



Regular City Council Meeting - Monday, January 4, 2021, 7:00 pm
****VIRTUAL MEETING****
1/4/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

January 4, 2021

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

Katherine Schad

Eileen Blackwood

Jordan Redell

Lori Olberg



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Holli Bushnell

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 7:03 PM.

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

- **add Councilors Carpenter and Paul as co-sponsors of agenda item 5.02 Resolution: Advisory Ballot Item Regarding Climate Justice In Building Decarbonization (Councilors Hanson, Stromberg, Pine, Tracy)(per Councilor Hanson);**
- **note revised version, title change and add Councilor Carpenter to agenda item 5.03 Resolution: Ballot Question Authorizing Retail Cannabis Sales White Addressing Systemic Racism & Other Equity Concerns (Revised);**
- **remove from the agenda item 5.04 Resolution: Allowing State-Licensed Cannabis Retailers and Integrated Licensees To operate Within The City of Burlington (Councilor Carpenter)(per Councilor Carpenter);**
- **note recommended action for agenda item 5.05 Communication: Mayor Miro Weinberger, re: Veto of Charter Change re: Police Community Control Board to "Reconsider the resolution pursuant to charter section 46." (per City Attorney Blackwood);**
- **note email from Peter Clavelle re: Transforming Police Services for this agenda item (per COS Redell).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2.01 Verbal Comments

Forum opened at 7:23 PM.

COMMENTS:

- Ashley Laporte urged the Council to uphold its commitments to community-controlled policing. She spoke about the racial justice and public safety resolutions that had been passed throughout 2020 and activism on the part of community members to help develop a proposal for community-controlled policing. She expressed disappointment at the Mayor's veto of the resolution that came out of that proposal.
- Jadah Bearden spoke about the Mayor's veto of the proposed charter change on a police community control board, expressing disappointment and urging the City Council to overturn the veto.
- CD Mattison spoke about the Mayor's veto of the proposed charter change on community controlled-policing, and





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urged City Councilors to compromise on the issue so that it can be put on the ballot for voters' consideration.

- Catarina Campbell said the public should be allowed to consider the charter change on community-controlled policing on the ballot.
- Infinite Culcleasure spoke about the veto of the charter change on community-controlled policing and urged City Councilors to override the veto.
- Brian Cina spoke about the Mayor's memo on vetoing the proposed charter change on community-controlled policing and urged the City Council to override the veto.
- Rhiannon Wiley spoke about the revote on the charter change in light of the Mayor's veto. She said the change would give the community an opportunity to hold its public safety apparatus accountable and that the Mayor's veto now denies voters a voice in this decision. She urged City Councilors to override the veto.
- Alyssa Chen spoke about the Mayor's veto of the community-controlled policing charter and urged City Council to override the veto.
- Adam spoke in support of the charter change on community-controlled policing.
- Luis Rosario spoke against the veto on the proposed charter change on community-controlled policing. He accused the administration of fear-mongering. He said that community control of the police is not hostile to the police.
- Zanevia Wilcox said that the people have spoken out against the unjust system of policing and that the community should be given the opportunity to determine how they should be policed. She said that the Mayor's veto on the charter change for community-controlled policing should be overridden.
- Jessica Laporte spoke about the public process involved in putting together the charter change proposal and expressed dismay that the Mayor has thwarted the proposal itself at the last minute, and said the proposal should go to a public hearing and then on the ballot for voter consideration.
- Deirdre Graham spoke about the Mayor's veto of the charter change proposal on community-controlled policing, saying that the process should be truly democratic and the change should be allowed on the ballot for voters' consideration.
- Zoe Koeninger spoke in opposition to Mayor Weinberger's veto for the charter change proposal on community-controlled policing and his rationale for the veto.
- Tia Hunt expressed her support for community-controlled police, saying that she was disappointed but not surprised that the Mayor's veto focused on the proposal's impacts on the Burlington Police Department but not on its impacts to the community.
- Daniel Munteanu spoke in favor of the proposed charter change for a community-controlled police board, encouraging the Council to override the veto.
- Grace Pfeil spoke in favor of the community-controlled police charter change and urged the City Council to override the veto. She said that this is the only proposal that has been shaped by the community and endorsed by the Racial Justice Alliance.
- Maxwell Solter voiced his support for the City Council to overturn the Mayor's veto of the charter change proposal on community-controlled policing. He said that it seems that the rest of Vermont is anxious about this proposal, as Burlington's actions have the potential to shape policy in other smaller towns.
- Lauren Akin spoke against the Mayor's veto of the proposed charter change for community-controlled policing. She said that the police department should prioritize the self-determination of the people, and that the charter change would force the police to cede power to the community.
- Will Keeton spoke about his past experience at Burlington High School and the police presence in it. He said that Black Lives Matter is a fundamental truth, not an abstract concept. He spoke against the Mayor's veto of the proposed policing charter change.
- Dana Keyes-Gibbons spoke against the Mayor's veto of the proposed charter change around community-controlled policing. She said that the Mayor is being divisive in his actions to overrule the majority of the Council and undermine their authority. She added that the Mayor's counter-proposal is diluted and would not guarantee meaningful community oversight of the police.





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- Rachel Galus voiced support for the community-controlled police proposal.
- James Lent spoke in favor of the proposed charter change for community-controlled policing.
- Tsuki said the community-controlled policing board is realistic and rationale, and that it should be allowed to be placed on the ballot in March. She said it engages the community and would give them a voice and a choice in terms shaping community safety.
- Will Emmons spoke against the veto of the proposed charter change on community-controlled policing. He spoke about his negative experiences with the Burlington Police Department.
- Phoebe Paron spoke in favor of the community-controlled policing charter change, expressing dismay that it took such a long time to develop and pass the proposal through committees and City Council and was vetoed by one person. She urged the Council to listen to marginalized constituents.
- Jake Van Wolvelear said that City Council recognizes the need to address systemic racism, since it voted unanimously to paint a Black Lives Matter mural on Main Street, but that it looks like the Council disagrees about how to move forward in addressing it. He said the veto should be overridden, since voters should be given the opportunity to demonstrate their position on the issue.
- Maggie Chadwell said that the power to investigate police violence should be placed in the hands of the community, urging the Council to override the Mayor's veto of the charter change proposal for community-controlled policing.
- Alex Sturgiss urged City Council to override Mayor Weinberger's veto of the proposed charter change on community-controlled policing.
- Rob Rives spoke against the Mayor's veto of the proposed charter change, saying that City Council should override that veto and allow the question to be placed on the ballot for voter consideration.
- Sophie Cassel spoke in support of the community control board on policing and that the Mayor's veto of the proposal for its creation be overridden. She said that an independent body is crucial for policing reform.
- Sara Brooks urged City Councilors to allow constituents to vote on the charter change for a community-controlled police board, saying that the Mayor's veto shows that the Mayor does not have faith that Burlingtonians can decide what is best for them.
- Rachel Siegel spoke against the Mayor's veto of the proposed charter change on community-controlled policing, saying that the voters should be allowed to have their voices heard by placing this question on the ballot.
- Emily Wanzer spoke in opposition to the Mayor's veto of the proposed charter change for community-controlled policing.
- Lilla Fortunoff spoke about the large proportion of cases of excessive use of force in Burlington on Black members of the community. She spoke about the Police Commission's lack of teeth when it comes to police discipline. She spoke against the Mayor's veto, saying that the community needs a police accountability body that is separate from the police department.
- William Dunkley spoke about a personal negative experience with the Burlington Police Department and a disproportionate use of force, and urged City Councilors to override the Mayor's veto.
- Ken Martel spoke about a recent experience with the Burlington Police Department, saying that they are not accountable to the community and need to be held accountable for their actions.
- Alexander Furdon said that doctors need to obtain malpractice insurance in case they cause irreparable injury to a person, despite going through years of extensive training. He asked why police officers do not need to do the same. He said the charter change proposal for community-controlled policing would make the community safer and would provide a check on police power.
- Steven Mar spoke about why this charter change should be supported, citing unprecedented movements toward racial equity at the national level, and how the charter change was supported by the ACLU.
- Andrew Gigler spoke in support of the proposed charter change on community-controlled policing, saying that this is not a political issue but a racial justice issue.
- Em Bauer spoke against the Mayor's veto of the proposed community-controlled policing charter change, and urged



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City Council to protect their constituents by overriding the veto.

- Trish O'Kane spoke in support of putting a charter change for community-controlled policing on the ballot and urged City Councilors to override the Mayor's veto.
- Talia urged the City Council to override the Mayor's veto of the proposed charter change for community-controlled policing, saying that the Mayor is denying Burlingtonians the opportunity to vote on the issue.
- Trav Fryer spoke in favor of overriding the Mayor's veto of the proposed charter change for community-controlled policing.
- Silas Goldman expressed support for a community-controlled policing board, which would help ensure the safety of BIPOC community members in Burlington.
- Mark Hughes urged City Councilors to override the Mayor's veto of the proposed charter change for community-controlled policing. He said the Mayor's veto undermined efforts to transform policing and hold the police accountable to the community.

Forum closed at 9:30 PM.

3. CLIMATE EMERGENCY REPORTS

3.01 Climate Emergency Reports

No discussion 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: C/T Office, Draft Minutes for November 23, 2020 Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes at the January 19, 2021 Regular City Council Meeting.

4.04 Communication: C/T Office, Draft Minutes for December 7, 2020 Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes at the January 19, 2021 Regular City Council Meeting.

4.05 Communication: C/T Office, re: Draft Minutes for December 14, 2020 City Council With Mayor Presiding Meeting - waive the reading, accept the communication, place it on file and adopt the minutes at the January 19, 2021 Regular City Council Meeting.

4.06 Communication: C/T Office, re: Draft Minutes for Recessed Regular City Council Meeting of December 7, 2020 that occurred on December 14, 2020 - waive the reading, accept the communication, place it on file and adopt the minutes at the January 19, 2021 Regular City Council Meeting.

4.07 Communication: C/T Office, re: Draft Minutes for December 21, 2020 Regular City Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes at the January 19, 2021 Regular City Council Meeting.

4.08 Communication: C/T Office, re: Draft Minutes for December 21, 2020 Full Board of Abatement of Taxes Meeting - waive the reading, accept the communication, place it on file and adopt the minutes at the January 19, 2021 Regular City Council Meeting.

4.09 Communication: Darren Springer, General Manager, Emily Stebbins-Wheelock, Manager of Strategy & Innovation and Sue Fritz, Director of Information Technology, re: BED IT Forward software systems - authorize the General Manager of



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Burlington Electric Department to execute with N. Harris Computer Corporation a Software License Agreement, a Software Implementation Services Agreement, a Master Support & Maintenance Agreement, and a Hosting Service Agreement that grant the Burlington Electric Department the option to purchase and receive associated services for software systems at fixed prices good through June 30, 2023, subject to review and approval of the City Attorney's Office and to appropriations for each relevant fiscal year.

4.10 Communication: Megan Moir, Water Resources Division Director, Jessica Lavalette, Water Resources Customer Care and Finance Manager and Jenna Olson, Water Quality Program and Quality Manager, re: Water Resources Division Rate Restructuring and Affordability Project Restart for Fiscal Year 2022 - waive the reading, accept the communication and place it on file.

4.11 Communication: Laura Wheelock, PE Senior Public Works Engineer and Madeline Suender, Associate Public Works Engineer, re: Increase to the CY19 Street Reconstruction Project Budget – 1.) authorize an increase to the CY19 Street Reconstruction Project Budget in the amount

of \$827.23 for a new total project budget of \$2,189,715.78, with funding coming from the same FY21 Street Capital Fund (G/L 840-19-700.9500_100), and 2. To authorize the Director of Public Works to execute a final change order with Frank W. Whitcomb Construction Corp up to a maximum limiting amount of \$2,189,715.78 to pay for the final expenses.

4.12 Communication: Jill Remick, Director, Property Valuation and Review, State of Vermont, re: 2020 Equalization Study results - waive the reading, accept the communication and place it on file.

4.13 FIO Documents – for information only.

4.14 Resolution: Selection of Newspapers For Publication Of 2021 Election Warnings And Notices (Councilor Tracy) - waive the reading and adopt the resolution.

4.15 Resolution: Approval of Financing Guarantee for Construction Loan for Burlington High School to Macy's Building (Board of Finance) - waive the reading and adopt the resolution.

MOTION by Councilor Stromberg, SECOND by Councilor Freeman, to amend/adopt the consent agenda, taking the actions as indicated for items 4.01-4.15.

VOTING: unanimous; motion carries.

5. DELIBERATIVE AGENDA

5.01 Ordinance: B.C.O. Offenses & Miscellaneous Provisions - Prequalification of Construction Contractors - Responsible Contractors Sections 21-68, 21-73, 21-76 and 21-77 (Councilors Pine and Tracy)(1st reading)

MOTON by Councilor Pine, SECOND by Councilor Stromberg, to consider this first reading and refer to the Ordinance Committee.

DISCUSSION:

- Councilor Pine said this proposal would change the City's current ordinance on prequalification of





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construction contractors to require contractors to show that they are paying fair wages and benefits. He noted that the City Attorney has reviewed the proposal. He thanked the Vermont Building and Construction Trades Council for their input. He further noted that Montpelier has already passed a similar ordinance last year.

- Councilor Mason said the Ordinance Committee would take this up and work with the City Attorney on it.
- Councilor Paul asked if the City currently audits contractors based on this ordinance to determine whether they have a responsible safety program or a reasonable OSHA rate, for example. City Attorney Blackwood replied that yes, information is audited.

VOTING: unanimous; motion carries.

5.02 Resolution: Advisory Ballot Item Regarding Climate Justice In Building Decarbonization (Councilors Hanson, Stromberg, Pine, Tracy)

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

DISCUSSION:

- Councilor Hanson emphasized the current climate crisis and that this ballot item would seek to further deter usage of fossil fuels. He said that relying on the market to move toward decarbonization has failed, and so policy action is warranted. He said he hopes this will result in the transition to a more local clean energy economy.
- Councilor Carpenter said that the resolution states the City's policies and holds the City accountable to these standards.

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

5.03 Resolution: Ballot Question Authorizing Retail Cannabis Sales, Priority Use Of Local Option Taxes Generated To Address Systemic Racism & Other Equity Concerns (Councilors Hanson, Stromberg, Pine, Tracy)

Councilor Carpenter said that the state legislature has voted to allow the state to have a retail cannabis industry, and that as part of the legislation they are requiring that if communities want to be open to having cannabis retailers in their community, they need to opt in and have a public vote to agree to have those establishments in their municipality. She said that the resolution would approve the opening of retail shops under state law, attempt to stagger the awarding of licenses so that smaller and BIPOC entrepreneurs be given priority for license approval, and that as the City receives additional local option tax revenue, that it be targeted to the BIPOC community for more community and social support.





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MOTION by Councilor Carpenter, SECOND by Councilor Hanson, to postpone item 5.03 to the City Council's January 19th meeting.

DISCUSSION:

- **Councilor Mason recused himself from discussion and deliberation on this topic.**
- **Councilor Hanson said that the state statute does not give much flexibility to municipalities around retail cannabis, but does provide flexibility around the opt in component, the timing of license awards, and the ability to use local option tax revenue. He said that obtaining voter approval in 2021 would give the City time to develop regulations around retail cannabis prior to 2022.**

VOTING: unanimous; motion carries.

5.04 Resolution: Allowing State-Licensed Cannabis Retailers And Integrated Licensees To Operate Within The City of Burlington (Councilor Carpenter)

**** this item was removed from the deliberative agenda ****

5.05 Communication: Mayor Miro Weinberger, re: Veto of Charter Change re: Police Community Control Board

Mayor Weinberger said that after his issuance of a veto on the charter change, he met with several progressive Councilors. He expressed gratitude for the willingness of Councilors to compromise, but he said that further compromise language suggested by the Councilors fell short of addressing concern that the charter change proposal will undermine the City's ability to ensure public safety. He also said that the legally-prescribed process for making charter changes does not lend itself to compromise currently. He said that he will not be rescinding his veto and asked City Council to sustain it. He urged Councilors to work with his administration to continue making progress to reform the police disciplinary system. He spoke to the Burlingtonians that advocated for this charter change, saying that he respects their work and ideas, but that he cannot support them.

MOTION by Councilor Stromberg, SECOND by Councilor Freeman, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

MOTION by Councilor Hightower, SECOND by Councilor Freeman, to override the veto pursuant to charter section 46.

DISCUSSION:

- **Councilor Hightower outlined the three compromise issues. She said that the Mayor said the onus was on the**





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Councilors to obtain stakeholder input, which she did. She said that this is not the time to uphold the status quo.

- Councilor Paul said that the City needs meaningful and authentic reform and change that is sustainable and adaptive and addresses the issues. She said that the time for blind ignorance is over and that police reform is imperative and is the City's moral obligation. She expressed uncertainty about the unintended consequences. She said that the best path forward is broad charter language with specifics worked out through ordinances, to allow the City the flexibility to adapt. She said she will not support the charter change because she is not comfortable with the language as it would be placed on the ballot, though she agrees with the underlying principles of the resolution.
- Councilor Pine expressed frustration that meaningful reform around policing keeps being postponed.
- Councilor Carpenter said that more work needs to be done on the proposed charter change prior to placing it on the ballot, saying that more collaboration needs to occur in order for the proposal to achieve broader consensus.
- Councilor Stromberg expressed concern about the administration making unilateral decisions about very large, serious issues.
- Councilor Freeman spoke about the process around engagement, saying that she has made efforts to engage Councilors and administration as much as possible. She spoke about the level of specificity in the charter change language, saying that it was necessary. She also said that voters should be allowed to vote on this.
- Councilor Hanson said that voters should be allowed to voice their opinion on this. He said that the language is already full of compromise and is the result of a significant amount of collaboration.
- Councilor Dieng stressed the importance of an independent oversight body for police disciplinary issues.
- Councilor Mason said that the current model with police chief as sole arbiter of disciplinary matters is not a good model, but that the current model under consideration might not be the right model.
- Councilor Shannon said that perspectives were not sought from some key stakeholders in the process of developing the proposed charter change. She also said that realistically, the language in its entirety would not be able to be put on the ballot, since it is six pages of complex language.

VOTING (by roll call): Councilor Carpenter – nay; Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Paulino – nay, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, City Council President Tracy – aye (7 ayes, 5 nays); motion fails.

6. COMMITTEE REPORTS

6.01 Verbal Reports

Councilor Paul said that the Parks, Art, and Culture Committee hasn't met in several months, but will be scheduling a meeting in mid-January, at which it will review Highlight and have further updates on the mural.

Councilor Pine noted that CDNR has had several items on the Accountability List which it will tackle soon, one of which is around placing a higher priority on the needs of the City's aging population.





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7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports

Councilor Hanson said that there will be a meeting regarding potential changes on Colchester Avenue of the bikeways, parking, and intersection safety committee next week.

Councilor Pine thanked Councilors Paul and Mason for their work at the food distribution event last week. Councilor Paul added that food distribution events have occurred every month since the pandemic began and that demand has not abated.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports

City Council President Tracy reminded members of the public how to sign up for public forum, since there has been some confusion lately.

9. MAYOR – GENERAL AFFAIRS

9.01 Verbal Reports

Mayor Weinberger congratulated Burlington City Arts for putting on its Highlight program on New Year's Eve, which created a real sense of community even though residents are not able to gather in person. He also urged Burlingtonians to continue to exercise caution around COVID-19, given rising infection levels and the new, more contagious strain of the virus.

10. ADJOURNMENT

10.01 Motion to adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 11:09 PM.

RScty: AACoonrad





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r identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.