, PE Public Works Engineer and Phillip Peterson, EI, Associate Public Works Engineer, re: North Ave Raised Intersection Project - Authorization to Award Construction Contract - authorize the Director of Public Works to execute a contract with Don Weston Excavating, Inc. for \$197,044.00 to complete the North Avenue Raised Intersection Project, and to further authorize the use of an additional \$23,682.00 in contingency funds (12%), for a total of \$220,726.00, all of which is included in the amended project budget and FY21 budget, subject to review and approval of the City Attorney's Office.

4.04 Communication: Cindi Wight, Director, Department of Parks, Recreation and Waterfront, re: Lease of Concession Space at Waterfront Park for 2021 Season - approve and authorize the execution of a lease agreement with Sense of Humor, LLC, to perform food and beverage sales at Waterfront Park for the 2021 season, and to authorize Mayor Miro Weinberger, to execute the lease and any related documents, subject to the review of the City Attorney's Office.

4.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 317 Riverside Avenue - Bluebird



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Barbecue - approve the Encumbrance Application for 317 Riverside Avenue requesting use of curbing, sidewalk, and planter boxes.

4.06 Communication: Phillip Peterson, E.I., Associate Public Works Engineer and Laura Wheelock, P.E., Senior Public Works Engineer, re: Authorization to Amend University Place UVM-City Agreement and Execute Non-Binding Memorandum of Understanding Regarding Boundary Line Adjustments Between UVM and the City - 1. To authorize the Mayor to execute a Fourth Amendment to the 'Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan,' substantially conforming with the draft submitted herewith, subject to final review and approval by the City Attorney's Office; and 2.) To authorize the Mayor to execute a non-binding Memorandum of Understanding between the University of Vermont and The City of Burlington concerning the desired adjustment to property lines adjacent to the Colchester Avenue and Prospect Street intersection, substantially consistent with the draft submitted herewith, subject to final review and approval by the City Attorney's Office.

4.07 Communication: Rich Goodwin, DFO, re: Approval of Contract with CLA for Grants Management & Fixed Asset Management - approve and authorize the Chief Administrative Officer, Katherine Schad, to enter into an agreement for accounting services between the City of Burlington and Clifton, Larson, Allen not to exceed \$100,000 between March 1, 2021 and March 30, 2022, subject to review by the City Attorney's Office.

4.08 Communication: Jon Adams-Kollitz, Parks Project Coordinator, Sophie Sauve, Parks Comprehensive Planner, Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Phase 3B South Bike Path Rehabilitation Resident Engineer Contract - approve and authorize the execution of a contract with EIV Technical Services for a price not to exceed \$111,420 for the Burlington Bike Path Rehabilitation Phase 3B South Construction Project, plus a project contingency of \$16,713, 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.

4.09 Communication: Sophie Sauve, Parks Comprehensive Planner and Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Burlington Greenway Rehabilitation Maple Street - College Street Realignment - approve and authorize the execution of a contract with Vanasse, Hangen & Brustlin, Inc., (VHB), for a price not to exceed \$50,760 for the Burlington Greenway Realignment Project, plus a project contingency of \$12,690 for a total of \$63,450 and to authorize Cindi Wight, Director of Parks and Recreation, to execute the amended contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

4.10 Communication: C/T Office, re: City Council Standing Committees 2021-2022 - waive the reading, accept the communication and place it on file.

4.11 Communication: C/T Office, re: Openings Boards and Commissions - waive the reading, accept the communication and place it on file.

4.12 Communication: Ian McHale, Member, Board of Health, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven days (already did) and send a letter of appreciation to Ian McHale thanking him for his time served as a Member of the Board of Health.

4.13 Communication: State of Vermont, Agency of Natural Resources, department of Environmental Conservation, re: Certificate of Approval for Location of a Salvage Yard - approve application for certificate of approval for location of a salvage yard for Queen City Iron & Metal for a period of five years.

4.14 Indoor and Outdoor Entertainment Renewals (2021-2022): see attached list - approve the 2021-2022 Indoor and Outdoor Entertainment Renewals as listed with all standard conditions.

4.15 Emergency Work and Paid Leave Policy - approve amendments to the Emergency Leave policy as attached.





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4.16 FIO Documents – for information only.

4.17 B.C.O. - OFFENSES and MISCELLANEOUS PROVISIONS -- Express prohibitions Sec. 21-14 Leaf blowers (Amendment) (Councilor Paul) - waive the reading, suspend the rules and place in all stages of passage with a recommendation to adopt.

4.18 Resolution: Approving Obtaining Standby Letter(s) Of Credit For The City's Worker's Compensation Program (Board of Finance) - waive the reading and adopt the resolution.

4.19 Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Dieng, Mason, Paul, Pine) - waive the reading and adopt the resolution.

4.20 Resolution: Authorize The Amended Grant Of Easements To The Vermont Housing And Conservation Board And Preservation Trust Of Vermont For The City's 311 North Avenue Property (Board of Finance) - waive the reading and adopt the resolution.

4.21 Resolution: Reorganization Update To Staffing Structure, Reclassifications, Retitling, Creation And elimination Of Positions, For Phase 1B Step 1 Of Administrative Integration Of The Parking Services Integration Plan - Department Of Public Works (Board of Finance) - waive the reading and adopt the resolution.

MOTION by Councilor Barlow, SECOND by Councilor Hightower, to adopt the consent agenda as amended, taking the actions as indicated for items 4.01-4.21.

VOTING: unanimous; motion carries.

5. DELIBERATIVE AGENDA

5.01 Indoor Entertainment Permit Application (2021-2022): M Dunn's Tavern, d/b/a T. Rugg's Tavern, 149 Elmwood Avenue

MOTION by Councilor Mason, SECOND by Councilor Freeman, to approve the 2021-2022 Indoor Entertainment Permit Application for M Dunn's Tavern, d/b/a T. Rugg's Tavern, 149 Elmwood Avenue with all standard conditions.

VOTING: unanimous; motion carries.

5.02 Outdoor Entertainment Permit Application (2021-2022): Huskies Kapital LLC, d/b/a Vermont Lake Monsters, Centennial Field

MOTION by Councilor Mason, SECOND by Councilor Freeman, to approve the 2021-2022 Outdoor Entertainment Permit Application for Huskies Kapital LLC, d/b/a Vermont Lake Monsters with all standard conditions.





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VOTING: unanimous; motion carries.

5.03 Communication: Mayor Miro Weinberger, re: Appointment of Director of City Human Resources Department

MOTION by Councilor Carpenter, SECOND by Councilor Carpenter, to approve the appointment of Kerin Durfee as the City's Director of Human Resources Department.

DISCUSSION:

- Councilor Carpenter noted Kerin Durfee's experience running operations at City Market and managing personnel.
- Mayor Weinberger expressed excitement about adding Kerin Durfee to the City team.
- Kerin Durfee thanked the administration and human resources team.
- Councilor Hanson expressed concern about a 2019 investigation into the former human resource director's use of social media. He asked for Ms. Durfee's position on independent investigations. Ms. Durfee emphasized the importance of transparency in investigations and said she will be as responsive as possible to ensuring that that kind of situation doesn't repeat itself.
- Councilor Pine asked about Ms. Durfee's goals for the human resources department. Ms. Durfee replied that she is looking forward to working with the REIB team to increase inclusivity.
- Councilor Freeman said it is important to be inclusive as an employer but equally important to be equitable in terms of pay and having a livable wage.

VOTING: unanimous; motion carries.

5.04 Communication: Mayor Miro Weinberger, re: Appointment of Assistant City Attorney

MOTION by Councilor Mason, SECOND by Councilor Mason, to approve the appointment of Jared Pellerin as the City's newest Assistant City Attorney.

DISCUSSION:

- Councilor Mason said that Mr. Pellerin will be a welcome addition to an understaffed department.

VOTING: unanimous; motion carries.

5.05 Communication: Kara Alnasrawi, Director Business Support, re: Graffiti Clean-up initiative





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Director Alnasrawi said she initiated an interdepartmental team to look into the complaints of residents and business-owners about the increase of graffiti in the City. She laid out three phases. She said that the first phase involves hiring ten temporary employees to address the current situation to ameliorate and remediate the situation. She said that the City has assessed the vandalism and that remediation of some of the graffiti will require specialized work and equipment and safety waivers if the workers were community members. She said the team is looking into longer-term options such as art classes in the community.

Councilor Barlow asked about the plans for graffiti in other parts of the City that aren't identified in the current initiative, and how should residents communicate the existence of graffiti to her office. Director Alnasrawi said that there is a reporting mechanism for residents which is sent to Director Ward's office of Permitting & Inspections. She noted that the majority of graffiti is currently in the downtown core, which is the focus of the current proposal.

Councilor Pine spoke about a former community initiative to address graffiti in the City and asked whether that style of initiative is still feasible. Director Alnasrawi replied that that team isn't currently active or funded. She noted that she and Director Ward have discussed direct community involvement, but after the current wave of graffiti that has accumulated. She said that they can work with different neighborhoods to help train residents to safely remove graffiti. Councilor Pine asked about provisions for allocating a wall for public art and graffiti. Director Alnasrawi said that the option for a graffiti wall has been discussed, but no specifics plans have been made.

Councilor Dieng asked how much time and monetary resources it will take to conduct the graffiti remediation. He also asked about what is being done in terms of prevention. He additionally emphasized the importance of community input. Director Alnasrawi said that the current proposal is addressing the first phase of graffiti remediation. She said that in future phases, she has suggested bringing in youth organizations, and members from the arts community to assist with a cleanup response. She agreed that a variety of voices at the table will be important as the remediation project moves forward.

Councilor Hanson asked where the funding for the first phase of the project is coming from. Director Alnasrawi said that they are looking to hire 10 temporary employees for 40 hours per week for 10 weeks. CAO Schad added that the City has restored funding for seasonal employees, which will be used to fund these temporary positions, in addition to restoring other seasonal positions that had previously been lost.

Councilor Dieng asked if having those ten temporary position would present issues with union rights. Director Alnasrawi replied that she has consulted with the City Attorney's office, which cleared this action.

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

VOTING: unanimous; motion carries.





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5.06 Resolution: Creation Of The Burlington Aging Council (Councilors Pine, Carpenter)

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

DISCUSSION:

- Councilor Pine spoke about the importance of prioritizing the needs of seniors when making policy decisions and assessing the City's overall needs. He said that all Burlingtonians should be able to age in place. He said that this proposal is an attempt to elevate the needs of Burlington's older residents and ensure that they stay connected to the community.
- Councilor Carpenter said that this council should be given authority to develop policies and input for the City around this portion of the population.
- Cameron Segal spoke on behalf of the Living Well Group, a nonprofit comprised of three residential care communities. He said that Covid exacerbated many of the issue areas for older Vermonters, particularly the most vulnerable, and that now is the time to act to form this council to have meaningful impact.
- Councilor Dieng noted that members of this council will be appointed by the Mayor and City Council. He suggested that Vermont's Area Agencies on Aging (AAAs) be involved in the stakeholder process. Mr. Segal replied that COVE and AgeWell are both included on the list of council representatives.
- Councilor Hanson asked about creating opportunities to be able to interact socially with other generations. Councilor Pine replied that this council will help to create intergenerational social interactions and opportunities.
- Councilor Dieng asked about timeline. Councilor Pine replied that the first priority is for the Council to develop a plan on aging but that no timeline was explicitly outlined.
- Mayor Weinberger said that the Covid pandemic has exposed the inadequacy in the system of caring for the elderly in Burlington. He noted that City staff and senior providers worked extremely closely since the outset of the pandemic, and this connection has proven extremely valuable. He expressed hope that having a formal body for this segment of the population will ensure that the City can make progress on some of the lessons learned in the last year and prioritize the aged in Burlington.

VOTING: unanimous; motion carries.

5.07 Resolution: City Councilor Compensation (Councilors Hanson, Stromberg, Dieng) ****AGENDA ITEM REMOVED****

No discussion at this time.

5.08 Resolution: Public Financing Of Local Elections (Councilor Stromberg) ****AGENDA ITEM REMOVED****

No discussion at this time.

5.09 Public Hearing: Community Development Block Grant and HOME Proposed Allocations For the 2021 and 2020 Action



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Plans for Housing & Community Development

Interim Director Kinstedt provided an overview of the 2021 and 2020 Draft Action Plans, including the Action Plan for Entitlement (ENT). She noted that the plan covers an implementation period beginning 7/1/2021 and ending 6/30/2022 and that this includes funding for CDBG and HOME grants. She further noted that the application will be submitted to the Department of Housing and Urban Development (HUD) later in the spring. She said that CDBG applications for public service are grouped into categories including Youth Services, Housing and Homelessness, and Economic Opportunities. She said that all public service applications that were received were granted. She said that CDBG applications for development are grouped into two categories—Economic Development, and Housing and Homelessness. She said that all development applications that were received were granted. She said that CEDO CDBG applications included both public service and development applications in the areas of Economic Opportunity, Neighborhood Development, and Housing.

She provided details on recommended HOME projects, including funds set aside for an operating grant and a reserve project for either Champlain Housing Trust or Cathedral Square.

City Council President Tracy opened the public hearing at 9:29 PM.

Lilla Fortunoff said that the process for determining how funding is allocated were not very accessible, especially for the people who are receiving the funding (the most vulnerable in the community). She added that the intended recipients of these grants know best what they need. She said that as many barriers as possible be removed from housing opportunities at places like Anew Place and low-barrier apartments. She spoke against the criminalization of individuals who are choosing to or are forced to camp outside.

Abbey Jermyn spoke about the warming center she operating through the winter at the VFW, which has allowed her to develop relationships with Burlingtonians who are unhoused. She shared some of their perspectives. She advocated for a permanent community resource center.

City Council President Tracy closed the public hearing at 9:52 PM.

5.10 Public Hearing Regarding ZA-21-03 R-L Boundary at 925 North Avenue; ZA-21-05 Parking Garage Illumination Standard and ZA-21-06 Shoreline Property Setbacks & Buffer Zone

Councilor Mason provided an overview of the zoning amendments. He said that the first relates to a request for a boundary line adjustment at the Elks Club on North Avenue, and it seeks to move the back of the property on the west side and would add 2.4 acres to their parcel. He said that the applicant has been in discussion with the City about this for a while. He noted that the property's impervious surface square footage has made it difficult for them to make changes to their property and that approval of this adjustment would bring them into conformance with zoning regulations. He said that the second relates to the parking garage illumination standards, which seeks to update the City's ordinance to remove specific reference to standards. He said that the third relates to adjusting shoreline property setbacks and buffer zones and



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how they are determined, as well as developing a threshold for improving shoreline conditions by allowing for some vegetative regeneration.

City Council President Tracy opened the public hearing at 9:57 PM.

City Council President Tracy closed the public hearing at 9:58 PM.

5.11 Comprehensive Development Ordinance - ZA#21-03 R-L Boundary at 925 North Avenue (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

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

VOTING: unanimous; motion carries.

5.12 Comprehensive Development Ordinance - ZA#21-05 Parking Garage Illumination Standard (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

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

VOTING: unanimous; motion carries.

5.13 Comprehensive Development Ordinance - ZA#21-06 Shoreline Property Setbacks & Buffer Zone (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

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

VOTING: unanimous; motion carries.

5.14 Communication: City Attorney's Office, re: Annual Report on Livable Wage Ordinance -- FY21





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City Attorney Blackwood provided an overview of the report. She said that each year, the City Attorney's Office reviews the contracts of the City to ensure that certifications have been provided. She said that they use a program called Contract Works, which maintains records of the City's contracts, but that they've had issues with how it has run reports. She said that her office has been working on addressing gaps in expired certificates. She said that this has been an anomalous year, in that a designated accountability monitor who complaints resigned in June and has not been replaced, making it difficult to enforce the ordinance. She said she is also putting together a proposal based on feedback and suggestions.

Councilor Hanson said that the City needs to step up and make sure it's conducting its due diligence around this ordinance.

Councilor Pine suggested bringing more of the actions in house. City Attorney Blackwood agreed, noting that part of an improvement proposal involves hiring new staff to take on some of this work.

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

VOTING: unanimous; motion carries.

6. COMMITTEE REPORTS

6.01 Verbal Reports

Councilor Hanson said that the Transportation, Energy and Utilities Committee (TEUC) is having its first meeting with new members tomorrow night at 5:00 PM, and are discussing the I-89 corridor study, the water resources rate study, and a municipal option for consolidated waste.

Councilor Hightower provided an overview and update of the Joint Committee on Public Safety and the Police Commission. She outlined the Joint Committee's timeline for 2020 and 2021. She noted that it was created in June 2020, and that in 2020 it drafted RFPs for consulting related to community input and due diligence and hired consultants based on that process. She outlined the activities of those consultants through the end of 2020 and first several months of 2021. She outlined the scope of work for Talitha, which is to identify the needs, values, and vision of the community on how to build a healthy and safe community. She additionally outlined the scope of work for CNA, which involves developing a roadmap that supports the transition to a new, innovative public safety apparatus for Burlington.

Councilor Shannon asked how Talitha is ensuring they receive a broad spectrum of community input through their processes. She also asked why Talitha went to two NPAs but not to others. She finally asked how the City Council was represented at the two stakeholder meetings that were held, as well as how the stakeholders were selected. Councilor Hightower replied that she recommended that the consultant attend each NPA, but that it was difficult to coordinate with all NPA schedules and that a standing NPA conference call was also an option. She said that they had conducted



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community outreach to a variety of members and those who were interested attended. She also said that they are scheduling an additional town hall-style meeting and potentially separate focus groups.

Councilor Freeman added that the Joint Committee members were allowed to participate in the stakeholder engagement meetings, which is why some City Councilors were present, though they did not provide input from a Council perspective.

Councilor Paul noted that City REIB staff have been attending the NPAs in addition to Talitha, so that feedback is being gathered from all NPAs. She also said that the town hall-style meeting that will occur tomorrow has been well-advertised to the community and expressed hopes for a robust discussion.

7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports

Councilor Pine lamented the closing of Koffee Kup bakery and the loss of those jobs for members of the community.

Councilor Dieng expressed gratitude and support for the work of Director Vickery and his team, noting that the reappraisal effort is challenging. He also noted Chief Administrative Officer Schad's work in efforts to hold hearings. He finally noted that additional public hearings will be held related to recent issues around dogs in the City.

Councilor Hightower said it is important to ensure that residents are able to schedule grievance hearings if they need them and asked that preliminary new tax rate estimates be provided to residents as soon as possible.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports

City Council President Tracy noted that he has made assignments to the standing City committees and that information about assignments and staffing on committees can be found on the City's website. He also noted that the next week's Board of Finance meeting will pertain to budgetary items and welcomed participation from all City Councilors.

9. MAYOR – GENERAL AFFAIRS

9.01 Verbal Reports

Mayor Weinberger noted that there were only 7 Covid-19 infections in Chittenden County today and expressed hope that this is a sustained downward trend in new infections. He reiterated the importance of vaccinations and adhering to public health guidelines. He also spoke about the reappraisal, noting that the consultant hired to conduct the appeals process has needed to improve their processes to accommodate virtual hearings. He also called attention to City Attorney Blackwood's



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work over the years on the livable wage ordinance, its enforcement, and the reporting associated with it.

10. ADJOURNMENT

10.01 Motion to adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 10:24 PM.

RScty: AACoonrad