

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 12, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (at 5:25 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom, then in person)
Carter Neubieser
Joe Kane
Becca Brown McKnight (via Zoom)
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee (at 6:00 PM)
Katherine Schad
Joe McNeil
Kim Sturtevant
Lori Olberg
Keaton Knowles
Darren Springer
Emily Stebbins-Wheelock
Chapin Spencer
Corey Mims
Michele Boomhower
Brian Pine
Sarah Russell

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 5:22 PM.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to amend and adopt the agenda as amended to reorder items.

VOTING: unanimous; motion carries.

2. COMMUNICATION: ATTORNEY MCNEIL AND ATTORNEY STURTEVANT, RE: LITIGATION UPDATE (VERBAL) **EXPECTED EXECUTIVE SESSION**

2.1. Communication: Attorney McNeil and Attorney Sturtevant, re: Litigation Update (verbal) **expected executive session**

Acting City Counsel McNeil said that this executive session is to consult with the City Council on potential litigation and provide an update on mediation efforts on the matter.

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

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, that based upon that finding, the City go into executive session to receive confidential attorney-client communications, pursuant to 1 VSA Section 313(a)(1)(F), in a pending civil litigation matter, pursuant to 1 VSA Section (313)(a)(1)(E), to include City Attorney McNeil, City Attorney Brown, Assistant City Attorney Sturtevant, and Chief of Staff Erin Jacobsen.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 5:26 PM.

The City exited executive session at 6:13 PM.

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

3.1. Verbal Comments

Forum opened at 6:13 PM.

COMMENTS:

Burlington residents (in person):

- Bernie Carver expressed support for the resolution regarding replacing the F-35 mission at the Airport with another mission. He spoke about the impact of noise such as from the F-35s on children, older people, and pets. He also provided statistics on the number of F-35 crashes (35) since 2013.
- Sal Millinchamp spoke about the F-35 resolution, noting that the resolution estimates that the Airport will need \$5 million from the Federal Aviation Administration (FAA) every year over the next 46 years to soundproof all eligible homes, which doesn't fix the noise outside. She spoke about the negative impacts of the noise from the F-35s, and urged Councilors to support this resolution.
- Lucy Gluck spoke in support of the resolution to replace the F-35 mission with another mission at the Airport. She spoke about how the noise has affected her and her neighbors. She spoke about changing the mission to be something more related to humanitarian efforts.

- Ashley Adams expressed support for replacing the F-35 mission with another mission. She spoke about the health impacts of the extremely loud noise from the planes. She said that the F-35 mission is a stain on the community.
- Pike Porter expressed support for replacing the F-35 mission with another mission, such as a transport mission. He said that the passage of this resolution is a first step, and encouraged residents to contact Vermont's delegation continuously until they help make this change. He also spoke about how recent zoning law changes could allow for at least 3,000 units to be built in proximity to the airport.
- Katherine Bock expressed support for the resolution to replace the F-35 mission at the Airport, and urged the Council to do so.
- Jim Carrier expressed support for the resolution related to replacing the F-35 mission at the airport. He also spoke about new proliferation of nuclear weapons, noting that the F-35 could be used to carry such weapons, but also that the F-35 is problematic and maybe replaced in the near future by alternative types of aircraft.
- Joanna Rankin spoke about how the current resolution is fresh and empowers Vermont's Congressional delegation to ask the Air Force to make this change. She spoke about how those who suffer most from the F-35 noise (Winooski and South Burlington) don't have the administrative power over the Airport that Burlington has, and she urged the City to pass this resolution on behalf of those who are harmed most by this noise.
- Andre Clark spoke about his experience being unhoused and his current work to conduct street level outreach and partner with local organizations to get needed supplies to unhoused neighbors in the community. He spoke about incidents of harassment and abuse of unhoused individuals, and spoke about how homelessness is a traumatizing experience. He urged the City to reconsider its encampment policy and to work on creating safe spaces for people and long-term housing.
- Daniel Albert spoke about the negative health impacts of the F-35 noise (hearing loss, impact to brain development), and said that the government's role should not be to harm children. He urged the Council to pass the resolution to replace the F-35 mission.
- Dave Maher spoke about the Mayor's encampment memo, noting that it contains element he supports and elements he does not support. He said he is aligned with the Mayor's focus on Burlington as a magnet for the homeless due to its walkability, easy access to transportation, and location of services. He said he also supports the approach of removing encampments from City parks. He said he would like to see the urban reserve included in the same category of enforcing the no camping ordinances. He said he would urge the City to have a concerted 2-3 day Citywide effort to interrupt the drug trade by shadowing drug dealers, making arrests, and confiscating illegal drugs, with help from the UVM police, other municipalities' police forces, the State police, and the federal government.
- Jean Hopkins spoke about the excessive use of fuel for the F-35 missions, as well as the negative impacts to the City's buildings from the noise of the F-35s. She said that she supports finding a more peaceful mission for the Vermont National Guard.
- Doris Beddinger spoke about how nothing has done more to hurt the reputation of the Air National Guard than the placing of the F-35 in Burlington. She said that a more humanitarian mission that helps local people as well as the military will reverse that low opinion.
- Julia Handel spoke about how the F-35s are emitting tons of pollution, harming the environment, and harming peoples' health. She said that it also impacts education, noting that the noise is so loud that her classes in the Burlington School District have sometimes been disrupted.
- Debra Young noted that when the Air Force was considering whether to put F-35s in Burlington, they had recommended not doing it because there were too many people here who would be harmed by the air pollution, noise pollution, and disruption of the planes. She spoke about how the F-35s are disruptive to everyone. She urged the Council to pass this resolution.
- Nolan Rogers expressed support for the resolution that would replace the F-35 mission with another mission. He also expressed support for the resolution regarding issuance of bonds for BED's grid-strengthening effort. He also spoke about how the City is spending \$11,000 per month for the parking lot next to the Courthouse, and said that it is a bad use of funding.

- Cheryl Green spoke about her experience living at the edge of the most intense noise zone from the F-35s. She spoke about being outdoors when they launch and needing to protect her hearing somehow. She spoke about having to stay indoors during the times she knows they will launch.
- Heston Allison spoke about working as a contractor at one of the federal buildings downtown and said that they are the subject to both drug violence and gun violence.
- Ariel Bergen spoke about the prolific drug use in the community, noting that a number of the houses on her street seem to be drug houses. She asked the City to do something about the drug use.
- Jane McDougal spoke about needing the accessibility improved downtown for disabled people. She said that people need to understand about disabilities and how to accommodate for them. She also spoke about needing the sidewalks fixed.
- Leslie Delaney spoke about her concerns about public safety and the unhoused. She said that government works best when policies are applied equally to all. She said that the current policy allowing a small group to camp against City ordinances goes against that thinking. She asked how many of the unhoused currently camping here are Burlington or Chittenden County residents. She said the City has the responsibility to help its residents, but it does not have the responsibility to help all people. She said that a progressive agenda should not put one small group's rights above the needs of all. She said that Burlington is being taken advantage of.
- Judith Yarnell spoke about the F-35s. She noted that residents of Burlington, Winooski, and South Burlington over the last number of years have expressed their will in petitions and resolutions and have been drowned out by more powerful voices in Washington. She asked how that is democracy. She also expressed concern about the nuclear capability of the F-35s, saying that they were designed to carry tactical nuclear weapons.

Burlington residents (via Zoom):

- Sharon Bushor spoke in support of the F-35 resolution, thanking Councilor Bergman for the thorough inclusion of the history of the issue as well as a solution that has been brought forth by other states and communities in this situation and that this solution has worked for them. She said that she would like the Air National Guard to remain in Vermont but with a more peaceful and humanitarian mission. She also noted that she would like to see the City offer residents some sort of ear protection in the meantime.
- Annie Lawson spoke about the harm caused by F-35 flights, particularly the noise that causes harm to the youngest members of the community. She noted that the highest noise zone is in Winooski, which is also the most racially diverse city in Vermont. She said that this resolution is therefore also about dismantling systemic racism.
- Deb Bouton expressed support for the Air National Guard but also the resolution to replace the F-35 mission with another type of more peaceful mission that has fewer negative health impacts on the community. She said that soundproofing homes is one of the most ludicrous and expensive solutions proposed, and said that it is not feasible or practical, or even a solution. She said that passing this resolution is not a vote against the Guard, but is a vote for the community and its youth.
- Greg Hancock spoke about the issuance of revenue bonds for BED. He said that many of the items seem worthwhile but others do not, such as the McNeil Plant. He said that further analysis of the future of the McNeil Plant needs to be done before making any further investments in it. He proposed that the motion be split to separate the McNeil items from the non-McNeil items. He also spoke in support of the resolution to replace the F-35 mission at the Airport.
- Mary Fillmore spoke about a study on F-35s from Cornell University, showing that airport noise is harmful to the health and well-being of children and may cause lifelong problems. She read from an article describing the study,

Non-Burlington residents (in person):

- Roseanne Greco spoke about her military experience and having seen many examples of Congressional action such as what is being requested of Vermont's delegation in this resolution. She said that similar requests to replace weapons systems in states have been

successful. She said that given the increasingly dire reports of the harms caused by F-35 noise, it is clear that they do not belong in this community. She said that Vermont's Congressional delegation has the authority to request that the military replace them.

- Karen Aikins spoke about research she has conducted on the impacts of noise on communities. She said that many of the health impacts of noise were not understood in 2013 when the basing decision was made, but that there is now indisputable scientific evidence proving the harm of noise to hearing, cardiac health, and mental health.
- Peter Bingham spoke as a pediatric neurologist, speaking about the health effects of noise and comparing this issue to that of lead exposure in past decades. He noted that anything over 70 decibels is unreasonable, and that the F-35 exposure is well over 100 decibels.
- Ken White spoke as the pastor of the Congregational church across from the Fletcher Free Library, noting that he has to ask people multiple times per day to leave the property. He said that this is heartbreaking and that these people are suffering, but are engaging in behaviors that are anti-social, self-destructive, and unsafe. He shared several experiences he has had with this population and how it is affecting the community. He said that the City needs safe encampments and overdose prevention sites, but it also needs constraints on behaviors and to protect people from antisocial behaviors.
- Bruce Wilson spoke as the Human Rights Commissioner for the State and thanked the City for its support to help with graffiti cleanup around the City, but said that it needs further help with materials. He also spoke about being thankful for the F-35s, saying that they help protect the City.
- Megan Emery spoke as a former South Burlington City Councilor. She noted that in 2018, 55% of Burlington voters passed a non-binding referendum asking the City to halt the basing of the F-35s here, but that they Mayor at the time did not sign that resolution. She said that since then, she would bet that more than 55% of residents would like to rebase that mission away from here. She spoke about how people are gravely impacted who are in the flightpath of the F-35 mission.
- James Marclese urged the Council to vote for the resolution that would replace the F-35 mission at the airport, noting that F-35s were not designed for City life and are too loud. He said that if this were a civilian aircraft, it would have been banned long ago.
- Jean Sasany spoke about the lies and deception used to base the F-35 mission in this area. She noted the health impacts, including adverse effects on children, cardiac effects, and PTSD, as well as wasted tax dollars. She also spoke about safety concerns with the F-35s.
- Irene Caribo spoke about her work with refugees, saying that they come here seeking safety. She said it is a cruel irony that many of them have been relocated to an area where they are subjected to F-35 noise and potentially re-exposed to their past traumas.
- Michael Webster asked the Council to support the resolution to replace the F-35 mission at the airport with another mission. He spoke about how loud the F-35s are in Winooski.
- Tatiana Repnikova thanked the Council for being brave and giving residents hope, saying that she was one of the first to fight the F-35 basing here 12 years ago. She said that the City should put civilians above the military-industrial complex.
- Ben Cohen noted that John McCain called the F-35 a scandal and a tragedy, saying that it has a low operational rate and is the most expensive weapons system the country has ever had, and is a poster child for everything wrong with the military-industrial complex. He said he is appalled at the unfairness of Burlington allowing its airport to be used to operate aircraft that oppresses new Americans and low-income residents in Winooski and South Burlington, and the City has a responsibility to take care of the people that live in those towns.

Forum closed at 7:37 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Verbal Reports

None.

5. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

5.1 Verbal Reports

Councilor Grant noted that on August 15th there will be a public hearing on the proposed charter amendment and ballot language, urging people to watch or participate in it.

Councilor Shannon spoke about a press release received over the weekend regarding an individual who burglarized Burlington City Arts, was arrested, released, proceeded to be in violation of other trespass orders, was apprehended, was released again, and then violated trespass orders at St. Joseph's and interrupted mass, was apprehended, and was released for a third time. She said that the community isn't safe when its judicial system seems to be unable to hold people accountable and protect the community.

Councilor Grant suggesting a working session in the future on Vermont laws around bail and answer frequently asked questions about why people who are arrested are released.

6. CONSENT AGENDA

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

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

6.3 Communication: Andrea Marlon, re: thank you for clearing sidewalk of dumped furniture! – waive the reading and place the communication on file.

6.4 Communication: William White, re: What is happening to the crown jewel of downtown Burlington? – waive the reading and place the communication on file.

6.5 April 29, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.6 April 29, 2024 Special Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting

6.7 May 6, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.8 May 6, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.9 May 20, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.10 May 20, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.11 June 3, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.12 June 3, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.13 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 as received at the July 15, 2024 Regular City Council Meeting.

6.14 June 10, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.15 June 10, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting

6.16 June 24, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.17 June 24, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.18 Acceptance of 2A Grants for the Fletcher Free Library's Restoration & Preservation Project for the 1904 Carnegie Building portion of the Library - 1. Approve and authorize the Director of the Fletcher Free Library to accept and execute the Award Agreements with the following 2 funders for the Restoration & Preservation Project: NPS to accept a grant amount of \$500,000 with a local match of \$500,000 in City Capital funds, and ACCD to accept a grant amount of \$20,000 with a local match of \$20,000 in City Facility Capital funds. For both grants, the project costs are to be paid upfront by the City of Burlington and then reimbursed by NPS and ACCD for a total of \$540,000. These funds are to be added to previously-accepted NEH grant and matching funds requests of \$981,700 for a total FFL Restoration & Preservation Project budget of \$2,021,700.00, subject to final review and approval by the City Attorney's Office and Chief Administrative Officer; and 2. Approve and 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 support the proposed Fletcher Free Library's project budget for FY25 subject to final review and approval by the City Attorney's Office.

6.19 Burlington Police Department Front Canopy Renovation - BPRW - approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed \$174,175 for the Burlington Police Department Canopy Renovation project, and to authorize a project contingency in the additional amount of \$17,000 for a total authorized project expenditure not to exceed \$191,175; and to further authorize Cindi Wight, Director of Parks, Recreation, and Waterfront, to execute the contract, any related documents, and contract amendments needed to carry out the project and utilize the contingency as necessary, subject to the review of the City Attorney's Office.

6.20 Creation of one position at CJC - CJC/HR - approve the creation of the Data, Communications and Operations Specialist position within CEDO, a Limited Service, Full-time, Union, Grade 14, position.

6.21 Court Diversion Grant Amendment #02100-FY24/25-CN - CJC -approve the acceptance of the State of Vermont Grant Amendment Award #02100-Fy24/25-CN, in the amount of \$632,522, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize CEDO Director Brian Pine to sign the grant agreement, and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby.

6.22 Department of Corrections Grant: "Safer Communities" (Grant Amendment #03520-1578) - CJC - approve and 1. Authorize the CEDO Director to accept and execute a second amendment to the State Grant #03520-1578 in the amount of \$357,160 for FY25 subject to review and approval of the City Attorney and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby; and 2. Authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY25 budget lines associated with the grant.

6.23 Approval to Enter into Contract with Sandri Energy LLC, for the City of Burlington's Fuel Supply - DPW - authorize the Department of Public Works Director, Chapin Spencer, or their successor or designee: 1. To enter into a five-year agreement with Sandri Energy, LLC, to supply the City of Burlington with gasoline and diesel fuel services, for a price of \$0.10 over Sunoco rack price at their Burlington Vermont terminal, subject to review and approval of the City Attorney's Office; 2. To execute future extensions following the initial five-year term of the agreement approved as to form by the City Attorney's Office, for so long as any increase in price over Sunoco rack price at the Burlington Vermont terminal does not exceed the increase in CPI-U from the effective date of the agreement.

6.24 FY25 Vehicle Purchase Recommendations - DPW - 1. Approve the proposed FY25 Fleet Purchasing List as detailed in Attachment E cost chart, and authorize the Director of the Department of Public Works to purchase the vehicles listed therein, for a total authorized expenditure in an amount not to exceed \$343,200.00; 2. Approve and authorize the Chief Administrative Officer to increase the foregoing authorization if necessary by not more than 15% by budget-neutral amendment, without further approval from the Board of Finance or City Council; and 3.

Approve and authorize the Director of the Department of Public Works or designee to dispose of the FY25 replaced vehicles/equipment through any of the following means, as they shall in their reasonable judgement determine to be in the City's best interest, and to take such further actions and execute such further instructions approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby: auction the vehicles/equipment through any of various online public auctions; by trade-in where vehicle/equipment is being purchased; or, if the vehicle is of no value to the vendor, Fleet Management will have the vehicle/equipment hauled away for scrap at the current market price.

6.25 Fleet Telematics – DPW - authorize the Chief Innovation Officer to enter into a three (3) year contract with Samsara Incorporated, to supply the City Fleet with their Telematics software & equipment as stated in Samsara's quote #Q-1396189, for a maximum limiting amount not to exceed \$178,666.16., subject to review and approval of the City Attorney's Office.

6.26 BSD Lease at Miller Community Recreation Center – BPRW – approve and authorize the lease of space in the Miller Center located at 130 Gosse Court, to include shared use of the gymnasium, as well as exclusive use of the designated teen center space, two adjacent offices, and a storage closet off of the gym, to the Burlington School District for the 2024-2025 school year, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's Office.

6.27 Lease of McKenzie Park – BPRW – approve and authorize the lease of 22.32 acres of McKenzie Park to the Intervale Center for a ten-year period for commercial agricultural purposes, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's Office.

6.28 Authorization to Sign a Contract for Body – Worn Cameras, Conducted Electrical Weapon, and Storage for BWC Footage with Axon Enterprises, Inc. – Police - approve and authorize the Chief of the Burlington Police Department to enter into an agreement with Axon Enterprises, Inc., to purchase new Body-Worn Cameras, Conducted-Electrical Weapons, unlimited BWC Footage Storage, and various technical software support solutions outlined in the attached proposal with Axon Enterprises, Inc. not to exceed \$1,393,969.92 over a 5-year term, subject to review by the City Attorney's Office.

6.29 FY2024 Annual Report – Board for Registration of Voters – waive the reading, accept the report, and place it on file.

6.30 FIO Documents – for information only.

6.31 UVM – City Land Swap at Pearl and Prospect Intersection – DPW – approve and authorize the proposed land swap agreement with the University of Vermont, as outlined in the attached Agreement and summarized in this memo, and to authorize the necessary actions to effectuate the agreement.

6.32 Communication: Burlington Housing Authority Board, re: Update on the Situation at Decker Towers and Other BHA Properties – waive the reading and place the communication on file.

6.33 Authorization to Award and Execute the Construction Contract for Bridge Rail Repair – DPW – approve and authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. in an amount of \$456,789.00 with use of up to \$45,678.00 in contingency for a total of \$502,467.00 for construction services related to the Bridge Rail Repair contract, subject to review and approval of the Office of the City Attorney.

6.34 555 Shelburne Street – Gravel Wetland Encumbrance Permit Application South Meadow Upper Tier Condominium Association/Pomerleau Real Estate – DPW - approve the Encumbrance Permit Application for South Meadow Upper Tier Condominium Association, and Antonio B. Pomerleau, LLC, for the address located at 555 Shelburne Street and 1074 Pine, requesting use of City owned property for a stormwater outfall pipe, 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.

6.35 Special Event Outdoor Entertainment Permit Application (three days only): SEABA, Art Hop, South End Arts District - approve the three day only special event outdoor entertainment permit application for SEABA, Art Hop, South End Arts District, September 6-8, 2024, various locations and times.

6.36 Burlington Fire Department – Lateral Hiring – Fire – approve and authorize the Chief of the Burlington Fire Department to execute a Memorandum Of Understanding with the Burlington Fire Fighters Association, allowing for the hiring of experienced firefighters/EMTs through a lateral hiring process, subject to the final review and approval of the City Attorney’s Office.

6.37 Approval to Execute the Nissan Corporate Resolution – C/T – approve and authorize the Chief Administrative Officer or designee to execute the Nissan Corporate Resolution.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to approve the consent agenda and take the actions indicated for items 6.1-6.37.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Resolution: In Remembrance of William “Bill” J. Keogh Sr. (Councilors Traverse, Neubieser, Shannon, Bergman, Barlow, Brown McKnight, Carpenter, Litwin, Doherty)

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to adopt the resolution and ask that a copy of it be sent to Mr. Keogh’s family.

Councilor Shannon read the resolution into the record:

That WHEREAS, William (Bill) Keogh has passed at the age of 93 years; and

WHEREAS, Bill Keogh was a lifelong Burlingtonian with tremendous love for this City and boundless energy to constantly attempt to improve it; and

WHEREAS, Bill maintained fantastic athleticism from his high school teams to his adult life, playing organized basketball into his eighties and also being a dedicated runner and bicyclist; and

WHEREAS, Bill brought the same energy and enthusiasm to his service to the City, serving it for more than 60 years in such capacities as Superintendent of the Parks Department, member and Chair of this City Council, member of the City’s Board of Finance, member and Chair of our Airport Commission, Representative from Burlington to the Vermont House of Representatives and Reporter of City activities; and

WHEREAS, throughout his long life, Bill never lost his humility, his abundant sense of humor and his abiding interest in the affairs of his City, his State and his Country; and

WHEREAS, Bill was a constant and continuous friend to all those he encountered along life’s pathway, including those whose political beliefs were different than his “Blue Dog Democrat” persuasion; and

WHEREAS, Bill was always able to maintain his sense of humor, even when having serious discussions of matters of significant consequence throughout his life of service; and

WHEREAS, above all else, Bill was dedicated and loyal to his children and family and most prideful of their accomplishments in life; and

WHEREAS, it seemed to this City Council that Bill would always be among us doing good work on behalf of this City;

NOW, THEREFORE, BE IT RESOLVED that the City’s Mayor, Emma Mulvaney-Stanak and this City Council express both their most sincere thanks and appreciation to Bill Keogh’s family for Bill’s incredible service to Burlington, and its most sincere condolences to all of Bill’s friends and family on Bill’s passing;

DISCUSSION:

- **Mayor Mulvaney-Stanak spoke about the level of public service that Mr. Keogh offered to the City of Burlington, and she honored his service to the City, as well as his kindness, his mentorship, and her experience working with him as fellow City Councilors a number of years ago.**
- **City Council President Traverse thanked Attorney McNeil for drafting this initial resolution.**

VOTING: unanimous; motion carries.

7.2 Indoor Entertainment Permit Application (2024-2025): Tap House Beer & Garden, 160 Flynn Avenue, Suite 1

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Indoor Entertainment Permit Application for Tap House & Beer Garden, 160 Flynn Avenue, Suite 1 with all standard conditions.

VOTING: unanimous; motion carries.

7.3 Outdoor Entertainment Permit Application (2024-2025): Tap House Beer & Garden, 160 Flynn Avenue, Suite 1

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Outdoor Entertainment Permit Application for Tap House & Beer Garden, 160 Flynn Avenue, Suite 1 with all standard conditions.

VOTING: unanimous; motion carries.

7.4 Resolution: November 5, 2024 Special City Meeting—Issuance of Revenue Bonds—For Burlington Electric Department—Net Zero Energy And Grid Reliability Projects (Board of Finance)

General Manager Springer began by presenting information on the issuance of a potential revenue bond for BED. He noted that the Electric Commission and Board of Finance voted unanimously to recommend this to the City Council. BED Chief Financial Officer Stebbins-Wheelock began by noting the revenue bond issuing authority for BED in the City, noting that bond issuance requires voter approval from Burlingtonians, that bonds are payable solely from BED rates and revenues, not the City's General Fund or property taxes, and that BED bonds are solely an obligation of BED, not of the City. She noted that BED has issued revenue bonds several times since 1981, such as to fund the construction of the McNeil Plant, to fund the smart grid infrastructure, and for the initial Net Zero Energy bond of \$20 million. General Manager Springer noted that this bond would build on that prior Net Zero Energy revenue bond. Chief Financial Officer Stebbins-Wheelock spoke briefly about historic underinvesting in capital expenses to account for depreciation, despite budgeting for capital investments. General Manager Springer then provided details of proposed investments with the proposed new Net Zero Energy and Grid Reliability bond. He noted that it would continue grid upgrades to increase capacity to add more electric vehicles, heat pumps, and geothermal systems, complete technology systems upgrades, invest in renewable plants, support the City's EV fleet conversion, and invest in 88 new public EV charging stations (including 38 fast chargers). He said that the bond would carry the City through 2029 in terms of investments. Chief Financial Officer Stebbins-Wheelock spoke briefly about debt service on the existing BED revenue bond and a potential debt service schedule for the proposed bond. General Manager Springer noted that the proposed bond would reduce near-term rate pressure to reach 120 days cash on hand, comparing the projected FY26 rate pressure without the revenue bond as needing a 12.8% rate increase, and with the revenue bond as a 2.0% increase.

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

DISCUSSION:

- **Councilor Litwin asked for confirmation of what would occur for rate-payers' utility rates with and without the bond. General Manager Springer replied that with the bond, there is a reduction in the rate near-term and an ability to moderate rate increases in the near-term if needed. He said that without the bond, if BED were to still pursue all the noted projects and maintain BED's financial metrics, there would be significantly higher rate pressure. He said that if the bond proposal didn't advance, BED would not be able to invest in the system at a level that Burlingtonians expected for reliability, but they also wouldn't be able to invest in climate-related actions and would face challenges from a capital standpoint. Councilor Litwin encouraged BED to develop strategies to communicate these points and concepts to all members of the community.**

VOTING: unanimous; motion carries.**7.5 Champlain Parkway Project Final Construction Contract – Award Authorization and Public Process – DPW**

Director Spencer said that this item seeks the Council's support to execute a \$14.4 million final construction contract for the Champlain Parkway. He emphasized the collaboration between local, state, and federal government in a number of large DPW projects, and said that in a number of these they have set up robust monitoring operations to determine whether any adjustments are needed once projects are completed. He said that they would also look to follow that process for the Champlain Parkway Project as well. He said that they will continue to support public engagement during this process to reduce negative impacts as much as possible. He said that this project has taken up too much bandwidth in the City over too many decades, and completing it will allow DPW to turn to a suite of new projects.

Michele Boomhower, Director of Policy, Planning, and Intermodal Development at the Vermont Agency of Transportation (VTrans), spoke about how this iteration of the project is community focused, has a multi-modal framework that would support the residents of the project area, allow for housing developing near the project area, and benefit the businesses in the project area. She said that they are excited to have completed the first phase of the project, as well as the fact that the construction bid for the final phase of the project came in 42% lower than the engineering estimate for the project. She said that the State looks forward to support the City to complete the project in a timely manner and to support the City on other transportation projects that will support Burlington's community objectives.

Senior Public Works Engineer Mims said that this item seeks approval to award a final construction contract for the Champlain Parkway Project. He said that this is for the final phase of the project, and would entail finishing work on Pine Street from Kilburn to Main Street and conducting improvements along that roadway, and redeveloping the section of roadway and ramps that connect to I-189. He said that they anticipate awarding this contract in the fall, with a project timeframe of September 2024 to Summer 2026. He said that they received 4 bids for this project, and that they came in below what was estimated for the engineering assessment of the contract. He said that the lowest bid came in at \$14.4 million. He spoke briefly about the South End Construction Coordination Schedule, that includes other projects in addition to the Champlain Parkway Project, such as the Main Street Great Streets project, the CityPlace project, and the Railyard Enterprise project.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. (ECI) in an amount up to \$14,392,262.50 with \$1,439,226.25 (10%) in contingency funds, totaling up to \$15,835,613.75, for the Champlain Parkway Final Construction Contract, subject to the final review and approval by the Office of the City Attorney, and to: 1. Request the Department of Public Works provide the City Council a full briefing at a September 2024 Council meeting on the status of the South End Construction Coordination Sequence and the Railyard Enterprise Project in specific; 2. Make best efforts to front load the installation of the Champlain Parkway final construction contract's improvements between Maple Street and Main Street including the installation of traffic signals such that the signals

are operational for up to 6 months, but in no case fewer than 3 months, prior to the opening of the project's interstate connection; 3. Have the Department of Public Works and the Transportation, Energy, and Utilities Committee develop a plan for post-construction traffic monitoring and public feedback, including proactive outreach to the King and Maple neighborhood, and present the results to the City Council every year for the first two years after the Champlain Parkway project is completed; and 4. Based on the traffic data and public feedback collected, advance any appropriate additional improvement or traffic mitigation necessary.

DISCUSSION:

- Councilor Litwin thanked DPW for working with the Council on this amended motion language, which allows him to support this item tonight. He spoke about the pressure on the King/Maple neighborhood and said that traffic flow improvement measures will be critical for that neighborhood. He asked about the right-of-way timeline, and Senior Public Works Engineer Mims replied that it is a longer timeline due to the unpredictable nature of the timing of securing a number of rights-of-way.
- Councilor Bergman said that he has been supportive of this project on the condition that the Railyard Enterprise Project would be moving to completion in tandem. He expressed support for this recommended amendment. He said that he still anticipates congestion in the King/Maple neighborhood, but will continue to fight for the health of that neighborhood and against environmental racism.
- Councilor Broderick asked whether traffic monitoring will be conducted between when the signals are installed and when the interstate is opened up to the rest of the Champlain Parkway. Senior Public Works Engineer Mims replied that they can look at setting up monitoring in this interim phase. Councilor Broderick noted that he lives in the King/Maple neighborhood and also sees concerns with increased traffic in that neighborhood due to this project.
- Councilor Grant spoke about concerns of environmental racism with this project, given the potential negative impacts on the King/Maple neighborhood, which is a very diverse, low-income neighborhood in the City. She noted that the Railyard Enterprise project has not moved with the same speed as this project, and noted that this project would not have been sited in that neighborhood if the racial and economic backgrounds of the people living in that neighborhood were different.
- Councilor Shannon spoke about her past opposition to this project, and about the work Director Spencer has done with State and federal partners to turn this project into something she has been able to support. She said that its goals are to increase access to downtown as well as relieve traffic to South End neighborhood streets, which she believes it will do effectively. She said that she has talked to many residents in the King Street neighborhood, who still support this project even if there is no new road related to the Railyard Enterprise project. She said that the development that is making traffic worse is going to occur with or without this project, and said that she is hopeful that installing traffic lights will help alleviate it.

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

7.6 Mayor's Memorandum on Encampments

Mayor Mulvaney-Stanak began by saying that this item provides an update on the larger conversation around Burlington's response to the housing emergency and specifically around people who are unhoused in the community. She said that in July they had intended to update the Council on the current status of resource placement (dumpsters, portalets, and the three sites that were proposed in June), but are sharing that update now. She said that they have placed these resources at two of the three sites and that there have been no issues reported, and

this shows that having some level of support for folks is helpful. She said that the third site is the Old Dump Road off Manhattan Drive, but that placing resources at this site required more conversation with neighbors. She said that this conversation highlighted that there are a number of issues at that site, and there were concerns about drug dealing and increased activity of that nature, given the chronic lack of public safety support in that area. She said that this led to her prioritizing safety first in that area, and the placement of support items second. She said that in terms of emergency housing, her focus has been around getting more emergency short-term shelter beds online, given that camping is not a viable policy. She said that they have been working with state and other partners to get more emergency shelters online, especially low-barrier shelters. She then spoke about overdose prevention centers (OPCs) and how the City was chosen to site the state's first OPC. She said that they are engaging with individuals who stood up an OPC in Providence, Rhode Island, to learn more about their experience. She said that she is also working with municipal leaders in surrounding towns on these topics as well.

Special Assistant Russell began by noting that in her work specifically, they are trying to identify more low-barrier emergency capacity for shelter within the county. She said that this has entailed more work with the state's Agency of Human Services (AHS) to expand emergency shelter capacity (specifically from December 1 – March 31), and the City has applied for some of this funding and in its proposal it highlighted the need for shelter during all times of the year, not just those winter months. She spoke about work to identify locations for emergency shelter spaces. Director Pine emphasized that housing is the overarching goal of the City, and it works to increase the supply over housing overall.

Councilor Grant noted that more cutbacks to services and emergency shelter are coming in September and asked if there are estimates on how that will impact Burlington. Special Assistant Russell replied that there are 230 households in motels as of last week, and that any household that reaches the 80 day maximum will lose that motel space, so it could be up to the full 230, depending on when they entered the program. She said that this impact could begin to be seen in the end of September and beginning of October.

Councilor McKnight spoke about the predatory behavior of drug dealers at the Elmwood Shelter pods, and asked what the options are for taking a holistic view of the impact of any new shelter on the neighborhood into which it is being placed, given the experience of neighbors and residents around the Elmwood Shelter and the negative impacts felt in that location. She said that a more articulated and dedicated level of law enforcement in any shelter site would help garner public support for this. Special Assistant Russell spoke about the challenges of funding neighborhood-wide security staff with a State partner grant. Mayor Mulvaney-Stanak noted that the Old North End has had issues around drug dealing for decades and the City has been working with the police department, which has the resources to coordinate with the State's attorney office and District Attorney. She cautioned people to be careful about linking things where those connections might not necessarily be causal, in order to have the most constructive dialogue around these complex issues.

Councilor Litwin confirmed that 7 out of 10 currently unhoused people need access to low barrier shelter beds (due to substance use disorder or other health disorders). He said that the City needs to continue having a discussion about 58 Pearl Street, and noted that they have heard from many members of the public and from the police about concerns around increased drug activity and crime in areas with shelters such as the Elmwood pods. He said it is important to talk about the implications of siting shelters in neighborhoods. He spoke about the continued need for needle cleanup at one of the encampments. He said he would like to hear more from the Police Chief or Fire Chief in these public safety work sessions around encampments. He said he will continue to oppose camping in the urban reserve, but supports providing services to the unhoused. He said he would also like to discuss the encampments in the CommStat meetings.

Councilor Barlow said the City should look at the impact of siting the Elmwood Shelter where it is, to determine what effects it has had on the neighborhood. He noted that the shelter has had to invest \$50,000 in security upgrades for the facility, and that they should take security in the broader neighborhood into account when siting other shelters. He noted that 80% of shelters in Chittenden County are in Burlington, and

asked what neighboring communities are doing to create shelter capacity. Director Pine noted that surrounding neighborhoods have supported converting motels into housing to serve formerly unhoused individuals and have done so. He said that Vermont doesn't have a tool for compelling regional cooperation, other than collaboration.

Councilor Kane asked how the sheltering on public lands policy is enforced and whether there is discretion. Special Assistant Russell replied that the City is utilizing the policy to conduct an assessment of campsites that are on public lands to determine the needs relate to social service intervention, referrals, safety challenges, or any way the City needs to respond to the individuals, especially in Parks. She said that individuals are generally noticed within 24-48 hours. She noted that they are considering proximity to recreation spaces in their assessments. She said there have been no conflicts in camps that are in closer proximity to the resources that have been made available to them.

Councilor Shannon said she would like the City to focus more on moving people on once they are helped, saying she is hearing an increased sense of hopelessness from the unhoused. She said she has also heard that people are not taking advantage of treatment, and that being unhoused is difficult to maintain sobriety. She said that providing spaces for individuals to store their possessions while they are in treatment could help the uptake in treatment services. She emphasized the importance of stability. She said that while other towns don't have the resources to provide housing, neither does Burlington. Special Assistant Russell noted a pilot program started 3-4 weeks ago with CJC where they have purchased storage containers for people with whom they were engaged, to leave their belongings there while they were in treatment.

Councilor Neubieser reiterated that everyone in City government is working on this the best they can.

Councilor Carpenter asked how many of the 228 individuals who need low barrier shelters really need more than that, such as wraparound services. She also noted that this seems as though this removes the responsibility of the State in this issue, and encouraged the City to keep the State engaged and not relieve them of the burden of helping to solve this issue. Special Assistant Russell noted that the Chittenden County Homeless Alliance collects the data on which individuals need what type of shelter. She noted that they also determined that 25 additional beds are needed for medical respite. She noted that 58 Pearl Street is one location out of several being considered, and that the goal is to expand permanent shelter capacity.

Councilor Doherty reiterated a point of tension, which is that it is not the role of municipalities to manage shelters or provide these needed social services, while being faced with a deficit of 300 low barrier shelter beds. He expressed concern with this tension, because these municipalities do not have the resources to take this on. He noted that creating Section 8 motel rooms is not the same as creating low barrier shelters, and other municipalities need to take on their equitable portion of this burden. He said that it is a legitimate assertion that there is crime and criminality with the services being provided, and unless this is addressed ahead of time, he will be reluctant to provide additional services.

Councilor McKnight said that her former comments were not blaming the unhoused for the safety challenges in Burlington, but was speaking up for the people who are struggling at the Elmwood pods and that safety patrols that disrupt organized drug crime will help save and improve lives for residents. She said that when the Mayor dismisses her concerns and tells her to be careful with language, she is creating a situation in which the City cannot plan for the safety of the community without be accused of prejudice against the unhoused, and is not productive.

Councilor Grant said the City has a number of equity issues around drugs, and that she has begged the City in the past for resources to deal with drug crime in the Old North End and Central District. She noted concerns with siting the Elmwood pods where they are, given the

proximity to known drug houses. She said that it was still sited there, despite these concerns and despite asking for more resources multiple times.

Mayor Mulvaney-Stanak said she and her staff will coordinate responses to the number of requests for data that were made at this meeting, and will continue to share updates on developing relationships with surrounding town managers on collaborating on this issue. She spoke about the importance of a unified front to tackle this issue, both at the local, regional, and state levels. She urged the Council to remain in a collective and collaborative space on this.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to suspend the rules and complete the remainder of the deliberative agenda. Councilor Litwin made a friendly amendment to cap the meeting to end the deliberative agenda at 11:00 PM, unless revisited.

VOTING (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 – nay, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (11 ayes; 1 nays); motion carries.

7.7 Mayor's Update on Community Safety

Mayor Mulvaney-Stanak provided a summary of the memo that was drafted on this issue. She spoke about the millions of dollars provided in FY25 to specifically prioritize and address community safety issues in a multi-faceted way. She spoke about her convening of 4 meetings with 20+ community members each to speak specifically about community safety issues and potential solutions. She said this includes increasing customer service (front desk) presence at the Police Department for ease of navigation, and improving case management and communication with community partners. She also noted that they are hiring a Senior Advisor on Community Safety, Ingrid Jonas, who is a retired Vermont State Police Officer, and spoke briefly on her background. She spoke about the hot spots in the City and keeping an eye on them to figure out which strategies to employ and where. She noted that there will be a public forum hosted by the Mayor's Office on September 5th at 5:30 to allow the public a forum to speak, as well as provide updates.

Councilor Neubieser expressed appreciation for the Mayor and her staff's approach to addressing public safety in a transparent way.

Councilor Broderick asked about the management of hot spots and implementation of strategies for improvement, and asked what successes and challenges have been seen there. Mayor Mulvaney-Stanak noted that they began by addressing hot spots at the library, which then moved to the parking garages, and then moved to Buell Street, once the previous locations had been addressed, which is why this work is so complicated. She said that some of the successes are around increased coordination, communication, and patrols between departments with real-time information. She said that this also includes increased communication with community partners, such as the church community. She also spoke about successes around supplementing resources where there are gaps, such as utilizing the sheriff's office resources at the parking garages. She said that Buell Street has posed a significant challenge.

Councilor Kane asked about increased patrols on Buell Street and asked for further details on those. Mayor Mulvaney-Stanak replied that there was a drug bust on Buell Street 2-3 weeks ago, which required coordination with the District Attorney to coordinate maneuvering, strategizing, and evidence collection. She said she will get back to the Councilor with more information on what those additional patrols entail. Councilor Kane asked for more detail about coordination between the Police Department and CJC, asking whether CJC could be better utilized on precharges and conditions of release. Mayor Mulvaney-Stanak replied that CJC is well utilized for cases where it is appropriate, but she is

meeting with the State Attorney's Office on how best to improve the situation while acknowledging that courts continue to be backlogged. She said that this will also be part of the City's legislative agenda for 2025.

Councilor Doherty said he is glad to hear that the Mayor's Office is working on pretrial supervised release, which is a tremendous concern in the community, and said he looks forward to an update. He said that he, like Councilor Kane, does not feel that the Buell/Orchard hot spot has been addressed yet. He said that the criminal conduct has become flagrant and there does not seem to be a sense that anyone needs to hide their criminal activity, which is a big difference between now and several years ago. He expressed hope that the Mayor can use her position to push law enforcement leaders to coordinate and work together and come up with hard, strategic responses to this.

Councilor Grant noted an email she was part of from February 15, 2022, where residents cited concerns with open-air drug dealing. She said that many people have seen open-air drug dealing for years now, but they have now seen it in different places in the City than it used to be. She said she is thankful for the new strategies being put in place, and the intention to include more people in the public safety conversations. She said that people continue to feel that they are living in completely different cities based on the way they are treated and the way their concerns are responded to (or not responded to).

Councilor Litwin agreed with other Councilors about Buell Street. He noted that the churches on and around Buell Street are also used for meetings for people in recovery, and said that these people need to be able to continue to get this support without having to be exposed to drug use and dealing. He noted anecdotally that the postal worker whose route is on Buell Street has refused to deliver mail there. He also reminded the public about Act 150, which was updated to include penalties to criminalize threatening activities in a number of environments (schools, churches, libraries, polling places, federal/state/municipal buildings). He asked if the Mayor would be willing to post this language at any of the spaces that fall under that law. Mayor Mulvaney-Stanak replied that she will review the statute and get back to Councilor Litwin. Councilor Litwin said he would also like to know if State Attorney George or the Police Department are planning or already have charged anyone under this amended law.

Councilor Carpenter acknowledged the work of the Mayor and her office, and said that lack of communication and coordination has been a problem, and expressed hope that this will be improved with the hiring of a new senior advisor on public safety.

7.8 Resolution: Requesting Vermont's Congressional Delegation Request The Secretary Of The United States Air Force Replace the Current F-35 Mission With One That Causes No Harmful Noise To The People Living Around The Airport, And One That Is Fully Compatible With Residential Neighborhoods (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Neubieser, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Bergman thanked the various individuals who have had input into and have supported the resolution. He spoke about the known harmful health effects of the noise of the F-35s, the known harmful impacts on housing, and that they know that the City needs a different mission at this airport that is good for peoples' health and the economy, as well as knowing that the Congressional delegation has the power to ask that the mission be changed. He said that this resolution asks the City to act in solidarity with the neighbors most harmed and affected by the F-35 mission. He said that this resolution also seeks to work collaboratively with other communities affected by this situation, as well as form a multi-partisan Council committee to follow up with the delegation and report back to the Council regularly about progress.**

- Councilor Neubieser expressed appreciation for residents who have voiced their concerns with the mission, and their support for this resolution. He said he has opposed the F-35s in Burlington since 2018, saying they have been a waste of federal tax dollars. He spoke about the scientific evidence that the noise from this mission causes harm, as well as exacerbates the region's housing issues by driving up land acquisition costs and the removal of desperately needed homes from the housing supply.
- Councilor Litwin offered several friendly amendments to the resolution, that would add after Line 57: "WHEREAS, the City of Burlington, with the support of the Vermont Air National Guard, has used these funds to support noise mitigation efforts through a Noise Compatibility Program (NCP) and Implementation Plan approved by the FAA whereby the City has been actively installing sound insulation in impacted residential properties, previously installed active noise monitors in surrounding communities, and constructed a Positive Ventilation and Sound Insulation project at the Chamberlin School in South Burlington; and WHEREAS, the Vermont Air National Guard has fully participated in the City of Burlington's noise mitigation efforts, including by, but not limited to, supporting the Technical Advisory Committee for the NCP and Implementation Plan, providing vital data for the development of a Noise Exposure Map, and continuously advocating through our Congressional Delegation and FAA for additional federal funds dedicated to noise mitigation; and"; add after Line 161: "WHEREAS, since it was originally recognized in 1946, the Vermont Air National Guard has flown more than eight different missions and Vermonters have consistently appreciated and been grateful for their dedication to the defense our nation and local communities, the community stewardship exhibited by hundreds of service members and their families, and the essential contributions they have made to the capital infrastructure and operations of the airport; and" and add to the last resolved clause: "...This committee shall exist until a formal response is received from either the United States Air Force or the Congressional Delegation, at which point the committee shall prepare and submit a final report to the full Council, summarizing the committee's work, the response received, and any recommendations on next steps; and BE IT FURTHER RESOLVED that the City Council respectfully requests that the Mayor meet with the leadership of our airport and the Vermont Air National Guard and, on or by October 1, 2024, report back to the City Council on the status of collaborative noise mitigation efforts, VTANG's contributions to the airport's capital infrastructure, and how, if at all, this resolution may impact VTANG's future operations at the airport."
- Councilor Litwin said he is incredibly supportive of the national guard, but is also incredibly supportive of his community.
- Councilor Barlow said he is not supportive of this resolution, noting that this question has been asked of the Air Force before and there was no new information shared tonight. He expressed disappointment that the City is revisiting such a settled issue when there are so many other urgent matters it is facing. He said that VTANG continues to implement planned noise mitigation improvements around the Airport. He said the resolution makes a flawed assumption that the City can replace the mission with another one that preserves the jobs and economic benefits of this mission. He said the federal government has invested over \$100 million into the Airport as a result of the F-35 mission, and said that funding and employment are directly tied to the F-35 mission. He noted that VTANG employs over 1,000 people and provides firefighting and emergency response services at the Airport.
- Councilor Doherty said that he supports much of what Councilor Barlow said, but that he will be voting in support of this resolution because he has great faith in Vermont's Congressional delegation, and that he trusts them to make the decision that is best for the community. He said that acknowledging the sacrifice and service of the Air Guard are incredibly important when discussing this issue.

MOTION by Councilor Bergman, SECOND by Councilor Broderick to suspend the rules and complete the deliberative agenda and Mayor's Updates by 11:45 PM.

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Councilor Grant spoke about the effects of this mission on neighboring communities, and said that Burlington needs to be a better neighbor. She said that if this mission is replaced, it will likely be with another military mission, such as drone training. She expressed appreciation for the noise mitigation attempts, but said it is not enough.
- Councilor Kane spoke about the genocide being committed with the F-35s, and asked for a moment of silence.
- Councilor Neubieser said there is nothing in this resolution that should be equated with not recognizing the sacrifices made by and services of the Air Guard.
- Councilor Doherty clarified that the Air Guard is not involved in genocide.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – nay, 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, (11 ayes; 1 nays); motion carries.

7.9 Resolution: Changes To City Charter Articles 62, 63, and 65 Regarding Police Oversight Short Form Ballot Question (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Bergman called attention to Lines 134-148 to summarize the relevant points of this issue.
- Councilor Shannon said the language is confusing, and asked about the process of adopting this tonight if changes are brought forth during the public hearings on this issue. City Attorney McNeil replied that yes, based on comments at the first public hearing (but not necessarily at the second public hearing), amendments can be reflected in the measure, which can be reflected on the short form. Chief Administrative Officer Schad confirmed that if something changed at the meeting on the 15th it would be able to be reflected and changed.
- Councilor Litwin noted that on lines 95, 96, and 112, "his or her" should be changed to "they", to follow best inclusive practices.
- Councilor Carpenter emphasized the importance of the full Council attending the public hearing on the 15th. She also asked about the feasibility of including the entire charter change along with the ballot, rather than just the short form. Chief Administrative Officer Schad replied that because this is a state election, the City has less say in how the ballot items ultimately appear. She said it is unclear whether the state would allow the City to include the entirety of the language along with mailed ballots, and that it is an ongoing discussion with the state. City Attorney McNeil said that they will try to make the short form as legible and understandable as possible, but while also trying to ensure that the full question is available at the ballot box (and in mailings).

VOTING: unanimous; motion carries.

7.10 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 (Ordinance Committee)

Councilor Barlow noted that both items 7.10 and 7.11 came from the Vehicle for Hire Licensing Board, and that they are suggested improvements to the taxi system in the City. He said that 7.10 mandates that taxis operating at Burlington out of the taxi queue for trips 50 miles or less use their meters to charge people. He said that 7.11 says that taxis must accept two forms of major debit or credit cards, as they can currently operate on a cash-only basis. He said that 7.11 also gives the Vehicle for Hire Licensing Board the ability to participate without a full quorum, by allowing the chair of the TEUC to appoint a member on the Vehicle for Hire board during a meeting if it doesn't have a quorum.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the second reading and adopt the Appendix to the Burlington Code of Ordinances for item 7.10, and to waive the second reading and adopt the ordinance as amended by the Ordinance Committee for item 7.11.

VOTING: unanimous; motion carries.

7.11 Ordinance: Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares (Ordinance Committee)
See 7.10 above.

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
Mayor Mulvaney-Stanak spoke about staff changes in her office, noting the hiring of a new executive assistant. She noted that Ingrid Jonas will begin as the Senior Advisor on Public Safety, and that Jessica Brown will begin her role as City Attorney next week. She thanked City Attorney McNeil for his service to the City in this temporary role. She noted that this week she will begin work on goal-setting with department heads to guide their work for the next year, which will also play a role in who she appoints next fiscal year. She spoke about Memorial Auditorium, noting that the engagement process will begin in September with the public on the future of the block. She said that the Racial Equity, Inclusion, and Belonging (REIB) staff have been working over the last several weeks on a clearer vision statement to begin engaging with community partners and the City Council and REIB Committee. She said that her office has been working with the Police Department on proactive community engagement, trust building, and relationship building in various neighborhoods. She spoke about rolling out the Operational Efficiency study's findings and results. She said that 7 General Fund departments were studied in this report, and she will be meeting with each of these department heads between now and September 9th and will bring this to the Council for a work session on

September 9th. She said she is working with department heads to provide regular updates to the Council every two weeks. She spoke about meeting with regional town managers and coordinating advocacy work on a State level. She said she is also asking for departments' and City Council's legislative priorities to take to legislators, noting that being proactive with potential ideas for bills now is a prudent idea.

12. ADJOURNMENT

12.1 Motion to Adjourn

The meeting adjourned without objection at 11:39 PM.

RScty: AACoonradt