BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 3, 2024
DRAFT

MEMBERS PRESENT:

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

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Kim Sturtevant
Joe McNeil
Lori Olberg
Brian Pine
Rebeka Lawrence-Gomez
Darren Springer
Scott Moody
Emily Stebbins-Wheelock
Bill Ward

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:42 PM. He spoke briefly about the passing of Senator Dick Mazza and Senator Dick Sears, and asked for a moment of silence on their behalf.

MOTION by Councilor Doherty, SECOND by Councilor Grant, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.12 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilor Shannon, Traverse, Brown McKnight) and place it on the Deliberative Agenda as item 6.6 (per City Council President Traverse per Councilor Grant).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:45 PM

2.1. Verbal Comments
Forum opened at 6:45 PM.

COMMENTS:
Burlington residents (in person):
- Todd Luca thanked the City for their efforts to keep the waterfront clean of trash and needles. He noted that there are still encampments in other parts of town which still need to be cleaned up and are full of trash, needles, drugs, and human waste. He also expressed support for the draft ordinance supporting affordable homeownership. He finally spoke about turning the graffiti ordinance into a hate crime ordinance, and asked that the City not criminalize disagreement.
- Dave Maher expressed support for Police Chief Jon Murad and confirming his reappointment.
- Jane McDougal asked for a status update on the sidewalks, saying that the sidewalks on Main Street and Pearl Street are in need of repair.
- Lee Morrigan spoke in support of the appointment of Chief Jon Murad. They said that Chief Murad has become more progressive in his policies (using the example of Narcan administration), and expressed hope that this continues as the Chief and Mayor Mulvaney-Stanak become more aligned in the community safety strategy and vision.
- Chris Haessly noted that the Wards 2 and 3 NPA will be having a resolution to honor Representative Kurt McCormick for his many years of service to the City and to the City of Rutland. He also noted that they will be hosting an event on overdose prevention centers at the Main Street Landing, as well as a Narcan training.

Burlington residents (via Zoom):
- Jean Hopkins spoke about the loudness of the F35s in her neighborhood. She also expressed support for more affordable housing in the City.
- Sharon Bushor spoke about the condo conversion ordinance, which was originally intended to prevent displacement of renters by condominium conversion. She said that it is good that this is being reviewed again, as it is an obstacle to homeownership for renters.
- Colin Larsen spoke about the condominium conversion ordinance. He said that home affordability and rising home values are mutually exclusive, noting that the US typically pursues policies to ensure that properties rise in value over time, which in turn makes housing less affordable for future generations by default. He said that they should think about home ownership not as a way to build wealth.

Non-Burlington residents (in person):
- Jennifer Decker spoke about the 12,300 Palestinian children who have died since October and the 17,000 unaccompanied minors. She spoke about how there was a peaceful demonstration in support of Palestine on Church Street last year and that the Burlington Police Department forcibly broke up the demonstration. She also spoke about safety concerns related to the F-35s and said that they should be grounded.

- Jake Blend asked about the sale of Burlington Telecom and the BTV Ignite money of $2.5 million set aside for innovation for community benefit. He asked for an ethics commission or a fact-finding mission to satisfy the public on this topic. He also asked for the removal of the current BTV Ignite leader, who does not currently live in the state.

Forum closed at 7:05 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports
Councilor Grant noted that there was an event this weekend by the Sanders Institute called the Gathering and there were many different panels, noting that people can access this footage on YouTube, and that there was an excellent panel on taking on the fossil fuel industry to end fossil fuel subsidies.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports
Councilor Kane noted that heath care workers staged a rally at City Hall to protest the genocide in Gaza. He also spoke about the recent F-35 crash in Albuquerque, saying that it underscores one element of the local public health and safety implications of funding genocide. He also spoke about a ride-along he participated in this past weekend with the Police Department. He noted one concern about a lack of mechanisms to ensure that an excess number of officers don't respond to a small incident, which would deplete the number of officers available and potentially trigger the priority response plan. He cited specific examples of this occurring.

Councilor Grant noted that H.72 (overdose prevention sites) was vetoed by the Governor, and the next step is to hope that there is a veto-proof majority to override that veto. She said that overdose prevention centers are important to Burlington and it is crucial that this measure passes.

Councilor McKnight spoke about concerns from constituents about the random violent crimes that have occurred in Burlington over the last several months, and that these concerns generally focus on the lack of acknowledgement that these crimes have happened. She listed several of these crimes. She said that the public is interested to learn about the short-term action steps being taken by the Administration in relation to these specific incidents.

Councilor Neubieser expressed frustration at the Governor's vetoing of H.72, given that substance use disorder treatment capacity is already stretched and unable to meet its baseline caseloads. He also expressed frustration about the lack of movement on a bill that would have taxed the wealthiest Vermonters to better fund the State's judicial system. He also spoke about the narrative that the City is encouraging or supporting encampments, when in reality he said that providing basic amenities and treating people with dignity cannot be conflated with supporting encampments. He said that what Burlington is doing is a pragmatic approach to a problem that the State refuses to take action on.

Councilor Shannon noted that she has expressed concern about where encampments with amenities would be located in the City, having dealt with living next to an encampment herself. She noted that she has heard from other sources that encampments would be located on the waterfront by the bike path, and also that she has heard that gasoline and weed whackers would be provided in addition to the other amenities (which also concerns her). She expressed support for the additional services and supports being provided to the library in terms of social work and security resources, but also expressed concern about how the outside of the library is being protected. She requested that the Mayor speak to this issue and to Councilor McKnight's issues raised earlier.

Councilor Litwin said that he has toured the encampment at 702 Lake Street and said that it has dumpsters, portalets, and water, and that there is already trash, needles, and graffiti around the encampment. He said that he would have appreciated more transparency from the Administration about what is occurring at 702 Lake Street, as well as camping on public land.

Councilor Grant said that what has happened at the waterfront has been occurring for at least three years and that it is getting worse due to the lack of housing. She urged people to reach out to the Governor on this. She also said that if people see trash or other unhygienic practices at encampments to report it on SeeClickFix.

City Council President Traverse said that the Council and Mayor will be having a working session regarding encampments at its next City Council meeting on June 10.

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.
5.3 645 Pine Street Metal Siding Repair – BPRW - approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed $233,775 for the 645 Pine Street Metal Siding Repair project, plus a project contingency of $23,000 (total request including contingency not to exceed $256,775), and to authorize Cindi Wight, Director of Parks, Recreation, and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
5.4 Community Boathouse Conditions Assessment Study – BPRW – approve and authorize the execution of a contract with Freeman French Freeman, Inc., for a price not to exceed $181,175.00 for the Community Boathouse Conditions Assessment, plus a project contingency of $18,117.50, for a total authorized expenditure of $199,292.50, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
5.5 Business and Workforce Development – City Hall Park Kiosk – Authorization to Award Lease – BWD – approve and authorize the Mayor to execute a three-year concession and license agreement with Sherpa Foods, LLC for food and beverage operations in the City Hall Park kiosk, subject to final review and approval by the City Attorney's Office.
5.6 Recertification of the FY23 City of Burlington Waterfront TIF District Report to the Vermont Economic Progress Council (VEPC) – C/T – waive the reading, accept the communication, and place it on file.
5.7 Vermont Early Childhood Fund Opportunity Grant – BWD – approve and authorize the Director of Business & Workforce Development to enter into an agreement with the State of Vermont, subject to final review from the City Attorney's Office, to accept a grant award of $15,000 as part of the Early Learning Initiative Budget.
5.8 Legislative Update May 28, 2024 – Jamie Feehan – waive the reading, accept the communication, and plaice it on file.
5.9 Pilot EV Charging Tariff for Pole-Mounted Chargers – BED – approve and authorize the General Manager of the Burlington Electric Department or their designee to file a pilot rate/tariff with the Vermont Public Utility Commission (PUC) creating a Community EV Charging Rate as described in this memo.
5.10 Request for Approval of a $671,112 Budget Neutral Amendment to the FY2024 Patrick Leahy Burlington International Airport – Airport – approve a budget neutral amendment in the amount of $671,122 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by modifying the accounts as described in the affiliated memorandum.

5.11 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilors Shannon, Traverse, Brown McKnight) **NOW AGENDA ITEM 6.6**
5.12 FIO documents – for information only.
5.13 BED Demonstration of Energy-Efficiency Developments and Energy Storage Access Program Grants – BED - approve and authorize the BED General Manager or their designee, subject to final review and approval by the City Attorney's Office, to accept and execute grant agreements for Vermont DPS grants 02440-FY24-Act74G600-023.

MOTION by Councilor Doherty, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.13.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Communication: Mayor Emma Mulvaney-Stanak, re: Fiscal Year 2025 Mayor Appointments
Mayor Mulvaney-Stanak said that she would like to present her FY25 mayoral appointments as a slate. She spoke about working over the past two months to get to know the individual department heads, their past service to the City, their goals, and their professionalism to help lead the City forward. She expressed appreciation for their diligence and hard work in helping to close the FY25 budget.

She outlined known vacancies, including a two-year vacancy for the City Attorney, as well as other vacancies that the City is in the process of hiring for. She noted that they are holding interviews for the City Attorney position, and have started recruiting for a Planning Director. She said that they are preparing to announce an interim Racial Equity, Inclusion, and Belonging (REIB) Director to help with the work in the upcoming year. She said that they also are anticipating a transition in the Human Resources department as the current director moves to another job. She finally noted that the City Assessor position was a two-year appointment, which does not expire until the end of FY25.

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to confirm the FY25 Mayoral appointments as listed.
<u>DISCUSSION:</u>

- **Councilor Carpenter said that the Mayor is the elected Chief Executive Officer of the City and that they need to work with their team, and that it is important as part of good governance that the CEO has a team with which they can work.**
- **Councilor McKnight echoed Councilor Carpenter's sentiments, and said that it is admirable that the Mayor has chosen to elect the same department heads as the prior Administration, for the sake of consistency and stability during a time of transition.**
- **Councilor Shannon concurred with Councilors Carpenter and McKnight and commended the Mayor for recognizing this team's dedication to the City. She said that it is the Mayor's purview to appoint the team that they see fit, and she said that she supports the Mayor's decision in her appointees.**

MOTION by Councilor Carpenter to divide the question and consider the appointment of the Chief of Police separately from the slate of other Mayoral appointees.
<u>DISCUSSION:</u>

- **Councilor Barlow said that he enthusiastically supports the reappointment of Jon Murad as Chief of Police, saying that he has done a tremendous amount of work with limited resources.**

- **Councilor Grant said that she is supportive of the reappointment of John Murad as Chief of Police but that only if a plan is put in place to address some known issues, including goals and tracking that those goals are met. She said that some of these issues are interfering with the health of the Police Department. She agreed that there aren't enough officers and that the recruitment team is working diligently, but said that retention continues to be a problem, despite salary increases, bonuses, sign-on bonuses, and a very favorable union contract. She said that proper community engagement could help solve the retention issues. She said that there have been data request issues and numerous issues with disrespect. She said that Wards 2 and 3 are not policed in an equitable way, and that these have been chronic issues. She expressed hope that the current Administration will put forth a plan to set the Chief up for success but that at this time she cannot support his reappointment.**
- **Councilor Neubieser said that the prior Administration did not set this Administration up for success in terms of setting up clear goals and metrics for success. He said that anecdotally, he has heard from a number of social service providers in Burlington and Chittenden County that they have difficulty working with Burlington's Police Department though they work well with other police departments in the area. He said that he hopes that they can decrease political rhetoric when talking about public safety.**
- **Councilor Kane said he would like to support Jon Murad in his reappointment for the continuity of the department, but said that he is a weak liaison between the department and the public, because he is defensive and combative. He spoke about the Gaza vigil that was referenced during public forum and how the Chief acted in an antagonistic way to break up that vigil and did not take the opportunity to show leadership and use de-escalation techniques with his officers. He said he is eager to appoint someone who is not defensive and combative, who is an active listener and is eager to earn the trust of the community, who gives others the benefit of the doubt, and who is willing to make themselves vulnerable.**
- **Councilor Litwin agreed with Councilor Carpenter that the Mayor should have the ability to appoint their own team to achieve their administration's priorities and goals. He said that City employees deserve stability and not to be put in the middle of politics. He said that he would challenge the assertion that the Police Department's retention problem is due to the Chief, and that it could be related to myriad other issues, such as an aging headquarters building and difficult and exhausting work that requires overtime (which neighboring municipalities may not have), as well as an adversarial posture from this Council at times in the past.**
- **Councilor Doherty spoke about the Council's institutional role to approve Mayoral appointments, saying that though the Council does not grant rubber stamp approval, the Mayor deserves the team that they are the most comfortable working with, and that there is a high bar for him to vote against as prospective appointment by the Mayor. He spoke about retention, saying that there is no data of which he is aware that shows that the BPD's retention levels are out of line with other police departments in Vermont, nor evidence to show that Chief Murad's leadership is related to retention problems. He also said it's worth it to be reminded of the context in which Chief Murad has served, speaking about how the level of sworn officers in 2020 was cut almost in half, and said that Chief Murad has steered the department through an unprecedented diminution in the number of sworn officers but also in a rise in crime and criminal activities across arenas, and has continued to stabilize the City and solve major crimes.**
- **Councilor Broderick spoke about a fundamental mistrust and lack of faith in any sort of public safety in the City on behalf of his constituents. He spoke about lack of response from law enforcement, and the only way to rebuild trust is to rebuild the City's public infrastructure through a change in leadership.**
- **Councilor Shannon thanked the Chief for sticking with the City and City Council in the hardest of times (including this one). She said that the Chief has the support of his officers in this most critical of times. She said that Councilor Kane's**

comments about how to structure responses to events is fair, but said that the Council needs to support the Mayor and the Mayor's appointed leaders.

- **Councilor Grant said that the City has a problem where it is not policed equitably, hence why some in the community support the Chief and some don't. She said that this affects how community members feel toward the City's police officers, which in turn affects how the police feel about serving in this community. She said that the City needs to come to consensus about dealing with the retention issue.**
- **Councilor Neubieser spoke about the number of New Americans in his ward, and said that there is a lack of trust in the police from community stakeholders. He encouraged people to attend Public Safety Committee meetings to see the extent of this lack of trust. He said he wants to see some good faith issues to enforce accountability in leadership.**
- **Councilor Litwin said that the Chief needs to have the community's trust, not the Council's trust.**
- **Councilor Barlow said that the retention issues for the Police Department begin with this body, and this body's lack of support for its leadership. He said that the Chief needs to be reappointed and he needs the Council's support so that he in turn can support the officers in the police force.**

VOTING ON REAPPOINTMENT OF POLICE CHIEF (by roll call): Councilor Barlow – aye, Councilor Bergman – absent, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 3 nays, 1 absent); motion carries.

Jon Murad was confirmed as Chief of Police.

VOTING ON REAPPOINTMENT OF REMAINING MAYORAL APPOINTEES AS SLATE (by roll call): Councilor Barlow – aye, Councilor Bergman – absent, Councilor Broderick – aye, 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 (11 ayes, 1 absent); motion carries.

The remaining Mayoral Appointees were confirmed in their respective roles.

6.2 Resolution: Authorization To Submit 2024-2028 Burlington Five-Year Consolidated Plan 2024 Burlington One-Year Action Plan (Board of Finance)

Director Pine said that this is seeking approval for the Five-Year Consolidated Plan in addition to CEDO's annual action plan, which lays out how the City proposes to allocate federal dollars. He noted that the Consolidated Plan is a five-year plan that sets priorities for how CEDO will look at proposals in the future for allocating Community Development Block Grant (CDBG) and HOME investment partnership funding. He note that since inception, the amount of federal funding for CEDO through the CDBG grant decreased (partly due to inflation), and it has fewer dollars to spend on the City's most pressing issues, including homelessness and other public services. He made similar statements about the decline in HOME funding, saying that the needs continue to grow and far outpace the City's resources as the federal funding for these needs has declined.

Housing Manager Lawrence-Gomez provided an overview of the Consolidated Plan more specifically. She said that it is for FY25 through FY29 and that it lays out how the City would be expending its funding for that period, as well as more specifically how it would be expending funding for this upcoming fiscal year. She noted that CEDO began a community needs assessment from September 2023 through March 2024, that they sought public approval on a draft in early April, and that they are seeking City Council approval tonight for a June 6, 2024 submission to HUD. She spoke about recurrent feedback from the community around lack of affordable housing, public safety concerns such as discarded needles, approaches by strangers, graffiti, and gun violence, the visibility and intensity of needs around homelessness, open use of and lack of options around substance use disorder, as well as new and different dangerous drugs in circulation, and mental health concerns. She noted that the priority needs identified in the community needs assessment are affordable housing, addressing homelessness, community service and safety, economic development, public facilities and infrastructure improvements, and planning and administration. She provided an overview of the 2024-2025 CDBG Development Awards and Public Service Awards. She provided a summary of 2024 funding for both CDBG and HOME grants.

MOTION by Councilor Neubieser, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.
<u>DISCUSSION:</u>

- **Councilor Carpenter spoke about the administrative burden around leveraging these funds, and spoke about the paltry assistance the City gets from the federal government regarding HUD funding. Director Pine noted that the City receives funding under the HUD Lead Reduction Program, which is competitive, and that the City has received 22 years of funding on this, as well as a competitive funding program around the continuum of care. He agreed that with regards to CDBG and HOME funding, it is a heavy staff lift for not much funding.**
- **Councilor Kane recommended that Councilors review the report, saying that it contains a wealth of good information. He noted statistics in the report around how in 2019 0.3% of homes are owned by Black individuals, though they make up 7% of the population, and asked CEDO to comment on the CHT shared equity program and other efforts since 2019. Director Pine replied that the sample size for this data was so small that data accuracy is challenging. He agreed that Black members of the community face significant barriers to securing both homeownership and rental housing, and said that it is an issue that needs to be addressed. Councilor Kane asked about local incentives or rebates for landlords who charge below market rental rates. Housing Manager Lawrence-Gomez replied that the City doesn't have subsidy programs that support people directly with monthly rent or housing expenses, and said that she would be happy to connect landlords with households who are eligible for subsidies. She said that the City can also look into how to support landlords and incentivize people in obtaining housing with other funds. Director Pine noted that there are between 100 and 200 households who have vouchers entitling them to rental assistance but that they are unable to find housing. Councilor Kane noted that in addition to lead, many households are concerned about bad electrical jobs in their homes, and asked if there are measures or funding that can be used to support improvement. Director Pine replied that the Healthy Homes funds are flexible enough to deal with a number of issues, but that the City does not have funding to put toward electrical upgrades, saying that this is typically dealt with through code enforcement. He noted a state improvement program (VHIP) that is available to help with those types of upgrades. Councilor Kane asked if there is data on wait list sizes, and Housing Manager Lawrence-Gomez replied that the housing authority and housing providers have a waitlist.**
- **Councilor Litwin asked how the recurring feedback in the presentation was collected. Housing Manager Lawrence-Gomez replied that CEDO outreached 39 different stakeholder organizations and community partners, as well as the public, and looked for recurring themes as a result of that outreach and feedback. She noted that housing consistently rose to the top as a priority, as well as public safety and feeling safe within the community. Councilor Litwin asked why the sub-points related to needles, approaches by strangers, graffiti, and gun violence were singled out. Housing Manager Lawrence-Gomez replied that these were the most frequently mentioned topics within the public safety domain. Councilor Litwin said that it is important to recognize that these are the topics the community is most concerned with when talking about public safety concerns.**

- **Councilor Shannon said that these grants are a big administrative lift from CEDO staff for the amount of money in question. She also said that the value to the community of this analysis is that it really lights a path to the priorities that the City needs to focus on related to public safety. She noted that the analysis shows that overcrowding in housing is not a high concern, and asked why, given the profound housing shortage. She also asked whether these funds can be used for shelters and finding year-round shelter for people. Housing Manager Lawrence-Gomez replied that in terms of overcrowding, the data comes from HUD and is from 2013-2017 and is slightly outdated. She said that one observation she has had is that landlords can be discerning about to whom they rent and that there is such a short supply of housing that they are being very selective and renting to very small households. She also spoke about how large, intergenerational families are struggling to find housing in the community. Director Pine said that the cost of operating winter shelters is incredibly high, given the level of support and services needed to achieve the safety that individuals and staff need and deserve. He said that 15% of CDBG funds could be used for shelter, but that it is a relatively small amount of funding. He noted that the State recently posted an RFP for shelters to hopefully increase shelter capacity.**
- **Councilor Grant said that in terms of overcrowding, she sees frequent lease violations in her wards, particularly among college students.**
- **Councilor Litwin noted concerns about shocking rental increases at the end of leases because the City has no protections against rent hikes, and asked whether this research discusses this. Director Pine said that this was not included in the findings, given that the City has no recourse to protect against this, other than providing assistance who are hit hard and focusing on increasing the number of units.**
- **Councilor Kane said that the definition of overcrowding is 1.5 people per room, which is a high standard. He also said that the number of people per household is kept low or pushed down in Burlington by lack of housing.**

VOTING: unanimous; motion carries.
6.3 Annual Commission Report – BED
Scott Moody, the Chair of the Electric Commission, provided the annual commission report. He began by noting the scope and mission of the commission, which is to oversee policy, power purchases, and street lighting, in addition to monitoring the department's financial condition. He spoke about the highlights of the department from the past year, which include the department's financial stability, changing lighting across neighborhoods and increasing public engagement in this area, an analysis of miscellaneous fees, translating electric bills into multiple languages for broader understanding, and focusing on affordability. He spoke about the benefits of the McNeil Plant and its predictable energy and stable rates. He said he appreciates the department's commitment to meeting its net zero energy goals.

Councilor Kane noted frustration on the part of the City Council regarding the lack of data on what programs may be driving the progress being made toward net zero energy goals, and asked if Chair Moody has further insight or perspective. Chair Moody replied that the Commission receives regular reporting from General Manager Springer on the priorities dashboard and that he is confident that the department is doing as much as possible to keep up with the goal of net zero energy by 2030. General Manager Springer also noted that BED is preparing a retrospective analysis to delve further into the drivers of emissions reductions as they relate to net zero energy goals, which they plan to present to the Council later this year.

Councilor Grant asked that the Commission give consideration to more public engagement in terms of notifying the community about what is happening related to net zero energy, emissions levels, and promoting the move toward electrification. Chair Moody replied that the department regularly updates its social media platforms and goes to various NPA meetings and that it has a significant community presence. Councilor Grant noted the importance of expanding the variety of social media platforms on which BED has presence, in order to cater to younger and more diverse demographics.

MOTION by Councilor McKnight, SECOND by Councilor Grant, to waive the reading, accept the report, and plaice it on file.

VOTING: unanimous; motion carries.

6.4 Presentation from Burlington Electric Department
General Manager Springer began by noting that BED is seeking a 5.5% rate change for FY25. He noted that there as a 5.5% increase in FY24 and a 3.95% increase the year prior to that. He noted that prior to this, there was a period of time with no rate changes at all, and a period prior to that of double-digit rate changes (decades ago). He said that the goal of BED is to have more modest rate changes year-over-year. He spoke about the drivers of the increase, which include flat customer sales, flat/declining REC revenues due to stable prices, higher purchased power costs, increased transmission costs, continued inflationary pressures, and a need that has outstripped the previous three years of rate increases. He noted that since 2021, BED has asked for rate increases that are less than the cost of service, to be conscious about affordability for rate payers. He compared residential rates in 2010-2024 for BED, other Vermont utility companies, and New England prices. He provided details on the effect of the rate change on customer bills, noting that it would result in a $4.51 monthly increase for the average residential rate-payer, and a $5.71 monthly increase for the average small general rate-payer. He noted that the rate change would take effect in September.

Chief Financial Officer Stebbins-Wheelock then spoke about the increase in BED's line of credit from $5 million to $10 million. She noted that this is to reflect that the operating budget has grown since the $5 million level was set and this is to keep access to working capital at a level that is commensurate with BED's daily cash outflows. She noted that BED has not used this line of credit since 2009, in the wake of the financial crisis. She noted that the purpose of the line is both to provide access to emergency cash and to bolster BED's Moody's credit rating. She noted that Burlington's charter establishes a provision for BED to have this line of credit, and that there is a two-year limit on this authority each time it is granted. She noted that the resolution tonight includes both the credit line increase to $10 million and that BED is switching banks (to M&T).

Chief Financial Officer Stebbins-Wheelock then spoke about proposed changes to BED's miscellaneous service fees. She began by providing background on "Miscellaneous Services", which include items such as initial service set-up, service reconnection, and removing a meter as requested by individual customers. She noted that fees are charged on a per-occurrence basis under a tariff that requires City Council and PUC approval. She said that current fees became effective July 1, 2010 based on FY2009 costs. She noted that the Electric Commission asked BED to review fees in response to public comment. She spoke in more detail on the analysis performed on the fees. She walked through the fees that would be decreasing (initial service, meter removal/replacement, and reconnection after hours), increasing (reconnection, returned checks, temporary service, and power problem investigations), eliminating (collection), and new fees (on-site disconnect and reconnect assistance). She spoke about the Electric Commission's review of this analysis as well as customer engagement, noting that the EC reviewed and discussed the proposed fee changes in Q1 of 2024, BED posted information about the proposed changes on a number of social media sites and its own website and solicited feedback, and that it made minor changes based on this feedback. She noted that the EC voted unanimously to recommend these changes on March 23, 2024. She noted that the revenue impact will be largely neutral, with a net revenue increase of $10,000. She noted that next steps include the regulatory approval processes of having the tariff updated through the PUC, and that the tariff would not go into effect until approved by the PUC.

Councilor Kane asked how equity is taken into consideration when contemplating fee adjustments. He cited an example of the returned check fee increasing to $20, which would impact lower-income people more often. Chief Financial Officer Stebbins-Wheelock replied that the increased fees reflect BED's cost basis, and if a customer doesn't pay the fee, then costs are borne by BED and in turn all other rate payers. She said that if BED's bank does not charge them a bad check fee, then they won't in turn pass that bad check fee cost on to customers.

Councilor Neubieser expressed concern about the long-term sustainability of the REC market and the effect it will have over time, as well as the sustainability of the McNeil Plant and cutting its carbon emissions, and said he looks forward to working together to tackle those longer-term issues. He asked about the rate payer assistance program and what socioeconomic groups are being impacted. General Manager Springer said that in terms of McNeil's emissions, BED strives to look at any power resource on a lifecycle basis and look at and balance all of the inputs. He also stressed that this is one of the utilities that is doing the most work in the country on tackling the climate crisis and trying to help the community reach IPCC targets and net zero energy targets. He then spoke about the Energy Assistance Program (EAP), noting that there are currently 238 customers enrolled and that they anticipate being able to enroll between 800 and 1,500 residential customers automatically based on their enrollment in similar assistance programs. He noted that they use 185% of the federal poverty level as the eligibility criteria and that they rely on known eligibility in other programs (like Section 8 housing vouchers or 3 Squares Vermont) to reduce the administrative burden of having to independently verify eligibility.

Councilor Litwin asked for more details on the returned check fee and why it would be $18 if there were no damages incurred by BED, and Chief Financial Officer Stebbins-Wheelock replied that the $18 represents the labor time of customer care representatives and the finance team in processing or not processing that payment. Councilor Litwin said that he understands this but doesn't support it and would like to change the policy to take more of an equity approach. He also asked about the reconnection fee, and Chief Financial Officer Stebbins-Wheelock replied that the current language states that this fee can be charged only to customers who have been disconnected after not paying their bill, and that they are proposing to remove that language and charge it when a reconnection needs to be made for any reason. She also noted that they will now not charge an initial setup fee and a reconnection fee when a tenant switches over, but just the reconnection fee. General Manager Springer added that the PUC requires that fees be applied across rate payers, noting that cross-subsidization is looked upon unfavorably within the utility rate context in Vermont. Councilor Litwin asked about expanding the eligibility to the EAP so that it is more accessible, and perhaps use a standard comparable to the one used by Champlain Housing Trust. General Manager Springer replied that they use 185% of the FPL as a metric because it's used by other City programs, such as programs run by CEDO. He said that if this metric is not effective in future they can change it if needed.

Councilor McKnight expressed appreciation for the clarity around the fees and efforts to ensure that rate increases are modest. She asked what BED sees as the most effective way for rate-payers to reduce their electric use or overall utility costs. She asked whether there is a best practice and strategic communication plan in place for this. General Manager Springer replied that BED has strong programs for both energy efficiency and electrification, noting that in the FY25 budget there are over $3 million dedicated to supporting incentives for residential and commercial customers for energy efficiency savings and electrification, switching to an electric vehicle, installing a heat pump, and other cost-effective measures. He spoke about the ways that customers can learn more about BED's programming.

6.4 BED FY 25 Rate Change

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to approve and authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting an increase in Burlington Electric Department rates of 5.5 percent on bills rendered on or after September 1, 2024 as presented.

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

6.4 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Electric Department (Board of Finance)

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

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

6.4 Proposed Changes to BED Miscellaneous Service Fees

MOTION by Councilor Barlow SECOND by Councilor Carpenter, to approve and authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting changes in Burlington Electric Department's Miscellaneous Service Fees as proposed.

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

6.5 Resolution: Review and Update to Rental Weatherization Standards (Councilor Barlow)

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

- **Councilor Barlow noted that the Council approved a rental weatherization ordinance on January 17, 2022 that established a compliance schedule for rental buildings using more than 50 BTUs per square foot per year. He noted that there has been a staged implementation beginning with higher energy users first, and that by January 1, 2025, all buildings falling under this ordinance will be required to comply. He noted that according to the Department of Permitting & Inspections (DPI), the work is moving slowly and that few properties have done the work, and many are waiting for energy audits, waiting to schedule work, or waiting for work to begin. He said that this waiting line may be a result of the energy audit and weatherization workforce (or lack thereof), but that there could be other reasons. He said that this resolution creates a process for the Transportation, Energy, and Utilities Commission (TEUC) to review current progress and make recommendations on what might be done to improve that progress, as well as creates an advisory group of content experts to help make these recommendations.**
- **Councilor Neubieser expressed concern that this ordinance has been so difficult to implement, given the importance of weatherization. He expressed support for this resolution. He also expressed concern that there is a workforce shortage in this field, and he said that he will focus his efforts on workforce development.**
- **Councilor Broderick expressed support for this resolution, saying that rental units need to be weatherized and that it will bring more benefits to the City and its residents to lower emissions and electricity bills.**

VOTING: unanimous; motion carries.

6.6 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilors Shannon, Traverse, Brown McKnight) **WAS CONSENT AGENDA ITEM 5.11**

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to waive the first reading and refer to the Ordinance Committee.

DISCUSSION:

- **Councilor Shannon said that this rolls back the regulations that would discourage the creation of condominiums, saying that they were created at a time when the City's environment for creating condominiums was different than it is today. She noted that developers don't build condominiums today because they can't finance them. She said that there are very few affordable housing opportunities in the City, the vast majority of which are condominium projects. She said that this will be referred to the Ordinance Committee to look at ways to help tenants buy the unit they are renting in order to stabilize their housing costs and start building equity rather than facing increasing rents.**
- **Councilor Neubieser expressed interest in seeing where this goes, but also expressed concerns. He expressed concerns about eliminating revenue streams for the Housing Trust Fund. He also said that this is the first time he's seeing this resolution, and he would like to be able to give productive feedback. Councilor Shannon said that the Housing Trust Fund point was discussed with Director Pine and because the fees are so onerous, fees are rarely collected through this ordinance. She also noted that sometimes resolutions and ordinances are circulated in advance and sometimes they aren't, and that she will be more mindful of including all Councilors in resolution processes.**
- **Councilor Broderick said he is supportive of any measure to increase revenues for the Housing Trust Fund, and that having more affordable housing helps to solve the housing crisis. He noted that the ordinance's conversion fees would provide funds to replace low and moderate income housing lost through conversion of rental housing to condominiums and cooperatives.**
- **Councilor Carpenter said it is appropriate to revisit this ordinance. She noted the difficulty of getting financing in the secondary market for developing condominiums and that it is problematic. She said that they should broaden their perspective and even look into the provisions in the low income tax credits.**
- **Councilor Neubieser emphasized the importance for collaboration of having conversations before resolutions come to the floor.**
- **Councilor Grant agreed with Councilor Broderick's concerns and Councilor Neubieser's concerns about process. She said that the Council is not being consistent in its processes and is emphasizing politics over people.**
- **Councilors discussed several points of process.**

VOTING: 10-1; motion carries (Councilor Grant dissenting).

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Barlow noted that the TEUC will be having a virtual meeting on June 11 at 5:30 PM, and will review ordinance changes for taxis as the vehicles for hire licensing board has recommended.

Councilor Grant said that the Racial Equity, Inclusion, and Belonging Committee will not be meeting in June because the team will be working hard on the final details of the Juneteenth event, which falls on Saturday, June 15. She also noted that the monument reveal will be earlier in the week.

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee will be meeting on June 11 at 6:00 PM and will be discussing having all wards send representatives to participate in the development of a resolution regarding the relationship between NPAs and the Council.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES
10.1. Verbal reports
None.

11. MAYOR – GENERAL AFFAIRS
11.1. Verbal reports
Mayor Mulvaney-Stanak expressed appreciation for Councilors who have been able to attend the budget information meetings that were held through the month of May at the Board of Finance. She said that they concluded those meetings last Wednesday and that at that meeting she provided a memo that outlined recommendations for several different strategic community safety investments, which include $250,000 to continue the CRT program and $325,000 to invest in library security, use a social worker at the library, and an additional proposal around camping, and a special assistant in the Mayor's Office to decrease siloed conversations around community safety. She said that department heads and the Administration worked to find savings to close the budget gap and fund these proposals. She said that they will present the final budget to the full City Council next Monday, June 10. She said that the final proposal on camping will be available to the Councilors for their consideration tomorrow. She then talked about collaboration and the cross-departmental work that is occurring to put together the community safety plan, and that she appreciates the work session next week on this topic with the Council. She said that regarding the $50,000 to put toward services and supports for encampments, she cannot in good conscience let these growing encampments exist without access to basic sanitation and other decent, dignified minimal supports. She also noted that she receives internal briefings from the park ranger, who monitors and visits every encampment throughout the City and has reported that conditions remain stable. She said this is a different context than Sears Lane in that there are staff actively engaged with encampments and who ensure that there is follow-up and supports for people within them. She also spoke about cross-departmental convenings around community safety and said that they have been working diligently for 4 weeks to develop proposals and ensure that the right approach is taken.

She then spoke about City highlights, noting a temporary administrative hire in her office for the summer, an interim Planning Director while recruitment begins for a permanent Director, and redesign work in the REIB department as well as interviews for an interim REIB Director.

She spoke about community engagement, noting that she met with the Burlington School District to discuss downtown safety concerns and working collaboratively to strengthen coordination around Cherry Street, as well as improve communication between the Police Department and School districts when there is police activity near schools campuses. She noted that she also met with VTrans and federal highway experts to discuss next steps related to the Champlain Parkway and Railyard Enterprise project. She noted a town hall with the business community to hear their concerns about community safety. She noted that she met with the State Attorney's Office about coordination and supporting her office. She spoke about meeting with Pakistani LGBTQ elected leaders who are visiting Vermont. She noted the beginning of the District meeting schedule. She expressed disappointment about the Governor's veto of H. 72 and said she has tried to follow up with him on this, but that it has not been reciprocated.

12. ADJOURNMENT
12.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:28 PM.

RScty: AACoonradt