BURLINGTON CITY COUNCIL
BHS DOWNTOWN, 67 CHERRY STREET *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 15, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon (at 8:15 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom)
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

BURLINGTON SCHOOL BOARD MEMBERS PRESENT:

Clare Wool (Chair)
Kendra Sowers
Martine Gulick
Lucia Campriello
Monica Ivancic
Jean Waltz
Rida Kori
Gary Golden

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles
Kim Sturtevant
Hayley McClenahan
Jessica Brown
Tom Flanagan
Nathan Lavery
Michael LaChance
Chapin Spencer

Laura Wheelock
Julia Ursaki
Brian Pine

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:09 PM.

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

- **Remove from the consent agenda item 6.16 Downtown Transit Center Property Use Agreement for Flixbus Inc. – DPW (per DPW Director Spencer).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:00 PM

2.1. Verbal Comments
Forum opened at 6:11 PM.

COMMENTS:
Burlington residents (in person):

- Dave Maher noted that at the previous City Council meeting he had presented data showing that liberal states tend to have higher rates of homelessness than conservative states, which is not due to more housing in conservative states. He said that it could be caused by the generous services available and more tolerant treatment of the unhoused in liberal states. He spoke about data-driven solutions to end the homeless problem, including enforcement of no-camping ordinances, transition of the generous motel program to barracks-style shelters, incentivizing sheltered people to work, and enforcement of drug laws.
- Julia Hondel spoke about the Cherry Street/Bank Street Reconnection Project, saying that not including bike lanes will have a negative impact on the City. She said that the streets that have added bike lanes in other parts of the City have led to an increase in the number of bikers. She said that bicycle lanes should be included in the Reconnection Project now, rather than after-the-fact.
- Jack Hanson said that experience has shown that installing proper and safe infrastructure leads to more bicycles on the roads. He said that Burlington has not provided for adequate infrastructure for people to feel safe when riding bicycles. He said that the City cannot continue to miss opportunities to improve bicycle infrastructure on its streets. He encouraged the Council to vote against the Reconnection Project proposal without bicycle lanes.
- Robert Bristow Johnson said that the nation is in grave danger of losing its democracy. He also said that at a local level, the City is in danger of losing its bicycle bridge. He said that there has been noticeable erosion during severe storms over the last decade, and at some point it will be deemed unsafe due to that erosion and closed.
- Sarah Judd spoke about the Elmwood Emergency Shelter pods, saying she is in favor of them, but that with them have come negative impacts to the neighborhood in terms of disturbance and crime. She said that though she supports the pods, they are an attractive nuisance and are attracting drug dealers and drug activity to the neighborhood. She said that once people leave the pods they are not supported and further, no consideration was given to how the pods were going to negatively impact the neighborhood, which makes residents feel like they are expendable.
- Michael Nedell spoke about the Emergency Shelter pods on Elmwood Avenue, saying that both CHT and CEDO have said they have zero responsibility for what occurs beyond the border of the pods, which is irresponsible and not neighborly. He spoke about the drug

activity and drug dealers preying on the individuals living in the pods. He said that security forces should be hired to do a routine patrol of the area.
- Todd Deluca spoke about being threatened and chased by a man in the Old North End, and said he would like to thank the person who called the police and the police who responded to this incident on his behalf.

Non-Burlington residents (in person):
- Shane Johnson spoke about the Bank and Cherry Street Concept Approval item, urging the Council to vote against the current street designs as proposed, because they promote an increased reliance on cars and fossil fuels and treat those without cars as second class citizens. He added that research has shown that residents of car-dependent places have higher rates of heart disease, diabetes, and chronic respiratory conditions. He said that the current design could be amended to include protected bike lanes in place of needless parking spaces.

Forum closed at 6:27 PM.

3. WORKING SESSION WITH BURLINGTON SCHOOL BOARD ON BHS/BTC UPDATE, FY26 BUDGET, AND PUBLIC AND COMMUNITY SAFETY

3.1. Working Session With Burlington School Board On BHS/BTC Update, FY26 Budget, And Public And Community Safety
Superintendent Flanagan began by presenting an overview of the Burlington School District (BSD)'s 5 Year Strategic Plan (for 2022-2027). He noted that the goal of this strategic plan is to be student-centered and responsive to the full range of identities, abilities, cultures, and languages in the community, to ensure that every student is challenged, empowered, and engaged in their learning. He also noted the five priority areas of the plan, which include belonging and well-being, deeper learning for every student, a reimagined high school, educators who look like the district's students, and building relationship-based communities through restorative practices. He said that they are making progress in a number of these areas. He said that BSD has also worked to develop an equitable budgeting model, which would provide each school with its core staffing, an allocation of non-personnel funding per student, and an Equity Allocation to provide more funding to schools with greater need. He spoke about the district's budget strategy, which creates a ratio-based allocation of staffing to each school and additional resources to individual schools based on the weighted equity allocation methodology. He said that the strategy also limits budget growth due to increases in wages, benefits, and new campus construction costs, that it ensures funding to meet the objectives of the strategic plan, and that it continues to offer robust programming. He said that the budget strategy is discussed at the Finance Committee and Board levels each year.

Superintendent Flanagan then spoke about the FY25 budget, which was developed in the midst of complex legislation around school funding and revised pupil weights. He noted that major budgetary impacts included a 5% salary increase, 16.4% health insurance premium increase, $9.5 million increase in debt service due to bonding, and the end of ARPA funding. He said that another challenge is the Common Level of Appraisal (CLA) and its impact on the budget and taxes. He said that after the Yield Bill was ultimately passed, what would have been a 15% tax increase prior to Act 127 ultimately ended up being a 10.35% increase on the Homestead Rate. He said that this is better but still challenging. He showed the future impact of bonding for the new high school campus construction on taxes, noting that the largest impact is being felt in FY25, but that remaining borrowing could increase tax rates by an additional 2.8% (everything else held constant). He said that remaining borrowing will likely occur over two years, minimizing this impact on any given fiscal year.

Superintendent Flanagan then spoke about planning for the Fiscal Year 2026 budget. He said that contracts were negotiated in FY25, that the BHS/BTC Bond impact will likely be around a 1.6% increase, that bonding for all facilities is allocated, that the statewide commission will review school funding, and that BSD will continue to advocate for the equitable funding model provided through Act 127.

Councilor Bergman noted that he received from the State Auditor's Office a proposal related to financing education healthcare costs, and asked whether the School District is engaged in those discussions. Burlington School District Chair Wool noted that upon the recommendation of the Governor and others, the school districts in Vermont moved to a statewide bargaining mechanism for healthcare, and that they have seen double-digit increases in healthcare premium costs. BSD Attorney McNeil added that the legislature created a statewide commission for what amounts to collective bargaining for wages and benefits, and they are actively exploring the potential for level-funding or reducing healthcare premium costs through alterations in health plan design and are open to suggestions or proposals. Councilor Bergman noted that one suggestion from the State Auditor is the implementation of reference-based pricing, and asked whether this has been analyzed. BSD Attorney McNeil replied that this proposal is being looked at.

State Senator and Burlington School Board Member Gulick spoke about the bills that have passed through the legislative process related to education in the last legislative biennium. She noted that there are two sets of regulations in Vermont around education, one which regulates the public school system and one which regulates the private or independent school system. She said that these two standards vary widely in terms of equity and transparency, which she sees as problematic. She said that the commission tasked with examining the school system is grappling with whether the state should continue to have a bifurcated system and whether it needs as many schools as it has. She summarized an act related to standardizing approaches to school safety, an act related to universal school meals, an act related to standardizing approaches related to sexual misconduct at postsecondary schools, an act related to educational grant opportunities for New Americans, an act related to literacy, an act related to public libraries, an act related to homeschooling, an act related to school construction and creation of a working group, an act related to PCB testing (which never made it into law), and an act related to sharing resources beyond each school district's borders, such as bussing, transportation, and specialized services positions. She then spoke about bills that didn't make it out of committee, including a bill around shared power between the legislative and executive branch around the State Board of Education. She also said that there is an expectation that local school boards and communities will lower their costs and be as fiscally conservative as possible, given the large tax increases seen this year related to funding education.

Councilor Neubieser asked if there have been conversations about tax reform and more progressive taxes. Senator Gulick said that this is one of the proposals on the table for the committee. She spoke briefly about the history of education funding in the state, saying that the Education Fund pools resources for local school funding and distributes them in an equitable way, which isn't favored by some. She said that they should continue to fight to keep this equitable distribution methodology, as it ensures access throughout the state to a quality education.

Councilor Barlow noted that Burlington's school system has a disproportionate number of social services being provided within it and a disproportionate amount of debt service it also must fund, and said that any retooling of the education formula needs to also retool the definition of equity. Senator Gulick agreed, also noting that the City has a number of entities that don't pay property taxes as well, and it must bear the burnt of that burden.

Councilor Carpenter spoke about the additional services that the school district pays for and suggested looking for other ways to pay them than out of education funding. Senator Gulick agreed that this is a good suggestion about a complex topic. She spoke about community schools for rural schools, which are successful and have ended up being a set of wraparound, intensive, coordinated services. She agreed that there are many services being provided for out of the education fund that were historically funded elsewhere.

Councilor Litwin spoke about the intensity and frequency of events occurring at municipal libraries, saying that everyone should pay attention to how Act 150 (related to public libraries) is implemented, given that they need to work to restore the public's trust in the safety of libraries.

Councilor Grant asked if the school district has an HRA, and BSD Attorney McNeil replied that each district has HRA support per the statewide settlement regarding healthcare.

City Council President Traverse then began the discussion around public and community safety. Mayor Mulvaney-Stanak began by speaking about convening a group of community advisors (include several Burlington High School students) on public safety, over the last 6-7 weeks. She said that they provided a list of recommendations for improving community safety, and she has selected six of them that she believes can be actionable in the short-term. These include improving the public safety response within the community (such as engaging with public dispatch and knowing who to call and when), improving the customer service and engagement with the Police Department at the station itself, facilitating more public bathroom access in the downtown core of the City, improving the coordination between the Police Department, State Attorney's Office, and courts on criminal justice work and addressing repeat offenders, coordinating and using data to inform community staffing, and improving case management across partnerships in the City, such as with CSOs, CSLs, the BTV Cares program, and the Howard Center Street Outreach team. She spoke about convening a second internal working group around addressing the public safety hot spots in the City, beginning with the Fletcher Free Library. She said that they have begun working on different approaches, including more patrols by the police, CSOs, and CSLs. She said that they have also focused on improving safety in other hot spots in the City, such as the parking garages, the entrance to the urban reserve on Manhattan Drive, and the downtown BHS campus and Cherry Street corridor.

Councilor Carpenter said it would be helpful if the BSD produced a "school funding 101" for some basic materials to help educate the public on the school budget and how it impacts taxpayers. Superintendent Flanagan and school board members agreed that this type of material or handout would be helpful, given that they are all being asked the same questions. Mayor Mulvaney-Stanak noted that the City is working to produce a one-page summary explaining the municipal side of the budget and taxes, and said it would be great to also have something like this for the education side of the budget, as the City works to engage and educate the public more about the budget process so they can weigh in on the FY26 budgeting process.

Superintendent Flanagan said that BSD hears about the safety concerns around the Cherry Street corridor from parents, students, and the staff who walk between the Burlington Technical Center and Downtown Burlington High School buildings, saying that he appreciates the focus on public safety hot spots and coordinated communication and response around those hot spots, which can be helpful for students as they are walking to and from school.

Councilor McKnight stressed the importance of collaborating on actions the City and BSD can take to ensure that the community doesn't suffer from school-related gun violence, and suggested that one method could be ensuring there is proper gun storage. She spoke about a program that other municipalities and school districts in the state are rolling out, and said she hopes BSD is open to sharing and communicating resources like this. She also spoke about the importance of consistent and active communication between the City and BSD about plans around safety and security.

Councilor Litwin spoke about the conditions on Cherry Street around the Downtown Transit Center and BHS Downtown. He said that he reached out to Vermonters for Criminal Justice Reform about the security situation, given that they are in close proximity to the school and serve clients with serious mental illness and drug use. He said that he has asked them to have a stronger connection to the school's security staff, and said he has provided direct phone numbers so that the superintendent can follow up to ensure that that occurs. He noted concerns about needles around the school and that SeeClickFix takes a long time to respond to these incidents and requests for cleanup. He said that the City and BSD should consider how to secure the right-of-way (the passageway) between the school and BTC. He noted that he has asked DPW whether there is a way to avoid having students walk past the Downtown Transit Center or the CityPlace construction sites. He

encouraged the City Council and BSD to hold a student town hall to engage them in public safety topics and obtain their input and feedback. Mayor Mulvaney-Stanak noted that she is already engaging with students to convene a student dialogue in the near future.

School Board Member Ivancic said that one topic of interest she would like to jointly work on with the City Council is compensation for School Commissioners, saying that BSD is one of two districts where School Commissioners get no compensation, and it is an equity issue and affects who is able to serve on the School Board. She said that a City charter change is required to do this, and asked that the Council look into it.

Councilor Grant said she would like to receive information on how BSD and the City are addressing what is happening in Burlington with its students, and what is happening in a preventative fashion for students who are being targeted to be drug dealers (for example). She asked what the school is teaching students to provide a buffer to help them protect themselves from this. She also asked about the percentages of global majority kids in the Burlington School District, given that she has real concerns about improving equity and addressing equity issues in the City.

4. CLIMATE EMERGENCY REPORTS

4.1 Verbal Reports
Councilor Bergman noted that the Intervale is open again after the flooding. He said that people should visit the Intervale and its flooded farms and gardens to understand why people were speaking so forcefully during public comment about taking aggressive action against climate change.

Mayor Mulvaney-Stanak noted that she will begin convening a public body of community climate advisors in the month of August, and asked for any interested individuals who would like to serve on that advisory committee.

Councilor Kane noted that given the many outages nationally over the last week, the nation's electric grids are not climate-resilient. He also noted that it is impractical and unsustainable to recycle end-of-life solar panels and wind turbines. He said that given difficulties around relying on federal and state partners to engineer or legislate the way out of climate catastrophe, he said he hopes the City can view its collective role as local elected officials to incentivize residents of the City to live less energy-dependent lifestyles. He said that large-scale projects should be the way through which the City can demonstrate climate leadership and transportation demand management.

5. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

5.1 Verbal Reports
Councilor Grant said that there will be a Public Safety Committee meeting this Thursday evening. She also spoke about the public safety hot spot areas around the Marketplace Parking Garage and lower Buell Street, where more and more people are coming to use and sell drugs. She said that the City should be talking to the Governor and the Secretary of Public Safety, and figure out how to collaborate with other agencies and obtain some kind of mutual aid.

Councilor Doherty said that he has received a number of communications from constituents from Ward 8 on Orchard Terrace about some of the same problems around rampant open-air drug use, threatening behavior toward residents, violence, open-air drug dealing, and dangerous and unchecked criminality. He said that these constituents have made comments similar to that of one member of the public who spoke during public forum, around feeling expendable. He said that these issues need to be addressed head-on.

Councilor Litwin spoke about the situation around the Library and events that have occurred there related to nefarious activity. He urged the Mayor and her Administration to reach out to the United Church of Christ (the neighboring property to the Library), which has also experienced a number of public safety issues related to the same types of activity being experienced at the Library. He urged the Police Department to be proactive and be present in that neighborhood regularly.

Councilor Broderick noted that he has also received similar reports to those of Councilors Grant, Doherty, and Litwin, and that he has spoken to constituents who have voiced similar concerns. He flagged delays associated with SeeClickFix when it comes to cleaning up garage in the public rights-of-way, and asked that this be improved.

Councilor Kane echoed the concerns about Lower Buell Street, saying that he is on that street frequently and has seen the public safety conditions in that neighborhood deteriorate rapidly. He also noted deteriorating conditions in his own neighborhood, and said he looks forward to continued qualify of life issues in residential areas. He said that resources that have been deployed for helping the unhoused should be directed toward the areas with encampments, to hopefully direct more activity there. He also noted a public health and safety update for a sister city (in the West Bank), noting that Israel has changed the structure of how West Bank settlements are approved in order to skirt international law, and spoke about increased annexation of land in the West Bank.

Councilor Grant noted that she is looking into what has been described as a drug takeout window between people living in the pods and people outside of the pods, and said she has given information to CEDO Director Pine about having the fencing perimeter of the pod area reviewed. She said she is also requesting a port-a-let be added across the street from the pods, since that area is currently being used frequently as an outdoor bathroom.

Councilor Shannon noted that the McKenzie House was promised a new fence between their property and the pods, given that the fence is in poor condition. She said a replacement fence should be looked into.

6. CONSENT AGENDA

6.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
6.2 Accountability List – C/T – waive the reading, accept the communication, and place it on file.
6.3 April 29. 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.4 April 29, 2024 Special Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.5 May 6, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.6 May 6, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.7 May 20, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.8 May 20, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.9 June 3, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.10 June 3, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.11 June 10, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.12 June 10, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.13 June 10, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.14 June 24, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.15 June 24, 2024 Local Control Commission Meeting Minutes, Draft – waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.
6.16 Downtown Transit Center Property Use Agreement for Flixbus Inc. – DPW - **AGENDA ITEM REMOVED**
6.17 Water Treatment Plant Elevator Modernization Agreement Authorization to Execute Contract with Mack Brothers Elevator – DPW/Water Resources - 1. Approve and authorize the Director of Public Works to execute a Construction Contract with Mack Brothers Elevator with a maximum limiting amount of $180,000 subject to review and approval by the City Attorney; and 2. Approve and authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments in substantial conformance with the attached budget transfer request.
6.18 Board of Assessors Commission Report – waive the reading, accept the report, and place it on file.
6.19 Recommendation to the Board of Finance to Accept and Execute a contract in the amount of $94,000 with a 15% contingency with ECI (Engineers Construction Inc) for the Mill & overlay of Aviation Avenue and Eagle Drive – Airport – approve and authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office.
6.20 Special Event Outdoor Entertainment Permit Application (one day only): Switchback Brewing Company, 160 Flynn Avenue, lawn on brewery property, Saturday, July 27, 2024, 12 pm – 6 pm - approve the one day only special event outdoor entertainment permit application for Switchback Brewing Company, 160 Flynn Avenue, lawn on brewery property, Dog Days of Summer Fundraising Event, Saturday, July 27, 2024, 12 pm – 6 pm.
6.21 180 Battery Street – Outdoor Seating Encumbrance Permit Application – Kismet Kitchen – DPW - approve the Encumbrance Application for Kismet Restaurant LLC at 180 Battery Street requesting use of the sidewalk for an outdoor seating area and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.
6.22 365 South Winooski Ave-Encumbrance Permit Application – Lewis Creek Builders – DPW - approve the Encumbrance Application for Lewis Creek Company Inc. d/b/a Lewis Creek Builders for the address located at 365 South Winooski Ave, requesting use of the parking stall and greenbelt for a staging area and to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.
6.23 Tobacco License Renewal (2024-2025): Northern Lights, 75 Main Street – approve the 2024-2025 Tobacco License Renewal for Northern Lights, 75 Main Street.
6.24 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.
6.25 Communication: Theresa, re: Non-citizens voting rights – waive the reading and place the communication on file.

6.26 Communication: Carolyn Hanson, re: resignation from the Police Commission - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Carolyn Hanson thanking her for her time served as a member of the Police Commission.
6.27 Communication: Miles Waite, Member, Conservation Board, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Miles Waite thanking him for his time served as a member of the Conservation Board.
6.28 Authorization to Sign Contracts for Two-Way Radio Communication Fiber Lines with Consolidated Communications, Inc. and Burlington Telecom Business Services – Police - approve and authorize the Chief of the Burlington Police Department or the Director of Information and Technology to enter into the following agreements for radio communication fiber lines and service upgrades: a. A five-year service contract with Consolidated Communications, Inc. in an amount not to exceed $112,376,40; and b. A contract amendment to the existing Telecommunications Services Agreement with Burlington Telecom Business Services adding a scope of work and in amounts not to exceed $90,000 for a five-year term for dark fiber services and $46,800 for a three-year term for dark fiber services with First Light through BT, for combined total expenditure not to exceed $249,177 over the next five years, subject to review by the City Attorney's Office.
6.29 Authorization to Sign a Contract for Facility repairs with Farrington Construction – Police – approve and authorize the Chief of the Burlington Police Department to enter into a contract with Farrington Construction in an amount not to exceed $129,179.50, contingent upon the successful funding authorization from the Capital Committee and subject to review by the City Attorney's Office.
6.30 Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community – Housing Opportunity Grant Program SFY2025 $1,290,576.00 – CEDO – approve the acceptance of SFY25 grant funds in the amount of $1,290,576 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all contracts and documents necessary to accept the funding through the period of July 1, 2024 – June 30, 2025, including retroactive approval for the period of July 1 to July 17, 2024, subject to the final review and approval of the City Attorney's Office.
6.31 Security Services for City Hall – HR/Safety Manager - approve and authorize the contract with Chocolate Thunder Security to provide security services at City Hall for a total contracted amount not to exceed $120,000 and to authorize Timothy Williams, Safety Manager, to execute the contract and any related documents, subject to review by the City Attorney's Office.
6.32 Authorization to accept an amended ARPA Grant and to execute an amended MOA for a Public-Private Partnership Stormwater Quality Project – DPW/Water Resources - 1. Approve and authorize the Director of Public Works to execute an amended grant agreement with Vermont DEC for up to $2,029,673 for final design and construction of the P3 project involving the "South Meadow Apartments" and the "Shelburne Road Shopping Plaza" property, subject to final review and approval by the City Attorney's Office; and 2. Authorize the execution of an amended MOA between the City and the P3 private parties: Antonio B. Pomerleau, LLC, and Champlain Housing Trust, reflecting the increased grant funding, subject to the final review and approval by the City Attorney's Office.
6.33 Authorization for a $130,000 budget neutral amendment – DPW/Water Resources – approve and authorize the Chief Administrative Officer, or their designee, to effect a $130,000 budget neutral amendment in substantial conformance with the attached budget transfer request.
6.34 Approval to accept Planning Grant Continuum of Care VT – 501 & Permanent Supporting Housing Grant Agreements in SFY25 – CEDO: VT0030L1T012314 - $330,188 New Horizons Renewal, September 1, 2024; VT0053L1T012308 - $269,172 Beacon Renewal, September 1, 2024; VT011L1T012300 - $54,627 CoC Planning Grant VT – 501, January 1, 2025 – approve the acceptance of three U.S. Department of Housing and Urban Development Continuum of Care FFY23 grants - VT0030L1T012314, VT0053L1T012308, and VT011L1T012300 to begin in SFY25 and authorize the Director of CEDO to execute all contracts and documents necessary to accept the total funding of $653,987 from HUD, subject to the review and approval of the City Attorney's Office.
6.35 Lease at Roosevelt Park – BPRW – approve and authorize the lease of the building located at 57 Oak Street, Roosevelt Park to the Boys and Girls Club of Burlington for a ten-year period, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to the review of the City Attorney's Office.

6.36 Authorization to Sign Property Lease with The Jones Payne Group, Inc. at 1200 Airport Drive, South Burlington, VT – Airport – approve and authorize the leasing of certain identified space at the Patrick Leahy Burlington International Airport to The Jones Payne Group, Inc. and to authorize the Mayor to execute the lease, subject to final review and approval by the City Attorney's Office.
6.37 Recommendation to Board of Finance for Approval and Recommendation to City Council for Authorization to Execute and Award the Marketing and Promotional Services Contract to Hagan Associates – Airport - authorize the Director of Aviation to enter into a contract, with the selected Media and Advertising concessions of Hagan Associates for a five (5) year term, subject to final review and approval of the City Attorney's Office.
6.38 Recommendation to the Board of Finance to Accept and Execute a contract in the amount of $94,000 with a 15% contingency with ECI (Engineers Construction Inc) for the Mill & overlay of Aviation Avenue and Eagle Drive – Airport – approve and authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office.
6.39 Impact Fees Budget Amendments – DPW/Parking & Traffic – authorize and authorize the Chief Administrative Officer to implement FY24 budget amendments, in substantial conformance with the attached Budget Amendment Request to reallocate $120,000 in traffic impact fee revenues (Fund 264).
6.40 Approval for MuniCap, Inc., FY25-27 TIF District Administration Consultant Contract – Capital – approve and authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a three-year contract (Fy25-27) not to exceed $60,000 per year, subject to review by the City Attorney's Office.
6.41 Annual Report for 2023-24 – Cemetery Commission - waive the reading, accept the report, and place it on file.
6.42 Annual Report for 2023-24 – Parks, Recreation and Waterfront Commission - waive the reading, accept the report, and place it on file.
6.43 Lawsuit backed by conservative group challenges noncitizen voting in Burlington – vtdigger - waive the reading and place the communication on file.
6.44 AFP Vermont Launches Significant Mail, Digital Campaign, Urging Lawmakers to Oppose Act 18 (the Clean Heat Standard) - waive the reading and place the communication on file.
6.45 RITE Supports Burlington Citizens to Ensure the Rule of Law in Green Mountain State Elections – waive the reading and place the communication on file.
6.46 FIO Documents – for information only.
6.47 Resolution: Appointment of Acting Ward Eight Ward Clerk, and Acting Inspectors of Election for Wards Two, Three, Four, Five, Seven, and Eight for August 13th, 2024 State Primary Election and Special Ward 3 Election (Councilor Traverse – waive the reading and adopt the resolution.
6.48 Resolution: Annual Tax Assessments on the Property Grand List of the City for the Fiscal Year beginning July 1, 2024 and Ending June 30, 2025 as Amended on July 15, 2024 (Mayor Mulvaney-Stanak; Board of Finance) – waive the reading and adopt the resolution.
6.49 Ordinance Updates to Chapter 30 of the Burlington Code of Ordinances to Update the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares (TEUC) – first reading, waive the reading and refer to the Ordinance Committee with guidance to review feedback from Airport Commission
6.50 Ordinance: Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport – Airport – first reading, waive the reading, and refer to the Ordinance Committee with guidance to review feedback from Airport Commission

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.50.

VOTING: unanimous; motion carries.

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to suspend the rules and amend the deliberative agenda and move item 7.3 to be item 7.05 to take it up ahead of items 7.1 and 7.2.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.05 Communication: Mayor Emma Mulvaney-Stanak, re: City Attorney Appointment

Mayor Mulvaney-Stanak said that this item relates to appointing a new City Attorney, a position which has been vacant for two years. She introduced Jessica Brown, speaking about her background, education, and prior work experience. She noted that her legal career includes trial work, appellate work, and attorney supervision, and most recently teaching as an assistant professor of law. She noted that Ms. Brown has a deep commitment to equity and justice. She noted that if confirmed, Ms. Brown will be the first Black woman to serve in the role of City Attorney in the history of the City of Burlington. She noted that if confirmed, she will begin on August 19. She noted that Acting City Attorney Joe McNeil will continue in his role through August 19 and will support Ms. Brown's transition, if confirmed.

Ms. Brown spoke about the importance of public service in her life and career.

Councilor Shannon asked Acting City Attorney McNeil what his continued role will be after August 19th and whether that would include being a Parliamentarian. Acting City Attorney McNeil replied that he'll continue in his current role until August 19th and that details still need to be worked out for after that point. Councilor Shannon asked Ms. Brown about her vision for addressing the City's public safety issues. Ms. Brown replied that she has extensive experience working in the criminal legal system in Burlington and that her vision aligns with what the Mayor has identified as immediate next steps out of the advisory committee recommendations, as well as next steps articulated by the City Council, while simultaneously having bigger picture conversations about engaging with the unhoused to mitigate the safety issues that have arisen in that community. She said that community safety is about addressing crime and harms, but also addressing issues such as homelessness and other bigger picture issues. Councilor Shannon noted that as City Attorney, Ms. Brown would be responsible for prosecuting individuals she had previously defended, including people committing assault, robbery, public urination, and violation of trespass orders. She asked about Ms. Brown's approach for addressing these types of downtown issues. Ms. Brown replied that there are aspects of the City Attorney role that are different than her role as a public defender, and that her previous experience gives her the perspective of both holding people accountable for the harm that they caused while also considering what the City can do to try and avoid the harm in the future. She said she would prosecute violations of City ordinance from the perspective of accountability, repairing harm, and avoiding similar harm in the future.

Councilor Doherty spoke about the institution of review and appointing candidates by this body, noting that the Mayor is entitled to a great deal of deference when they make a decision about who to appoint. He said that he is supportive of this confirmation, saying that this is one of the most important jobs in the City. He asked for Ms. Brown's view of the role of City Attorney. Ms. Brown replied that the City of Burlington and its municipal corporation is the client for the City Attorney's Office, which is how she frames decision-making and the obligation of the City Attorney's Office. She said that the Office is intended to support all 18 City departments and to give the most accurate information possible to support the Mayor, City Council, and City departments.

Councilor Neubieser spoke about his work with Ms. Brown at the Chittenden County public defender's office, and spoke in support of this appointment. He spoke about the importance of neutrality in the City Attorney's Office, saying that this is essential for ensuring public trust.

Councilor Carpenter spoke about the need for more expertise on the impacts to Burlington of legislation coming from the State House. She also asked how Ms. Brown anticipates becoming embedded in the culture of Burlington, given that she will not reside in Burlington. Ms. Brown spoke about her experience in the legislature and giving testimony in her prior work at the Chittenden County public defender's office. She also said that she has been an appointee of Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, which has submitted recommendations to the legislature on the legal system in Vermont. She spoke about her residency in Washington County, saying that it would be financially difficult to relocate to Burlington, given her spouse's profession and owning a home in Washington County. She spoke about her experience working in Burlington for eight years, saying that this has allowed her to become more familiar with the City's issues, despite living in Waterbury. She said that she hopes to demonstrate through her work her commitment to Burlington and its community.

Councilor Litwin expressed support for Ms. Brown's appointment, saying that her role as a public defender has demonstrated her commitment to serving her clients.

Councilor McKnight expressed gratitude for the Mayor's actions to lift up women and women of color, expressing excitement for the appointment of Ms. Brown in this historic role.

Councilor Grant spoke about past interactions with the City Attorney's Office that didn't always protect the City in the way that it should have. She said that she hopes this appointment will demonstrate the City Attorney's role to protect residents in order to minimize liability for the City.

Councilor Shannon said that the City needs a strong prosecutor for landlords in violation of code and permit violations, and holding people accountable for harm caused in the City. She said that though she has concerns about the appointee's experience with municipal law, contract, and labor experience, she said she is supportive of the appointment.

MOTION by Councilor Grant, SECOND by Councilor Carpenter, that the City Council confirm the appointment of Jessica Brown as City Attorney and Corporation Counsel.

VOTING: unanimous; motion carries.

7.1 Tobacco License Application (2024-2025): True-802 Cannabis, 132 Church Street

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application for True-802 Cannabis, 132 Church Street.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – absent, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (10 ayes; 1 nay, 1 absent); motion carries.

7.2 Approval of Four Resolutions for Annual Borrowing for FY25 for City and School
Chief Administrative Officer Schad noted that they are asking the Council to approve all four resolutions under 7.2 as a slate. She said the first relates to annual borrowing that is allowed by the City's charter, which permits the City to borrow $7 million ($2 million for capital needs for the City, $3 million for the Electric Department's capital needs, and $2 million for the School District's capital needs). She said that the

second resolution relates to borrowing $5.8 million for additional capital expenses, which is all that remains from the $23.8 million capital bond that was approved by voters in March 2022. She said that the third item is $7.7 million for work the School District is doing on capital upgrades for Integrated Arts Academy, from a bond that was approved by voters in March 2017. She said that the fourth item is $15 million for Burlington High School construction, which comes out of the $165 million bond for that construction. She noted that they have combined this entire ask within the C/T Office, as they can get more favorable rates than if they approached each of these items piecemeal.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to approve the attached resolutions for the four items related to 7.2 (Resolution: Authorization for Capital Public Improvement Infrastructure Bonds – March 1, 2022 Voter Authorization; Resolution: Authorization for Public Improvement Bonds for Fiscal Year 2025; Resolution: Authorization for Public Improvement Bonds for School District Capital Improvements – March 7, 2017 Voter Authorization; and Resolution: Authorization for School District Capital Improvement Bonds for Burlington High School – November 8, 2022 Voter Authorization.

VOTING: unanimous; motion carries.

7.4 Mayor's Memorandum on Encampments

MOTION by Councilor Shannon, SECOND by Councilor Neubieser, to postpone this item until the City Council's August 12, 2024 meeting.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (8 ayes; 4 nays); motion carries.

7.5 Resolution: Changes to City Charter Articles 62, 63, and 65 Regarding Police Oversight (Charter Change Committee)
City Council President Traverse clarified that the question before the Council will be whether or not to waive the reading and adopt the resolution, which would then warn this proposed charter change for a ballot question in November. He said that between now and then, the City Council will be required to hold two public hearings on any proposed charter change, and they are proposing to hold those hearings on August 15 and August 22. He said that after tonight's vote, there would not necessarily have to be further action by the Council in order for this to appear on the ballot in November (unless any Councilor wishes to amend the proposed charter change, based on comments made at the first public hearing).

MOTION by Councilor Bergman, SECOND by Councilor Carpenter, to waive the reading, adopt the resolution, and take the actions indicated in the resolved cause.
DISCUSSION:

- **Councilor Bergman said that this proposal is very close to what was passed out of the Joint Committee (Ordinance and Charter Change). He said that the resolution codifies three things: a commitment to a Police Commission that reflects the diversity of the City, allows the Council to delegate to the Commission certain powers to manage, audit, and monitor the City's Police Department, and eliminates ambiguity that the Department is subject to the rules and ordinances of the Council and the Mayor as chief executive officer. He said that it codifies the Commission's role in monitoring and the investigatory process, and changes the current charter, which gives sole authority in the disciplinary process to the Chief of Police. He said that it codifies the right of the Commission to receive and review all complaints of departmental**

misconduct, requires the Chief to provide the Commission with timely updates on the Chief's investigations and dispositions of alleged misconduct, and (for the highest level alleged offenses), provides that the Commission must be notified and given the chance to comment on the Chief's proposed disposition, recommend an alternative disposition, or authorize an independent investigator (with a super majority vote) to investigate the allegations and propose an alternative disposition to the Chief. He said that an added level of community oversight is that if the Commission or an independent investigator's recommendation is rejected by the Chief, the Commission has the right (with a super majority vote) to call for an independent panel to make the disposition. He said that details about this independent panel's appointment and composition are in the resolution. He noted that the disposition of the panel is still subject to the grievance and appeals process outlined in the union contract.

- **Councilor Neubieser said he will support this, though he does not believe it goes far enough in terms of police oversight based on what he has heard from constituents. He said that this proposal does allow for additional transparency and communication to the community and the public.**

MOTION TO AMEND by Councilor Doherty, SECOND by Councilor McKnight, to amend the draft charter change Section 184(e), to read "This independent panel shall consist of three to five persons appointed per ordinance;" and add a resolved clause stating "NOW, THEREFORE BE IT FURTHER RESOLVED, the Ordinance Committee shall prepare a draft ordinance outlining the composition of the independent panel authorized by Section184(e) of the amended City Charter, if enacted, and shall transmit the draft ordinance to the City Council on or before its meeting on October 28, 2024."

DISCUSSION ON AMENDMENT:

- **Councilor Doherty said that this amendment would have the appointment of the independent panel articulated in ordinance, rather than in the charter. He said that this would allow for additional time and work to fully work out who should be appointed to the independent panel. He said that this proposed charter change clarifies and codifies the community's role in police oversight in Burlington, and it provides for fairness and equity to members of the Police Department.**
- **Councilor Litwin said that he will support this only because it is the only way to ensure that the Council can make good on its promise to get a proposed charter change on the ballot in November for the legislature to consider during its next session in January.**
- **Councilor Carpenter said that putting this in ordinance rather than charter allows the Council more time to get the details of the independent panel right.**
- **Councilor Bergman said that the amendment takes out the clarity on who makes the appointments and there is not a chance for the public to comment about it. He also said that the appointment to the panel will now go through a much more politicized process.**
- **Councilor Barlow said that given that there is still disagreement on the composition of the independent panel, there should be more time allowed to get it right, and the ordinance process does that.**
- **Councilor Grant said that throughout this process the City has paid an extraordinary amount of attention to its officers while ignoring the effects of this process on members of the public and residents of the City. She said that the City has had to content with multiple lawsuits and has several currently active lawsuits. She said that data has shown that there are issues around policing and equity in the City. She said that it is not right to cut back the umber of people from different backgrounds who can be part of this process. She said that police officers are not like other City employees. She said that the City has not done a good job ensuring that officers understand where the department needs to be with community engagement.**

- **Councilor Shannon said that one of her concerns with the underlying charter change was the appointment to the independent panel that would be made by the City Council, given that the timeline for that could slow the process down. She said that the Ordinance Committee will commit to the timeline for this that was laid out for it, and that she is open to alternative proposals.**
- **Councilor McKnight said she would not have supported the change without the amendment brought forth by Councilor Doherty, given the politicization of appointments in the underlying charter change. She said that she is concerned about that politicization in terms of what it would do to police officer attrition, as well as what it would do to public trust.**
- **Councilor Kane expressed grave concerns with the suggestion that the BPOA be allowed to appoint someone to this independent panel.**
- **Councilor Neubieser said he appreciates concerns about the politicization of the independent panel, but said it is much harder to define a non-political appointed body than it seems. He said he would like to try and build consensus and be fair to different parties, and that this proposal does bring a measure of transparency to the process.**
- **Councilor Broderick noted that citizens have been pushing for a charter change that entails citizen oversight of the police as opposed to what is presented here.**
- **Councilor Grant spoke about how all investigations begin with the Police Department, meaning that officers are always represented and protected during investigations. She said that the City needs to stop talking about fairness to officers without also talking about fairness and balance with regards to the public. She continued to challenge the idea that oversight and accountability are going to dissuade officers from working for the BPD.**
- **Councilor Shannon said that she does not object to the Mayor having an appointment or two, but she is not comfortable with the Mayor appointing the majority of the independent panel members. She said that she is committed to developing a process for selecting the independent panel members that isn't political and that is fair.**
- **Mayor Mulvaney-Stanak said that she is supportive of the underlying language in the resolution and that it represents modest improvements to the City's process. She expressed disappointment that it has taken this long to increase police oversight and accountability, and said that the residents of the City deserve a process that is more robust. She also expressed concern about the Ordinance Committee's timeline for developing the independent panel selection process, saying that it gives the Council too short of a runway to be able to get information to the public in time for a ballot vote.**
- **Councilor Carpenter made a friendly amendment to change the date by which the draft ordinance will be transmitted to City Council form October 28, 2024 to September 23, 2024.**

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to suspend the rules and complete the remainder of the deliberative agenda.

VOTING: unanimous; motion carries.

VOTING ON AMENDMENT AS AMENDED (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 OF RESOLUTION AS AMENDED:

- **Councilor Bergman expressed disappointment in the amendment but said that he will support the resolution in order to move something forward in time for voters' consideration.**
- **Councilor Broderick expressed disappointment in this amendment, but said that having an ordinance in time for voters' consideration is crucial, since it will help voters to understand what it is they would be voting on and would be more likely to gain their support. He said he hopes the Ordinance Committee will allow Councilors to provide input during the ordinance development process.**
- **Councilor Neubieser said that though he supports putting something on the ballot, he said that it is irresponsible to give voters so little time to understand an issue they are being asked to weigh in on.**

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, 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, (12 ayes); motion carries.

7.6 Ambulance Fee Increase – Fire

Fire Chief LaChance said that this was part of the fee study that was conducted last year. He said that the Fire Department worked with its fee vendor to come up with reasonable increases to meet some of the fiscal needs of the City. He said that when fee increases were made two years ago they were double-digit increases, and this fee increase is around 8.5%. He said that the big change in this fee increase is the ability to charge fees for non-transport, which was passed at the State level during this past legislative session. He noted that the only entity that pays for non-transport currently is Medicaid, and that they are keeping the rate at $275 for other payers as well, to be mindful of equity concerns, though there is the possibility to change this later in the year after they evaluate preliminary data related to this change. He said that there will still be a hardship waiver process for individuals who are unable to meet these billed charges. He said that the FY25 Fire Department budget was based on an increase utilizing these funds, that they have been conservative with the forecast of this funding, and that they are hopeful that they will meet projected revenue targets.

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to approve and authorize the increased fee structure for ambulance services effective upon passage as described in the table herein this Ambulance Fee Increase memo by Chief LaChance, dated July 7, 2024.

VOTING: unanimous; motion carries.

7.7 Reconnecting Bank & Cherry Concept Approval – DPW

Public Works Transportation Engineer Ursaki said that since presenting on this to the City Council back in June, they have met with the Church Street Marketplace Commission, the Public Works Commission, the Walk/Bike Council, and the Transportation, Energy, and Utilities Committee to gather input and feedback. She said that some of the main questions are around keeping modes separate safely, general support and excitement about improving the streetscape, green stormwater infrastructure, new street trees, and pedestrian lighting, as well as the approach of designing these streets at a slow speed and pursuing a reduction in the downtown speed limit in general. She said that in discussions with the TEUC they have talked about adding a public safety kiosk, which can be explored for siting and applying for funding to construct, given that the funding for this project does not cover such a kiosk. She said that they also discussed public restrooms and drinking water fountains downtown, and that funders said that water fountains are permissible using this funding but that they are still exploring whether the funding can cover public restrooms. She said that they further discussed pedestrianizing other streets downtown and specifically

looking at the 2 eastern blocks of Bank and Cherry Streets, and have been working with Councilor Bergman on a more comprehensive transportation plan update, which could explore more pedestrianizing in the future (though it is not included in this project). She noted that pedestrianizing more of this project could result in a delay that could jeopardize funding, but could plan for it in the future.

Councilor Bergman expressed thanks to DPW for being willing to engage in planning that goes beyond the outdated transportation plans. He said that what is built through this project will be consistent with planning on future pedestrianization and amenities like a public safety kiosk and include a significant amount of green stormwater infrastructure.

Councilor Litwin said that he will support this due to the good faith expressed by DPW to engage on more public safety infrastructure in the downtown area, which is greatly needed.

Councilor Kane asked for clarity on what is permissible and not permissible under this plan, and what flexibility exists to do some forms of pedestrianization or decreasing the focus on cars (such as removing some proposed parking spaces). City Engineer Wheelock replied that this is a conceptual plan and is the general idea of the layout of the streets, where sidewalks and amenities will go, and where the curbline is. She said that there is still flexibility around what occurs at the curbline. She said that asking the state and federal governments for flexibilities around project components that seem minor can sometimes take an extremely long time to receive approval. Councilor Kane asked for clarity about the maximum amount of parking that could be removed without jeopardizing funding.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to approve the preferred design concept for Bank Street east of Church Street, Cherry Street east of Church Street, and the new sections of Pine Street and Saint Paul Street between Bank Street and Cherry Street; and further acknowledge the concepts for Bank Street and Cherry Street west of Church Street approved by City Council on May 21, 2018.
DISCUSSION:

- **Councilor Carpenter said that there are dozens of elderly and disabled people who use the courthouse on lower Cherry Street every day, and that any design needs to accommodate those uses.**
- **Councilor Broderick said that he cannot support this project because it does not move the City toward a less car-dependent future, especially in the downtown core area.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (10 ayes, 2 nays); motion carries.

7.8 Resolution: Authorization to Apply to Downtown Sales Tax Reallocation Program re: CityPlace Project – 75 Cherry Street (Councilor Neubieser)

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

- **Councilor Neubieser said that this resolution allows the City to take some of the tax revenue generate by the sales tax to help make investments and build public infrastructure in the downtown area.**

VOTING: unanimous; motion carries.

7.9 Great Streets Main Street Contract Amendments – DPW

MOTION by Councilor Barlow, SECOND by Councilor McKnight, 1. To authorize the Director of Public Works to execute an amendment to the contract, subject to City Attorney review and approval, with S.D. Ireland Brothers Corporation in the amount of $547,386, bringing the total contract value up to $26,509,929.26, with the previously authorized the use of an additional $2,596,254.83 in contingency funds to be available to use toward any necessary future contract amendments needed to accomplish the construction work herein contemplated, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount not to exceed $29,106,184.09 for the development of the design of the Great Streets Main Street project; 2. To authorize the Director of Public Works to execute a Memorandum of Understanding, subject to City Attorney review and approval, with Burlington Electric Department in the amount of $549,810, for the lighting construction of the Great Streets Main Street project; and 3. To authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY25 and Overall Project Budgets, in substantial conformance with the attached budget transfer request.

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports
None.

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
None.

12. ADJOURNMENT

12.1 Motion to Adjourn

The meeting adjourned without objection at 11:57 PM.

RScty: AACoonradt