BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 6, 2024
DRAFT

MEMBERS PRESENT:	Joan Shannon Sarah E Carpenter Mark Barlow Gene Bergman Ben Traverse Tim Doherty (via Zoom) Melo Grant (via Zoom) Carter Neubieser Joe Kane Becca Brown McKnight Evan Litwin (via Zoom) Marek Broderick
OTHERS PRESENT:	Emma Mulvaney-Stanak Katherine Schad Joe McNeil Erik Ramakrishnan Lori Olberg Keaton Knowles Brian Pine Darren Springer Sarah Reeves Lee Perry Beth Parent Jonathan Chapple-Sokol Meagan Tuttle Deb Snell

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:03 PM.

MOTION by Councilor Shannon, SECOND by Councilor Carpenter to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.28 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning and place it on the deliberative agenda as item 6.7, moving to 6.8 the Resolution: Negotiations Between the Vermont Federation**

of Nurses and Health Professionals And The University of Vermont Medical Center (per City Council President Traverse per Councilor Grant);

- **Add to the consent agenda item 5.36 Indoor and Outdoor Entertainment Permit Renewals (2024-2025).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:15 PM

2.1. Verbal Comments
Forum opened at HH:MM PM.

COMMENTS:
Burlington residents (in person):

- Michael Nedell spoke about the overflow activity around the shelter pods on Elmwood Avenue. He said that there has been a significant increase in suspicious activity and behavior, drug use, people passed out in the street, and people climbing into the cemetery. He spoke about witnessing individuals defecating in the cemetery, and asked that the City look into replacing the current fencing with a higher fence to discourage that and other inappropriate activity in the cemetery.
- Jacob Berkewitz spoke on behalf of the unionized support staff at the UVM Medical Center, noting that support staff working conditions, wages, and staffing deficits have improved over the last 8 months since the execution of the union contract, in part thanks to the support of the City Council. He asked for the same support for the nurse's union as they go into their own negotiations with the hospital. He spoke about continued lack of support from the UVM Health Network for its nursing staff.
- Jak Tiano spoke in favor of the Neighborhood Code proposal that was passed several months ago. He said that this proposal can help to tackle the City's housing crisis more seriously, and noted that there is significant interest in the community to be more engaged and help out in this process as it moves into Phase 2. He asked that the project look at the City holistically.
- Robin Lloyd urged the Council to support a ceasefire resolution for Palestine. She also expressed hope for further work on foreign policy and the development of relationships with sister cities around the world.
- Jane McDougal asked when the roads and sidewalks are going to be fixed, particularly around Cathedral Square, given that they are in disrepair. She said that many people have physical challenges and are unable to move around the City.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the Neighborhood Code, noting that the communication from the Planning Commission gives Councilors and opportunity to make sure that the proposal is addressing everything that should be addressed in this interim period before the second structure is allowed to be built. She noted that items include structure height, historic districts, and non-conforming encroachment into setbacks. She spoke about the importance of affordability and said that there is the possibility of mandating it in some form. She also spoke about how Burlington is a Tree City and that the proposal does not protect mature trees from clear-cutting. She pointed out that the Neighborhood Code process was extremely quick and questioned whether it was thoroughly vetted.
- Liz Curry spoke as someone with background in energy efficiency in building rehabilitation in the low-income sector. She spoke about item 6.4 and Councilor Kane's comment during the Climate Emergency Report item, saying that renewables include demand management and lowering demand. She said she is generally supportive of BED's pilot program, but noted that it doesn't provide for controlling higher electricity use and cost. She said that low-income, multi-family units will be the least likely to take advantage of this program, and that weatherization should occur first for leaky buildings.

Non-Burlington residents (in person):

- Dale Walsh spoke about the nursing staff at UVM Medical Center, saying that it is a community health and public safety crisis, given the heavy reliance on traveling nurses and UVM Medical Center's inability to match traveling nurses' wages and keep nurses in the community. She said that UVM Medical Center is good at attracting new nurses, but it cannot retain them. She urged the Council to support the UVM Medical Center nursing staff and union.

Forum closed at 6:38 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports
Councilor Kane noted that California has met its energy demand over the last month from renewable energy on more than 75% of days, which includes energy from wind, hydro, solar, and geothermal. He noted this in the spirit of trying to be as ambitious in Vermont as we can be.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports
Councilor Grant noted that Decker Towers' residents continue to live in an unsafe situation. She thanked the Mayor for meeting recently with residents and hopes that this leads to further proposed solutions. She said that she will continue to provide updates at subsequent meetings. She also spoke about the latest figures from the State's Attorney's Office, which include a total of 3,000 criminal cases, comprising of 675 retail thefts, 96 burglaries, 35 assaults and robberies, 182 car thefts, and 51 grand larceny cases. She also provided information about prosecution of juvenile delinquencies, fish and game tickets, appeals, and cases involving children who need supervision or intervention, which adds an additional 1,000 cases to this workload. She noted that this information is for Chittenden County as a whole. She also spoke about the Police Chief's report to the Police Commission, which includes statistics about officers on patrol, etc.

Councilor Barlow spoke about item 5.6, which is a letter from a law firm in Burlington on George Street, regarding concerns about over 100 incidents they've documented including trespassing, drug uses, and other unauthorized activities on their property. He said that this continues to impact employees and clients of this law firm. He noted that this began with the sighting of the pod shelters in their neighborhood. He said that overdose prevention center legislation was passed at the State level, with the intent of locating a site in Burlington. He noted that it will be important to understand the implications of such as site, including collateral effects.

5. CONSENT AGENDA

5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
5.2 Communication C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
5.3 Communications: Pat Robins, Member, Retirement Board, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Pat Robins thanking him for his time served as a Member of the Retirement Board.
5.4 Communication: Lynne Clauss, re: Vandalism – waive the reading and place the communication on file.
5.5 Communication: Colin Larsen, re: Winooski Bridge replacement project - waive the reading and place the communication on file.
5.6 Communication: McCormick, Fitzpatrick, Kasper & Burchard, P.C., re: Crime and Drug Use in the Vicinity of Burlington's Homeless Pods - waive the reading and place the communication on file.
5.7 Fence Viewer Report – Shay Totten, Report From 2023-2024 - waive the reading and place the communication on file.

5.8 Communication: C/T Office, re: Openings Burlington City Commission/Boards – waive the reading, accept the communication, and place it on file.
5.9 Communication: Pike Porter, re: GREET model comments to TAG - waive the reading and place the communication on file.
5.10 Communication: C/T Office, re: March 25, 2024 City Council With Mayor Presiding Meeting Minutes, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.11 Communication: C/T Office, re: March 25, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.12 Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.13 Communication: C/T Office, re: April 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.14 Communication: C/T Office, re: April 15, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.15 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm – 12 am, Plex Art Event – approve the one day only special event indoor and outdoor entertainment permit application for Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm – 12 am, Plex Art Event.
5.16 Special Event Outdoor Entertainment Permit Application (one day only): The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, Country for a Cure Benefit Concert – approve the one day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, Country for a Cure Benefit Concert.
5.17 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): CannaPlanners LLC, 1 Lawson Lane, June 14, 2024, 6 pm – 10 pm, Office Party - approve the one day only special event indoor and outdoor entertainment permit application for CannaPlanners, LLC, June 14, 2024, 6 pm – 11 pm, 1 Lawson Lane, Office Party.
5.18 Special Event Outdoor Entertainment Permit Application (one day only): South End Get Down, June 29 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian's Auto - approve the one day only special event outdoor entertainment permit application for South End Get Down, June 29, 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian's Auto.
5.19 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot - approve the one day only special event outdoor entertainment permit application for the Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot.
5.20 Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, September 6 – 7, 2024, Art Hop - approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 6-7, 2024, Art Hop.
5.21 Special Event Outdoor Entertainment Permit Application (one day only): OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am – 11 pm, various locations around the City – approve the one day only special event outdoor entertainment permit application for OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am – 11 pm, various locations around the City.
5.22 Umbrella Entertainment Permit Application (five days only): Flynn Center for the Performing Arts, June 5-9, 2024, Jazzfest, various locations around the City - approve the umbrella entertainment permit application for Flynn Center for Performing Arts, JazzFest, June 5-9, 2024, Various locations around the City.
5.23 Tobacco License and Tobacco Substitute Endorsement Renewals: Greenleaf Central, 191 College Street – approve the tobacco license and tobacco substitute endorsement renewals for Greenleaf Center, 191 College Street.
5.24 ONE Cleanup/Cleanout Proposal – Gene Bergman, Ward Two City Councilor – approve the expenditure of up to $5,000 from the City Council Initiative Funds to support the ONE clean-up in May 2024 and to authorize the Chief Administrative Officer to reimburse expenses up to $5,000 for this event accordingly.

5.25 Distribution and Collection System Improvements – Consultant Amendment and Contractor Budget Amendment – DPW – Water Resource - 1. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of $196,785.00 for Calendar Year 2024 administration and inspection services, for a total contract value with Dubois and King not to exceed $743,076.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer; and 2. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of $135,000.00, for a total Distribution and Collection System contract value with Inliner not to exceed $8,136,131.13 provided that all these authorizations are contingent on the contract and any amendments thereto having the prior approval of the City Attorney and Chief Administrative Officer.
5.26 BPRW Budget Neutral Amendments – BPRW - authorize the budget neutral adjustments as detailed in the attached budget amendment forms, and further authorize the Chief Administrative Officer or designee to effect all necessary transfers of funds to carry out such amendments, subject to the final review and approval of the Chief Administrative Officer.
5.27 Regular Schedule of Meetings of the Board of Finance and City Council through April 2025 – approve the regular schedule of meetings of the Board of Finance and City Council through April 2025.
5.28 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning **now agenda item 6.8**
5.29 Authorization to Execute Easements with UVM Regarding the Redstone Water Storage Tank Site – DPW – Water Resources – 1. Authorize the Mayor to execute an easement to allow the City access to UVM property for the purposes of project staging and to access its parcel located at 354 South Prospect Street for inspection and maintenance; and 2. Authorize the Mayor to execute an easement to allow UVM access to its parcels through the City site located at 354 South Prospect Street.
5.30 2024 Legislative Update, April 22, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.
5.31 2024 Legislative Update, April 29, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.
5.32 Annual Report of the Design Advisory Board Fiscal Year 2024: July 1, 2023-June 30, 2024 – waive the reading, accept the report, and place it on file.
5.33 Annual Report of the Burlington Development Review Board Fiscal Year 2023: July 1, 2022-June 30, 2023 - waive the reading, accept the report, and place it on file.
5.34 FIO Documents – for information only.
5.35 111 Saint Paul Street – Outdoor Seating Encumbrance Permit Application – Devil Takes a Holiday – DPW - approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes A Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.
5.36 Indoor and Outdoor Entertainment Permit Renewals (2024-2025) -

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the consent agenda as amended and take the actions indicated for items 3.1-3.36.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Tobacco License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue.

VOTING: unanimous; motion carries.

6.2 Lease Agreement for the Community Justice Center at Post Apartments – CEDO/CJC
Director Pine began by noting that the Community Justice Center (CJC) has had five different homes since its inception, none of which have been completely suitable for its needs. He spoke about how the needs of the CJC space have grown as the needs for its services has grown. He spoke about the difficulty of finding a high-quality space at a reasonable enough cost to relocate the CJC, and said that partnering with the Champlain Housing Trust on its redevelopment of the former VFW building in Burlington has presented an opportunity for a suitable space to house the CJC. He said that CEDO and CHT are here now asking for a lease commitment on a building that won't be redeveloped until 2025 due to requirements of the low income housing tax credit and needing to show lenders and investors that there is a lease commitment.

MOTION by Councilor Carpenter, SECOND by Councilor McKnight, to approve and authorize the Mayor to execute the proposed 15-year lease between the City of Burlington and Post Apartments Housing Limited Partnership for office space located at 176 S. Winooski Avenue, to be used to house the Community Justice Center.
<u>DISCUSSION:</u>

- **Councilor Carpenter said that she is supportive of this move of the CJC. She said that it is important that the CJC is centrally located, given the need for its proximity to courts and other services. She acknowledged that this will increase CJC's rent, but noted that they are working on a number of strategies to address that increase.**
- **Councilor Shannon said that while this is an increase in annual rent, the lease is relatively low and competitive, and said that CJC's current space isn't meeting its needs. She expressed concern about the City shouldering the cost burden for the increased rent and asked about the long-term plans for meeting those funding needs. Director Pine replied that the majority of the cost for operating the CJC is provided by the State. He noted that Chittenden County currently has 4 CJCs, but that he anticipates some regionalization in the future, but that Burlington's CJC is likely to be a survivor in that process. He said that if there is regionalization, other municipalities can be expected to help bear the cost of the CJC. He noted that the City has secured a $300,000 earmark in Congressionally directed spending and an award from the Vermont sales tax reallocation to cover the public portion of the infrastructure in the right-of-way when it is rebuilt. He said that they are also hoping to capitalize rent reserve equivalent to two years of operations for rent payment.**

VOTING: unanimous; motion carries.

6.3 Potential Sale of 200 Church Street – CT/CEDO/I&T
Director Pine said that the City purchased this property in 2005 to operate and launch Burlington Telecom, and that the City has retained ownership of the property when the BT assets were transferred to a holding company in 2014. He noted that the asset purchase agreement stipulates that BT's owners have right of first refusal or an option to sell exclusively to BT by 2034 if BT chooses. He noted that two thirds of the building have been leased to Burlington Telecom, but the CJC and the City's Human Resources department occupy the other third of the space. He noted that BT's lease is around $120,000 per year. He noted that HR and CJC are both supportive of selling the building to BT's asset holder. He noted that BT's asset holder owns and operates 6 broadband subsidiaries and that their model is to own the properties from which they operate. Speaking to Councilor questions about pursuing a ground lease instead of a sale, he said that the asset purchase agreement signed in 2017 envisioned the sale of both the land and the building, and that BT doesn't have a desire to ground lease the property. He said that the current lease term is in its first renewal period of three. He said that the third renewal term in April 2034 would trigger the option that BT has to purchase the property. He spoke about the key hurdles the City faces with continued ownership of the property, which include significant capital needs (replacing an HVAC system and roof membrane). He said that the City estimates it would cost about $1.5 million to replace the entire HVAC system and $200,000 to replace the roof membrane. He said that there are no specific

funds set aside to make the capital upgrades to the property, and that the funds would need to come out of the City's capital fund. He noted that the proposed purchase agreement is for sale of the property for $1,571,000, and that if the agreement is executed, BT will commence the work at their cost, even though the closing won't occur until early 2025.

MOTION by Councilor Carpenter, SECOND by Councilor McKnight, to 1. Approve the proposed Purchase Option Exercise Agreement and License and Use Agreement with Champlain Broadband, LLC, for the sale and use of 200 Church Street; 2. Authorize the Mayor or designee to take such further actions and to execute such further instruments as may be necessary or convenient to accomplish the transactions contemplated in the Purchase Option Exercise Agreement and License and Use Agreement, subject to review and approval of the City Attorney; and 3. Authorize the Chief Administrative Officer to establish a separate fund in the Assigned Fund Balance to accept the proceeds of the sale of 200 Church Street and make any expenditures required to carry out the Purchase Option Exercise Agreement and License and Use Agreement and make all necessary budget transfers in relation thereto.
<u>DISCUSSION:</u>

- **Councilor Carpenter said that given the extent of the liability the City carries as a landlord if it doesn't improve or repair the building, it has significant out-of-pocket immediate liability that it would have to exercise, should components of the infrastructure fail. She said that she is supportive of the sale of this property for this reason. She noted that the City does not own the parking lot behind the building.**
- **Councilor Neubieser noted constituent concern about selling off the City's public assets, but pointed out that in this situation, the City does not have many other options, given that it's locked into selling this asset at some point. He emphasized the importance of finding progressive taxation reforms in an effort to target revenue generation for those who can afford it, in order to adequately fund basic City services.**
- **Councilor Bergman said that he will support this proposal but that he is generally against the selling of public assets. He spoke about the timing of this proposal, given that it came before the Board of Finance and City Council in March, but noted that there were investigations into this proposal as far back as 2022. He said he will continue to support the major redevelopment that is occurring downtown, and said that these will lead to appreciating values in the coming years. He said that he is unhappy about the overall lack of transparency and caretaking of City assets.**
- **Councilor Broderick said that he is also unhappy about the prospect of a sale, but said that he hopes that the sale of 200 Church Street and the potential public/private partnerships around Memorial Block is what the City needs to end its current culture of deferred maintenance.**
- **Councilor Grant echoed the concerns raised by Councilors Bergman and Broderick, though she will also support this proposed sale. She said that she would have liked to have more of her questions answered prior to being locked into this decision.**
- **Councilor Shannon asked about the appraisals conducted on the building, and Director Pine provided more detail on the appraisals and income approach that were used to determine the final sale value, which satisfied her questions.**

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

6.4 BED Heat Pump Bill Credit Program and Commercial Demand Response Program – BED
General Manager Springer said that the gist of this pilot program is to make the cost of heating with an electric heat pump cheaper than heating with natural gas or other fossil fuels. He noted that the low price of natural gas makes this challenging and that it is generally more expensive to heat with an electric heat pump than natural gas. He said that BED has had a long-standing goal of lowering the cost of heating with heat pumps. He said that BED received a grant from the federal government of $1,158,000 in competitive climate funds, with which they

would like to help customers with heat pumps participate in this pilot. He said that they would do this by providing eligible users with a sensibo, which allows users to control the thermostat using their phones, but also allows the utility to send a signal to adjust the thermostat within a set range. He said that they would also provide users with a clamp that would go on the circuit for the heat pump and give the City real-time data in terms of usage. He said that these two pieces of equipment would help participating users to reduce their usage during peak periods and could have a large impact if aggregated over a large number of heat pumps. He said that if this pilot is successful, they would like to convert it to a per kilowatt hour rate. He said that if the grant funding goes smoothly and this is approved by the Public Utility Commission, they could support 1,000 heat pumps in this program. He noted that there will be a commercial as well as a residential component to this pilot program.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to approve the General Manager of Burlington Electric Department, or his designee, to file with the Vermont Public Utility Commission a pilot rate to provide a monthly bill credit and/or a pilot rate to customers installing BED approved measurement and control devices on electric heating systems.
DISCUSSION:
- **Councilor Barlow asked how this fits more generally into the City's climate goals, and asked about the relationship of this program to weatherization and whether it may be better to offer weatherization prior to this program. General Manager Springer replied that in terms of climate benefits, 60% of the City's targets are around more efficient heating and heating technologies in the electric space, and that their focus is on heat pump uptake and usage. He said that this program is more about usage than uptake, and targets households that already have heat pumps. He noted that the City has other weatherization policies and incentives, including through CVOEO.**
- **Councilor Bergman asked if there is a difference here between a split pump and ducted systems. General Manager Springer replied that this program would be more effective for ductless mini-split systems, though both system types are eligible for the pilot. He also said that the cost of this pilot would be borne by the department and through the grant, not by rate-payers.**
- **Councilor Broderick asked about the preliminary study that included 9 trial participants. General Manager Springer replied that they took the cost to serve from an electric standpoint and looked at transmission and capacity and derived the cost to serve and credit range in different scenarios. He said that this range of savings was between $4.46 per pump and around $7 per pump, which is how they arrived at the $5 per month bill credit. Councilor Broderick asked how close this program would get to the cost of natural gas, were it to be implemented broadly across the City. General Manager Springer replied that that depends partly on the price of natural gas, but that there are some levers they could use to make heat pumps as cost-competitive as possible.**
- **Councilor Neubieser expressed support for this pilot.**
- **Councilor Grant asked how this has been communicated to the public and landlords, so that they are aware of options and incentives for improvements. General Manager Springer replied that BED is hoping to present to the Transportation, Energy, and Utilities Committee (TEUC) soon about their efforts around outreach and equity. He said that they are also working to create video content, including communicating basic information about understanding one's electric bill. He said he appreciates the focus on rental properties, as this pilot could apply to rental properties, too.**
- **Councilor Kane asked about the percentage of heat pumps in single-family homes versus rental properties, and General Manager Springer replied that a rough estimate is around 50/50 between homes and rental properties.**

VOTING: unanimous; motion carries.

6.5 Chittenden Solid Waste District Proposed FY 25 Budget – CSWD

CSWD Executive Director Reeves provided an overview of the FY25 budget for the Council's review and consideration. She began by noting the three main sources of CSWD's revenue, which are user fees, material and product sales, and solid waste management fees, adding that they do not receive revenue from local sales or property taxes. She spoke about CSWD's projected FY25 income of $15.9 million, anticipated to come from solid waste management fees, tipping fees, the sale of materials, and, to a lesser degree, from product stewardship and reimburseables, grant revenue, and interest and dividends. She spoke about CSWD's projected FY25 expenses of $16.08 million, the bulk of which are related to payroll expenses (38%) and materials management (43%), with other contributing costs associated with property management, promotion and education, community support, travel and training, administrative costs, and professional fees. She said that based on this, they are projecting a budget shortfall of approximately $287,000. She spoke about FY25 compared to FY24's budget, noting that while revenue is projected to increase by 3.6%, expenses are anticipated to increase by 11.7%. She said that much of the expense increase is related to equipment and fleet increased costs, related to CSWD's aging infrastructure. She said that this shortfall would be covered by drawing approximately $287,000 from CSWD's reserve fund. She noted that CSWD's board approved a solid waste management fee increase (the first in 12 years) from $27 per ton to $30 per ton, which will impact households by an approximately $0.28 per month increase. She noted that this charge is only on waste, not compost, recycling, or scrap. She said that they also approved an increase in the tip fee in the recycling facility to $90 per ton, which helps cover equipment expenses for the aging facility, and also budgeted $250,000 in operating expenses to cover equipment repair and replacement. She noted that there was no increase in tip fees for the organics recycling facility, nor increases in fees at drop off centers. She spoke about the drop-off center in Burlington at 339 Pine Street, noting that it will be open 5 days a week beginning in July and that it will be available for trash, "blue bin" recycling, food scraps, and scrap metal drop-off. She also spoke briefly about future capital projects and fund equity.

Councilor Grant expressed excitement about the Burlington drop-off center opening at pre-Covid levels, especially for food scrap drop-off for residents. Councilor Neubieser echoed this support, as well as excitement about the ability to pay with credit and debit cards at the drop-off center.

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the CSWD Proposed FY25 Budget.

VOTING: unanimous; motion carries.

6.6 Resolution Relating to the Relationship Between City Officials and the Neighborhood Planning Assemblies City of Burlington – passed by the Ward 1 NPA at their March 2024 meeting

MOTION by Councilor Neubieser, SECOND by Councilor Bergman, to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Councilors & the NPAs to the Community Development and Neighborhood Revitalization Committee for further review and recommended action.
<u>DISCUSSION:</u>

- **Councilor Neubieser said that the goal of this resolution is to help strengthen the role of Neighborhood Planning Assemblies (NPAs) in the public process. He expressed support for direct democracy and resident participation and engagement.**
- **Jonathan Chapple-Sokol, a member of the Ward 1 NPA Steering Committee said that the primary inspiration for this proposal comes from the City Council's decision last October to pass a resolution that prescribes specific actions required by the NPAs, which was unconventional and unprecedented and came without consultation from the NPAs themselves (though he acknowledged that the situation the Council was trying to address was serious and appreciated the action). He said that this highlighted a lack of a standard set of conditions under which the NPAs should be engaged**

in City input and City decision-making. He said that this resolution would ask the City to work with the NPAs to establish conditions under which elected officials or City administrators seek and consider approval from the NPAs as an advisory group.

- **Councilor McKnight said that the City needs to be careful not to add more burden to Councilors or NPA representatives, saying that thought needs to be given to the time requirements that this would place on them.**
- **Councilor Shannon said that the CDNR Committee should give consideration to the burden placed on City staff as well.**
- **Councilor Broderick said that the implementation of a resolution like this should also be considerate of making the NPAs more accessible and inclusive, by adjusting schedules to account for new families with young children, New Americans, students, and people with full-time jobs (for example).**
- **Councilor Grant said that the action taken last fall by the Council has shown some improvement in representation at certain NPAs. She spoke about how different NPAs have accommodated diverse backgrounds, such as holding a community dinner and having activities for children. She suggested that NPAs could hold community breakfasts instead of community dinners, to be more flexible and inclusive. She expressed support for this resolution, and said she looks forward to continued work and engagement across the NPAs.**
- **Councilor Neubieser said that this resolution can help give more resources and guidance to NPAs around some of the structural equity pieces that have been raised. He said that the City needs to give people real decision-making power in a measured and structured way to help them be more engaged.**

VOTING: unanimous; motion carries.

6.7 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning **was consent agenda item 5.28**
Director Tuttle began by noting that the Neighborhood Code Part 2 is following the work that the previous City Council adopted at the end of March. She said that the City chose to bifurcate some of the topics and move forward the core concepts of the Neighborhood Code to allow the joint committee enough time to focus on them and ensure that they would be supported by the City Council prior to spending time on this second phase of Neighborhood Code work. She said that the Part 2 issues cover technical details, allows for discussion of items raised during public input from the Part 1 work, and allows for time to address inquiries following the adoption of the Code. She said that they anticipate the Part 2 work to comprise four or more separate amendments and series of projects. She spoke in more detail about the other relevant topics and related planning projects, which relate to a number of questions and issues raised during the Joint Committee process that were not within the core focus of the Neighborhood Code, but which should be discussed in other upcoming planning projects and studies. These include the impact that existing historic preservation standards have on implementing infill development, opportunities for expanding mixed-use and neighborhood commercial development in the New North End (along the North Avenue Corridor and within close proximity to the Burlington Greenway), and access to quality greenspace across all neighborhoods, including corridors and greenways that provide connectivity and mobility for people and wildlife. She also spoke about other topics that require the involvement of multiple departments prior to issuing recommendations on them, such as stormwater and wastewater impacts resulting from infill development, which must be conducted in conjunction with DPW's Water Division, consideration for whether inclusionary zoning should apply to lots where multiple structures exceed 5 units but the number of units in each building individually would not have required IZ, and solutions to address implementation feasibility and homeownership opportunities.

Director Tuttle then spoke about the timeline for the next phase of the Neighborhood Code work. She said that the Planning Commission will hold discussions about the scope of the Part 2 work in April and May, and will begin discussions of the Part 2-A topics (secondary structures, Planned Unit Developments, and technical corrections) at their May 14th meeting. She said that they anticipate referring the Part 2-A topics to the Council in the summer and fall, and anticipate the portion of the Neighborhood Code regarding secondary structures to go into effect on

October 1st. She said that they will also begin discussing the Part 2-B topics in the summer and fall, and will report to the City Council on the first 6 months of the Neighborhood Code implementation on November 1st, with statistics around the number of applications submitted, the number of projects under construction, and the number of units added.

Director Tuttle then spoke about the zoning amendment process more generally. She noted that the process to amend and adopt zoning changes is governed by both state law and City rules and procedures. She noted that many amendments originate with staff at the request of an outside entity, but that rarely amendments originate directly from Councilors. She said that all amendments must go through the Planning Commission for public hearing and recommendations to Council before action. She noted that the Council also refers to the recommendation the Ordinance Committee for its own input and public input, and then will hold a public hearing and consider adoption.

Director Tuttle briefly noted that the City Planning Office's data team provides key housing metrics and an annual housing report in collaboration with other departments, which includes indicators around the creation of new homes, the cost of new homes, and an annual report that dives deeper into prominent housing topics in more detail.

Councilor Neubieser asked whether the Neighborhood Code proposal moves through the CDNR Committee and whether there is interest in including CDNR in that process overall. City Council President Traverse replied that since zoning amendments fall under the comprehensive development ordinance, the Ordinance Committee is the committee of jurisdiction. Director Tuttle added that there have been some instances where multiple Council committees worked on planning efforts that resulted in zoning changes. She specifically discussed an effort in 2018-2019 on amendments to inclusionary zoning ordinance. She said that Councilors who are on other committees are also able to participate in Ordinance Committee meetings and share input on issues.

Councilor McKnight spoke about the items that require cross-department collaboration, and asked about the plan to manage that collaboration and past examples of this type of broad collaboration. Director Tuttle spoke about the short-term rental policy, which started as a joint conversation between the Planning Commission and Ordinance Committee, which also required collaboration with the Department of Permitting and Inspections and the City Attorney's Office, as well as the Clerk's Office. Councilor McKnight asked the Mayor whether her office has plans about how to encourage or follow up on interdepartmental work such as this. Mayor Mulvaney-Stanak spoke about the operational efficiency study currently being conducted and how it should help bring bigger structural considerations into the conversation and help make interdepartmental conversations easier and more logical.

City Attorney McNeil noted that there are differences between the way laws and regulations migrate through the Vermont legislature and the City of Burlington. He said that in the legislature, a bill is typically introduced and referred to a committee and may travel to three or four committees before reporting back. He said that in the City, the initial committee of jurisdiction typically develops the questions that need to be considered and answered before a measure is determined passage-worthy, which involves significant departmental input at that committee of jurisdiction. He said that this is much more efficient than how it's done at the legislature.

Councilor Grant thanked Director Tuttle and her staff for their work and responsiveness around the Neighborhood Code process.

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

VOTING: unanimous; motion carries.

6.8 Resolution: Negotiations Between the Vermont Federation of Nurses and Health Professionals and the University of Vermont Medical Center (Councilors Neubieser, Bergman, Grant, Broderick, Kane)
Councilors Doherty and McKnight, and City Council President Traverse, recused themselves from discussion and consideration of this item due to a conflict of interest. City Council President Traverse passed the gavel for this item to Councilor Shannon.

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Neubieser said that the intention of introducing this resolution is to demonstrate that the City supports workers, especially working people negotiating with larger companies.**
- **Deb Snell, President of the Vermont Federation of Nurses and Health Professionals, and a long-time nurse at the UVM Medical Center (UVMMC), began by noting that the Union started bargaining with the hospital for its subsequent contract over a year ago. She said that she enjoys working at the Medical Center, but she does not feel that nurses receive the respect they deserve from that institution. She noted that there were a number of questions from the Medical Center regarding the resolution, and she walked through and responded to some of them. She noted that the Medical Center questioned whether it was one of the most expensive medical centers in the country, and she spoke about the data from the Green Mountain Care Board that supports that categorization. She also spoke about comparisons between nurses' pay in similar hospitals in Portland, Oregon (a comparable city in terms of cost of living), noting that nurses in those institution make between $7 and $12 more per hour than their Vermont counterparts. She noted that UVMMC is has claimed that the average nurse makes $83,304 or $94,000, and Ms. Snell said that she would dispute both of those numbers and that neither of them are sufficient enough for the cost of living in Burlington. She noted that UVMMC plans to hire up to 140 travel nurses to backfill positions at its outpatient surgery center. She noted that UVMMC has only gained 70 nurses since 2022 and has a high vacancy rate.**
- **Councilor Carpenter noted that this resolution is different than past resolutions around supporting the nurses' union. She said that she supports the spirit of the resolution, which is to encourage UVMMC to increases nurses' wages to be comparable to that of other similar academic medical institutions. She expressed concern about the main resolved clause, which asks the City Council to take a specific position on a negotiation of which they are not familiar. She said that the varying data between the union and hospital needs to be reconciled in some kind of forum, but said that she is unsure what kind of a role the City Council can play in this.**

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to postpone the consideration of this resolution until the City Council's May 20, 2024 meeting to allow for development of a resolution that would adequately support the nurses and articulates the role of the City Council in this negotiation.
DISCUSSION:

- **Councilor Bergman said that he is reluctant to delay this, especially given that negotiations are at an impasse. He said that he will not support postponement of this resolution, and urged other Councilors to stand with the workers.**
- **Councilor Broderick expressed similar sentiments, saying that it is within the Council's scope to support its residents and workers.**
- **Councilor Neubieser said that he appreciates Councilor Carpenter's approach, but pointed out that the union spent months researching, citing, sourcing, and diligently developing thoughtful proposals. He said that it is important to make sure that residents see that the Council values raising wages as an affordability measure.**
- **Councilor Barlow said that an important reason to postpone is to build more Council consensus on the issue.**

Councilor Litwin echoed Councilor Barlow's thoughts. He said that he is pro-labor and pro-nurses, and postponing allows the City Council to get to a place where there is unanimous support for this resolution.

- **Councilor Grant said she will not support a motion to postpone.**

VOTING (on MOTION to POSTPONE, by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – recused, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – recused, Councilor Neubieser – nay, Councilor Traverse – recused, Acting City Council President Shannon – aye (4 ayes, 5 nays, 3 recusals); motion fails.

<u>DISCUSSION (CONT'D):</u>

- **Councilor Bergman said this is a relatively straightforward resolution, saying that it encourages UVMMC to negotiate a fair contract, that it focuses on comparability in cities that have similar costs of living, and that it emphasizes the importance of this support for all workers in Burlington. He spoke about how he wished the City Council had joined him in standing on the picket lines for the UVMMC/nurses' union negotiation back in 2018, but he hopes that his colleagues will demonstrate that support tonight.**
- **Councilor Barlow expressed support for collective bargaining and the right to fair wages, as well as for nurses' roles in healthcare as critical, demanding, and challenging. He also recognized that UVMMC is one of the City's most important institutional partners, and that partnership is essential to respond to community health issues, such as Covid and the substance use disorder crisis. He said that he does not support the Council weighing in on this negotiation, given that the resolution supports one side over the other. He also noted that UVMMC has questioned some of the facts in the whereas clauses of this resolution, and said that it is important for the City Council to pass resolutions that are factually accurate.**
- **Councilor Kane spoke from an economics perspective about how the nursing profession is a classic example of a monopoly, especially in Vermont. He acknowledged other Councilors' sentiments about passing a resolution that is balanced between capital and labor, but said that this resolution attempts to address a market failure in the healthcare industry, and that it is a government's job to try to correct market failures.**
- **Councilor Neubieser said that he is not surprised that UVMMC issued a memo questioning this data, given that other large industries also employ counterfactual narratives as a strategy to delay or derail movements. He urged Councilors to support this resolution.**
- **Councilor Grant said that the Council can't have it both ways, and needs to either support the nurses or not support the nurses. She summarized the facts as she sees them, which include dramatic increases in workplace violence at the hospitals, wait times, and trying to ensure stability. She said that rather than pay its nurses a fair wage, UVMMC has decided to instead pay hundreds of millions of dollars to traveling nurses. She said that the resolution is not asking the Council to get involved in negotiations, but to support the workers. She emphasized the importance of a stable workforce for the health of the community.**
- **Mayor Mulvaney-Stanak expressed support for this resolution, saying that the City needs to be more proactive around bargaining awareness so that it can support the workers in the community from the beginning of the negotiating process. She said that this resolution serves as a signal that the City has a keen interest in ensuring fair bargaining. She said that she supports the language in the resolution and doesn't believe it needs more detail around negotiations at this stage in the process.**

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – recused, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – recused, Councilor Neubieser – aye, Councilor Traverse – recused, Acting City Council President Shannon – nay (6 ayes, 3 nays, 3 recusals); motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports
Councilor Shannon noted that the Ordinance Committee met last week and discussed three items: the Trespass Ordinance, the Graffiti Ordinance, and the recommendations of the Dog Task Force. She noted that on the ordinances, they will have another meeting on May 16th at 2:00 PM. She said that given the low bandwidth of the City Attorney's Office, the Ordinance Committee has decided to postpone further action on recommendations from the Dog Task Force until the end of August.

Councilor Bergman noted that the Charter Change Committee met on May 1st and said that it will be taking up police oversight and committee comments at meetings on June 12th and June 18th at 5:00. He noted that they also discussed Councilor compensation and the barriers that people face in the community when posed with the opportunity to serve the people in this capacity.

Councilor Grant encouraged residents to check the City's calendar of events to find out when various committees and boards are meeting. She noted that the Racial Equity, Inclusion, and Belonging Committee met on April 30th and received a thorough update of the REIB Department's various projects. She said that they are looking forward to this year's Juneteenth event and noted that construction is underway on the Embrace and Belonging sculpture that will be placed in Dewey Park in the Old North End. She noted that the City's Public Safety Committee met on April 18th and had a discussion about open and various issues in public safety including continuing to provide more public data and drug use.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports
None.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports
City Council President Traverse noted that there are a number of vacancies posted for various Burlington boards and commissions, and encouraged residents to apply for these positions. He noted that applications are due May 15. He noted various construction projects around the City and encouraged residents to support local businesses that may be impacted by ongoing construction.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports
Mayor Mulvaney-Stanak noted that next Monday, May 13th, there will be another update on the Fiscal Year 2025 budget process. She expressed gratitude for staff's hard work during this process and bringing their creative thinking to bear on how to address the projected $13 million budget gap. She also noted that there will be a series of informational meetings during May for the City Council to attend and hear presentations on the budget at the Board of Finance. She spoke about the model she has employed of utilizing community advisors who are not in government to help inform a collaborative approach to budget development.

Mayor Mulvaney-Stanak then spoke about holding informational meetings around community safety, to gather input from the community and stakeholders.

She additionally provided an update on the hiring process for vacancies within the City Attorney's Office.

She then spoke about unresolved issues and harm around tough conversations within the community around issues related to Gaza and Israel. She said that she has asked the Community Justice Center to convene restorative circles and that should begin soon. She said that part of doing community leadership work is acknowledging the interconnection between these issues and local government, while also acknowledging that more work needs to occur outside of this chamber.

She spoke about work to develop a plan to address the level of unhoused individuals within the community, and said she hopes to bring that plan forward within the next ten days.

She provided broader City updates, noting that Norm Baldwin has served as a city engineer for the last 33 years. She also noted that many public parks' opening day is May 15th. She noted that Kids Weekend is occurring on May 17th. She spoke about the upcoming Juneteenth event on June 15th. She noted that CEDO is working to develop a community engagement process around the Memorial Block project. She spoke about her work to partner with spiritual leaders within the community in more creative ways, as well as with other critical leaders throughout the community. She spoke briefly about the encampment at UVM of students around the continued conflict in Gaza, and said she has been working to be clear about the role of the City versus the role of UVM in terms of authority, though she has been actively monitoring the situation. She expressed appreciation for the peaceful activist movement by the students, as well as UVM keeping her office informed on a daily basis.

11. ADJOURNMENT

11.1 Motion to Adjourn

MOTION by Councilor Neubieser, SECOND by Councilor Barlow, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 9:43 PM.

RScty: AACoonradt