

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 20, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Joe McNeil
Katherine Schad
Kim Sturtevant
Lori Olberg
Keaton Knowles

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:06 PM.

MOTION by Councilor Neubieser, SECOND by Councilor Barlow, to adopt the agenda.

VOTING: unanimous; motion carries.

2. MOMENT TO RECOGNIZE NORM BALDWIN

2.1. Moment to Recognize Norm Baldwin

Mayor Mulvaney-Stanak acknowledged Norm Baldwin for serving the City for 33 years. She spoke about how Mr. Baldwin began as a traffic field engineer in 1990 and became a City Engineer in 2000. She noted that he will become the new Director of Public Works in Colchester, which is a wonderful opportunity, though the City is saddened by his loss. She thanked him for his years of service in Burlington. She spoke about some of City Engineer Baldwin's accomplishments, including the establishing of the Skate Park at the Waterfront, efforts to improve the bike path, efforts to bring Amtrak back to Burlington, and beginning the Champlain Parkway after years of delay. She noted that City Engineer Baldwin's last day will be May 24, 2024.

3. COMMUNICATION: JOSEPH MCNIEL, ESQ., KIM STURTEVANT. ASSISTANT CITY ATTORNEY, RE: DISCUSSION OF "PENDING AND/OR POTENTIAL" LITIGATION (VERBAL) **EXPECTED EXECUTIVE SESSION COMMUNICATION: JOSEPH MCNEIL, ESQ., KIM STURTEVANT, ASSISTANT CITY ATTORNEY, KERIN DURFEE, HUMAN RESOURCES DIRECTOR, RE: DISCUSSION OF EMPLOYMENT CONTRACT (VERBAL) **EXPECTED EXECUTIVE SESSION** 6:30 PM – 7:00 PM**

3.1 Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, re: Discussion of "pending and/or potential" litigation (verbal) **expected executive session** 6:00 pm - 6:30 pm

City Attorney McNeil said that these motions pertain to three particular pending matters: a settlement agreement rating to a personnel officer, a piece of litigation that is pending with some discussion about positions to be taken with the City Council about the litigation, and the third about informational updates for a third piece of litigation with general direction from the Council, but nothing specific from the Council this evening in terms of direction.

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that the City Council find that premature general public knowledge of legal advice and information concerning the details of "pending and/or potential" litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, that, based upon that finding, the City Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending and/or proposed civil litigation matter, 1 VSA §313(a)(1)(E), to include City Attorney McNeil, Assistant City Attorney Sturtevant, Chief of Staff Jacobsen, and Deputy Chief of Staff Magee.

VOTING: unanimous; motion carries.

3.2 Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, Kerin Durfee, Human Resources Director, re: Discussion of employment contract (verbal)**expected executive session** 6:30 pm - 7:00 pm

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that the City Council find that premature general public knowledge of legal advice and information concerning the details of an employment contract would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that, based upon that finding, the City Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending civil litigation matter, 1 VSA §313(a)(1)(A), to include City Attorney McNeil, Assistant City Attorney Sturtevant, Chief of Staff Jacobsen, Deputy Chief of Staff Magee, and Human Resources Director Durfee.

VOTING: unanimous; motion carries.

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

4.1. Verbal Comments

Forum opened at 7:03 PM.

COMMENTS:

Burlington residents (in person):

- Catherine Foley spoke as the President of the resident council of Decker Towers. She said that Decker Towers was able to obtain guards but that this program does not go far enough. She said that the agreement between the City and Burlington Housing Authority is not being followed, as there is no written procedure for visitors to Decker Towers, rendering the guards unable to protect the safety of residents. She noted that the guards did not receive training and that there is no logbook for visitors. She said it is important that the City Council know that the \$38,000 that they provided is not being used adequately. She said that the building is in better shape than it was in the winter but that it is not completely improved yet.
- Jane McDougal spoke about the poor conditions of the sidewalks in certain parts of downtown, and asked when the sidewalks will be fixed. She spoke about how the residents of Cathedral Square cannot access sidewalks with wheelchairs and walkers, given their poor conditions.
- Dave Maher spoke about Burlington's plan to achieve net zero emissions in the next several years. He noted that this plan relies on a lot of green power from outside of Vermont, and that there isn't enough green power to go around. He noted that it is not feasible to store excess solar and wind energy and batteries or as hydrogen, so that the remaining sources of renewable energy are biomass and nuclear power, which often come from out of state sources. He said that this can't serve as a model for other cities, and recommended that the City scrap its plan and revise it to only use green energy that is local.
- Jack Hansen noted that the City isn't on track to reach its net zero goals and that further policy is needed, and that what is under debate tonight has a lot to do with trust and working in good faith. He said that to amend the resolution to study the issue and decide whether to move forward is a mistake, since this would represent a delay and postponing the real issue. He expressed support for moving forward and urged the Council to not postpone further.
- Taya Mahoney spoke about having to move out of Burlington soon because she cannot afford it. She said that when the City thinks about the climate and infrastructure, they should think about the bus infrastructure and improving this, which would help people with decreased mobility to move around. She also advocated for improving the sidewalks.
- Nick Persampieri urged the Council to support the resolution that would charge TEUC with an ordinance to reduce greenhouse gas emissions for buildings of 25,000 square feet or more and would require the TEUC to present a draft of this ordinance to the City Council this October. He urged the Council to resist amendments that would turn the resolution into a call for further study, given that the City has been studying decarbonization since 2021. He said that the time for action is now. He said that the Net Zero Energy roadmap should be reformed, as well as the current carbon impact fee ordinance.
- Julie Handel spoke in support of the building emissions reductions ordinance, saying that the City needs to take action now, rather than delaying action, in order to reduce emissions now.

- Ryan Hagan spoke in support of the building emissions reduction ordinance, saying that action should not be delayed. He said that the City does not have time to wait on this anymore and that it is the most important issue facing humanity today. He said that this can also help out with all of the other issues facing Burlington today.
- Colin McDermott expressed support for the resolution related to the building emissions reduction ordinance, saying that there is a great sense of urgency to make progress now and push toward today's environmental goals. He said that buildings are a leading emission of carbon in the City and that policies need to be implemented to curb those emissions.
- Trey Cook spoke in support of the resolution related to the building emissions reduction ordinance, saying that the Council should not amend the resolution to implement any delays. He said that this is a great proposal and that it is a good measure to take action on tackling climate emissions.

Burlington residents (via Zoom):

- Lindsey Maschler spoke in support of the resolution related to the building emissions reduction ordinance, saying that buildings represent a large portion of the City's emissions. She said that large buildings are a main source of pollution, saying that it makes sense to support this resolution in order to meet the City's climate goals. She urged the City not to delay action further and to make policy rather than conduct another study.
- Sharon Bushor spoke in favor of the resolution honoring Marcel Beaudin and his efforts to make sailing affordable and available to everyone in the community. She expressed condolences to his family. She then spoke about people needing a better explanation of the use of one-time ARPA funds, and a better explanation for PILOT funds. She requested that there be a differentiation between state properties and the state's allocation for fees related to PILOT properties, as well as the PILOT fees that apply to non-profits.
- Adam Franz expressed concern about the amendment to the resolution related to building emissions reductions, saying that there should not be a delay in the ordinance. He said that further action should not be postponed and urged the Council to pass the resolution as written.
- Ashley Adams said that Burlington is one of the top five fastest warming cities in the United States. She said that the impacts worsen with every bit of greenhouse gas pollution and that the continued burning of all carbon-based fuels, which is important for a city that hosts a 50 mega-Watt wood-burning plant like the McNeil Plant. She said that McNeil should shut down and that utility companies should not be in charge of climate policies, given the inherent conflict of interest. She said that the net zero energy plan should be revised. She said that she supports the building emissions reduction ordinance, but not the amendments that would undermine the resolution.

Non-Burlington residents (in person):

- Kate Neubauer spoke about the resolution honoring Marcel Beaudin, speaking about his talent in architecture and his passion for Burlington's waterfront and Lake Champlain. She said that he was also passionate about the Lake Champlain Sailing Center, which he cofounded and helped design. She said that this has allowed thousands of Burlingtonians to enjoy the lakefront and sailing.

Non-Burlington residents (via Zoom):

- Keren Sita spoke about Mental Health Awareness Month and the suffering of Black women. She spoke about the unaffordability of Burlington.
- Quinton Zondervan spoke about the building energy reduction ordinance, speaking about his efforts to pass a similar ordinance in Cambridge, Massachusetts. He said that this type of ordinance is possible and can be done successfully.

Forum closed at 7:38 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Verbal Reports

Councilor Bergman spoke about a publication called the Green Energy Times, and noted an article about greenhouse gas levels reaching record highs in 2023. He said that this is serious and the science backs it, and that it is a slow-moving catastrophe. He encouraged everyone to read this article.

Councilor Kane urged Councilors to look more at the transportation sector when considering climate initiatives.

6. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

6.1 Verbal Reports

Councilor Barlow spoke about an international brand that had decided not to move their business into downtown Burlington at the last minute, saying that the brand's board decided that the social issues in downtown Burlington are too risky for the store at this time. He said that businesses are staying away due to the mayhem and theft in the downtown area.

Councilor Grant said that the Public Safety Committee met on May 16, and encouraged residents to view the meeting recordings and minutes. She said that the Fire Department and Police Department's budgets will be reviewed on May 29th and that these meetings can be found on CivicClerk.

Councilor Litwin spoke about an event that occurred where an elderly man in Burlington was randomly attacked. He also spoke about a homeless woman who was also attacked this weekend in the same area on Cherry Street. He also said that he met last week with the head of the Burlington Technical School and said he is deeply concerned about the safety situation for those students as they move around Cherry Street to get to and from the school. He spoke about staff being held at knife-point as they make their way to the parking garage. He spoke about staff paying out of pocket to park in metered spots closer to the school because they do not want to walk the length of Cherry Street to get to their cars. He said that the City cannot afford to have these kinds of incidents.

Councilor Shannon said that these were random acts of violence, that perpetrators were caught, but that they were also released and are still at large in the community. She said that the City's budget is contingent upon people feeling safe in Burlington and spending their dollars here. She said that she looks forward to hearing from the Mayor on this topic so that everyone knows that measures are being taken to ensure the public's safety.

Councilor Neubieser expressed thanks to other Councilors and the Mayor for their work to increase public safety. He also spoke about ensuring that the judicial system is adequately resourced and that Montpelier step up with resources.

Councilor Grant reminded people that police officers are a limited resource and said that the City needs to investigate why turnover is high if it is losing police officers to other municipalities.

7. CONSENT AGENDA

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

7.2 Accountability List – C/T Office – waive the reading, accept the communication, and place it on file.

7.3 Indoor and Outdoor Entertainment Permit Renewals (2024-2025): see attached list – approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.

7.4 Communication: Abbey Duke, Member, Parks & Recreation Commission, 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 Abbey Duke thanking her for her time served as a Member of the Parks & Recreation Commission.

7.5 Communication: Dana R. Pierson, re: parking meters – waive the reading and place the communication on file.

7.6 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 as received at the May 6, Regular City Council Meeting.

7.7 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 as received at the May 6, Regular City Council Meeting.

7.8 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 as received at the May 6, Regular City Council Meeting.

7.9 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 as received at the May 6, Regular City Council Meeting.

7.10 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 as received at the May 6, Regular City Council Meeting.

7.11 Request for Approval to Execute a Contract with ECI for the Temporary Foremain Removal and Restoration of Site Project – DPW – Water Resources – approve and authorize the Director of Public Works to execute a Construction Contract with Engineer's Construction, Inc., for removal of the temporary foremain and restoration of the site for an amount up to \$125,000, subject to the review and approval of the City Attorney's Office.

7.12 Request for Approval of a \$1,276,829 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport – Airport - approve a budget neutral amendment in the amount of \$1,276,829 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum.

7.13 Request to Accept and Execute a Contract in the Amount of \$97,695.00 with Annseal Inc. for Runway (RW)15-33 Plain Cement Concrete (PCC) Concrete Joint Repair and a budget neutral amendment – Airport – 1. Approve and authorize the Director of Aviation to execute a contract with Annseal in the amount of \$97,695.00 with a 15% contingency totaling up to \$112,349 for the Runway (RW)15-33 PCC Concrete Joint Repair, subject to review and approval of the City Attorney's Office; and 2. Approve a budget neutral amendment in the amount of \$115,000 to the Fiscal Year 2024 Airport budget by increasing the accounts as described in the affiliated memorandum.

7.14 Request to Accept and Execute a Contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844 – Airport - approve and authorize the Director of Aviation to execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of \$364,844, subject to review and approval of the contract by the City Attorney's Office.

7.15 Request to Execute a Contract in the Amount of \$126,000 with Mikes Electric Inc. (MEI) for Terminal Fluorescent Lighting Control Replacement – Airport –approve and authorize the Director of Aviation to execute a contract with Mikes Electric Inc (MEI) in the amount of \$126,000 for Terminal Fluorescent Lighting Control Replacement, subject to review and approval of the City Attorney's Office.

7.16 Extension of Lease – Waterfront Information Services Building – BPRW - approve and authorize a holdover of the existing lease terms with the Lake Champlain Chamber of Commerce for the premises located within the Pease Lot Information Building and as more particularly described in the existing lease, creating a month to month tenancy as provided for in the existing lease through October 31, 2024, for the purposes of continuity of Information Services.

7.17 ARPA Community Infrastructure Budget Amendment and Request to Execute a Contract with S.D. Ireland Brothers Corporation for the site work and utility connections required for the kiosk at City Hall Park – CEDO - approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the City Hall Park Kiosk Budget by \$150,000 from the Expanded Waterworks Park Connections and Amenities budget of \$600,000 and to approve and recommend the Director of the Community & Economic Development Office to enter into a contract with S.D. Ireland Brothers Corporation for the purposes of completing the site work and infrastructure

connections for the City Hall Park Kiosk, with a cost of up to \$197,500 and a ~10% contingency, for a total authorization and maximum limiting amount of \$220,000 subject to final review and approval of the City Attorney's Office.

7.18 May 6, 2024 Legislative Update – Jamie Feehan – waive the reading and place the communication on file.

7.19 May 13, 2024 Legislative Update – Jamie Feehan – waive the reading and place the communication on file.

7.20 FIO Documents – for information only.

7.21 Ordinance: An Update to Chapter 23, Peddlers and Solicitors, to Accommodate Burlingtonians and Visitors of June 15, 2024 (License Committee) - waive the reading, suspend the rules, and place the updates to Chapter 23 of the Burlington Code of Ordinances in all stages of passage as detailed in the attached ordinance form.

7.22 Resolution: Designation of Ward 2 Polling Place for 2024 State Primary Election, 2024 General Election, and 2025 Annual City Election (Councilor Bergman) – waive the reading and adopt the resolution.

7.23 Resolution: Adoption of Updated Local Emergency Management Plan (Councilors Grant Barlow) – waive the reading and adopt the resolution

7.24 Resolution: Appointment of Dr. Whitney Sherman to the City of Burlington's Board of Medical Examiners (Councilor Carpenter) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to approve the consent agenda as amended and take the actions indicated for items 7.1-7.24.

VOTING: unanimous; motion carries.

8. FISCAL YEAR 2025 BUDGET PRESENTATION

8.1 Fiscal Year 2025 Budget Presentation

Chief Administrative Officer Schad began by speaking about the budget principles laid out by the Mayor for the FY25 budget. These include a commitment to affordability for Burlington taxpayers, identifying sustainable financial practices that reduce the need to rely on one-time funding, working to right-size the City's government by providing what the community needs now and in the future, being fair in raising new revenue across the entire community, and reflecting the City's priorities of community safety, maintenance of services, and creating processes for the public, unions, and City employees to engage in larger questions on how to right-size the City's government.

Chief Administrative Officer Schad summarized the budget assumptions for the FY25 General Fund budget. She said that all current staff are included in the budget, they have assumed a 7.5% attrition rate for all department except for the Police and Fire Departments, that they will hold 22 positions vacant for the FY25 budget year, that they are assuming an increase in user fees based on findings from the user fee study, and that they will use the remaining unused ARPA funds, which must be obligated by the end of 2024, to help fill the budget gap. She noted that the overall budget is currently projected at \$107.8 million in both revenues and expenses, and that the Administration and department heads have identified several strategies to effectively resolve the previously identified budget gap.

Chief Administrative Officer Schad then spoke about some of those proposed solutions. She noted that they are proposing to implement the voter-approved public safety tax increase to \$0.2, rather than to full \$0.3 authorized, which will yield \$1.35 million in revenue. She noted that they are proposing to raise the non-lodging gross receipts tax from 2% to 2.5%, which will raise \$700,000. She noted that they are proposing to raise the hotel tax from 2% to 4%, which would raise an additional \$1 million. She noted that the gross receipts tax increase would sunset after one year. She spoke about increasing the Retirement Tax and the Debt Tax, which would raise an additional \$2.73 million. She noted that these taxes do not need voter approval for any increases. She spoke about user fee increases, based on the findings from the user fee study that has just been completed. She noted that the study found that the Clerk & Treasurer's Office and the Permitting and Inspections

Department are both charging appropriate fees to cover their costs and that those fees don't need to increase. She said that for the Fire Department, Burlington Parks, Recreation, and Waterfront (BPRW) Department, and Burlington City Arts (BCA), there are opportunities to increase fees by at least the \$1.3 million that was originally forecast. She spoke about the strategic use of one-time funds, noting that they are proposing to repurpose unused ARPA funds, redirect other ARPA funds, use Housing Trust Fund money to free up ARPA funds, to use opioid settlement money, and to use the assigned fund balance for the REIB department, which results in a total of \$2.9 million for the use of one-time funds. She spoke about right-sizing the budget without making a significant impact on the public, noting that vacancy savings, right-sizing various programs, using enterprise funds to pick up more eligible costs, and using the capital fund to pay for capital salary work have resulted in savings of \$3.1 million. She spoke about other savings line items, which also resulted in savings of \$800,000. She said that in total, they have identified \$13.8 million to successfully fill the budget gap and leave headroom to fund additional initiatives.

Chief Administrative Officer Schad spoke about next steps for the FY25 budget. She said that the City Council will continue to revenue each department's budget over the course of May, that the Administration will make final adjustments based on Councilor feedback and the Mayor will submit the budget to the Council for its consideration no later than June 15th, for approval by the Council no later than June 30th. She also noted that the City will continue to receive operational analysis, discuss those results, and implement changes based on that analysis in FY25 and will continue its analysis of franchise fees and payments in lieu of taxes (PILOT) to ensure equitable and fair fees are borne appropriately throughout the City.

Mayor Mulvaney-Stanak said that she is proud that the work to close the \$13 million budget gap did not include layoffs. She said that they even found additional funding, which was intentional and meant to help start conducting strategic investments in community safety. She emphasized the importance of making these investments as soon as possible, such as with the use of the opioid settlement funds. She spoke about how these funds will help fund the CRT program through the Fire Department. She noted that this budget does rely in some part on the use of one-time funds, and said that she wants to avoid doing this in future years, as it is not a good budgeting practice. She spoke about the studies conducted on fees and operational efficiencies, saying that these are both good tools to use for future planning for Fiscal Year 2026 and beyond. She said that due to the timing of the results of these studies, many of the changes were not possible to implement for Fiscal Year 2025, but will be used to inform future budgets.

Councilor Shannon expressed support for a consumer tax rather than burdening residents with an increased property tax, but said that unfortunately, consumer taxes are less predictable than property taxes, in terms of revenue. She asked about the assumptions used for generating revenue through the gross receipts tax and the hotel tax. She also noted that it would be important to establish benchmarks so that the City knows if it's hitting its targets in terms of revenue from this tax. She noted that these proposals will require ordinance changes and said that in order for the Ordinance Committee to begin the process of making those changes, it needs a specific request from the Mayor's Office to discuss. Councilor Bergman noted that this request was made by the City Attorney's Office and that the gross receipts tax ordinance has been drafted and will be brought to the Council's next meeting for its consideration. Mayor Mulvaney-Stanak said that she will be meeting with business community members to discuss the gross receipts tax increase proposal. She noted that this is not a permanent fix and that she has also proposed a sunset to this tax after one fiscal year. She also said that regular reporting on this budget is going to be a priority throughout the year.

Councilor McKnight said that voters stepped up this year to provide feedback on the budget and increase investments in public safety, with the understanding that there would be creative thinking and bold proposals to tackle the public safety issues. She expressed concern that this current budget doesn't go far enough to do that. She said that the Council has a mandate to effect change in Burlington. She expressed concern about the vacancy strategy, saying that some of these positions are needed to improve the quality of life and safety in Burlington. She spoke specifically about the Housing Administrator position within the Department of Permitting & Inspections, saying that this

department is responsible for ensuring that landlords don't violate regulations, that construction is in compliance, and that the Neighborhood Code is being implemented correctly. She also spoke about how the City needs more investment in public safety but that it is not increasing the number of CSOs in the City. She asked if the administration could look at certain positions with more specificity, rather than imposing a blanket vacancy.

Councilor Barlow expressed support for the reduction in the use of one-time funds from \$3.7 million to \$2.9 million. He spoke about the vacancies being left open in the Police Department, including 7 sworn officers and 3 CSOs. He noted that last December, they had said that they would not reduce the Fire or Police Department staff, as they had recently had their own studies that had set employment levels. He said that each additional cent raised of the public safety tax raises an additional \$675,000. He said that in not funding the last additional cent increase of the public safety tax, they are replacing it with \$777,000 in gross receipts tax, and he asked about the fungibility of the gross receipts tax, versus the restricted nature of the public safety tax. He asked whether there is an assurance from the administration that the money raised from the gross receipts tax equivalent to the amount that would have been raised from the public safety tax would be restricted or used for those public safety needs that the City told the voters those funds would be used for. He noted that the City hasn't been able to hire for the positions it needs within the Police Department and that vacancy savings has gone to fund overtime for current officers, and he asked whether the proposed vacancy savings in this budget might be needed to continue to fund overtime pay for officers. He said that he would like to see both the user fee study and the operational analysis. Mayor Mulvaney-Stanak said that she would share the operational efficiency study once it's in final form (around June 4th). She said that this analysis is also the roadmap to some of Councilor McKnight's comments around bold, creative ideas. She said that the budget does include FTEs for 10 new sworn officers more than in FY24, and that if they are able to hire more, then the budget can be adjusted in future. She also noted that the proposed number of CSOs also comes from the Police Chief's determination of the right number of CSOs. She noted that the operating baseline for the Police and Fire Departments is bigger than the other departments, which were asked to level fund their operating budgets from FY24. She noted that the public safety tax is restricted to Police and Fire by charter. She said that increasing a more flexible tax would also allow the City to put public safety resources in less traditional areas, such as the Parks and Library Departments, where there is also a need for more community safety resources.

Councilor Litwin asked for more clarification about the number of sworn officers and about the use of the public safety tax. Mayor Mulvaney-Stanak noted that the restriction of the public safety tax is explicit and by charter. She said that they will also still need overtime, even with the goal of hiring ten new sworn officers. She noted that every police department in the state has the same challenges, and that this is a regional problem. She said that in terms of leaving the last cent of the public safety tax on the table, she does not want to have to tax people if she doesn't have to. Councilor Litwin asked about the potential to explore regional shared responsibility for officers at the Airport, given that there is a requirement to provide officers from BPD to the Airport. Mayor Mulvaney-Stanak replied that Aviation Director Longo has looked into other area police forces, but that they are all facing the same shortages that Burlington is facing.

Councilor Grant said that some of the issues with the CSOs are similar to that of the sworn officers. She said that the City could have up to 11 CSOs, but that they have not been able to fill those positions. She also noted that the CSO position has also served a recruiting mechanism, given that people may start as CSOs, go into the Police Academy, and end up being hired elsewhere. She also noted that there are supply lines in the Police Department budget that are important, such as the body cam footage storage and tasers. She asked for more specific information on the empowerment funds being reassigned from the REIB department, and Chief Administrative Officer Schad replied that these were FY23 funds that were unused and are being added back into the REIB department for FY25.

Councilor Kane spoke about the use of the public safety tax versus the gross receipts tax. He said that the average property owner in Burlington pays about \$6,000 per year in property taxes and that this is likely to increase by another \$1,000, irrespective of this particular decision about the use of the public safety tax. He noted that the use of the gross receipts tax increase is more equitable. He also spoke

about underlying issues with the property tax system, noting a presentation to the Board of Finance in January where a presenter showed that more expensive properties are taxed at a lower percentage of market value than less expensive properties, and that the tax system is flat and not progressive. He said he would like to see a higher increase in the gross receipts tax, rather than the public receipts tax. Mayor Mulvaney-Stanak replied that her Administration tried to focus on the pieces needed to address the increased budget gap. She agreed that it is time to have more structural reform conversations around affordability and how local taxes are collected. She said that she has been working with department heads to present a set of measured and balanced responses to the budget gap that are spread across different sectors.

Councilor Doherty thanked staff for the comparison of hotel tax rates for different places in the country, noting that they help ensure that Burlington remains competitive. He asked that as the City moves forward in this conversation, that it work to find more comparable benchmarks, such as Portland, Maine, when looking at things like the hotel tax. He also asked that the Administration and City staff ask the business community for their assessment of what this tax rate change will do.

Councilor Neubieser said that the resounding feedback he has received from constituents is to do everything the City can to slow property tax increases, and said that he is glad that this budget does just that. He said that another piece of feedback from constituents is to use a data-driven approach to public safety and set politics aside, and he said that this budget does that as well. He expressed support for the preservation of the CRT program. He noted that when considering increasing taxes for hotels and meals, these are luxury goods that have more elasticity, and he is glad that this will be evaluated throughout the year to gauge whether it is meeting revenue targets.

Councilor Carpenter asked what the City will do if its request for increased PILOT funds is not accepted, since it is voluntary. She also expressed frustration about lack of clarity around the availability of ARPA funding. She also expressed frustration at the reallocation of Housing Trust Fund money, which is desperately needed for housing. She said that given that the City is going to be reviewing its trespass ordinance and graffiti ordinance, they are going to need staff to help implement that, and she does not want the City to be short-sighted in whatever staff is needed by the Police Department to do that. She also noted a gap in the support staff system for the Police Department, given that sometimes people call and they can only get a recording. She said she would like the City to budget appropriately for customer service. She also asked about a timeline for beginning to review the operational study. She noted conversations about property taxes, saying that the majority of the taxes are with the State and that the City does not have good data on who qualifies for the homestead tax credit and needs to have good data. Mayor Mulvaney-Stanak replied that they had built a revenue buffer into the budget exactly because they were unsure about the additional revenue from the PILOT fees and fee for service. She noted that she agrees about Councilor Carpenter's point about customer service in the Police Department, saying that the City needs to have a larger conversation around dispatch.

Councilor Bergman noted that the hotel tax increase was proposed a while ago and that he didn't hear any of these objections to it then. He said he appreciates the flexibility of this new administration on the gross receipts tax. He said that he thinks the City is very competitive in its gross receipts tax, even by increasing it. He said that austerity is not a solution, but that the City needs to raise money from the people who can afford to pay it. He said that he hasn't heard in his time serving the City that it is overstaffed in any of its departments. He said that he looks forward to a good look at how the City raises revenues in development of its FY26 budget.

Councilor Kane said that in terms of revenue from the hotel tax increase, he noted several developments that have hotel components that will come online within the next year, which will help with revenue generation. He also said that he wouldn't compare Burlington to suburbs like Colchester.

Councilor Grant said that the City cannot continue to ignore the high turnover within its Police Department and that this turnover should be investigated further. She also agreed about comparing Burlington to other cities in the Northeast.

City Council President Traverse said that he appreciates the information about the General Fund budget, but said it will be helpful in the next month for taxpayers to understand what the entirety of the budget means in terms of costs for them. He said that this has been discussed piecemeal, but that laying out all of the increases and their impacts on taxpayers is important. He noted that any gap or deficit is one of the Mayor's or City Council's creation, given that they ultimately approve the budget, and that the taxpayers are ultimately burdened with needing to fill in that gap. He said that the trajectory Burlington is on is not sustainable. He expressed support for thinking creatively and big-picture about future budgets, but said that the City will also need to make some tough decisions. He said he would be supportive of a sunset on both the gross receipts tax increase for restaurants and bars, as well as on the hotel portion of the gross receipts tax, saying that they need to make a commitment to both the residents and businesses in Burlington to think boldly and creatively. He noted that Burlington and Rutland are the only two municipalities in the state that can charge a gross receipts tax, and said that this can make Burlington less competitive than surrounding municipalities. Mayor Mulvaney-Stanak said that she is committed to making sure that the budget is understandable, transparent, and easy to understand for the public, and that a summary of taxpayer implications will include utility rate increases as well as tax increases.

9. DELIBERATIVE AGENDA

9.1 Outdoor Entertainment Permit Renewal (2024-2025): Orlando's, 1 Lawson Lane, Suite 10

MOTION by Councilor Shannon, SECOND by Councilor Grant, to approve the 2024-2025 Outdoor Entertainment Permit Renewal with the following change: Friday and Saturday only: end time: 11:30 PM with all standard conditions.

DISCUSSION:

- Councilor Shannon noted that she voted against this change in committee. She said that while she supports the City's bar and restaurants, this establishment has been problematic in the past and she is not willing to extend their hours without them demonstrating more responsiveness to community complaints (though she acknowledged that they have shown some improvement). She also noted that the Applicant did not attend the committee meeting where it was asking for extended hours. She said that the Council should demonstrate that it is holding this establishment accountable.
- Councilor Grant acknowledged that there were complaints against this bar and that there were issues with responsiveness to those complaints. She noted that there was a two-week suspension of this establishment's outdoor license and an attempt to shut them down completely for two weeks (which she said was unjustifiable and punitive). She spoke about her interactions with this business and their efforts to address sound remediation and issues from residents. She said that this bar is trying to be competitive with the businesses around it, which have later closing times, that it is trying to keep its business model viable, and that it needs to be treated fairly.
- Councilor Neubieser said he appreciates the balance between addressing the needs of residents and addressing the needs of businesses downtown. He said that it is City government's role to work in a collaborative manner across the City to address community needs, which may come with additional financial costs to businesses, such as with soundproofing.
- Councilor Barlow said that the City needs to have a more level playing field for outdoor entertainment permits across businesses downtown. He said that he is supportive of this extension of hours but agreed that the City needs to hold the business accountable to its commitments to be done by 11:30. He agreed with Councilor Neubieser's points.

- **Councilor Kane suggested that the business in question come before the License Committee sometime around Labor Day to check in and provide an update on how their extended hours have been going. He also expressed concern for extending the hours of outdoor entertainment for businesses that are right next to residential buildings, especially given that this is income-stabilized public housing. He asked why there is not more uniformity in the downtown core for indoor and outdoor hours for playing music.**

VOTING: unanimous; motion carries.

9.2 Resolution: Honoring Burlingtonian Marcel Beaudin (Councilors Shannon, Carpenter, Traverse, Brown McKnight, Litwin, Barlow, Bergman, Neubieser, Doherty)

Councilor Shannon said that she was at the first meeting where Marcel Beaudin proposed launching a community sailing center. She spoke about his vision for getting people involved in sailing who had never had the opportunity to do so, about providing access equity to the shorelines and access to Lake Champlain. She said that this was a foreign concept when he proposed it, but that this concept has become a model for community sailing centers across the country.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to adopt the following resolution, which Councilor Shannon read into the record:

That WHEREAS, Marcel Beaudin was an influential Vermont architect of modern design and resident of the City of Burlington for much of his life; and

WHEREAS, Marcel was a dedicated member of the Burlington Planning Commission, helping shape the development and landscape of Burlington and its world-class publicly accessible Waterfront; and

WHEREAS, Marcel was a staunch advocate for access to and recreational opportunities on the Waterfront and Lake Champlain, with a particular passion for sailing as a medium to celebrate and experience Lake Champlain; and

WHEREAS, Marcel conceived a vision for innovative places and spaces to ensure public access to the Waterfront and Lake Champlain and inspired the community to develop and support those spaces; and

WHEREAS, Marcel designed the Waterfront Burlington Community Boathouse in 1988 as a reflection of the 1887 historic yacht club there with his "Form Follows Function" contemporary style for a public building on a floating barge; and

WHEREAS, Marcel's legacy contribution to the City of Burlington and State of Vermont is the 1993 co-founding of the Lake Champlain Community Sailing Center, a nationally award winning organization providing access, education, and recreational opportunities for everyone, regardless of age, ability, or income – Lake Access. Life Lessons. For All.; and

WHEREAS, Marcel designed the new Lake Champlain Community Sailing Center building and waterfront access infrastructure, including universal access docks, ramps, paths and amenities in the only Net Positive energy community waterfront facility in the country; and

WHEREAS, to the end of his time, Marcel incessantly sketched innovations and solved for design problems for over a thousand architectural projects, including the preservation and restoration of the "Lost Mural" from the Chai Adam/Ohavi Zedek Synagogue, an important remnant of Burlington's rich history of Eastern European settlement; and

WHEREAS, Marcel sailed off into the Lake Champlain sunset on March 29, 2024, passing away at the age of 95 years and 11 days; and

WHEREAS, the City of Burlington and State of Vermont are forever changed and improved by Marcel's innovative design contributions to the landscape and communities surrounding Lake Champlain; NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Burlington City Council respectfully requests the life of Marcel Beaudin and his many contributions to Burlington be celebrated in a Mayoral Proclamation that Friday, August 2, 2024, be declared Marcel Beaudin Day;**
- 2. The Burlington City Council encourages all residents to honor Marcel Beaudin and his contributions to integrating Vermont's built-human landscape into its remarkable natural environment.**

DISCUSSION:

- **Councilor Bergman spoke about the boathouse and how its design was perfect in its simplicity and honoring of Burlington's past. He spoke about how his son attended a summer camp at the Sailing Center, which exposed him to new experiences and viewpoints. He spoke about the Sailing Center's equity initiatives. He spoke about the City's efforts to create a waterfront that is accessible to all, much of which was successful due to Marcel's initiative.**
- **Councilor McKnight spoke about the special nature of the Sailing Center and access it provides to the community, and expressed appreciation for learning about the history of the Sailing Center and of Marcel.**

VOTING: unanimous; motion carries.

9.3 Resolution: A. Building Emissions Reduction Ordinance (Councilors Broderick, Bergman)

MOTION by Councilor Broderick, SECOND by Councilor Bergman, to waive the reading and adopt the proposed resolution referring a proposal for a building emission reduction ordinance to the Transportation, Energy, and Utilities Commission, and establishing a proposed timeline for adoption of the ordinance.

DISCUSSION:

- **Councilor Broderick said that this resolution aims to address gaps in the City's building decarbonization work, which builds off of rental weatherization and carbon impact fee policies and ordinances. He said that building emissions are the second highest polluter in Burlington and that through this resolution, the TEUC would be tasked with creating a building emissions reduction ordinance to apply to existing buildings of 25,000 square feet and over and exclude buildings that are already under the purview of the policies noted above. He said that the TEUC would solicit input from relevant stakeholders, such as climate advocacy groups, building owners, BED, and DPI, relevant labor unions, and that a working draft of the ordinance that would come out of TEUC would be referred to the Ordinance Committee in October 2024. He said that the City must commit to doing the work to meet its net zero energy goals. He urged the Council to pass this resolution without amendments.**
- **Councilor Neubieser spoke about the urgency with which the City must tackle these climate problems, given the amount of devastation seen even at a local level as a result of climate change. He spoke about the importance of students and young people getting involved in the political process, and thanked Councilor Broderick for his work on this resolution.**
- **Councilor Barlow**

MOTION TO AMEND by Councilor Barlow, SECOND by Councilor Litwin, to amend and replace the language in the posted document with the posted document named "2024 Resolution Relating to Building Emissions Reduction Ordinance, Final Amendment" as posted on CivicClerk.

DISCUSSION ON AMENDMENT:

- Councilor Barlow said that this amendment does not substantively change the outcome of the resolution, which is to set up a path by which the TEUC can draft an ordinance by the end of October. He said that the argument that this amendment replaces the action with a study is false and that this amendment does not delay or undermine the work of the underlying resolution. He said that the amendment adds a step to examine what other communities are doing with respect to building emissions reductions ordinances, as well as consult with City staff who would ultimately be tasked with enforcing this ordinance, and that it also provides a path for a strong building emissions reduction ordinance and does not require exemptions for buildings already subject to the carbon pollution impact fee or rental weatherization ordinances, or require minimum size limits on buildings.
- Councilor Broderick said that he agrees with much of this amendment and its detailed process for soliciting more input from certain parties. He said that he is also in favor of removing the exemptions from the underlying resolution. He said that he does not support amending this from the TEUC drafting a building emissions reduction ordinance to the TEUC instead just talking about whether it should have a building emissions reduction ordinance. He said that the City needs to act now to build strong climate action. He said he does not agree with lines 49 through 52 of the amendment.
- Councilor Bergman said that he is not in favor of a number of the proposed changes in this amendment. He said that the amendments to the whereas clauses on lines 38 through 44 of the amendment (the 19%) is wrongheaded. He concurred with Councilor Broderick on lines 49 through 52 being problematic. He said that listing the supposed impediments without listing the imperatives (in lines 53 through 57) is also problematic. He also did not agree with the deletion of the group of buildings of 25,000 square feet or more without an alternative. He expressed support for lines 70 through 73 and lines 74 through 77.
- Councilor Neubieser said he does not support taking out the 25,000 square foot and above buildings without proposing an alternative for them. He said that some of the modifications to the whereas clauses also decrease the urgency around the framing of them. He said he wants to pass this resolution tonight and does not want to sacrifice urgency or mislead the public into thinking that the City is doing better on its net zero energy goals than it truly is.
- Councilor McKnight expressed appreciation for Councilor Broderick's work on this resolution. She said that this amendment is not about punting or delaying action, and that she is supportive of Councilor Barlow's amendments because it is important to consult with the departments that are doing the work to implement policies, and it is important to make sure that anything that is developed is feasible. She said that her expectation is that this will be worked on meaningfully and in good faith by the TEUC.
- Councilor Carpenter said that the amendment provides more flexibility, looks more at disclosure, to whom the ordinance might apply, and clarifies what the committee itself ought to look at. She said it allows the TEUC the time to make this a good ordinance.
- Councilor Neubieser said that supporters of this amendment raise good points, but that many of these points aren't reflected in the amendment itself.

MOTION TO AMEND THE AMENDMENT by Councilor Kane, **SECOND** by Councilor Bergman, to revert lines 49 through 52 in the proposed amendment back to their original form.

DISCUSSION ON AMENDMENT TO THE AMENDMENT:

- Councilor Kane said that removing the most objectionable single piece of the amendment would get the Council closer to a yes vote on this resolution.
- Councilor Barlow said that the resolution needs to do the work of the process before it can come up with a solution, and that his amendment would establish that process and not presuppose an outcome (the development of an ordinance).

- Councilor Bergman said that lines 32 through 36 speak about the need for reductions in greenhouse gas emissions, which would require the adoption of stronger policies to reduce emissions in the buildings sector. He said a criticism of the original resolution is unwarranted.

VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – nay (5 ayes, 7 nays); motion fails.

DISCUSSION (ON AMENDMENT):

- Councilor Grant expressed concern about oversight and accountability, saying that even with promises and a sense of urgency, the City is still not where it needs to be in terms of climate policy and action.
- Councilor Carpenter said that this amendment would give the TEUC an opportunity to examine other BEROs (Building Emissions Reductions Ordinances) and that it allows the City to take the time it needs to do the work of developing a good ordinance.

VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (7 ayes, 5 nays); motion carries.

DISCUSSION (ON RESOLUTION AS AMENDED):

- Councilor Barlow said that he is committed to making best efforts to bring forward an ordinance, though he cannot guarantee that this will be the end result.
- Councilor Broderick said he will support this resolution as amended because he is ready to get the work done.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (12 ayes, 0 nays); motion carries.

10. COMMITTEE REPORTS

10.1. Verbal reports

Councilor Shannon said that the Ordinance Committee will meet on Thursday, May 23, 2024 at 11:00 AM.

Councilor Barlow said that the Boards and Commissions Nominating Committee will have its first meeting on Thursday, May 23, 2024 at 6:00 in City Hall. He also noted that the Transportation, Energy, and Utilities Committee (TEUC) will have its next meeting on Tuesday, May 28, 2024 at 5:00 PM at 645 Pine Street.

Councilor Grant said that the Racial Equity, Inclusion, and Belonging (REIB) Committee will meet tomorrow at 5:30 and will be discussing the Juneteenth event that is happening on June 15th.

11. CITY COUNCIL – GENERAL AFFAIRS

11.1. Verbal reports

Councilor Bergman thanked the Council for supporting the Old North End clean-up day last Saturday. He said that there were people collecting trash, scrap metal, and tires, and there was a significant amount of public participation. He said that people were very appreciative of this event.

Councilor Litwin spoke about an issue that has come up in the Parks, Arts, and Culture (PAC) Committee, with one of the City's parks. He thanked Councilor Grant for her work to help protect this park. He said that Director Wight will be attending a meeting this Wednesday at 12:00 PM to discuss the remediation plan related to the tree removal. He said that the cost is rising and it isn't clear what it is at this point. He spoke about a lack of public conversation, which is finally starting to change. He said that there is more work to be done in terms of oversight for future projects that abut conservation land, and that it is the permit-holder's responsibilities to hold and maintain those boundaries. He added that if the same contractor that made this error is going to be recontracted with in future, he hopes to see some sort of oversight plan from the developer.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports

None.

13. MAYOR – GENERAL AFFAIRS

13.1. Verbal reports

Mayor Mulvaney-Stanak reminded people that on Wednesday, May 22 and Wednesday, May 29, the Board of Finance will hold the last two informational hearings on the budget. She said that the City received the final user fee study today and that they are working through this with the impacted departments and hopes to share an update with the Council soon. She said that she convened a meeting with department heads and community partners on community safety to get an initial read on what would be useful strategic investments in the short-term and beginning to use community advisors to help broaden the conversation about community safety. She said that they are also working to draft a camping policy that works for the City ahead of the summer season and that she would like to share this with Councilors in draft form. She spoke about one of the positions (Emma Allen) in her office transitioning to a role with a different organization. She also noted that her Transition Director was working part-time through May to help get systems up and running and that her last day was May 15th. She noted that she has been holding biweekly cross-department meetings with department heads about emergent issues, and noted that at a recent meeting the Library spoke about how they have become the epicenter about a lot of community safety issues (drug deals, discarded needles, etc). She said that they are trying to develop a proposal that is broader than just increasing the police force. She said that the Mayor's Office is also working with REIB staff on redesign of that department and new leadership opportunities. She spoke about vacancies and anticipated vacancies in various departments. She also spoke about recent community engagement activities. She noted that she met with Decker Tower residents and is focused on ensuring that the funding given to the Towers goes to improving the conditions in the building for its residents. She further noted that she urged Governor Scott not to veto H. 72, which would set up an overdose prevention center in Burlington.

14. ADJOURNMENT

14.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:45 PM.

RScty: AACoonrad