



Regular City Council Meeting - Monday, January 31, 2022, 6:30 pm, REMOTELY via ZOOM 1/31/2022

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

January 31, 2022

MEMBERS PRESENT: Chip Mason

Karen Paul

Max Tracy

Joan Shannon

Ali Dieng

Perri Freeman

Jack Hanson

Zoraya Hightower

Jane Stromberg

Sarah E Carpenter

Mark Barlow

Joe Magee

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Brian Pine

David G. White

Chapin Spencer



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Norm Baldwin

Jon Murad

Sarah Montgomery

Lori Olberg

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Tracy at 6:30 PM.

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

- **add to the consent agenda item 5.10 Communication: Brian Bolger, re: Public Comments Regarding Short Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.11 Communication: Amy and Keith Ferguson, re: Short Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.12 Communication: Kelly Devine, BBA Director, re: Appointment of Jon Murad as Police Chief with the action to "waive the reading, accept the communication and place it on file"**

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Barlow, to withdraw item 6.02 from the agenda.

VOTING ON AMENDMENT: unanimous; motion carries.

VOTING ON MOTION AS AMENDED: unanimous; motion carries.

2. COMMUNICATION: BRIAN PINE, CEDO DIRECTOR AND DAVID G. WHITE, CONSULTANT, RE: CITYPLACE UPDATE **EXPECTED EXECUTIVE SESSION**

2.01 Communication: Brian Pine, CEDO Director and David G. White, Consultant, re: CityPlace Update **expected executive session**

Director Pine began by summarizing activity around the CityPlace development to date, noting that it is a private project on private property that also has public improvement components. He noted that the developers are legally bound to build the streets and sidewalk, either as part of the project through TIF financing or on their own if the project does not continue. He noted that BTC Mall Associates and the City have met their design obligations for the public improvements. He said that the plan for financing the public improvements has always involved using the voter-approved TIF. He noted





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that the City is currently negotiating a revised construction schedule to be brought before the City Council in the next weeks, and that CityPlace is currently seeking financing and hopes to begin construction as soon as possible. He said that the executive session will be used to update the Council further on the negotiation activities.

MOTION by Councilor Stromberg, SECOND by Councilor Hightower, that the Council find that premature general public knowledge of information concerning contract negotiations regarding the City Place Center along with legal advice from the City Attorney in regards to said contract negotiations would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Dieng, SECOND by Councilor Hightower, that based upon that finding, the Council enter into executive session to (a) receive confidential attorney-client communications pursuant to 1 VSA §313(a)(1)(A) and (F) and (a)(2), to include CEDO Director, DPW Director, Senior Engineer Baldwin, the City Attorney, Mayor's staff, and consultants.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:44 PM.

The City Council exited executive session at 7:30 PM.

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:31 PM.

COMMENTS:

Burlington residents:

- Garrett Graff spoke in support of the appointment of Jon Murad as Police Chief, noting his accomplishments.
- Ryan Nick spoke in support of the appointment of Jon Murad as Police Chief, saying that a no-vote would be a step in the wrong direction.
- Vonnie Murad spoke in support of the appointment of Jon Murad as Police Chief.
- Geoffrey DeSena urged the City Council to vote against renewing a blanket mask mandate for the City, saying that it is not necessary.
- Alexandra Karambelas spoke against the appointment of John Murad as Police Chief, saying that he is not willing to



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reckon with the realities of racial bias in the community.

- Gil Livingston spoke against the appointment of Jon Murad as Police Chief, saying that the City should hire a search firm to conduct an open and transparent search for a police chief.
- Gene Bergman spoke against the appointment of Jon Murad as Police Chief, noting a lack of trust in the community.
- Robert Kiernan spoke in support of Jon Murad as Police Chief, noting that he is highly qualified for the role.
- Kurt Wright spoke in support of the appointment of Jon Murad as Police Chief, saying that the City's Police Department needs stability and that the appointment and confirmation would greatly improve the morale of the Police Department.
- Jane Knodell spoke in support of the appointment of Jon Murad as Police Chief, noting his use of best practice policing and his qualifications.
- John Callow spoke in support of the appointment of Jon Murad as Police Chief.
- Paul Decelles spoke in support of the appointment of Jon Murad as Police Chief.
- Amy Mellencamp encouraged City Councilors to support the appointment of Jon Murad as Police Chief, saying that she is worried about the confidence and morale in the Police Department if he is not appointed.
- Ed Adrian urged the City Council to confirm the appointment of Jon Murad as Police Chief.
- Yves Bradley spoke in support of the appointment of Jon Murad as Police Chief.
- Colin Hilliard spoke on behalf of the Burlington Business Association in support of the appointment of Jon Murad as Police Chief, saying that the Burlington Police Department needs stability.
- Mary Cox spoke in support of the appointment of Jon Murad as Police Chief, citing his excellent credentials.
- Maxine Holmes spoke in support of the appointment of Jon Murad as Police Chief, saying that it is time that Burlingtonians felt safe in their City.
- Hans van Rees (?) spoke in support of the appointment of Jon Murad as Chief of Police, saying that it is time that that role is filled.
- Stephanie Seguino said that Burlingtonians want a reform-minded police chief who will work toward a public safety system that works for all Burlingtonians. She said that the current nominee does not possess the skill set needed for this.
- Melo Grant spoke against the appointment of Jon Murad as Police Chief, saying that it will further divide the City, and that he is unable to balance meeting the needs of the department with meeting the needs of the community.
- Josh Ronsky spoke against the appointment of Jon Murad as Police Chief.
- Leslee MacKenzie spoke in support of the appointment of Jon Murad as Police Chief, saying that he is extremely qualified for the position.
- Lee Morrigan spoke against the appointment of Jon Murad as Police Chief. She said that she opposes the nomination process rather than the nominee himself, saying that the Mayor is using the City Council and Interim Chief Murad for political reasons.
- Cliff Cooper spoke in support of the appointment of Jon Murad as Police Chief, citing the deterioration of public safety in Burlington.
- Art Frank spoke in support of the appointment of Jon Murad as Police Chief.
- Susan Comerford spoke about her experience working with Jon Murad on the Police Commission. She said that while he is qualified, she has had several interactions with him that have given her pause. She said the City needs a Police Chief leader who is able to unite the community and provide public safety for all.
- Rich Price spoke in support of the appointment of Jon Murad as Police Chief.
- Barbie Alsop expressed concern with the appointment of Jon Murad as Police Chief, citing a personal interaction she'd had with him.
- Kelly Taylor spoke against the appointment of Jon Murad as Police Chief.
- Robert spoke in support of the appointment of Jon Murad as Police Chief.
- Nate Stevens said the police departments in America are rotten and uphold white supremacy. He said that Jon Murad is not an appropriate candidate for the position of Police Chief.





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- Sally Hayes said that Jon Murad has shown patience and has led Burlington through extremely tough times over the last several years, and supports his appointment as Police Chief.
- Rob Gutman thanked City Council for its work in the search for a Police Chief. He said that once one is hired, the Police Department can work toward stabilization and reform. He said that public support for Jon Murad's appointment to the position is significant, and urged the Council to confirm the appointment.
- Mac spoke against the appointment of Jon Murad as Police Chief, saying that he is not an appropriate candidate.
- Alecander Stith spoke in support of the appointment of Jon Murad as Police Chief, noting his qualifications and broad support from the public and the Police Department.
- Christopher Aaron Felker said that Burlington cannot progress if its public safety problems are not fixed. He spoke in support of the appointment of Jon Murad as Police Chief, saying that he has the confidence of the Police Department as well as the support of the Republican Party of Burlington.
- Amanda Skeehan spoke in support of Jon Murad as Police Chief, saying that he is compassionate and has the trust of the officers at the Police Department.
- David Kirk spoke in support of the appointment of Jon Murad as Police Chief.
- Gus Klein spoke in support of the appointment of Jon Murad as Police Chief.
- JF Carter Neubieser spoke against the appointment of Jon Murad as Police Chief, saying that he has used his office to generate public opposition to reform, opposes citizen accountability of the Police Department, and does not believe that racial bias in the Police Department is an issue in the City.
- Annie Lawson spoke against the appointment of Jon Murad as Police Chief.
- Sarah Sciortino spoke in opposition to the appointment of Jon Murad as Police Chief, saying that the process that led to his appointment was fraught and that there is distrust for the candidate amongst the community.
- Lydia Kern spoke against the appointment of Jon Murad as Police Chief, expressing concern that he was never interviewed for the position and concern about his interaction with the Police Commission and perceived unwillingness to receive critical feedback in relation to police reform.
- Paul Fleckenstein spoke about the City's past experience with appointing its last Police Chief, which did not end well. He urged City Councilors to think hard and not make the same mistakes again.
- Faried Munarsyah spoke against the appointment of Jon Murad as Police Chief.
- Infinite Culcleasure spoke about the City's unwillingness to deal with its underlying problems, such as opioid use and the lack of innovative policing.
- Robert Bristow Johnson spoke about the reapportionment of Vermont's house of representatives. He spoke about an updated map that will be made available for review. He urged City Council to consider having five two-member districts.
- Blaine Martin spoke in support of the appointment of Jon Murad as Police Chief.
- Andrew Overy said that Acting Chief Murad's tenure has been marked by contempt for BIPOC community members and for the unhoused. He said that there is racism within the Police Department and Jon Murad is unfit for the role.
- Shireen Hart spoke in support of the appointment of Jon Murad as Police Chief.
- Brian Cina questioned the value of the \$75,000 spent on a search firm for recruitment for the police chief position. He said that the City must build a vision for the future of the police department. He said he is not supportive of the current process for appointment.
- Solveig Overby spoke against the appointment of Jon Murad as Police Chief, saying that a national search should be completed.
- Grey Barreda spoke about the destruction of the Sears Lane settlement, saying that it conforms with the definition of domestic terrorism.

MOTION by Councilor Dieng, SECOND by Councilor Magee, to continue the public forum until all speakers who have signed up have had the chance to speak.



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VOTING: unanimous; motion carries.

- Alexis Grundy spoke as a resident of Sears Lane and said that the Police Department forced her out of her home.

Non-Burlington residents:

- Jeff Nick spoke in support of the appointment of Jon Murad as Police Chief.
- Kelly Devine spoke on behalf of the Burlington Business Association, saying that the City has a desperate need for improved public safety, especially downtown.
- Shannon Trammell spoke as the executive assistant to the Chief of Police in support of the appointment of Jon Murad as Police Chief.
- Mark Bouchett spoke in support of the appointment of Jon Murad as Police Chief.
- Carole Magoffin spoke in support of the appointment of Jon Murad as Police Chief, saying that he needs to be given a chance to lead.
- Luke Rein spoke against the appointment of Jon Murad as Police Chief.

Forum closed at 9:48 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Mayor Weinberger noted that Burlington Electric Department has redoubled its efforts to meet its net zero energy goals by 2030. He also noted a charter change currently sitting with the State legislature that would enable Burlington to pursue more of its electrification goals.

5. CONSENT AGENDA

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

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

5.03 Communication: Solveig Overby, Public Forum statement, City Council on 1/24/22 re: Reapportionment and the proposed March ballot items asking approval for adding City debt - waive the reading, accept the communication and place it on file.

5.04 Communication: Lucas Jenson, re: Short Term Rentals - waive the reading, accept the communication and place it on file.

5.05 Communication: Lola Jacuzzi, Ward 8 Inspector of Election, re: Resignation - waive the reading, accept the





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communication and place it on file.

5.06 Communication: Robert Bristow-Johnson to BCA, re: 2022 Vermont House Redistricting within Burlington - waive the reading, accept the communication and place it on file.

5.07 Communication: Kent Cassella, STR Host, re: CH 18 Amendment of Short Term Rentals - waive the reading, accept the communication and place it on file.

5.08 Public Hearing Notice re: Ch. 18 Housing - Short Term Rentals - move the public hearing regarding Ch. 18 Housing—Short Term Rentals to a date certain of February 7, 2022. The February 7, 2022 hearing shall be held entirely remote via zoom.

5.09 Resolution: Burlington International Airport Supplemental Resolution No. 7 (Board of Finance) - waive the reading and adopt the resolution.

5.10 Communication: Brian Bolger, re: Public Comments Regarding Short Term Rentals - waive the reading, accept the communication and place it on file.

5.11 Communication: Amy and Keith Ferguson, re: Short Term Rentals - waive the reading, accept the communication and place it on file.

5.12 Communication: Kelly Devine, BBA Director, re: Appointment of Jon Murad as Police Chief - waive the reading, accept the communication and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Magee, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.12.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Communication: Acting Chief of Police Jon Murad, re: Creation of one (1) new position, Digital Media Redaction Specialist, within Police Department

MOTION by Councilor Paul, SECOND by Councilor Carpenter, to approve the creation of a Digital Media Redaction Specialist within the BPD, a Regular, Full-time, non-exempt, AFSCME, Grade 14, position.

DISCUSSION:

- **Councilor Stromberg asked for a brief overview of the position. Acting Chief Murad replied that this position would allow the Police Department to comply with a body camera footage release policy put in place by the Police Commission. He said that this position is included in the budget. He said that position would enable the City to meet privacy requirements when it releases body camera footage. He said that the redaction techniques would obscure faces or audio, but would not be subjective. He said that the redaction process is**





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time-consuming and needs a dedicated position.

- Councilor Hanson asked what kinds of videos would be released and how quickly they would be released. Acting Chief Murad replied that within 30 days of an incident (as defined in the policy), footage would be released.
- Councilor Freeman noted that body camera policies have lower efficacy rates of reducing police violence than other strategies, such as oversight of union contracts.
- Mayor Weinberger said that this process would replace the informal, ad hoc policy around body camera footage that had been in place prior to this.

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (11 ayes, 1 nay); motion carries.

6.02 Resolution: Referral Of General Aviation Considerations To Transportation, Utilities And Energy Committee (Councilor Dieng) **item removed from agenda **

No discussion at this time.

6.03 Resolution: COVID-19 Public Face Covering Mandate To Encourage Safe Practices And Vaccination (Mayor)

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

DISCUSSION:

- Councilor Mason said that this would extend the mask mandate until the end of February. He said that the Omicron variant of Covid-19 continues to circulate in the community and that it would be prudent to wait until case counts decrease further before lifting the mandate.
- Mayor Weinberger noted that the City's wastewater readings showed a decreased viral load in wastewater for the second consecutive week, leading him to feel optimistic about the Covid-19 trends in the City.
- Councilor Dieng noted that cloth masks are no longer recommended and that KN95 or N95 masks are now preferable for reducing transmission of the Covid-19 virus. He asked whether the City is consider incorporating any of these changed recommendations into policy, or distributing higher-quality masks. Mayor Weinberger said that he is not aware of any government mask mandates requiring higher-quality masks.

VOTING: unanimous; motion carries.

6.04 Communication: Mayor Miro Weinberger, re: Appointment of Police Chief





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Mayor Weinberger said that he is submitting for the Council's consideration an appointment of Jon Murad as Chief of Police. He stressed the importance of a Police Department that has the community's trust. He said that the next chief must stabilize the department as well as work to eliminate racism within the department. He spoke about Acting Chief Murad's past experiences as an officer in New York City and Vermont. He said that he and Acting Chief Murad would work collaboratively to decrease burglary rates, improve public safety downtown, build up the Police Department, address racial disparities, and incorporate new public safety resources such as the CSL and CSO program. He implored the City Council to confirm this appointment.

Acting Chief Murad spoke about his commitment to making policing better. He spoke about actions taken since 2020 to be more innovative and reform-driven at the Police Department. He said that he will work with partners to address upstream disparities when he encounters bias in his line of work. He spoke about the iterative racial training that he brought to the Police Department. He noted that there have been no racial disparities in the number of traffic stops conducted in 2021.

MOTION by Councilor Hanson, SECOND by Councilor Dieng, to suspend the rules and complete the remainder of the agenda.

VOTING: unanimous; motion carries.

MOTION by Councilor Shannon, SECOND by Councilor Mason, to confirm the Mayor's appointment of Jon Murad as Police Chief.

DISCUSSION:

- Councilor Shannon noted an immense amount of support for Jon Murad across the racial and political spectrum. She highlighted a comment from a Community Service Officer within the Police Department in support of Jon Murad's appointment to Chief of Police. She also noted that Interim Chief Murad already has an immense amount of experience doing the job of Police Chief, is highly qualified, and his permanent appointment would add a measure of stability to the Police Department.
- Councilor Hightower acknowledged that Interim Chief Murad has immense support from the officers within the Police Department, but expressed concern with the recruitment process as well as his denial of racial bias as a problem within Burlington and its Police Department. She also noted negative feedback from the Police Commission regarding Interim Chief Murad. She spoke about efforts to develop a compromise proposal, noting that they were ultimately unsuccessful.
- Councilor Barlow said that the Police Department needs the City Council to send them a supportive signal by hiring Jon Murad as the permanent Police Chief.
- Councilor Mason said that Interim Chief Murad is an extremely qualified candidate, demonstrating a high level of education, experience, and having served in the position for the last 20 months on an interim basis. He stressed the importance of having a permanent Police Chief at the BPD.
- Councilor Carpenter said that the professional search committee's process for recruitment of a Police Chief was insufficient. She said that they should have conducted more public stakeholder engagement and given more opportunities for candidates to meet with the public and lay out their key issues of concern. She said that the City can set up processes to receive feedback on the Police Chief's performance while on the job, but she said that the City needs a permanent chief now.
- Councilor Hanson provided context around the Police Department's historic use of force, the actions of its





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former police chiefs, and prior legislation around reforming the Police Department. He noted that Interim Chief Murad has advocated for an adjustment to the cap on sworn officers, but has not pursued many of the other recommendations from the CNA report around police reform and transformation. He said that the Police Department needs a leader that will embrace the transformation of public safety.

- Councilor Stromberg said that she has been supportive of hiring a search firm, a transparent hiring process, and a community policing model, and none of those are reflected in this appointment.
- Councilor Magee said that Interim Chief Murad has obstructed or delayed implementation of recommendations from the CNA report that demonstrate that he is not supportive of police transformation in Burlington.
- Councilor Dieng said that the Mayor has the power to appoint candidates as he deems appropriate and that he supports Jon Murad for the sake of stability within the Police Department. Councilor Dieng asked about Interim Chief Murad's interaction with and commitment to collaborating with the Police Commission. Interim Chief Murad replied that he is committed to working with the Police Commission.
- Councilor Paul spoke about the search committee and recruitment process for the Police Chief position, noting that there was a lack of collaboration on the committee. She said that she is hopeful that the City Council and administration will be able to develop a compromise and path forward that will provide the community with a new police chief and the services that it needs.

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Stromberg – nay, City Council President Tracy – nay (6 ayes, 6 nay); motion fails.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Paul noted that the Public Safety Committee will meet on February 1, and the meeting will be held remotely via Zoom. She said that the Committee has been working on the CNA report's recommendations with the Interim Police Chief, and anticipates that they will come to the City Council with a full report-out by the end of March.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Dieng thanked Interim Chief Murad and others who attended the Town Hall that was held on January 30th.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Tracy said that the Reappraisal Ad Hoc Committee has been fully appointed, and includes





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homeowners, renters, representatives from each district, a commercial property-owner, and a member of the board of tax appeals.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

None at this time.

11. ADJOURNMENT

11.01 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Hanson, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 11:58 PM.

RScty: AACoonrad