

**BURLINGTON CITY COUNCIL
CONTOIS AUDITORIUM, 2ND FLOOR, 149 CHURCH ST *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 9, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
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

OTHERS PRESENT:

Emma Mulvaney-Stanak (via Zoom)
Erin Jacobsen (at 6:53 pm)
Joe Magee
Katherine Schad
Jessica Brown
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Sarah Montgomery
Brian Pine
Darren Springer
Betsy Lesnikoski
Rodney Dollar
Munir Kasti
Nic Longo

1. CALL TO ORDER and AGENDA

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

MOTION by Councilor Litwin, SECOND by Councilor Broderick, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 5.30 Communication: Judith Yarnell, re: Comments for Mark Barlow, City Councilor;**

- **Add to the consent agenda item 5.31 Communication: Nicholas Persampieri, re: City Council Meeting, 9/9/24 Agenda item No. 6.6. Two RFPs Related To McNeil and Forestry;**
- **Remove from the consent agenda item 5.10 Request to accept a Federal Aviation Administration (FAA) Grant for Residential Sound Insulation Project (RSIP) Phase 4 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc and Jones Payne Group, Inc. (JPG), respectively – Airport and place it on the Deliberative Agenda as item 6.7 (per Councilor Bergman).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:30 PM

2.1. Verbal Comments

Forum opened at 6:44 PM.

COMMENTS:

Burlington residents (in person):

- John Mainen spoke in favor of a strong response to the public safety crisis that is plaguing the City and urged the Council to pass the resolutions before it tonight. He said that he owns a shop downtown and experiences chronic shoplifting, but has stopped calling the police due to the amount of paperwork required and the seeming inaction by the police to do anything meaningful. He also spoke about deteriorating conditions at the library.
- Bram Kranichfeld spoke as the Franklin County State Attorney and a resident of the City, and expressed support for the public-safety related resolutions on tonight's agenda. He said that the City is currently experiencing a public safety crisis and commended the Police Department for facing these issues with the extremely limited resources available to them. He said that tonight's resolutions could help improve morale and recruitment efforts for the City's police department.
- Shakuntala Rao spoke in support of the four resolutions related to public safety as someone who has interacted with the police department and someone who has witnessed the City's gun violence. She said the resolutions will give the police department what they need to work in the most efficient and safe manner they can.
- Andy Vota spoke in support of the public safety resolutions before the Council tonight, saying that the City must do more to support its public safety officers. He said that the City needs to send a message to its first responders by investing in their physical workspaces, as well as innovate to address staffing and recruiting challenges. He said the City needs to increase both deterrence and swift consequences for illegal actions in the community.
- Caroline Quinn spoke in support of the public safety resolutions before the Council tonight. She spoke as a resident on Elmwood Avenue, near the Elmwood Shelter pods, saying that she is surrounded by people using and selling drugs in the open on a daily basis. She spoke of a number of negative interactions she has had with individuals engaging in illicit activity, and said that she has received little to no support or help from the Police Department when she has called. She said it would be a comfort to see the police be more responsive to the needs of citizens when they call.
- Polly Mangan spoke in support of stronger responses to the City's public safety challenges. She spoke about how she no longer goes to the library due to public safety concerns. She also spoke about dangerous conditions around some of the City's churches downtown, as well as the many discarded needles that litter the walking paths, greenways, sidewalks, and beaches of the City.
- Mike Conroy expressed concern for the state of the City and expressed support for the resolutions before the Council tonight, saying that improving conditions for the police department should be the City's top priority.
- Jim Carrier said that four years ago, the Council was asked to do something about the police department, given actions by certain individual officers and loss of trust from the BIPOC community, resulting in impulsive cuts to the department of 30%. He said that efforts to reduce bias and disparities have resulted in progress, though they are slow-going. He cautioned against yet another

impulsive action to make sweeping changes and lift caps on the police, essentially leap-frogging the Mayor's well thought-out plan to build back public safety.

- David Maher expressed support for the public safety resolution, saying that two items in them should be implemented as soon as possible (the need for secure facilities to hold suspects locally, and expanding relationships with outside agencies). He recommended a citywide interruption of the drug trade, which will require help from the state police, county sheriffs, and police forces from surrounding municipalities.
- Barbie Alsop noted that the Police Department has had difficulty maintaining its current number of officers, and asked why the Council would want to raise the cap from 87 to a higher number, given the difficulty of even hiring 87 officers. She said that this resolution is performative and do not address underlying issues.
- Romeo van Hermann spoke about the need for programs to rehabilitate the most vulnerable populations in the City while also ensuring the safety of businesses, residents, and visitors to the City. He said that raising the number of police officers does not necessarily solve the City's public safety problems.
- Nancy Harkins spoke in support of the resolution to protect Burlington from gun violence by banning guns in bars. She noted that drinking alcohol impairs judgment and can lead to violence, and that a measure to ban guns in bars is long overdue in the community.
- Abby Duke said that people in the community should be and feel safe, and that it is the responsibility of civil servants to accomplish solutions that put effectiveness and impact over ideology. She spoke in favor of the four public safety resolutions before the Council tonight, saying that the City needs to use all strategies at its disposal to make these improvements.
- Nick Persampieri spoke about the McNeil Plant, noting that it has sustained losses of \$9.8 million in the last fiscal year. He said the City should study whether McNeil should continue to operate or should be replaced with alternatives prior to investing in other studies, such as the two that are being proposed tonight. He said that an emissions reductions study should include an option to power McNeil with alternative fuels. He also spoke in support of the four public safety measures in front of the Council tonight.
- Jane McDougal spoke about needing more police officers on the streets. She spoke about her experience living at Cathedral Square and that residents feel unsafe going out at night. She spoke in favor of increasing the number of police officers in the City.
- Caryn Long said that lagging recruitment for police officers is a national problem, that the City needs laws to prohibit guns in bars and all public places, and that citizens can vote for stricter gun laws and stricter background checks. She said the current public safety challenges are not the new normal that needs to be accepted, and that the Council can move forward effectively and collaboratively to improve public safety.
- Grace Ahmed spoke about the resolution relating to improving recruitment for emergency first responders and examining the cap on the number of sworn police officers. She noted that the resolution calls for a report to the City Council by December 9th to include updates on staffing levels, recruitment, and recommendations on the number of CSOs, CSLs, and sworn officers. She said that police caps may not be the right question to be discussing.
- Rachel Margolis spoke in support of the resolution to strengthen and support the police department and also spoke about the situation at the Fletcher Free Library, saying that she may have to join the South Burlington library if the situation does not improve and the public does not feel safe going to the library.
- Suzanne Sugar spoke about her prior reservations around the proposal to support encampments without a plan to transition those individuals into more permanent housing. She spoke about how the downtown feels like a warzone and emphasized the importance of supporting the City's police department. She said that a Civilian Oversight Board is a big impediment to attracting officers and that a safe injection site is not a good idea and that it will attract more drug users.
- Zachary Cummings spoke about his experience as a resident of the City, saying that the Howard Center Safe Recovery program is in his neighborhood. He said that while he supports harm reduction, he said that the site is facilitating a hunting ground for drug dealers

and youth to sell drugs and abuse individuals. He advocated for lifting the police cap so that he and his family feel safe to live in their neighborhood again.

- Lee Morrigan spoke about how a large number of City employees are often forgotten in the context of the public safety conversation. They noted that the Parks and DPW staff are the ones who clean up the needles and biowaste, and that the installation of portalets and dumpsters has made a large improvement on the amount of human waste on the streets. They encouraged the Council to remove the phrase “substance misuse” from any resolution, given that it is an old and stigmatizing term now.

Burlington residents (via Zoom):

- Robert Kiernan spoke about the current wave of communication and demonstrated concern from citizens, the press, and the Mayor around public safety, and said this demonstrates an opportunity for the City. He spoke about anti-police bias in Burlington and said he hopes that this can eventually translate into more positive support for the work of the Police Department.
- Pike Porter spoke about the Department of Public Service’s concerns about enormous losses at the McNeil Plant and said that it is irresponsible to move ahead with the planned RFPs proposed by BED until McNeil’s finances are in order. He said that McNeil is costing rate-payers millions of dollars a year and is a large source of pollution. He said that if the RFPs move forward, the forestry study should include a clear carbon assessment.
- Ashley Adam spoke about the RFPs related to McNeil, saying that any decisions around them should be informed by science. She noted that carbon pollution from wood burning is many times worse than fossil fuels. She said that McNeil is the largest point source of greenhouse gas emissions in the state. She said the City intentionally deceives the public by not counting carbon pollution from wood combustion in its net zero energy calculations and roadmap. She said she hopes McNeil’s financial losses will be a wakeup call for the City.
- Rev. Mark Hughes spoke about the June 2020 resolution that cut the number of police officers and put more resources into alternatives, created the REIB department, and other measures to support minorities within the City. He noted that the racial justice work in that resolution has languished and the REIB department is not even funded enough to staff a director for its mission. He urged the Council to take a close look at all of the measures included in the four public safety resolutions.
- Sharon Bushor spoke about the public safety agenda items. She said that as a Councilor in 2014, she supported a measure that would eliminate guns in bars, and she still supports this measure. She pointed out that there is more gun violence outside of bars than in them. She spoke about the proposal for a new police facility and asked whether the City is still at its bonding cap (due to the new high school construction), and expressed concern about additional financial burden on taxpayers. She also said that she would like the public to have an opportunity to put forth solutions to the public safety issues the City is facing.
- Nolan Rogers spoke in support of cancelling the lease for the parking lot behind the Edward J. Costa courthouse, saying that it is just costing the City money. He expressed support for the BED RFPs but also supported Nick Persampieri’s points about examining McNeil alternatives. He then spoke about the public safety resolutions and said he would like to see the Council work more collaboratively on these.
- Patricia Pomerleau spoke as a resident and commercial property-owner. She said that sales in Burlington are down 7% year-to-date, despite \$12 million that was brought into the City by visitors during the eclipse in April. She said that though reports say otherwise, incidents in the downtown area are not down and that merchants are dealing with shoplifters, open drug use, and having the homeless in their doorways. She spoke about the importance of businesses for the City’s revenue. She spoke in support of more measures to support the police department.

Non-Burlington residents (in person):

- Will Dodge spoke about the severity of the concerns over public safety in Burlington, particularly on behalf of professionals in the community. He spoke about his large law firm in the downtown and how it has loved being located at the gateway to the City. He said

that they are now considering relocating the firm out of Burlington, given concerns that staff have raised about the deteriorating public safety situation. He spoke about unauthorized intrusions into their offices, problems with overdoses around the firm's location, and families and staff who are fearful of going out into the neighborhoods they used to enjoy visiting.

- Thahita Mateen spoke as a public affairs specialist with the U.S. Small Business Administration about the disaster recovery that is still occurring in the Burlington area, saying that they work with business owners and their working capital as well as homeowners, renters, and non-profit organizations. She spoke about how to access federal aid related to disaster recovery.

Non-Burlington residents (via Zoom):

- Nate Besio spoke in support of the resolution that would form the Burlington Advisory Committee on Accessibility. He spoke about working on the current committee and that members have left because the committee was previously never formally recognized. He noted that this is a good step to get more recommendations to the City on behalf of those living with disabilities (noting that the according to the CDC, 24% of Vermonters are living with some form of a disability).

Forum closed at 7:48 PM.

MOTION by Councilor McKnight, SECOND by Councilor Bergman, to suspend the rules and move immediately to item 6.1, after which the Council will return to the regular order of its agenda.

VOTING: unanimous; motion carries.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

None.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Grant urged anyone who hasn't watched it to review the July Public Safety Committee meeting, as the presentation from the recruitment team was extremely informative. She said that the City has a severe problem with recruitment for its police force. She noted that the next Public Safety Committee meeting will be on September 19th at 8:15 AM. She also thanked the Mayor for getting the Public Safety Committee meeting recordings onto Town Meeting TV so that they are more accessible to the public.

Mayor Mulvaney-Stanak said that the Community Public Safety Forum was rescheduled to September 19th at 5:30 PM. She also noted that the City has been experiencing some troubling events, especially in the last two weeks, and expressed condolences to the victims and their loved ones, as well as the community as a whole. She spoke about need to address the issue as a whole community. She expressed appreciation for first responders during these emergencies, as well as the work of the Fire Department, Emergency Medical Technicians, police officers, Community Justice Center staff, and Church Street Marketplace staff. She said that after the Red Square shooting, the City identified immediate ways to improve its public safety response and coordination with its departments, including coordination for victim support services, crowd and traffic control, and outreach. She spoke about convening a working group among downtown business stakeholders to address concerns with training, support, coordination, and removing guns from bars. She spoke about her legislative work on common sense gun control and reform. She spoke about the hot spot strategy begun in the spring, and actions taken when hot spots for public safety concerns are identified across the City. She expressed concern about the number of youth getting involved with gun possession and group

behaviors that are leading to violent outcomes, saying that a coordinated upstream anti-violence strategy needs to be implemented. She finally spoke about Ingrid Jonas as the new Special Assistant on Public Safety, saying that she has started to implement the six core recommendations around tangible next steps to improve public safety.

Councilor Shannon said that constituents still do not know what to do or who to call if a tent is pitched in their yard or their neighborhood or what to do or who to call if someone is laying on the ground and does not look well. She said that as the City continues to develop its communication and guidance resources, she hopes these questions are addressed. Councilor Grant said that the ongoing procedure for reporting encampments or tents where they are not allowed is to use the See Click Fix page on the City's website. She also said that if someone needs a wellness check then 911 should be called. Councilor Neubieser also noted that City staff presented this process extensively to the Parks, Arts, and Culture Committee in the spring and that those minutes are available for people to review. Councilor Litwin said that he would like the See Click Fix application improved to allow for a clearer way to report on encampments. He also noted that there have been reports that it takes up to two weeks for an urban park ranger to follow up on encampment reports.

5. CONSENT AGENDA

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

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

5.3 Authorization to Accept a Work of Public Art from the Parks Foundation to the City – BCA – approve and authorize the Director of BPRW to accept a Public Art donation as described in Attachment A with a total value of \$37,865 from the Parks Foundation, and to execute all necessary documents thereto upon final review and approval of the Chief Administrative Officer and the City Attorney's Office.

5.4 Reclassification of three (3) Parking Maintenance Workers – DPW/HR - approve the reclassification of three (3) Parking Maintenance Workers, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 11 role in the Parking and Traffic Division to three (3) Parking Maintenance Workers, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 14 role.

5.5 Authorization to Accept State Grant for the Voices of St. Joseph's Orphanage Memorial Project – BPRW - – approve and authorize the acceptance of grant funds of \$85,000 from the State of Vermont Center for Crime Victim Services for the Voices of St. Joseph's Orphanage Memorial Project and authorize the Director of Parks, Recreation, and Waterfront to execute the grant agreement and all documents necessary to accept the funding, subject to the final review and approval of the City Attorney's Office.

5.6 Acceptance of Grant Funding AFG – Fire – approve and authorize the Burlington Fire Department to accept a grant from FEMA in furtherance of enhancing and expanding the department's training programs in the area of firefighting, in the amount of \$222,060.00, obligating the City to a 10% local match in an amount not to exceed \$20,187.28, subject to final review by the Chief Administrative Officer; and, further authorize the Chief Engineer to execute a grant agreement with FEMA to accept such funds, subject to final review by the City Attorney's Office.

5.7 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant for design and construction of one additional automated exit lane (exit lane breach control systems) at both the North and South Terminal areas – Airport – approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration (FAA) to accept an amount up to \$232,243, with a 15% contingency, totaling up to \$267,079/45, as allowed under the grant, for design and construction of one additional automated exit lane (exit lane breach control systems) at both the North and South terminal areas, subject to review and approval by the City Attorney's Office.

5.8 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant for the Terminal Integration Project (TIP) additional eligible items – Airport – approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration (FAA) to accept an amount up to \$349,248.00, for the Terminal Integration Project (TIP) additional eligible items, subject to review and approval by the City Attorney's Office.

5.9 Request to accept a Federal Aviation Administration (FAA) Grant for the Runway 15-33 Rehabilitation Project and execute Contracts for Construction and Inspection Services for the Project with SD Ireland Inc. (SD) and Stantec Consulting, Inc. (Stantec), respectively – Airport –

1. Approve and authorize the Director of Aviation to accept and execute a grant from the Federal Aviation Administration in an amount up to \$10,445,434.00 with a 15% contingency totaling up to \$12,012,249.10 for the Runway 15-33 Rehabilitation, subject to review and approval of the City Attorney's Office; 2. Approve and authorize the Director of Aviation to execute a contract with S.D. Ireland Inc. in the amount of up to \$10,227,000.00 with a 15% contingency totaling up to \$11,761,050.00 for the Runway 15-33 Rehabilitation construction, subject to review and approval of the City Attorney's Office; and 3. Approve and authorize the Director of Aviation to execute a contract with Stantec Consulting in the amount of up to \$534,651.00 with a 15% contingency totaling \$614,848.65, as allowed by the grant for project scope that includes project inspection fees, subject to review and approval of the City Attorney's Office.

5.10 Request to accept a Federal Aviation Administration (FAA) Grant for the Residential Sound Insulation Project (RSIP) Phase 4 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc and Jones Payne Group, Inc. (JPG), respectively – Airport **NOW AGENDA ITEM 6.7**

5.11 Request to Accept and Execute a Federal Aviation Administration (FAA) Reimbursable Agreement (RA) Grant for the FAA Technical Operations (Tech Ops) administrative oversight and review of design and construction related to a FAA-owned electrical conduit relocation required for the Airport's Development of a new Snow Removal Equipment (SRE) Building – Airport – approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration, to accept an amount up to \$42,086.00 with a 15% contingency, totaling up to \$36,898.00, as allowed under the grant, for FAA Technical Operations administrative oversight and review of design and construction aspects related to a FAA owned electrical conduit relocation, subject to the review and approval by the City Attorney's Office.

5.12 Classification of a Part-Time Custodian in the Department of Parks, Recreation and Waterfront – BPRW - approve and authorize the creation and classification of the Custodian I- Facilities position, a regular, limited part-time, non-exempt, Grade 9 position in the Department of Parks, Recreation & Waterfront.

5.13 Communication: Ben Traverse, City Council President, re: Tri-Partisan Committee on VTANG Mission – waive the reading, accept the communication and place it on file.

5.14 Declaration of Elected Candidate Ward 3 Special Election – August 13th, 2024 – C/T – waive the reading, accept the communication and place it on file.

5.15 Reclassification of one (1) DPI – Administrator position to Permit Tech – DPI/HR - approve the reclassification of Department of Permitting and Inspections Administrator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position to a Permit Technician, Trades Division, a Regular, Full-time, Non-Exempt, AFCSME, Grade 15 position.

5.16 Fletcher Free Library Security Guard Contract - 6 months - Library - approve the execution of a Contract Agreement and any related documents needed to carry out said contract with Chocolate Thunder, LLC, for a 6-month contract of security guard services for the Fletcher Free Library at a rate of \$50.00 per hour for the first security guard, and \$47.50 per hour for the second security guard in an amount for the first security guard in an amount up to \$93,000 with a contingency of \$6,000.00 for a total maximum limiting amount of \$99,000.00, upon final 5 Court Diversion Grant Amendment #02100-FY24/25-CN – CJC – 1. Approve the acceptance of the State of Vermont Grant Amendment Award #02100-FY24/254-CN, in the amount of \$669,022, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize the 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; and 2. Approve and authorize CEDO Director Brian Pine to accept future grand amendments increasing the amount of the foregoing grant and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby.

5.18 Authorization to Accept Pollution Control Grant Funding and Execute the Grant for Wastewater Treatment Facility SCADA/PLC Improvements and Disinfection Improvements – DPW – Water Resources - approve and authorize the Director of the Department of Public Works be authorized to 1. Execute a grant agreement with Vermont DEC for up to \$113,136.00 for the WWTF SCADA and PLC Improvements Project, subject to final review and approval of the City Attorney's Office; and 2. Execute a grant agreement with Vermont DEC for up to \$901,499.00 for the WWTF Disinfection Improvements Project, subject to final review and approval by the City Attorney's Office.

5.19 Authorization to execute an Assignment and Assumption Agreement by and between Mirabelle's Inc. and Mirabelle's Bakery, LLC – Airport – authorize the Mayor of the City of Burlington to execute the Assignment and Assumption Agreement between Mirabelle's Inc. and Mirabelle's Bakery, LLC in regards to the leasing of the Airport's business premises located at 3060 Williston Road, Suite 8, South Burlington, VT subject to final review and approval by the City Attorney's Office.

5.20 Request for Approval of a \$135,986 Budget Neutral Amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport – Airport – approve a budget neutral amendment in the amount of \$135,986 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by modifying the accounts as described in the affiliated memorandum.

5.21 Communication: Mayor's Office, re: Agreement between City of Burlington and COTS re: 58 Pearl Street acquisition and the provision of low-barrier emergency shelter for winter 2024-2025 – waive the reading, accept the communication and place it on file.

5.22 11 BED U.S. Department of Energy Grid Resilience & Innovation Partnership Grant – BED –approve and authorize the BED General Manager or their designee, subject to final review and approval by the City Attorney's Office, to accept and execute the grant agreement for the U.S. Department of Energy Award DE-GD0000904.

5.23 Authorization to Provide CCRPC With Local Match for VT-127 Shared Use Path Scoping and Feasibility Study – BPRW – approve and authorize the Director of Parks, Recreation, and Waterfront to enter into an agreement with the Chittenden County Regional Planning Commission, obligating the City to provide an amount not to exceed \$25,162 of Bike Path Maintenance Funds to the CCRPC to act as the 20% local funding match for the VY-127 Shared Use Path Scoping and Feasibility Study grant accepted by the CCRPC from the Federal Highway Administration and totaling \$100,646 in granted funds, subject to review by the Chief Administrative Officer and City Attorney's Office.

5.24 Reorganization of the Assessor's Office including the reclassification of two (2) positions – Assessor/HR - approve the 1. Reclassification and retitling of the Associate Assessor, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 16 role to Assessment Specialist, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 18 role in the Assessor's Office and authorize retroactive pay from 04/15/2024 to 09/06/2024 not to exceed \$2,000; and 2. Reclassification and retitling of the Assistant Residential Appraiser, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 16 role to Assessment Analyst, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 17 role in the Assessor's Office and authorize retroactive pay from 04/15/2024 to 09/06/2024 not to exceed \$1,900.

5.25 Reorganization of the Assessor's Office including the reclassification of the City Assessor – Assessor/HR - approve the reclassification of the City Assessor, a Regular, Full-Time, Exempt, Non-Union, Grade 22 role to City Assessor, a Regular, Full-Time, Exempt, Non-Union, Grade 28 role in the Assessor's Office and authorize retroactive pay to April 15th, in an amount not to exceed \$8,600.

5.26 Communication: Burlington Board of Health, re: Gun Violence – waive the reading, accept the communication and place it on file.

5.27 Ordinance: An Amendment to Chapter 22, Section 1, Parks Enumerated: REMOVAL OF RIVERSIDE AVENUE_NUMBER 10 (Councilor Barlow) – first reading, waive the reading, suspend the rules, and place the amendment to Chapter 22 of Burlington City Ordinances as detailed in the attached ordinance form in all stages of passage.

5.28 Ordinance: Comprehensive Development Ordinance ZA-24-04, Neighborhood Code ZA (Office of City Planning, Planning Commission) – first reading, waive the reading and refer to Ordinance Committee.

5.29 Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Traffic Division of Public Works Department – CT/DPW – waive the reading and adopt the resolution.

5.30 Communication: Judith Yarnell, re: Comments for Mark Barlow, City Councilor – waive the reading and place the communication on file.

5.31 Communication: Nicholas Persampieri, re: City Council Meeting 9/9/24, Agenda Item No. 6.6 Two RFPs Related to McNeil and Forestry – waive the reading and place the communication on file.

MOTION by Councilor Doherty, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.31.

6. DELIBERATIVE AGENDA

6.1 Resolution: Congratulating The Burlington American 10-to-12 Year-Old Little League Baseball, All-Stars For Their Vermont State Championship And Proclaiming July 27, 2025 "B.A. All The Way Day" (Councilor Traverse)
City Council President Traverse read the following resolution into the record:

"That WHEREAS, on July 27, 2024, the Burlington American 10-to-12 year-old Little League Baseball All Stars won the Vermont State Championship by defeating Essex Town 9-7; and WHEREAS, this was Burlington American's first State Championship since 1971 and the first time a Little League team representing Burlington won the State Championship since 1992; and WHEREAS, to reach the State Championship, Burlington American won the local District I Championship, its first District I title since 2004, by besting Champlain Valley 6-4 on July 13, 2024; and WHEREAS, after winning the State Championship, Burlington American advanced to proudly represent Vermont in the New England Regional Tournament; NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of Burlington applaud the Burlington American 10-to-12 Year-Old All-Stars for their historic achievement and congratulate the players and coaches who represented this outstanding team: James Agnew #12, Justin Heilenbach, Manager Devon Bolton # 11, Tim Loescher, Coach, Parker Hagan #13, Mike O'Sullivan, Coach, Finch Heilenbach #27 Chad Nichols, Coach, Illo Heilenbach #1, Rich Price, Coach, John Loescher #10, Calvin MacHarg #19, Emery Nichols #15, Owen O'Sullivan #5, Wesley Price #7, Felix Rubinchuk #9, Matthew Weinberger #8. BE IT FURTHER RESOLVED that in commemoration of the one-year anniversary of their historic achievement, the Mayor shall issue a proclamation declaring July 27, 2025 "B.A. All the Way Day."

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

VOTING: unanimous; motion carries.

6.2 Resolution: Honoring The Service Of Representative Curt McCormack (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Carpenter, to adopt the resolution, which he read into the record: "That WHEREAS, Curt McCormack has provided a lifetime of service to the City of Burlington, the State of Vermont and the United States of America. Throughout his career he served as the Vermont Bicycle/Pedestrian Coordinator, Vermont Low Income Advocacy Council Advocate, Director of Advocacy Vermont Public Interest Research Group and was a Peace Corps volunteer; and 5 WHEREAS, Curt McCormack served in the Vermont legislature representing Rutland from 1983-1996 and then Burlington's Old North End from 2013-2022, a combined 22 years in the legislature. He chaired the Committee on Natural Resources and Energy for five years in the 1990's and the Joint House/Senate Energy 8 Committee. He also served as the Chair of the House Transportation Committee from 2019-2020; and WHEREAS, Curt McCormack has an incredible legislative track record. He was the sponsor of Act 78, Vermont's comprehensive solid waste law and the first-in-the-nation 1989 law that regulated Chlorofluorocarbons (CFCs), the creation of the Ethan Allen Express Amtrak train service, and more recently ensured the annual transportation bill had impactful climate initiatives in it. In fact, Curt may be the first legislator to serve as the Chair of Transportation not to own a car; and WHEREAS, Curt McCormack has a strong commitment to fighting climate change and used any opportunity he could to make a difference from serving as Vice Chair of the National Conference of State Legislatures (NCSL) Environment Committee, a member of NCSL High Level Radioactive Waste Repository Task Force, Co-Chair of the New England Recycling Council, House of Representatives appointee to the Vermont Low-Level Radioactive Waste Commission, Vice Chair Vermont Rail Council; and NOW, THEREFORE, BE IT RESOLVED that the City of Burlington honors and thanks Curt McCormack for his legacy fighting for the environment and service to our community."

DISCUSSION:

- **Councilor Bergman said that Mr. McCormack's commitment to the environment is unsurpassed and that he worked continuously to make equitable and ecological transportation options a priority. He thanked him.**
- **Councilor Carpenter echoed these sentiments, also thanking Mr. McCormack for his work to support affordable housing.**
- **Mayor Mulvaney-Stanak spoke about Mr. McCormack's extensive work to advocate for transportation and demonstrate that there are ways to get around the state without a car and be less reliant on single-use vehicles.**

VOTING: unanimous; motion carries.

6.3 Resolution: Recognizing And Celebrating The Importance Of Older Workers And Celebrate National Employ Older Workers Week (Councilor Carpenter)

Councilor Carpenter noted that this resolution came from a request from the City's Council on Aging and that it asks the City to sign on to AARP's pledge about recognizing and celebrating older people in the workforce. She said that this is a demographic that has a lot to offer still and that the City and community need to be creative about how to best create opportunities to leverage their skills, such as creating part-time work.

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

VOTING: unanimous; motion carries.

6.4 Resolution: Formalization of Burlington Advisory Committee On Accessibility (Full City Council)

Councilor Carpenter said that the City has had an Accessibility Committee on and off for the last two decades, but that it had not previously been formalized. She said that this resolution formalizes the Committee and makes it a standing committee. She said that the resolution asks each City department to elect a liaison around accessibility issues, as one action, and that it also asks the Human Resources department to provide staffing support to the Committee.

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

DISCUSSION:

- **Councilor Bergman said that this formalization for the committee has been long overdue, as accessibility needs to constantly be reviewed and assessed, as those needs change over time.**
- **Councilor Litwin noted that this resolution and committee will help the City meet its inclusivity goals.**

VOTING: unanimous; motion carries.

6.5 Creation of the NPA Public Engagement Specialist Position – CEDO/HR

4.3 Creation of the NPA Public Engagement Specialist Position – CEDO

Director Pine said that this relates to the creation of a part-time position that had previously been staffed as a temporary position. He noted that they are also requesting increasing the hours for this position from 20 hours per week to 30 hours per week. He noted that the workload justifies this position at this level. He noted that the incumbent just left the position and that staff are filling in on an ad-hoc basis while they look to hire for a replacement.

MOTION by Councilor Neubieser, SECOND by Councilor McKnight, to approve the creation of the NPA Public Engagement Specialist, a part-time, permanent, non-exempt, AFSCME, Grade 14 position in the Community and Economic Development Office.

VOTING: unanimous; motion carries.

6.6 Two RFPs related to McNeil and Forestry – BED

General Manager Springer began by noting that this item relates to two RFPs that were called for in the November 2023 City Council District Energy resolution. He said that there were a number of tasks for BED outlined in this resolution, also including a Request for Information for a wood chip dryer that would improve efficiency at the McNeil Plant, which was fielded in December of 2023. He noted that BED's FY25 budget includes funding for both RFPs, as well as funding for the engineering work on the wood chip dryer. He said that the Electric Commission and Transportation, Energy, and Utilities Committee (TEUC) have both reviewed these RFPs. He spoke about how the RFPs each relate directly to the language in the resolution. He said that he is particularly interested in how the RFPs can inform use of the McNeil site in more innovative ways, such as with battery storage and other technology and demonstration projects. He also spoke about interest in learning how to assess the emissions footprint of a plant like McNeil, and learning what other kinds of renewable energy could be used at the plant, absent wood chips. He emphasized that BED is not interested in moving away from renewable energy. He noted that two public forum speakers are in litigation with BED at the Public Utilities Commission on the question of McNeil's economics, and that there will be more information that comes out of that process in October.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to authorize the General Manager of the Burlington Electric Department or their designee to post the two RFPs subject to review and approval by the City Attorney's Office.

DISCUSSION:

- **Mayor Mulvaney-Stanak noted that though RFPs don't normally come to the Council from BED, this is a step to increase transparency to the public around the McNeil Plant. She said that this is also a first step toward identifying alternatives for McNeil and where it is possible to innovate and improve efficiencies. She emphasized that she will not sign off on any alternatives that include nuclear power.**
- **Councilor Bergman said this is an important step for the City to take. He acknowledged the importance of an economic feasibility study as raised during public forum, but said he would like to wait for resolution of the docket before the Public Utilities Commission prior to taking any additional action related to that potential study. He noted a request from the public to include more explicit language on the climate and carbon impact of logging, and asked General Manager Springer to confirm that the RFP as written allows for that. General Manager Springer replied that the forestry RFP will provide important information about the climate impacts of sustainable harvesting and sequestration.**
- **Councilor Kane asked about the process for pursuing an economic viability study. General Manager Springer replied that by October 11, 2024 BED will be filing in the PUC docket information about the holistic economics of the McNeil Plant that will address the economic concerns raised tonight, and said more information should be available to the Council and the public after that point. He emphasized his commitment to continuing to pursue renewable energy. He spoke about the importance of evaluating emissions on a lifecycle basis and holistically, rather than looking at just stack emissions.**
- **Councilor Broderick said that he did not support these RFPs in committee only because he believes that the Council needs the economic data prior to continuing to spend rate payer money on studies that seek to extend the life of the McNeil Plant. He said that he thinks these RFPs are important, but said that sequentially, an economic study should have come first.**

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

6.7 Request to accept a Federal Aviation Administration (FAA) Grant for the Residential Sound Insulation Project (RSIP) Phase 4 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc and Jones Payne Group, Inc. (JPG), respectively – Airport ****WAS CONSENT AGENDA ITEM 5.10****

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to 1. Approve and authorize the Director of Aviation to accept and execute a grant from the Federal Aviation Administration in an amount up to \$3,563,164.00 with a 15% contingency totaling up to \$4,097,638.60, as allowed under the grant subject to review and approval of the City Attorney's Office; 2. Approve and authorize the Director of Aviation to execute a contract with Strong Tower in the amount of up to \$1,954,186.00 with a 15% contingency totaling up to \$2,247,313.90 as allowed by the grant for construction activities for 16 homes, subject to review and approval of the City Attorney's Office; and 3. Approve and authorize the Director of Aviation to execute a contract with Jones Payne Group in the amount of up to \$1,542,568.82 with a 15% contingency totaling \$1,773,954.14 for noise program oversight, subject to the review and approval of the City Attorney's Office.

DISCUSSION:

- Councilor Bergman noted that while the City is receiving a significant FAA loan for this work, there is a 10% City share of it, which will be covered by a facility charge program. He pointed out that this is all due to the impact of basing the F-35s and F-16s at the Burlington Airport. He said it is important for the public to see the economic downside of this basing. He asked for more details on how the cost of this will be covered by fees applied to passengers' airline tickets as a facility charge. He also asked about the timeline and trajectory of this noise mitigation retrofitting for the houses in question. Aviation Director Longo explained that the Passenger Facility Charge (PFC) is an FAA program that is longstanding and highly regulated. He said that BTV currently collects about \$3 million annually from PFC funds, and it must obtain FAA approval for any proposed spending of those PFC dollars. He said that BTV uses PFC funds for all airport improvement projects, not just related to noise mitigation. He said that the Airport continues to advocate for additional funding for noise mitigation from the FAA.
- Councilor Litwin asked for confirmation that there would be no increase in the PFC due to this program, but that this simply proposes using the existing \$4.50 PFC charge to help fund the local match related to this grant. Director Longo confirmed this.

VOTING: unanimous; motion carries.

City Council President Traverse called for a brief recess of the City Council at 9:08 PM.

The City Council resumed its meeting at 9:34 PM.

6.8 Resolution: Protecting Burlington From Gun Violence (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon)

MOTION by Councilor McKnight, SECOND by Councilor Neubieser, to waive the reading and adopt the resolution as amended and posted on CivicClerk.

DISCUSSION:

- Councilor Bergman emphasized the importance of collaboration on this public safety-related work, and said that this amended resolution does so. He noted that the City's ordinances already prohibit the discharge of a gun within City limits, as well as imposes a maximum \$500 fine for doing so. He said that the Ordinance Committee will examine whether this resolution will have actual impact, given current ordinance.
- Mayor Mulvaney-Stanak said this resolution is an opportunity to send a clear message to the State General Assembly that Vermont has a long way to go to get more sensible gun policies enacted as law. She expressed appreciation for the amendments offered by the Progressive Caucus to start naming anti-violence measures in resolutions such as this. She spoke about effective and studied actions that communities can take to deter crime and violence. She emphasized the importance of engaging the State as a critical partner in conducting education around safe gun storage and leveraging other resources to make this a stronger, unified effort at the state level.
- Councilor Doherty noted that gun violence is the leading cause of death in children ages 1-19 in the United States, which is a failure of policy and political leadership in this country. He agreed with the Mayor that a patchwork response will not be adequate, but the City should have the latitude to make decisions for its best interests.
- Councilor Neubieser spoke about the ripple effects of gun violence in the community, state, and country, noting these effects from last weekend's shooting at Red Square. He expressed support for this resolution.
- Councilor Grant expressed support for the resolution, as the amendments have helped to get the Mayor and others to a place where it can be supported. She expressed exasperation over the lack of mention of prevention in these conversations, including a discussion about the source of guns in the community and the fact that children are being recruited by drug traffickers in the community. She expressed frustration that the Central District was not consulted when this resolution was drafted, and said that all Councilors need to be involved in the process of legislating in order to ensure collaboration and cooperation.
- Councilor McKnight spoke about the continued effects of gun violence and shootings in schools around the country. She noted that Vermont has one of the most permissive sets of gun laws in the country. She said that guns brought to Burlington to commit violence are not welcome here. She said that until children and members of the community are no longer killed and traumatized by these weapons, she will not tiptoe around Second Amendment rights and affirmed her support for more restrictive laws related to buying, selling, and carrying guns in public spaces in Burlington, as well as bans on assault weapons.
- Councilor Kane echoed Councilor Grant's comments, saying that it is disappointing that the sponsors of this resolution failed to collaborate, given the various opportunities they could have had to do so, as well as failure to leverage the Mayor's work on this issue at the state level.
- Councilor Shannon noted that Councilors do not need to confer with each other on every resolution, and that Open Meeting Law also prohibits Councilors from conferring with each other as a whole outside of the public meeting process. She said that if more discussion is needed, it can be discussed during Council meetings or referred to committee for further discussion.

VOTING: unanimous; motion carries.

6.9 Resolution: Improving Recruitment For Emergency First Responders And Reexamining The "CAP" On The Number Of Sworn Police Officers And Burlington Police Department Personnel (Councilors Doherty, Barlow, Carpenter, Litwin, McKnight, Shannon, Traverse)

MOTION by Councilor Doherty, SECOND by Councilor Shannon, to waive the reading and adopt the resolution as amended and posted on CivicClerk.

DISCUSSION:

- Councilor Doherty said that the size of the Police Department should not have been politicized and should be determined by the law enforcement needs of the City and balanced by budgetary constraints. He said that an 87 person cap on sworn officers is woefully out-of-date, especially given the current public safety situation in the City. He said this resolution sets up a process to ask the Police Department and other stakeholders to assess the needs of the Police Department and City and report back with what a more updated number of police officers should be. He said that this in no way undermines racial justice efforts, as there is not a direct relation between the number of officers and an equitable police department. He said the Police Department needs to be right-sized and well-trained, which will put it in a better position to continue its racial equity efforts. He said addressing this effort now sends a message about this body's commitment to public safety in the City and support of its sworn officers.
- Councilor Bergman said that the assessment and report-out will be conducted with the Public Safety Committee and the Administration as active participants, and will allow for the opportunity at the end of the process for the Council to look at these recommendations. He expressed support for this amended resolution and engaging in the process once more information is gathered through the report-out.
- Councilor Neubieser expressed support for the resolution. He requested that for important resolutions such as the four resolutions related to public safety in front of the Councilor tonight, he would like to have more time to review the resolutions prior to voting on them, given their importance and the high-priority topic to which they relate.
- Councilor Broderick echoed others' sentiments about this important topic. He said that the City needs to do better on recruiting for more officers. He said that conversations about the cap are irrelevant, given that the City can't even recruit to staff up to the cap at this juncture.
- Councilor Grant spoke about actions that have been taken that haven't panned out, such as increasing funding for salaries and retention bonuses to motivate officers to apply to work in Burlington but then advertising the wrong salary rate in the job listing. She said that BPOA has one of the best contracts in the country, according to the Police Department, but that the City is not properly advertising itself as a place for officers to come work. She said there is no strategic social media effort nor strategic digital advertising campaign, though she has brought it up to a number of individuals in leadership. She noted that retention issues have been occurring since 2019, but that hiring has masked that turnover. She said she cannot support this resolution because it is performative and symbolic.

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

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Councilor Litwin noted that the BPOA commented that the staffing recommendations for an 87-officer cap from the CNA study reflect levels that are wholly inadequate to effectively serve the City. They further commented that recruitment is the central issue, and said that lifting the cap would have a positive impact.
- Councilor Carpenter said that the focus of this resolution is to examine what would help on both temporary and permanent bases to improve recruitment and retention.

- Councilor Shannon said this resolution is being brought forward because it has been asked for. She said it is critically important to the department to hire more officers to relieve the burden of current officers. She said that this resolution demonstrates that the City values and supports its officers, and that a well-trained, well-staffed, and well-managed department is a reflection of a City commitment to public safety, equity, and enforcement. She expressed gratitude to the Mayor for addressing City employees' needs related to the hiring process for officers.
- Councilor Barlow agreed with Councilor Grant that hiring practices need to be improved and said he looks forward to innovating in this space.
- Councilor Kane said that in reviewing past Public Safety Committee and other meetings, he feels that the cap on the number of sworn officers is irrelevant, and spoke about other alternatives, such as offloading certain work to the Fire Department that is more appropriate for non-gun-carrying responders. He said that this shift can protect the valuable time of sworn officers and protect the public. He suggested increasing the number of CSOs, CSLs, and urban park rangers, as well as increasing civilian oversight of the police. He said he would much rather have the Chief and Police Department spend time fixing its broken priority response plan than relitigating the cap on the number of sworn officers.
- Councilor McKnight said this resolution takes the concrete step of removing what has been a clearly-identified hurdle to recruitment (i.e., the cap on sworn officers). She said that this resolution deals with and focuses on improving recruitment, which has been cited as one of the most important strategies for improving public safety.

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 – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (9 ayes, 3 nays); motion carries.

6.10 Resolution: The Establishment Of A Downtown Public Safety Hub (Councilors Litwin, Brown McKnight, Traverse, Carpenter, Shannon, Barlow, Doherty)

Councilor Litwin spoke about the shooting at Red Square over the past weekend. He spoke about the City's shared interest and commitment to following the standards of the Department of Justice by addressing hot spot criminal activity in the City through increased police presence and visibility. He said that this resolution does that, and looks at public safety through a multi-faceted lens and provides the opportunity for collaboration with the Fire Department's Crisis Response Team (CRT), CLSs, and other community groups such as the Howard Center's Street Outreach Team. He said that he would like to establish a place where residents, businesses, and visitors can quickly seek assistance, which would help restore confidence in coming downtown. He said this resolution provides for the hiring of a consultant, if needed, as well as an additional \$20,000 to help with operating costs. He said he has approached both DPW and the Church Street Marketplace Commission about establishing such a hub, and spoke about his collaboration with other Councilors, staff, and constituents about this.

MOTION by Councilor Litwin, SECOND by Councilor Bergman, to postpone this item until the City Councilor's September 23, 2024 meeting.

DISCUSSION:

- Mayor Mulvaney-Stanak said that more work needs to be done to reflect in this resolution the work that is being done by her Administration, including staffing the front entrance of the Police Department building.

VOTING: unanimous; motion carries.

6.11 Resolution: Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The Expectations Of The Public, And Provides Dignity, Security, And Privacy For Perpetrators And Victims (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon)

Councilor Shannon noted that many feel that the current condition of the Police Station is a matter of concern, but said she will ask that it be postponed until the next City Council meeting to ensure robust discussion.

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to postpone this item until the City Councilor's September 23, 2024 meeting.

DISCUSSION:

- **Mayor Mulvaney-Stanak said that she appreciates the extra time to prepare updates to inform the Council of the work that is already underway around this item. She also spoke about potentially dovetailing this with the discussions about the Memorial Block redevelopment and public engagement process.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

None.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

None.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

None.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 11:00 PM.

RScty: AACoonrad