



Regular City Council Meeting - Monday, April 13, 2020, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel 317.

BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

April 13, 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

Eileen Blackwood

Jordan Redell

Katherine Schad

Richard Goodwin



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Lori Olberg

Amy Bovee

1. CALL TO ORDER and AGENDA

The meeting was called to order by Council President Tracy at 7:17 PM and led the Council in the Pledge of Allegiance.

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

- **add to the consent agenda item 3.31 Communication: DPW, re: Asset Management Program - Award Asset Management Consultant Contract with the motion to "to approve and authorize the Director of Public Works to execute an Engineering Services Agreement with KCI Technologies, Inc. for the Computerized Maintenance Management System and Enterprise Asset Management Application Assessment, Procurement, & Implementation Guidance project for a total contract amount of \$124,750, subject to approval by the Chief Administrative Officer and City Attorney";**
- **note revised version of agenda item 4.01, title change and additional co-sponsors Resolution: Calling on the Governor and Vermont Congressional Delegation to Halt F-35 Training Flights During COVID-19 Crisis (Councilors Freeman, Stromberg, Hanson, Tracy, Carpenter, Hightower and Pine);**
- **note additional written materials for agenda item 4.01 (per Councilor Freeman);**
- **note proposed amendments for agenda item 4.01 (per Councilor Dieng);**
- **remove from the consent agenda item 3.25 Resolution: Approving the Issuance of Grant Anticipation Notes for the Costs of Certain Airport Improvement Projects (Board of Finance) and place it on the Deliberative Agenda as item 4.03 (per Councilor Freeman);**
- **remove from the consent agenda item 3.26 Resolution: Approving Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Airport Department (Board of Finance) and place it on the Deliberative Agenda as item 4.04 (per Councilor Freeman);**
- **remove from the consent agenda item 3.23 Communication: Steven A. Locke, Emergency Management Director, re: COVID 19 Expenses and place it on the Deliberative Agenda as item 4.05 (per Councilor Stromberg)**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2.01 Verbal Comments



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Public forum was opened at 7:21 PM.

COMMENTS:

- Jennifer Decker spoke in favor of grounding the F-35 planes during the pandemic, citing the crash risk and the added stress to residents at this time.
- Charlie Messing noted his support for the F-35 resolution (to ground them for the duration of the pandemic). He also voiced concern about the proliferation of graffiti in the City during the State of Emergency.
- Drew Schatzer stated that the F-35 flights are very disruptive to home education opportunities and also stated his concern for residents who live within the noise zone.
- Kai Forlie urged Council to take strongest possible action to ground the F-35 planes.
- Joanna Rankin stated that the current F-35 flights are unnecessary at this time and are not contributing to a mission that is affecting Vermont. She noted that the cost of every hour of F-35 flight is equivalent to the price of one ventilator.
- Leslie Patterson noted that the F-35 issue is a mental health issue, not a partisan issue.
- Lucy Gluck spoke in favor of the resolution to ground the F-35 planes for the duration of the pandemic. She also expressed a desire for progress on the City Hall Park and City Place projects.
- Paul Fleckenstein noted his support of the F-35 resolution as a public health resolution and called for a moratorium on flights.
- James Leas stated that the Air Guard should be repurposed in missions to protect citizens in the state during the pandemic.
- Rick Bassett spoke against the resolution, stating that the Air National Guard has been a job source for Vermont, and also noted that the duration of noise due to the F-35 flights is around 4 minutes.
- Rachel Siegel spoke in favor of the F-35 resolution, noting that the flights create more stress, pollution, and problems.
- Jill Allen stated her gratitude for the remote option for City Council meetings, which allows citizens with limited mobility to participate more easily. She also supported resolution so that Vermont National Guard can refocus to stopping the pandemic.
- Dale Tillotson spoke about a shooting on North Union Street, stated that the City should concentrate on the removal of graffiti in the City, and stated that he did not support the F-35 resolution.
- Amy Magyar stated that she is not in favor of grounding the F-35 planes at this time.

Public forum was closed at 8:10 PM.

3. CONSENT AGENDA:

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

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

3.03 Communication: C/T Office, re: Special City Council Work Session re: Housing Police Reform, September 23, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the



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March 23, 2020 Regular City Council Meeting.

3.04 Communication: C/T Office, re: CityPlace Burlington Discussion, September 23, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.05 Communication: C/T Office, re: City Council With Mayor Presiding Meeting, September 23, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.06 Communication: C/T Office, re: Local Control Commission Meeting, September 23, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.07 Communication: C/T Office, re: Regular City Council Meeting, September 23, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.08 Communication: C/T Office, re: Full Board of Abatement of Taxes Meeting, October 7, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.09 Communication: C/T Office, re: Regular City Council Meeting, October 7, 2019, Draft Minutes - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.10 Communication: C/T Office, re: Local Control Commission Meeting, October 28, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.11 Communication: C/T Office, re: Regular City Council Meeting, October 28, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.12 Communication: C/T Office, re: City Council With Mayor Presiding Meeting, November 4, 2019, Draft Minutes – waive



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the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.13 Communication: C/T Office, re: Regular City Council Meeting, November 4, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.14 Communication: C/T Office, re: Local Control Commission Meeting, November 18, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.15 Communication: C/T Office, re: Regular City Council Meeting, November 18, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.16 Communication: C/T Office, re: Regular City Council Meeting, December 2, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.17 Communication: C/T Office, re: Local Control Commission Meeting, December 16, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.18 Communication: C/T Office, re: Regular City Council Meeting, December 16, 2019, Draft Minutes – waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 23, 2020 Regular City Council Meeting.

3.19 Communication: Sophie Sauve, Parks Comprehensive Planner, re: Burlington Greenway Rehabilitation Phase 2 Pause Place Construction – Northshore – to approve and authorize the payment of \$3,680 from within the project's budget to Church Hill Landscapes, Inc. for the Burlington Bike Path Rehabilitation Phase 2 North Shore Pause Place Construction Project's completion, and to authorize Cindi Wight, Director of Parks and Recreation, to execute any related documents needed to carry out the project, subject to City Attorney's Office review.

3.20 Communication: City Attorney's Office, Annual Report on Livable Wage Ordinance - FY20 – waive the reading, accept the communication and place it on file.





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3.21 Communication: Susan Molzon, PE, Senior Public Works Engineer and Olivia Darisse, PE, Public Works Engineer, re: Colchester Avenue Sidepath - Authorization to Award Project Budget and Award Construction Contract – to approve the transfer from the Capital Improvement Program of \$33,000 to the Colchester Avenue Sidepath Project for additional construction expenses, resulting in an increase in the overall project budget to \$705,437.00 and to authorize the Director of Public Works to execute a construction contract, subject to final approval of the City Attorney's Office, with All Seasons Excavating, Inc. for \$476,910.00 to complete the Colchester Avenue Sidepath Project, and to authorize the use of an additional \$40,090.00 of the above-amended project budget as contingency funds (8.5%).

3.22 Communication: C/T Office, re: Sweep Report – waive the reading, accept the communication and place it on file.

3.23 Communication: Steven A. Locke, Emergency Management Director, re: COVID 19 Expenses **now agenda item 4.05** - waive the reading, accept the communication and place it on file.

3.24 Resolution: Adoption of Updated Local Emergency Management Plan (Councilors Mason, Paul and Pine) – waive the reading and adopt the resolution.

3.25 Resolution: Approving the Issuance of Grant Anticipation Notes for the Costs of Certain Airport Improvement Projects (Board of Finance) **now agenda item 4.03** - waive the reading and adopt the resolution.

3.26 Resolution: Approving Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Airport Department (Board of Finance) **now agenda item 4.04** - waive the reading and adopt the resolution.

3.27 Resolution: Authorization for up to \$49,791 Planning Loan from Vermont Clean Water State Revolving Fund for Asset Management Application, Assessment, Procurement and Implementation (Board of Finance) – waive the reading and adopt the resolution.

3.28 Resolution: Authorization for \$44,321 Planning Loan from Vermont Drinking Water State Revolving Fund for Asset Management Application Assessment, Procurement and Implementation (Board of Finance) – waive the reading and adopt the resolution.

3.29 Resolution: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Water Division of the Public Works Department (Board of Finance) – waive the reading and adopt the resolution.



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3.30 Resolution: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Wastewater Division of the Public Works Department (Board of Finance) – waive the reading and adopt the resolution.

3.31 Communication: DPW, re: Asset Management Program - Award Asset Management Consultant Contract - approve and authorize the Director of Public Works to execute an Engineering Services Agreement with KCI Technologies, Inc. for the Computerized Maintenance Management System and Enterprise Asset Management Application Assessment, Procurement, & Implementation Guidance project for a total contract amount of \$124,750, subject to approval by the Chief Administrative Officer and City Attorney.

MOTION by Councilor Stromberg, SECOND by Councilor Paul, to adopt the Consent Agenda and take the actions indicated for Items 3.01 through 3.31.

VOTING: unanimous; motion carries.

4. DELIBERATIVE AGENDA:

4.01 Resolution: Calling on the Governor to Halt F-35 Practice Flights and Mobilize the Full Vermont Guard to Stop the Spread of the Coronavirus (Councilor Freeman)

MOTION by Councilor Freeman, SECOND by Councilor Hanson, to waive the reading, adopt the resolution, and bring the motion back to the floor for discussion.

DISCUSSION:

- Councilor Freeman noted that more residents are following stay at home orders, working from home, and being exposed to the noise from the F-35 flights and that the resolution centers around the concern about stress that the noise is creating. She noted that the resolution specifically asks that training flights be grounded for the duration of the State of Emergency.
- Councilor Hanson thanked Councilor Freeman for taking the lead on the resolution, noting that the City Council's position on the F-35 issue is clear (the Council is against the flights), and adding that this resolution presents an opportunity to bring this to the attention of the state government.
- Councilor Stromberg stated her support for the resolution and her appreciation for the petitioners who campaigned for it originally.
- Councilor Hightower thanked other Councilors and activists, and noted that her constituents have felt increased stress from the flights at this time.
- Councilor Carpenter noted her support for the resolution, stating that it is not a referendum on Air National Guard, nor a referendum on Guard's future, rather a point-in-time conversation about flights during the State of Emergency and decreasing stress as much as possible.
- Councilor Pine noted that resources could be allocated instead to more Personal Protective Equipment and other ways to support caregivers.
- Councilor Dieng stated that the City Council should rally behind the Governor at this time, who has stated his



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support for the F-35 flights in order to maintain readiness for federal F-35 missions. He noted that he had previously opposed the F-35 basing in Burlington, but said he would support the Governor's decision at this time.

- Councilor Carpenter noted that the current resolution only requests that flights be grounded for the duration of the State of Emergency.

MOTION to amend by Councilor Dieng, SECOND by Councilor Shannon, to amend the resolution to remove "halt" and replace with "reduce" in the resolution title; edits to lines 7-10; remove "halt" and replace with "reduce" in lines 11-13; and ask for reduction of 50% of F-35 flights in line 18.

DISCUSSION OF AMENDMENT:

- Councilor Dieng stated that these edits are more appropriate, knowing that the Governor will not halt flights but may be more inclined to reduce their frequency

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

FURTHER DISCUSSION OF ORIGINAL RESOLUTION:

- Councilor Freeman stated that this is an important request for the Council to consider and that it addresses current community needs.

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, 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 (11 ayes, 1 nay); motion carries.

4.02 Resolution: Update to City's Emergency Leave Policy (Councilors Paul, Pine)

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

DISCUSSION:

- Councilor Pine stated that the City needs to update its emergency leave policy to incorporate Family First Coronavirus Response Act changes, noting that this would phase out separate leave policy for quarantine and add ten paid days to the leave policy. He further added that this updated policy has the support of the employee unions.



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- Human Resources Director Paluba thanked the Council and Mayor for swiftly passing the March 23rd resolution, and urged that the Council pass this to reflect the additions to the Family Medical Leave Act (FMLA), which helps keep employees safe and healthy and protects the most vulnerable of the City's employees
- Councilor Paul stressed that this is an extremely inclusive update which applies to limited service, seasonal, temporary, part-time employees in addition to full time employees.
- Councilor Dieng asked about the ramifications if the Council were to vote in opposition to this policy update. Ms. Paluba replied that the City would revert back to the currently-existing policy, which could lead to employees exhausting allocated paid leave and needing to potentially take unpaid leave.

VOTING: unanimous; motion carries.

4.03 Resolution: Approving the Issuance of Grant Anticipation Notes for the Costs of Certain Improvement Projects (Board of Finance) **was consent agenda item 3.25**

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

DISCUSSION:

- Councilor Paul noted that this was originally on the consent agenda and was brought forward to be on deliberative agenda, and that the Board of Finance had a robust discussion of this item previously. She noted that this is a Not-To-Exceed \$23 million grant anticipation note of federal grants secured from the Federal Aviation Administration (FAA), and would give the airport working capital to continue current projects.
- Councilor Hanson asked what the financial impact to the City is of taking on this debt and its interest. Marie Friedman replied that the impact on the debt is that interest is only accrued on what is borrowed, and the Airport would borrow as it goes. She noted that passenger facility charges could be used to offset this cost in future.
- Councilor Freeman noted that she does not support the projects but understands the need to approve this financial procedural step. She stated that the Council should be focusing on the climate crisis and how to best allocate resources to combat that.
- Mr. Longo stated that the airport is currently open and flights are occurring, and that the current resolution does not approve the projects but the grant anticipation note that would be used to secure adequate cash flow for them.
- Councilor Carpenter noted that when the Council approves future projects it should also be approving financial requests and future financial plans for those projects at the same time.

VOTING (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 – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.



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4.04 Resolution: Approving Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Airport Department (Board of Finance) **was consent agenda item 3.26**

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

DISCUSSION:

- Councilor Paul noted that this is a short-term financing mechanism for cash flow management for the Airport. She noted that the anticipated revenues in the resolution will come from the sale of property (Kirby Cottages) as well as relief funding from the federal CARES Act. She noted that the Airport has an impressive track record of financial management, with cash reserves and a large number of days of cash on hand, and that there is not a high risk of this resolution negatively impacting taxpayers in future
- Councilor Hanson noted that he will not support the resolution, that other components of the current public health crisis should be prioritized, and finally stressed the pressing need to deal with the climate crisis.
- Councilor Carpenter noted that the Council should not penalize the Airport during a difficult financial management situation by voting down a cash flow mechanism, and encouraged the Council to support the resolution as a way to ensure continued stability at the Airport during the COVID-19 crisis.
- Mr. Longo noted that there is very little risk to the taxpayers of Burlington associated with the revenue anticipation note, but there could be more risk should this anticipation note fail to pass approval.
- Councilor Paulino noted that the Airport is an asset to Vermont, New York, and New Hampshire, and that Burlington has a responsibility to maintain it and keep it in good financial health.
- Councilor Stromberg noted that she does not want to support industries that contribute to the climate crisis and that she would like to work on more sustainable initiatives in future.
- Councilor Paul noted the Board of Finance's unanimous support of this anticipation note. She also encouraged other Councilors to reach out to Airport staff about their projects related to sustainability and innovation in climate-friendly approaches.

VOTING (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.

4.05 Communication: Steven A. Locke, Emergency Management Director, re: COVID 19 Expenses **was consent agenda item 3.23**

Chief Locke gave an outline of expenses incurred as part of the COVID-19-related City response out of the Emergency Operations Center (EOC), noting that this does not include personnel costs or costs of the Resource and Recovery Center (RRC).

Councilor Freeman asked what the City anticipates in terms of future expenses. Chief Locke replied that there are too many variables at play to make a prediction currently. He noted that the City has an adequate supply of Personal Protective



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Equipment (PPE), sanitizer, and cleaner on hand.

5. COMMITTEE REPORTS

5.01 Verbal Reports –

6. CITY COUNCIL – GENERAL AFFAIRS

6.01 Verbal Reports –

Councilor Dieng noted that leaf pick-up is not considered essential, but that many residents need it, and are having to travel to Williston to drop off their leaf bags because the drop-off location on Pine Street is closed. He also noted that he would like to revisit hiring seasonal park patrol as the weather gets warmer and more people will be going outside, to free up police from conducting that activity.

7. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

7.01 Verbal Reports –

Council President Tracy noted his appreciation for the Council's flexibility on committee assignments and invited feedback.

8. MAYOR – GENERAL AFFAIRS

8.01 Verbal Reports –

Mayor Weinberger noted that the City Attorney's office was able to complete and release the City's livable wage reply to comply with that ordinance, and thanked the City Attorney's office for completing that work.

9. ADJOURNMENT

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 10:10.

RScty: AACoonrad



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