

**BURLINGTON CITY COUNCIL  
CITY HALL, CONTOIS AUDITORIUM \*OR\*  
REMOTE MEETING WITH CALL-IN  
BURLINGTON, VERMONT  
MINUTES OF MEETING  
April 15, 2024  
**DRAFT****

**MEMBERS PRESENT:**

Joan Shannon  
Sarah E Carpenter  
Mark Barlow  
Ben Traverse  
Tim Doherty  
Melo Grant (at 6:10 PM)  
Carter Neubieser  
Joe Kane  
Becca Brown McKnight  
Evan Litwin  
Marek Broderick

**OTHERS PRESENT:**

Emma Mulvaney-Stanak  
Erin Jacobsen  
Katherine Schad  
Kim Sturtevant  
Lori Olberg  
Brian Pine  
Erik Ramakrishnan  
Jamie Feehan  
Darren Springer  
Brian Pine  
David White  
Chapin Spencer  
Laura Wheelock  
Madeline Suender  
Nathan Lavery  
Michael LaChance  
Kyle Blake

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**1. CALL TO ORDER and AGENDA**

The meeting was called to order by City Council President Traverse at 6:02 PM.

**MOTION by Councilor Carpenter, SECOND by Councilor Neubieser, to adopt the agenda.**

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

**2. COMMUNICATION: ERIK RAMAKRISHNAN, ASSISTANT CITY ATTORNEY, BRIAN PINE, CEDO DIRECTOR, KATHERINE SCHAD, CAO, AND SCOT BARKER, I&T DIRECTOR, RE: DISCUSSION OF REAL ESTATE NEGOTIATIONS REGARDING POTENTIAL SALE OF CITY PROPERTY AT 200 CHURCH STREET (VERBAL) \*\*EXPECTED EXECUTIVE SESSION\*\***

2.1. Communication: Erik Ramakrishnan, Assistant City Attorney, Brian Pine, CEDO Director, Katherine Schad, CAO and Scot Barker, I&T Director, re: Discussion of real estate negotiations regarding potential sale of City property at 200 Church Street (verbal) \*\*expected executive session\*\* (30 mins.)

Director Pine said that this pertains to the potential sale of 200 Church Street. He noted that the City acquired the space in 2005 to provide office space and a location for Burlington Telecom's network operations center. He said that the City retained ownership when Burlington Telecom's assets were transferred in 2014 to a holding company created to allow the City sufficient time to resolve the legal and financial issues facing Burlington Telecom at the time. He noted that two-thirds of the building is leased by the City to Burlington Telecom for approximately \$10,000 per month, and that the remaining space houses office space for the Human Resources department and a portion of the Community Justice Center. He noted that the annual operating expenses for the building are approximately \$65,000. He noted that the CJC will be relocated in 2025 to a building through an agreement with Champlain Housing Trust and that the City will work to relocate its human resources functions. He noted that the company that owns Burlington Telecom has a practice of owning the buildings in which it houses its subsidiaries, as well as making investments and improvements to those buildings. He said that the asset purchase agreement between the City and Burlington Telecom provided BT with the right of first refusal or a purchase option on the 200 Church Street building. He said that though it may seem advantageous for the City to sit on the property and allow it to grow in value prior to selling, ultimately, the end buyer will likely be Burlington Telecom. He noted that the building has a number of systems that are beyond their useful life and would require investment in upgrades, including the HVAC system and the roof of the building. He noted that there are no reserve funds available for capital improvement projects such as this, and that the City does not have the bonding capacity to borrow the fund for investment in this building.

Councilor Grant asked if the City could retain the building if it chose not to sell it now. Director Pine replied that the City could keep the building until 2034, which is when the purchase option is available to Burlington Telecom.

Councilor Broderick asked for further details around the \$850,000 to \$1.2 million cost estimate to replace the HVAC system. Director Pine replied that the estimate was provided by facility staff in the City based on their knowledge of replacing similarly-sized systems. Councilor Broderick asked whether the City has examined alternative options, such as a federal or state programs to replace the HVAC system in a cheaper way. Director Pine replied that typically, it is in the City's best interest to make upgrades when it owns buildings. However, there is a trade-off if the City knows it will ultimately end up selling the building, and it may not be in its best interest to make the public investment in the building if a private entity has the option to buy it. He said that the City hasn't pursued more creative ways to fund the investment, given that there are other pressing City capital needs.

Councilor Neubieser asked whether the HVAC system upgrades entail replacing ductwork as well. Director Pine replied that he is unsure if it entails ductwork in addition to the air handling units and distribution system and pumps. Councilor Neubieser asked if the City has conducted an analysis of how much the building may be worth in 2034 and what the increase in value may look like. Director Pine replied that it is

challenging with commercial properties to estimate future value, given the impact that Covid has had on the value of office space. Councilor Neubieser expressed reluctance to sell off public assets, especially given potential federal support and grants for efficiency upgrades for infrastructure. Director Pine replied that when the federal government looks at requests for funding for public assets, it typically looks at buildings that are wholly public assets, whereas two thirds of this building are currently being leased to a private entity, which makes this less competitive for federal grants. Chief Administrative Officer Schad noted that the grants team has prioritized this to pursue funding, and that they have not been successful in finding grants for municipal buildings, especially for buildings that are partially leased by private entities.

Councilor Kane asked whether the City has determined what the return on investment might be if it made capital improvements. Director Pine replied that owning a building of this type would require a longer-term lease than what remains in this 10-year lease period in order to see a return on investment of this level. He confirmed that the ballpark estimate for the HVAC system could include the cost of installing a heat pump and making improvements to the building envelope. Councilor Kane said that it seems as though the City would be selling the building at a low point and that commercial values may rise, given the amount of development that is beginning that had previously been delayed. Director Pine replied that the City approached the lessee on this transaction, not the other way around.

**MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to enter into executive session to discuss real estate negotiations in connection with 200 Church Street, pursuant to 1 V.S.A. 313(a)(2), to include the Mayor, Chief of Staff, legal counsel, the CEDO Director, the Chief Administrative Officer, and the Chief Innovation Officer.**

**VOTING: unanimous; motion carries.**

### **3. LEGISLATIVE UPDATE – JAMIE FEEHAN**

#### 3.1 Legislative Update – Jamie Feehan

Jamie Feehan of Primmer Piper Eggleston & Cramer began by speaking about the legislative priorities identified by the Mayor's Office and City Council. He noted that activity is picking up in Montpelier with an eye toward adjournment of the session, which should occur in mid-May. He noted several must-pass bills coming out of committee, including the Fiscal Year 2025 budget bill, which is about to be voted on by Senate Appropriations. He noted that many policy bills that had previously been standalone pieces of legislation will ultimately end up in the budget bill. He said that in terms of specific Burlington issues, one item making its way through the legislature is the municipal charter changes for this year, which includes expanding BED's line of credit for liquidity and capital purposes, as well as the municipal charter changes from last year, which include just cause/no cause evictions. He noted that a study to look at just cause evictions was added by the House to a separate housing bill (H829) and is currently in Senate committee for review. He noted that the funding source for this and other housing improvement measures is controversial, because it's attached to a personal income tax increase.

Councilor Carpenter asked whether the housing improvements items will die if the Senate chooses not to fund them through an increase in personal income taxes. Mr. Feehan replied that the budget will contain the housing improvement items, but it is unclear how much funding will be available to put toward these items within the budget construct. Councilor Carpenter asked for an update on Act 250 and delegated authority. Mr. Feehan noted that the House passed H687, which creates tiers for Act 250 review based on certain criteria and encourages growth in urban areas that are suitable for it and discourage growth in more rural areas. He said that under this bill, Burlington would fall under Tier 1A, which designates it as an areas suitable for growth. He spoke about the timeline for this bill, saying that it would have implementation steps in 2025 and go into effect in 2026. Mr. Feehan also noted that the FY25 budget has several tens of millions of dollars directed toward emergency housing and general assistance, as well as a separate bill (H879) that would modernize the General Assistance Program to make it more transparent and predictable.

Mr. Feehan then spoke about public transit issues and developments. He said that the annual transportation bill is another must-pass bill, as it appropriates funding in the transportation sector for various modes of transportation, infrastructure, and administration. He noted that the bill includes \$1 million in one-time bridge funding for Green Mountain Transit to address its financial uncertainties, which is contingent upon resumption of fares, discussion with other transit agencies about more efficient commuter routes, and examining its own administrative efficiencies. He also noted that the transportation bill includes between \$4.5-\$7 million in federal carbon reduction funds, which can be used for capital purchases for electric vehicles for fleets.

Mr. Feehan then spoke about issues related to substance use disorder treatment and prevention. He noted that the Senate Health and Welfare Committee is anticipated to vote on H72, which would set up an overdose prevention center pilot in Burlington, and would be funded by \$1.1 million from the State's Opioid Settlement Fund.

Councilor Broderick asked if there have been discussions in the legislature regarding a path forward on returning to fare free public transit through GMT. Mr. Feehan replied that there was a recent study looking at funding of transit in Vermont, which was driven by declining revenues for GMT (which were primarily due to the move to fare free transit during Covid). He noted that there was a \$500,000 appropriation to rural transit services to keep them fare free. He said that GMT needs a more predictable and stable funding source in the future. Councilor Broderick asked what options have been looked at for that future stable funding source, and Mr. Feehan replied that options included increasing the motor vehicle registration fee, changing the structure of the motor vehicle registration fee, a tax on the home delivery of goods in excess of \$100, and other types of user fees. He noted that the legislature is also examining the transportation fund more generally, given declining revenues from the gas tax.

Councilor Neubieser said that he hopes the City continues to emphasize the importance of those at the top paying their fair share, particularly when all are faced with record property tax hikes. He also asked for an update on climate initiatives in the legislature. Mr. Feehan said that he will create a section in his written reports to the Council on climate-related bills and begin providing updates.

Councilor Litwin spoke about some of the conversations on the Opioid Settlement Fund Advisory Committee, noting that there was \$800,000 in cuts to prevention measures, which was coming out of the opioid abatement special fund, and that Dr. Levine had said that these cuts violate state law. Mr. Feehan said he would look into this further and report back.

Councilor Grant asked about potential proposed cuts from the Governor for more prosecutor support for the State's Attorneys Office that would be funded through tax increases. Mr. Feehan noted significant commitment from the legislature to fund the judiciary to help deal with the backlog of cases. He spoke about H880, which would fund increased judiciary support through an increase in the corporate income tax and remove several Vermont deductions at the federal level for corporations. He said he anticipates that the Senate version of the budget bill will include funding.

Councilor Kane asked if the short-term rental tax at the state level would pre-empt Burlington's local ordinance on short-term rental fees. Mr. Feehan replied that it would be unaffected and that the surcharge would be in addition to what is currently collected. He said that it would set the property tax rates and yields for the next fiscal year and has a 1.5% surcharge on short-term rentals, which is estimated to generate around \$6 million to help buy down the education fund increase, thus reducing overall property tax increases. Councilor Kane noted that he would also like to see more climate-related policy updates. He said that Minnesota has created a number of initiatives related to networked geothermal program pilots and a rebate program and would like to know if Vermont is pursuing similar initiatives. He said he would also appreciate being briefed on universal childcare efforts.

Councilor McKnight expressed support for legislative efforts to ban ghost guns, and asked whether it is likely that that bill will pass. Mr. Feehan replied that the chances of it passing are very good, and the House has proposed amending the bill to prohibit possession or carrying of firearms at polling places.

#### **4. PUBLIC FORUM: TIME CERTAIN: 7:00 PM**

##### 4.1. Verbal Comments

Forum opened at 7:05 PM.

##### COMMENTS:

###### *Burlington residents (in person):*

- Steve Goodkind spoke about BED's Net Zero Energy Plan, noting that one required element of its CO2 emissions reporting is absent. He reminded the Council that as part of the District Energy resolution, BED was required to begin reporting CO2 stack emissions from McNeil Energy Plan in its climate change reports, as well as their effort to mitigate them. He said that it is imperative that the Council require BED to include these statistics in its reporting.
- Nick Persampieri said that Burlington needs a new climate policy and needs to transfer responsibility for development of climate policy away from BED, which is the number one emitter of greenhouse gases in the state. He said that responsibility should be translated to another City department. He said that the City's net zero energy policy is flawed in that it focuses on reducing fossil fuel emissions, not all greenhouse gas emissions, and that it only focuses on the heating and ground transportation sectors, rather than all sectors.
- Lena Greenberg said that there are a number of things that the City can do right now to combat climate change, but that there isn't time to study things and delay further meaningful action.
- David Maher spoke about the importance of a motivational push and spoke about the YMCA as a potential option for housing as the City looks to curb homelessness within the community.
- Greg Hancock spoke about BED and the negative health impacts of CO2 emissions, noting that the McNeil Plant is the largest emitter of greenhouse gases in the state, with more than 400,000 tons annually emitted. He spoke about other gases emitted from McNeil, including nitrous oxides, carbon monoxide, and VOCs (volatile organic compounds).
- Romeo van Hermann spoke in support of the Fire Department's Community Response Team (CRT) pilot program, saying that it has emerged as an indispensable asset to the City to address its opioid crisis. He said that the continuation of this service is prudent and vital. He said that long-term investment in the CRT program signals commitment to the well-being of the City and its community members.
- Ashley Adams spoke about the Net Zero Energy road map, which touts itself as a climate action plan while ignoring 80% of Burlington's emissions. She said that scientists have said that the world needs to switch to non-combustion sources of power, rather than renewables like wood. She noted that the McNeil Plant is the largest stationary source of greenhouse gas pollution in the state. She said that burning wood emits more carbon pollution than all fossil fuels, and even if the City switched to burning fossil fuels, it would allow trees to continue to sequester and store more carbon, support biodiversity, mitigate flooding, and clean the water and air. She urged the City to shut down the McNeil Plant.
- Nolan Rogers said that he is thankful that Burlington has a utility that is partially owned by the City and said that it generally is doing a good job. He said that he would like more transparency and documentation from BED around its net zero energy updates.
- Jane McDougal spoke about the Memorial Auditorium, saying that it needs a new heating system and asked when the City will get the auditorium fixed.
- Jack Hanson spoke about the Net Zero Energy roadmap, saying that it doesn't go far enough to reduce emissions in Burlington. He said that the City has only reduced emissions by 18% and is almost halfway to 2030, and said that the City is off to a slow start. He

urged the Council to pass and implement more robust policies. He said that the City needs building performance standards to drive down emissions.

- Ryan Hagan said that accounting around the City's climate action plan needs to be more comprehensive and that the climate emergency is the biggest challenge both globally and locally for policymakers.
- Dan Castrigano noted that the Biden Administration just approved the Sea Port Oil Terminal off the coast of Texas, which will be new fossil fuel infrastructure to export 2 million barrels of oil every single day. He urged the Council to follow through on their campaign promises to take action. He said that the City needs a new net zero energy plan that includes emissions from the McNeil Plant and the Airport, and it needs to decouple that plan from the City's energy utility.
- Jackson Walsh said that not enough is being done by the City in terms of climate action, and urged the Council to do more.
- Chris Gish spoke about the Net Zero roadmap, saying that by BED's own statistics, the City is behind where it needs to be in order to meet the goals it set in the roadmap by 2030. He said that BED has said that it does not expect to meet net zero energy goals even by 2040 and that they are expecting electrification to meet national trends. He said that the net zero energy roadmap should be discarded and that net zero means reducing greenhouse gas emissions, not reducing fossil fuel usage in some sectors while ignore most of the emissions in others. He noted that the McNeil Plant and Airport on their own emit more than the total carbon budget included in the roadmap itself. He said that a new entity needs to coordinate a new plan and needs to be held accountable by a citizen advisory board.
- Lee Morrigan urged the Council to extend the funding for the Fire Department's CRT program. They said that early results show that the pilot is working. They spoke about their own experience with getting clean and sober, saying that the experience is much different now than it was when they went through it.

*Non-Burlington residents (via Zoom):*

- Keren Sita expressed hope that the new Mayor will issue a proclamation for Black people as quickly as there was a proclamation created on behalf of LGBTQ people.

Forum closed at 7:36 PM.

## **5. NET ZERO ENERGY BURLINGTON, VERMONT PRESENTATION – BED**

### 5.1 Net Zero Energy Burlington, Vermont Presentation – BED

General Manager Springer began by providing an overview of the Burlington Electric Department (BED), noting that it has been the City's public power utility since 1905, is the third-largest electric utility in Vermont, serving over 21,000 customers, and has 123 employees. He noted that 100% of BED's power is from renewable generation, and has been since 2014.

He said that the purpose of this presentation is to discuss the Net Zero Energy Roadmap, which has a vision of making Burlington a net zero energy City 2030 by eliminating fossil fuel usage across electric, thermal, and ground transportation sectors. He said that the goal is the most ambitious local climate change plan in the country. He said that the roadmap focuses on these sectors because they are two biggest sources of emissions in the state and country. He said that the roadmap is updated annually, and he provided highlights from the annual update. He said that greenhouse gas emissions in ground transportation and thermal/buildings sector have decreased by 18.2% between 2018 and 2023. He said that this has primarily been driven by a decrease in natural gas consumption. He said that Burlington's progress is ahead of the state and national pace for this metric, and he spoke briefly about initiatives to date that have supported this progress (renewable heating ordinance, incentives for climate-friendly solutions, etc). He noted that coming out of the pandemic, they have seen a sustained trend in reduced vehicle miles traveled, which is in part due to remote or hybrid work arrangements. He highlighted several incentives and rebate programs, including for heat pumps and electric vehicles or plug-in hybrids. He spoke about City and national trends in emissions reductions

and natural gas consumption from 2018 through 2023. He spoke about next steps in net zero energy for BED, including new programs launching more green incentive programs, expanding outreach and engagement to increase equitable access to programs, the beginning of the City's carbon fee ordinance, working with buildings on decarbonization, and implementing the Clean Heat Standard.

Councilor Barlow asked about the new EV incentives that were noted, and the timing of them and how they would work. General Manager Springer replied that the incentives include either \$250 or \$500 boosts for customers who are driving the most miles. He spoke about working through issues with the EV rate, where customers were inadvertently not receiving credits. Councilor Barlow asked about extending the carbon pollution impact fee to buildings less than 50,000 square feet, and absent that extension, he asked what BED is doing to work with those buildings. General Manager Springer replied that they convened a group of building owners and tenants and listening to them about what they are doing, and BED learned that those tenants and owners are interested in learning more about geothermal and other commercial sector heat pumps, which is why BED has begun holding webinars on them.

Councilor Broderick asked about rental weatherization, noting that it is a Department of Permitting & Inspections (DPI) initiative. He asked what BED's role is in how the rental weatherization ordinance is being followed through on, and asked about collaboration between BED and DPI. General Manager Springer spoke about collaboration between BED and DPI, saying that BED was heavily involved in the development of that policy and continues to offer technical assistance to DPI. He also noted that Vermont Gas is one of the other prominent partners in this to help support weatherization of buildings. Councilor Broderick asked if there is regular reporting on greenhouse gas emissions from sources such as biomass. General Manager Springer replied that the McNeil Plant's data is reported publicly to the federal government and that those emissions are tracked.

Councilor Neubieser asked about the target emissions reduction for 2023 and what the emissions would be if the City were on the trend line. General Manager Springer replied that if the City were on the 2030 trend line, there would be 137,000 metric tons of emissions (and the City is currently at about 175,000 metric tons). Councilor Neubieser noted that BED discussed challenges related to workforce development and making progress on rental weatherization, and said that the Council should consider prioritizing investing in workforce development as it relates to the City's climate agenda. He then spoke about reporting, and requested that instead of comparing Burlington's emissions to national trends that Burlington to be compared to similar cities, such as Ithaca, New York, to make more meaningful comparisons. General Manager Springer noted that one challenge in making comparisons like that is that not every city has the same timelines for their reduction goals, but he will take this request back and explore what comparisons are feasible and can be provided. Councilor Neubieser also requested more frequent reporting on polluting energy in all sectors, including at the McNeil Plant and the Airport.

Councilor Kane asked about the 175,000 tons of emissions and whether that includes the Airport, and asked for further specifics about what that does include. He also asked how BED is proposing to close the gaps in emissions reductions where the City isn't on target. He said he would follow up with General Manager Springer offline for a response.

## **6. CLIMATE EMERGENCY REPORTS**

### 6.1 Verbal Reports

None.

## **7. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES**

### 7.1 Verbal Reports

Councilor Grant encouraged Councilors to review the written legislative update, because it discusses a number of important public safety-related items, such as strengthening state statute around car theft, and funds being allocated to various forms of harm reduction. She said that she has been working to obtain a more detailed update on Decker Towers, which she will share at the next City Council meeting.

Councilor Doherty spoke about a March 29, 2024 letter that was sent to the previous City Council and previous Mayor regarding a letter from a law firm on George Street, thoroughly documenting a year-long list of criminal activity that this business has been subjected to. He noted that the letter requests consistent and immediate police presence in the George Street/Elmwood Avenue area. He urged Councilors and the Mayor to review this request. He also noted communication from the owner of the Thorn & Roots restaurant, which was recently vandalized.

Councilor Barlow spoke about the Thorn & Root incident, saying that with the warming weather, the City can anticipate an increased frequency of this type of activity. He said that the City needs to do a better job supporting its business community during this crisis, and needs a clear plan for patrolling the streets, challenging anti-social behaviors, and enforcing the City's rules.

Councilor Neubieser highlighted the four public reports related to this agenda item, which include the Police Chief's report, the Fire Department April Commission Report, the Fire Chief's Commission Report, and the Burlington Fire Department's Community Response Team (CRT) program data. He said he looks forward to working with the Mayor to make sure that the Council and public understand this data and what it conveys.

Councilor Grant noted that the Public Safety Committee meeting is this Thursday at 6:00 PM and includes a call-in option to attend virtually.

Mayor Mulvaney-Stanak highlighted the work of the Community Justice Center in bridging the gap between the incident of harm and the victims. She also spoke about the arson attempt at Senator Sander's office and the increased targeting of elected officials.

## **8. CONSENT AGENDA**

8.1 Motion to adopt the consent agenda and take the actions indicated

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

8.3 Communication: C/T Office, re: February 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.4 Communication: C/T Office, re: February 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.5 Communication: C/T Office, re: February 12, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.6 Communication: C/T Office, re: February 12, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.7 Communication: C/T Office, re: February 26, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.8 Communication: C/T Office, re: February 26, 2024 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

8.9 Communication: C/T Office, re: February 26, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 25, 2024 Regular City Council Meeting.

- 8.10 Budget Neutral Amendment making adjustments based on recent budget to actual – C/T - approve and authorize the City’s Chief Administrative Officer or their designee, to execute a budget amendment to reduce the CT budget by \$700,000 and to reduce expenses by a total of \$700,000 in the CT, REIB, CA, ad Assessor departments, per the attached form.
- 8.11 Waterfront Overnight Security Contract – BPRW - authorize the contract with Green Mountain Concert Services to provide waterfront overnight security services for a total contract amount not to exceed \$138,000 and to authorize Cindi Wight, BPRW Director to execute the contract and any related documents, subject to review by the City Attorney’s Office.
- 8.12 Lease for the Spirit of Ethan Allen – BPRW - approve and authorize the lease of the assigned area shown in the map in Attachment A to Green Mountain Boat Lines through 12/31/2028, in substantial conformance with the existing lease terms and the updated terms as detailed herein; and, to further authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney’s Office.
- 8.13 Champlain Parkway – City of Burlington and Champlain Water District MOA – DPW - authorize the Director of Public Works or his designee to execute the Memorandum of Agreement with Champlain Water District, for the purposes of delineating the Parties’ respective rights and obligations with respect to CWD’s existing easement that was recorded in the City of Burlington Land Records on March 19, 1984 and City’s easement originally executed on November 7, 1988.
- 8.14 Approval to Execute Master Lease – C/T - approve and authorize Katherine Schad, Chief Administrative Officer, or designee to execute a Tax-Exempt Lease Purchase with NBT Bank for the amount of \$1,092,704 with an annual payment of \$177,454 to be paid out of Water Resources and Recycling Budgets within the approved Fiscal Year 2024 Budgets subject to review by the City Attorney’s Office.
- 8.15 FY23 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC) – waive the reading, accept the communication, and place it on file.
- 8.16 Burlington Electric Department Memorandum of Understanding for CityPlace Public Improvements – DPW - authorize the Director of Public Works to execute a Memorandum of Understanding with the Burlington Electric Department in an amount up to \$311,237 for construction of street lighting associated with the CityPlace Public Improvements project, subject to the review and approval of the City Attorney’s Office.
- 8.17 Authorization to Execute a Contract with Corrosion Products & Equipment for the Rebuild of Three Finished Pumps at Water Plant – DPW – Water Resources - authorize the Director of the Department of Public Works to award a contract with Corrosion Products & Equipment for up to \$182,500 to complete the rebuilding of the Water Plant’s three (3) Vertical Turbine finished pumps, subject to the final review and approval of the City Attorney’s Office.
- 8.18 Authorization to Execute a Contract with Hallam ICS for Supervisory Control and Data Acquisition (SCADA) System Upgrade at Water Point – DPW – Water Resources - authorize the Director of the Department of Public Works to award a contract with Hallam-ICS for up to \$110,000 to complete the SCADA upgrade scope at the Water Plant, subject to final review and approval of the City Attorney’s Office.
- 8.19 Annual Report on Livable Wage Ordinance for FY24 – City Attorney’s Office – waive the reading, accept the report, and place it on file.
- 8.20 Communication: Thea Knight, BRV Member, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Thea Knight thanking her for her time served as a Member of the Board for Registration of Voters.
- 8.21 Fletcher Free Library Commission Report - waive the reading, accept the report, and place it on file.
- 8.22 Annual Report from Winooski Valley Park District – waive the reading, accept the report, and place it on file.
- 8.23 Agreement Letter – City of Burlington & the Burlington Housing Authority – Mayor’s Office - waive the reading, accept the communication, and place it on file.
- 8.24 Communication: Ben Traverse, City Council President, re: Standing Committee Appointments - waive the reading, accept the communication, and place it on file.
- 8.25 Communication: R. Marcus West, re Various Communications - waive the reading and place the communication on file.
- 8.26 Communication: Jackson McCormick, re: Drug Use - waive the reading and place the communication on file.

- 8.27 Communication: Erhard Mahnke, re: Neighborhood Code Comments 03/25/24 - waive the reading and place the communication on file.
- 8.28 Communication: Paul Bierman, re: Neighborhood Code Comments 03/24/24 - waive the reading and place the communication on file.
- 8.29 2024-2025 Tobacco and Tobacco Substitute Endorsement Renewals: see attached list - approve the 2024-2025 Tobacco and Tobacco Substitute Endorsement Renewals as listed
- 8.30 2024-2025 Indoor and Outdoor Entertainment Permit Renewals: see attached list - approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.
- 8.31 Memorandum of Agreement Between Burlington Fire Fighters Association (BFFA) and the City of Burlington regarding Retention Bonus, Article 10.5A of the Collective Bargaining Agreement (FY220FY25) - CAO, HR, and Fire - 1. Approve and authorize the Fire Chief to execute on behalf of the City, the propose Memorandum of Agreement; and 2. Authorize the Chief Administrative Officer, or their designee to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the proposed retention bonuses.
- 8.32 FIO Documents - for information only.

**MOTION by Councilor Shannon, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.32.**

**VOTING: unanimous; motion carries.**

## **9. DELIBERATIVE AGENDA**

9.1 Resolution: Authorization for Refinancing City of Burlington's \$18,840,000 General Obligation Waterfront Tax Increment Note, Series 2023 (Board of Finance)

Director Pine began by noting that the City holds Waterfront TIF District debt in a note as opposed to a bond, in the amount of \$18,840,000. He said that the Amended and Restated Development Agreement (ARDA) obligated the City to refinance the note, as the dollars are needed for public improvements. He said that the City borrowed this money and placed it in an account, where it also earned money (positive arbitrage). He said that this note matures at the end of May and that the City needs to refinance it, which it would do by going out with a request for proposals to see what the best interest rate and term is that the City can get. He said that this would buy the City more time to ensure that the financing is available, should it be needed, but that ultimately, this money would be converted into permanent financing through a bond. He spoke briefly about a few unknown variables, such as the totality of the whole CityPlace project, which means that the City does not know exactly how much it needs to borrow through bonding. He said that until the City knows the total cost of the north portion of the project and the pricing for the public improvements, it won't be able to convert to a more permanent financing mechanism. He said that this refinancing poses no risk to taxpayers and that there are safeguards in place to protect the City within the ARDA.

David White of White & Burke Real Estate Advisors began by noting that his firm has been involved in tax increment financing (TIF) throughout the state. He said that his role is assisting municipalities in getting TIF districts set up, obtaining the necessary approvals, and helping to negotiate the agreements between municipalities and developers within TIF districts.

Mr. White spoke about debt refinancing for the Waterfront TIF District. He began by noting that Burlington has two TIF Districts (the Waterfront and Downtown TIF districts). He spoke briefly about how TIF works, saying that it establishes a geographic area to incentivize development and that municipalities borrow money to invest in infrastructure that makes it possible to do projects that would otherwise be infeasible. He said that the municipality then looks at the assessed value of the district at the beginning of the district and uses the incremental value above that original value to pay the debt service on the debt the municipality incurred to pay for the infrastructure improvements. He said that through this mechanism, the burden does not fall on taxpayers. He said that 75% of the revenue that comes

from the increased value in the TIF district goes to finance TIF debt and that the other 25% goes to the state's education fund. He spoke briefly about the history of the Waterfront TIF District, saying that it was established in 1996, that most of it ends in FY25, and that the legislature extended 3 parcels to 2035 (these largely correspond to the Burlington Town Center mall area and what is currently under construction for CityPlace). He spoke about the previous infrastructure projects in the Waterfront TIF District, including the bike path, Lake Street, Westlake & Lakeside garages, the fishing pier, and the Moran Frame. He spoke about the CityPlace Development Agreement, saying that they include the Pine and St. Paul Street rights-of-way, that the City will pay for public infrastructure and incremental property taxes from CityPlace pay the debt service, and that there are numerous protections in place within the agreement for the City. He spoke about what the agreement commits the City to, which includes reconnecting Pine and St. Paul Streets and improving Bank and Cherry Street to Great Street standards. He spoke about the property values in the Waterfront TIF District, saying that the original taxable value in 1996 was \$42 million and that it is currently valued at \$151 million, representing an incremental value of \$109 million. He said that the CityPlace Phase 1 rough estimated value is \$115 million and the CityPlace Phase 2 estimate is \$60 million. He said that in terms of taxes and debt, when most of the district ends in FY25, \$800,000 per year will begin to be added to the General Fund and older debt will be paid off, and at the end of FY35, the remainder of the district ends and an estimated \$1.4 million per year will be added to the General Fund, and that all debt will be paid off at that time. He then spoke about refinancing the current note, which matures on May 31, 2024. He said that the current proposal is to refinance for a second year and then go out for a long-term bond after the CityPlace incremental values are known, construction pricing is known, and interest rates become more favorable.

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

**DISCUSSION:**

- **Councilor Grant noted that past state audits on the City's TIF District accounting had some findings, and said that it would be good for the City to ensure that future audits do not have similar findings.**

**VOTING: unanimous; motion carries.**

9.2 Burlington – Winooski Bridge Finance and Maintenance Agreement Acceptance BF RAIZE(2) – FM0449 – DPW

Director Spencer said that this item and the next item relate to two generational investments and their finance and maintenance agreements with state and federal partners. He said that though the Winooski Bridge is owned equally by Burlington and Winooski, both the state and federal government are prepared to fund the majority of both of these projects. He noted that Winooski has already approved a bond for their local share of the project and that they are also voting on their finance and maintenance agreements tonight. He said that the City is committed to ongoing stakeholder engagement with stakeholders and the public for the project.

Senior Engineer Wheelock said that this project includes the replacement of the Winooski Bridge as well as the reconfiguration of the Colchester/Barrett/Riverside/Mill intersection. She said that the two projects are federally separate, and that the timeline for bridge construction is to begin in June 2026 and complete the project by 2030. She said that to minimize disruption to the two communities, they are pushing to complete the intersection project on the same timeline. She noted that VTrans procured a consultant and kicked off the project with community engagement through public meetings, surveys, local outreach, and visiting different local pop-up opportunities such as farmers markets to talk about the project with the public. She spoke about the new bridge and its features, which will include separated bike/pedestrian facilities from vehicles, and will maintain four travel lanes and added shoulders. She said that the width of the bridge would increase from the current 57 feet to 76 feet. She spoke about pursuing an on-alignment bridge design versus a shifted alignment bridge design (which would be curved). She said that though the shifted alignment design would entail a longer-duration detour during construction, it would allow for natural traffic calming and the potential to have a under-bridge path in Burlington. She spoke about the intersection project, saying that it is lagging slightly behind the bridge project, and they are currently looking at how to advance designs that balance the needs of

all roadway users to maximize safety and the capacity of the intersection. She said that DPW will continue to refine the project by continuing outreach, evaluating alignment, and working through the intersection arrangement.

Councilor Neubieser asked for confirmation that the finance and maintenance agreements do not obligate the City to design alternatives as they relate to exact dimensions. Senior Engineer Wheelock confirmed this, but said that it requires the City to keep the commitments previously made to both projects. Councilor Neubieser said that one prominent request he has heard from constituents is the desire for a roundabout, and Senior Engineer Wheelock replied that the consultant team reviewed a roundabout alternative and determined that it is not functionally feasible in this location, given the high volume of traffic, the constraints posed by the river and dam, and a large list of federal regulations related to constructing near the dam. Councilor Neubieser expressed support for separated foot and bicycle lanes.

Councilor Kane asked about the possibility to extend the bridge width to 77 feet. Senior Engineer Wheelock replied that VTrans is also supportive of extending the width to 77 feet and are working to ensure that it fits, both in terms of geometry as well as permitting. She noted that there will be an increased cost for widening the bridge by another foot. Councilor Kane asked about what the City's obligations are in the event that it does not give final approval for a design. Senior Engineer Wheelock said that the finance agreement comes with a number of clauses on what the City is liable for under various circumstances. Councilor Kane asked about design flexibilities and whether the community could request a 10.5 foot lane and still remain in compliance with the grant funding, and Senior Engineer Wheelock replied that a 10.5 foot lane is possible but requires a waiver of a federal standard, and that both communities have expressed a desire for 10.5 foot lanes on the straight alignment configuration.

Councilor Grant asked that the Council and public be given the opportunity for input when a contractor is selected and a final design is proposed.

Councilor Doherty said it will be important for this project to communicate to the public why a rotary is not feasible or physically possible for this project, given the high level of community interest in it.

Councilor McKnight asked when the public can anticipate seeing the next version of the plan related to the bridge. Senior Engineer Wheelock replied that there is another meeting on Thursday. Councilor McKnight asked how the project has evolved and become more focused on bicycle and pedestrian safety. Senior Engineer Wheelock replied that the project moved from a 12-foot shared use path on the downstream side to a 15 foot allocated use path on the downstream side. She spoke about how it was determined that a separated bike facility path is infeasible.

**MOTION by Councilor Barlow, SECOND by Councilor Broderick, to 1. Authorize the Director of Public Works to execute the FM0449: Standard Finance and Maintenance Agreement for Federal-Aid Projects, Burlington-Winooski BF RAIZ(2) from the Vermont Agency of Transportation for design and construction of the Winooski Bridge with the funding split for this project being 80% Federal, 10% State, 5% Burlington, and 5% Winooski; and 2. Authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY24 and Overall Project Budgets, as further detailed in Attachment 2.**

**VOTING: unanimous; motion carries.**

9.3 Colchester/Riverside/Barrett/Mill Intersection Finance and Maintenance Agreement Acceptance: Burlington STP 5000(29) – DPW

See discussion in item 9.2 above.

**MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to 1. Authorize the Director of Public Works to execute the FM0477: Standard Finance and Maintenance Agreement for Federal-Aid Projects, Burlington STP 5000(29) from the Vermont Agency of Transportation for design and construction of the Colchester/Riverside/Barrett/Mill Intersection with a VTrans commitment to cover 100% of eligible project costs; and 2. Authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY24 and Overall Project Budgets, as further detailed in Attachment 2.**

**VOTING: unanimous; motion carries.**

9.4 Resolution: Authorization for Reimbursement from Public Improvement Bonds for School District Capital Improvements for Integrated Arts Academy (Board of Finance)

Finance Director Lavery began by speaking about the Integrated Arts Academy resolution, which would allow the school district to reimburse itself for the costs of the project once bonding takes place. He said that more broadly, there are three major ways that the school district can access bond funding to support infrastructure projects. These include an annual \$2 million authorization that the school district uses every year, a \$19 million voter-authorized bond from 2017 which was envisioned at the time as part of a larger \$39 million effort to improve school district facilities over a ten year period, and the more recent \$165 million bond for the project to replace the high school and technical center. He said that the high school and technical center project are being funded by that large bond, but also through some of the money allocated to the capital plan. He said that federal funding became available to help with qualifying infrastructure projects, and that because the IAA project includes a major HVAC component, it qualified for \$10 million of federal funding. He also spoke about a project at Rock Point in partnership with the Episcopal Diocese, where the school district is renovating space and entering into a long-term lease (and he noted that this project does not require any debt to accomplish). He spoke about a project at the Airport where the school district leased a hangar for a component of its technical center programming. He said that the IAA project will displace students for the next school year but noted that the project will allow significant upgrades to occur at IAA in the near-term and prevent the project from being split into multiple phases, which would entail further displacement in future.

Councilor Doherty expressed support and gratitude for these needed capital improvements at IAA.

**MOTION by Councilor McKnight, SECOND by Councilor Barlow, to waive the reading and adopt the resolution.**

**VOTING: unanimous; motion carries.**

9.5 Burlington Fire Department Community Response Team (CRT) – Fire

Fire Chief LaChance said that this item seeks to continue funding the CRT program, which began in October of 2023 with an allocation of \$182,598 for a 6-month pilot.

Councilor Grant said that as the City continues to put forth solutions to combat its drug crisis it needs data-driven programs, and that this program has been successful so far. She said that as the City moves into a difficult budget environment, they should think about how this program saves wear and tear on larger Fire Department vehicles, which are significantly costlier to replace.

Councilor Litwin said that from a prevention lens, this type of success is rarely seen so quickly. He said that the type of relational work that goes into this takes time to play out and that six months isn't enough time to have a successful pilot of this nature, and that he will continue to support this pilot and program to ensure its success.

Burlington Fire Fighter's Association (BFFA) President Blake said that the membership of BFFA has been extremely willing to engage in this pilot and that they are appreciative of the Council's continued support for the program. He said that in addition to reducing the strain on the Fire Department's vehicles, this program also attempts to address strain on the human capital of the frontline workers in this department. He said that this program helps to reduce strain on employees and reduce burnout.

Councilor McKnight said that from a systems perspective, the Fire Department is extremely innovative, and said she would like to work collaboratively to take this model and study how it was successfully implemented, and potentially implement models like this in other departments across the City.

**MOTION by Councilor Grant, SECOND by Councilor Litwin, to approve and authorize the Chief Administrative Officer to make any and all necessary budget amendments to allocate the use of the assigned Opioid Money Fund to support operating costs of the Fire Department Community Response Team until funds are exhausted with a budget not to exceed the original approval of \$182,598.00; and, to further authorize the extension of the CRT pilot program through the end of City Fiscal Year '24 and \$10,000 contingent upon available funding or the end of available funding.**

**VOTING: unanimous; motion carries.**

## **10. COMMITTEE REPORTS**

### 10.1. Verbal reports

Councilor Barlow said that the Transportation, Energy, and Utilities Committee is meeting on April 23 at 645 Pine Street, and will discuss two bus routes and GMT returning to fares next month, as well as committee priorities and agenda items for the coming year.

Councilor McKnight said that the Parks, Arts, and Culture is meeting on Thursday, April 25 at 12:00 PM in the Sharon Bushor Conference Room at City Hall.

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee will meet on May 15th.

Councilor Grant noted that the Public Safety Committee will meet on Thursday and the Racial Equity, Inclusion, and Belonging Committee will meet on April 30<sup>th</sup>.

## **11. CITY COUNCIL – GENERAL AFFAIRS**

### 11.1. Verbal reports

Councilor Broderick said that the Ward 8 NPA is meeting on Thursday, April 25<sup>th</sup> in the Bushor Conference Room at 6:30 PM.

Councilor Grant noted a meeting between the University of Vermont students and staff called Community and Coalition, which discusses many of the issues being faced by off-campus students. She noted that there was a survey conducted of 1,000 students, which highlighted some food insecurity and utility insecurity issues faced by off-campus students.

Councilor Neubieser noted that spring street cleaning is occurring now and that there are occasionally parking bans in effect.

Councilor Litwin noted constituent concern about tree clearing in one of the City's parks and that he was in touch with Parks Director Cindi Wight. He noted that the tree clearing was an error by a construction contractor and that a plan is being developed with the City arborist for restoration. He said that the plan should live within a committee or should at least have public input and feedback.

## **12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES**

### 12.1. Verbal reports

City Council President Traverse noted that this is the City Council's first meeting since the eclipse and thanked former Mayor Weinberger and Mayor Mulvaney-Stanak and Burlington's incredible City staff for their hard work on eclipse-related events. He encouraged Councilors to communicate with their constituents about vacancies on the City's various public boards and commissions, and that annual appointments will be made at the Council's June 10<sup>th</sup> meeting. He further noted that they will be warning a Local Control Commission meeting on April 29<sup>th</sup> to approve any liquor licenses that would have expired on the annual cycle prior to the next City Council meeting.

## **13. MAYOR – GENERAL AFFAIRS**

### 13.1. Verbal reports

Mayor Mulvaney-Stanak began by speaking about the warm reception she received on Organization Day and the optimism that is being felt throughout the City currently. She spoke about staff appointments, including Chief of Staff Erin Jacobsen, Communications Director Joe Magee, Administrative Assistant Emma Allen, and Transition Director Darren Fergeron (for a two-month period). She also spoke about establishing regular meetings with the City Council President as an opportunity to continue important work together. She also thanked staff for additional support, given that she has received threats of violence as the new mayor. She said that department heads and others are working to figure out how to create a safer environment for elected officials. She said that in terms of priorities, she is focused intensely on the Fiscal Year 2025 budget and community safety. She spoke about collaborating with department heads. She spoke about community engagement activities and encouraged Councilors to participate in engagement activities with her and the community. She ended by saying that Burlington's relationship with its legislative delegation can be improved and she looks forward to future collaboration with state representatives, Councilors, and the City's lobbyists.

## **14. ADJOURNMENT**

### 14.1 Motion to Adjourn

**MOTION by Councilor Grant, SECOND by Councilor McKnight, to adjourn the meeting.**

**VOTING: unanimous; motion carries.**

The meeting adjourned at 10:30 PM.

*RScty: AACoonradt*