

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
December 16, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Gene Bergman
Ben Traverse
Melo Grant (via Zoom, then in person)
Carter Neubieser (at 5:49 PM)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Chapin Spencer
Josh Olund
Bob Klinefelter
Carolyn Cota
Michael LaCroix
Steve Spear
Laura Wheelock
Megan Moir
Sarah Russell
Jon Murad

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 5:40 PM.

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

- **Add to the consent agenda item 6.30 Request for Amicus Support from VLCT (per Assistant City Attorney Sturtevant per City Council President Traverse);**
- **Remove from the Deliberative Agenda item 8.3 and place it on the January 13, 2025 City Council Deliberative Agenda;**
- **Remove from the Deliberative Agenda item 8.6 (per City Council President Traverse).**

MOTION by Councilor Broderick, SECOND by Councilor Bergman, to amend the agenda by postponing item 7.1 to a date certain of January 27, 2025.

DISCUSSION:

- **Councilor Broderick said that this would move the vote on the citizen petition ballot measure in order to allow for more time to raise awareness of the item and more active civic engagement and public turnout. He noted that many of the resident students at the University of Vermont are away on winter break at this point in time.**

He requested that if this is not postponed, then the Zoom participants who wish to speak during public forum should be allowed to do so.

- Councilor Bergman also noted that the petitioners requested not placing this item on the first available City Council agenda but to wait, and he said it would be most respectful to honor that request.
- Councilor Shannon noted that the Council provides multiple ways to weigh in on issues, including attending in person, via Zoom, emailing or calling Councilors, and said she does not feel that anyone has inordinately been prevented from participating in this meeting.
- Councilor Litwin said he agreed with both Councilors Shannon and Bergman, but expressed discomfort with having this issue linger through Hanukkah and the holidays.

VOTING (on postponing item 7.1): 4-5; motion fails (Councilors Carpenter, Litwin, McKnight, Shannon, Traverse dissenting; Councilor Grant absent for vote).

VOTING (on adopting the agenda as originally amended): 8-1; motion carries (Councilor Neubieser dissenting; Councilor Grant absent for vote).

2. EXECUTIVE SESSION REGARDING POLICE CHIEF'S REPORT

2.1. Executive Session Regarding Police Chief's Report

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to find that premature general public knowledge of records relating specifically to negotiation of contracts, including collective bargaining agreements with public employees, would place the City at a substantial disadvantage in negotiations because the City risks disclosing confidential information and public.

DISCUSSION:

- Councilors discussed the utility and appropriateness of entering into executive session, given that the report in question has already been seen by the counterparty and would not place the City at a disadvantage. City Attorney Brown noted that even if the report has been publicly disclosed, it does not waive the City's right to review that information in a confidential executive session.

VOTING: 8-2; motion carries (Councilors Shannon and McKnight dissenting).

MOTION by Councilor Litwin, SECOND by Councilor Bergman, to suspend the rules and move the executive session to take place after item 7.1.

VOTING: unanimous; motion carries.

3. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

3.1. Verbal Comments

Forum opened at 6:12 PM.

COMMENTS:

Burlington residents (in person):

- Valerie Lotish spoke against agenda item 7.1, saying that it singles out and demonizes Israel, noting that the language in this petition is identical to what the Council chose not to place on the ballot last year. She spoke about anti-Semitic behavior that her children have experienced at school. She said the Council should work to create a more inclusive and stronger community for all residents of Burlington.
- Jason Weisberg spoke about the Jewish population of Burlington, noting that it comprises a diverse set of beliefs and subcultures. He asked that the Council not put the proposed petition on the Town Meeting Day ballot, saying that the wording is hurtful to many in the community and is divisive.
- Susan Leff spoke about how many individuals of Burlington's Jewish community no longer feel safe. She spoke about September 2021, where City Council considered a boycott, divestment,

and sanctions resolution, and how that experience had a lasting impact for many in the Jewish community. She said that public forums such as that, and such as tonight's public forum, have consistently led to enhanced community division and increased anti-Semitism. She said this is not a Burlington issue, but that the safety of all Burlington citizens definitely is.

- Abby Kaepelowicz spoke about several personal experiences with anti-Semitism in the community. She spoke about her and other Jewish students' experiences being harassed and threatened, and said that tonight's petition is one of the reasons that they feel afraid.
- Alli Sissonwine spoke about how the environment in Burlington has changed, has become harsh and toxic, and that she does not feel proud or safe living here.
- Max Abrams said it is disheartening to see how pervasive anti-Israel and anti-Semitic narratives continue to be. He noted that he and many other Jewish UVM students feel unsafe. He urged the Council not to vote for this petition.
- Melanie Needle said the proposed ballot item both spreads misinformation about Israel and also harms the Jewish community in Burlington, particularly school-aged kids. She said the item teaches children to hate Jewish people. She said this resolution makes the Jewish community feel harmed and unsafe in the community and urged the Council to vote against it.
- Chaim Lodisch said this petition should not be on the ballot because it is full of lies and misinformation, which is detrimental to the Jewish residents of Burlington. He said there is no apartheid state in Israel and that statements about settler colonialism is false.
- Jason Lorber spoke as a queer Jew living in Burlington, noting that he does not feel welcome in many parts of the community. He said that the community can come together, but not in the way this resolution is written and not in how conversations to date about this topic have been conducted. He said this resolution increases polarization, anti-Semitism, and Islamophobia.
- Nurit Zachter spoke about the upsetting and divisive atmosphere at the December 2023 public forum of City Council, where an anti-Israel resolution was also considered. She said that the Council is now considering a petition that is identical to that, which will reawaken great division on an issue that has nothing to do with the real challenges that Burlington faces, and that it undermines the community.
- Mort Zachter said this is the third time he is attending a Council meeting where the Council is spending considerable amounts of time discussing events they have no ability to influence. He said a petition for a ballot question that weighs in on the underlying issues in the Middle East is important, but does not advance Burlington's basic needs. He said the City should focus on the lack of affordable housing, drug use, and homelessness.
- David Carmen said that Burlington voters don't need to weigh in on a conflict that is more than 5,000 miles away. He said petitions like this lead to fear and lack of safety for the Jewish community in Burlington. He said the City Council is not the proper forum to move forward with a productive dialogue on this topic. He urged the Council not to put this item on the ballot.
- Rabbi Eliyahu Junik said tonight's vote is not about anyone's opinion on Israel or evaluating their actions or treatment of minorities, but is about whether this petition leads to the betterment of the community. He said that he believes this petition will not foster peace or improve the community, but would invite conflict. He urged the Council to vote against the petition.
- Dave Gettys spoke about the need for alternatives to divisive ballot measures, noting that due to Covid and contentious politics, many individuals feel isolated and disconnected. He highlighted Burlington's history of building community, and urged the Mayor and City Council to create spaces to facilitate dialogue, foster understanding, and strengthen relationships across the community.
- Jeff Potash spoke about the rise in anti-Semitism felt in the Burlington community since October 2023, saying that this likely comes from both lack of information and civility within the community. He spoke about how Ohavi Zedek has sponsored a variety of programming and strives to foster opportunities for dialogue. He urged the Council to support dialogue and sponsor programming that features all aspects of the community. He urged the Council not to support this ballot initiative.
- Rabbi Aaron Filmis spoke as the rabbi of the Ohavi Zedek Synagogue spoke about the values that make the synagogue a strong part of the community, saying that they strive to create opportunities for education, dialogue, and healing and keeping the door open for difficult

conversations, while never losing sight of everyone's humanity and dignity. He urged the Council not to support the petition.

- Logan Roots noted fears that this petition would lead to genocide, but said there is already a genocide occurring in Gaza. He said this is a local issue, saying that members of this community have family members who are dead because of this conflict.
- Celia Lieberman spoke as an Israeli about how the language in this petition is factually incorrect, saying that the claim about genocide places blame solely on Israel, and the apartheid label misrepresents the reality in Israel's multi-cultural society. She said this resolution vilifies one minority while portraying another as the victim, which has led to a global rise in anti-Semitism. She urged the Council not to support the petition, but said the community should have tough conversations around this and seek to find common ground.
- Rubena Anjum said that there are processes allowing these petitions to be placed on the ballot and that this is part of the democratic process. She said it is not up to the City Council to override existing democratic processes based on personal opinions. She said this is a local issue, given the violence against three Palestinian men that occurred last November. She said the City has a homelessness crisis that it should focus on.
- Crystal Cole said this City has a history of being progressive, but said that it isn't living up to its reputation currently. They said the City isn't even progressive enough right now to stop letting businesses send military equipment to Israel's army or be willing to condemn these unthinkable war crimes. They noted that calling Israel an apartheid state doesn't single out Jewish people, but challenges the Zionists. They noted many anti-Zionist Jewish activists who support this ballot initiative.
- Anita Rapone noted the many comments about Jews feeling unsafe in the community, but pointed out that it was 3 Palestinian students who were shot on the streets of Burlington last year. She spoke about the anti-apartheid movement, saying that this ballot item will allow voters in the City to decide if the City should join this movement for justice.
- Paul Fleckenstein spoke about a recently-released Amnesty International report documenting the practice and intent of genocide in Gaza and a system of apartheid against Palestinians by Israel. He noted the reluctance to support the apartheid-free movement at the state and federal level can be traced to Israel's role as a military asset.
- Ashley Smith said that last year the Council disgracefully voted down a ceasefire resolution and then voted down an apartheid-free community pledge from appearing on the ballot. He said that it is poised to do the same this year, but that petitioners will keep coming back until the Council allows an apartheid-free community pledge to be placed on the ballot. He said the Council should not aid and abet in the destruction of local democracy by barring this pledge from appearing on the ballot.
- Alyssa Breida spoke about the community's democratic right to gather signatures for petitions and led the broader public vote on the apartheid-free community ballot measure. She said that her community has worked for the second year to gather 5% of the Burlington voters' signatures needed to get a measure on the ballot, and hopes the Council has the integrity to follow the democratic process to place this on the ballot. She spoke about investing in the local community instead of funding Israel.
- Antonio Galan said that there is a genocide occurring in Palestine and that the blocking of the apartheid-free community measure is lamentable but predictable. He noted that while one of the objections to the measure is that it is divisive, that is the point of democracy—to deliberate and vote on divisive issues.
- Wes Palmer relayed an account of a Burlingtonian working for an international aid organization in Palestine, speaking about how Israeli roadblocks and checkpoints prevent Palestinians from traveling between towns. He also said that Israelis live under Israeli civilian law and that Palestinians live under Israeli military law, and that this is apartheid.
- Wafiq Fourer spoke about the irony of Israel killing and injuring thousands of Palestinians while claiming to be the victim of the conflict. He noted that a number of NGOs have labeled Israel an apartheid state, saying that there are sets of laws in Israel depending on where in Israel someone lives (Gaza, Jerusalem, the West Bank, etc). He stated emphatically that Palestinians deserve freedom.
- Jackson Francis spoke about how the petition is not divisive, or does it exceed the scope of local politics. He spoke about the shooting of three Palestinians in Burlington last year.

- Willa Cornish spoke about how scheduling the petition topic for this meeting could be seen as purposeful intent to silence the voices of the student community. He said that this is an affront to democracy, and that calling it a divisive issue could also be seen as a way of ignoring it.
- Allison Adams spoke about Burlington's history with leading on important issues, saying that it would erode Burlington's democratic system to exclude this petitioned language from the ballot, and would also erode Burlington's role in what remains of the democratic process of the United States. She said this is a local issue, noting the taxpayer dollars from Burlingtonians going to prop an Israeli apartheid state. She said there is no neutral action available to the Council related to this item.
- Andrew Simon spoke as a Jew who does not think that condemning apartheid and genocide harms the community. He added that keeping items off the ballot is an affront to democracy and freedom of ideas. He welcomed real dialogue from opposing viewpoints. He said tonight's tension could have been avoided by honoring the petition process. He said anti-Zionism is not anti-Semitism.
- Sheer Bach urged the Council not to block this petition to place language on the ballot. He expressed concern that the Council is trying to avoid having these difficult conversations, and said that direct democracy is a tool to handle this energy constructively.
- Joy Min King said that for the second year in a row, voters have signed a petition to put an anti-apartheid advisory question on the ballot, and spoke about the number of organizations that have expressed support for this measure. He said that this issue will not go away, saying that the Council should at the very least allow this issue to go through the public, democratic process.
- Evelyn Hefine noted that Burlington's progressive attitude only extends to white people and cis-gendered people. He said that not taking up this issue means that the Council is valuing the comfort of the community more highly than the lives of Palestinians who are being murdered. He asked at what point issues are too divisive to talk about, and expressed concern that freedom of ideas and speech will be limited further.
- Luke Ferrari spoke about the shooting of three Palestinians in the Burlington community last year, and spoke about harassment directed toward Arabs in the community. He said that while the Jewish community is not responsible for the actions of Israel, that doesn't mean that the conflict isn't occurring or doesn't need to be addressed.
- Sabrina Ketter said the apartheid-free pledge should be allowed to be placed on the ballot and said that the City Council should respect the democratic rights of its residents. She noted that local taxes are being used to fund military occupation, so this is a local issue.
- Brett Gates expressed disappointment at the quality of last year's discussion and process that led to the Council's decision on the apartheid-free pledge, and said that the Council has had time over the last year to develop a more systematic and neutral approach to considering whether to place non-binding citizen initiatives on the ballot. He said that it should not depend on the shifting partisan composition of the Council. He said that residents deserve a high-quality democracy at a local level, and asked that the Council take this issue more seriously.
- Michelle Sekalczic noted that equating the state of Israel with Jewish identity is anti-Semitic, and then said that it seems like the Council is searching for a rationale to reject this petition from appearing on the ballot. She asked them to be honest about what is driving their decisions. She said that this is censorship, if it is denied.
- Maggie Chadwell spoke in support of the apartheid-free community ballot initiative. She expressed disappointment that the City once again finds itself having to defend the democratic process to its own elected officials. She asked what about pledging solidarity with all oppressed people and declaring opposition to apartheid and occupation doesn't sit right with Councilors. She said that the argument that this isn't a local issue is weak, for all the reasons noted by others above.
- Sasha Rosen expressed compassion for those who have been targeted by legitimate anti-Semitism, and then said that anti-Zionism and anti-Semitism are often conflated, as Israel has told the world that their own views and violent actions are aligned with the beliefs of all Jews. She noted that democracy flourishes when individuals are allowed to participate in decision-making, such as voting. She urged the Council to place this initiative on the ballot.
- Eleanor Duva urged the Council to have some integrity and uphold the democratic process by allowing residents to vote on this item on Town Meeting Day. She expressed disappointment that the Council would vote down an action and prevent the community from determining

what it stands for, especially given's Burlington's track record of standing in support of progressive international causes.

- Chris Gish urged the Council to let the apartheid-free ballot item to go on the ballot for voting on Town Meeting Day, and expressed disappointment that this could be the second time this initiative is voted down, while the conflict in Gaza continues on. He urged people not to conflate anti-Zionism with anti-Semitism.
- Jak Tiano noted that he is here for the approval of the Spiral House Collective permit application. He said he is also here to urge the Council to place the advisory question on the March ballot, saying that stifling difficult conversations is more harmful than having them. He also said that the current Winooski Bridge proposal is a product of institutional failure in transportation planning. He said that this project does not align with the City's climate priorities or move toward meeting its goals. He acknowledged that it should still be supported because the alternative is worse.
- Romeo von Hermann thanked the Councilors and staff for their service and wished everyone a happy holiday season.
- Robin Lloyd spoke about the Doomsday Clock, which illustrates how close the world is to nuclear destruction, saying that scientists determined that the clock is 90 seconds from midnight.
- Gabriel Nelson spoke in support of placing the apartheid-free community initiative on the ballot for Town Meeting Day. He refuted the statement that this is not a local issue, and said it is the duty of everyone to be able to vote on this issue.
- Nasreen Roman Kospat expressed regret that many Jews in the community don't feel safe, but said that many of their statements about why they oppose this measure are actively racist and foster Islamophobia. She said that as an Arab-American, she does not feel safe in this space, and spoke about how three young Arab men were shot in Burlington last year for the fact of being Arab. She urged the Council to listen to its constituents and uphold the democratic process, saying that they should be allowed to vote on this issue.
- Sergei Spanner spoke about the constant targeting and bullying of Jews in the Burlington community. He asked at what point does this repeated targeting cross the line from democratic process into oppression. He urged the City Council not to support placing this item on the ballot.
- Ray Beretta spoke about item 8.5, which would limit the number of shelters in the community. He spoke on behalf of the unhoused in the City and said they would be interested in having a conversation with the Mayor and City Council about the dehumanization of members of the Burlington community.
- Griffin DeMateo said the question before the Council tonight has nothing to do with Palestine but pertains more to basic democratic rights to express beliefs, speaking about the countless hours that Burlingtonians have spent petitioning, organizing, and educating others on the ongoing human rights abuses in Palestine. He said that the citizens of Burlington care about this issue and to deny them the right to vote on it is disrespectful.
- Martha Carpenter asked the Council to vote in support of allowing the apartheid-free Burlington measure on the March 5, 2025 ballot. She spoke about the harassment she faced after expressing support for this measure last year. She emphasized that anti-Zionism is not anti-Semitism. She said the matter tonight is not the personal opinions of Councilors but about the democratic right to petition and allow those petitioned measures onto the ballot for discussion and voting.
- Milzak Karajic expressed amazement at the number of people in Burlington who are willing to stand up for the freedom and safety of people thousands of miles away. He said that tax dollars shouldn't be spent on bombs, but more locally on jobs, healthcare, food, and housing. He said that residents want the Council to stand as human beings for other human beings.
- Derek Galloway expressed disappointment at the Governor's lack of support for Burlington.
- Jason Hirsch said some Councilors in the past have not supported this measure being placed on the ballot because it would encourage anti-Semitism, but said that this is misguided and sets a dangerous precedent for all minorities in this community. He said the measure does not mention Jews, but only mentions the Israeli state. He said he knows very few Jews in Burlington who are not appalled by Israel's conduct in the last year, and to silence the City does not solve the problem.
- Matt Schindler urged the Council to vote in favor of placing this initiative on the ballot. He spoke about his experiences living and doing graduate work in Palestine, and said that things

are not improving there but are coming more divisive. He spoke about two legal systems in the same territory, and spoke about the differences in rights based on ethno-religious status.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to suspend the rules to allow all individuals who have signed up to speak at public forum tonight.

VOTING: 5-5; motion fails (Councilors Carpenter, Litwin, McKnight, Shannon, Traverse dissenting).

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to suspend the rules to complete public forum for Burlington residents (in person and online) with two minutes each to speak, and complete public forum for non-Burlington residents (in person and online) with one minute each to speak.

VOTING: 5-5; motion fails (Councilors Carpenter, Litwin, McKnight, Shannon, Traverse dissenting).

COMMENTS (cont'd):

Burlington residents (in person):

- Theodore Whelan noted that racism is a question of power, not attitude, and that racism gets its power from capitalism. He noted that Zionism gets its power from US imperialism. He noted that overstating harm causes harm, seen here when Zionists claim they don't feel safe and base that on unsubstantiated allegations.
- Tyler Pastorak expressed support for the non-binding question being considered tonight for placement on the ballot in March. He said the federal government will not stop enabling colonial violence at taxpayer expense unless every voice demands that they stop. He said it is worth the City's energy to take a collective stand against the actions of Israel and the country's misuse of resources to perpetuate genocide. He said that tonight's vote is intended to be procedural (not political), and that it shouldn't be blocked by the Council or Mayor unless there is some legal issue).
- Nicki Brownell spoke about Islamophobia in the community. She said tonight's vote is about upholding the democratic process, which is something every individual in the community is entitled to. He urged the Council to put forward the ballot initiative for Town Meeting Day.
- Christopher Aaron Felker said this issue does not fall under the purview of the City. He said that he believes Israel has a right to exist and defend itself. He thanked Benjamin Netanyahu and the IDF for their swift victories against Hezbollah, Hamas, and against the Assad regime in Syria.
- Faried said the Burlington police talk about 2020 the way some Israelis talk about October 7 as if it were the beginning of history. He said he would like to respond to some of the outgoing Police Chief's statements about Burlingtonians needing to formally apologize to the police, saying that public safety wasn't that great even before 2020 and police officers were more able to act with impunity at that point. He said that the police situation deteriorated due to too much blind leadership support and lack of accountability.
- Lee Morigan said that silence has been used to justify inaction, allow harm, and to suppress the voices of the marginalized. They noted that the Democratic caucus has already signaled its intent not to allow the apartheid-free community measure on the ballot, citing concerns about division and dialogue. They said that true dialogue cannot exist when one side is systematically silenced, and that this silencing causes further harm. They said that collective liberation is the only path forward.
- Peter Lukowski said that a modern genocide can only be carried out if the outrage surrounding it is suppressed or diverted to other issues. He said there is the possibility that allowing this petition to go to the ballot and a vote could make at least a small difference, and asked what the harm is in that.
- Dylan Pilcher said this is the third time he has spoken about allowing this petitioned item to be placed on the ballot. He said this is an issue of basic democracy, and that the City Council's vote does not signal how it feels about the resolution but simply would allow the resolution to appear on the ballot for the voters to weigh in on.

- Ari Moskowitz spoke about instances where he has been assaulted by Palestinian protesters in the community. He said that anyone who supports Palestine supports a movement that actively pays terrorists to kill his relatives and friends.
- Emma Galvin expressed disappointment about the tone and course of this conversation. She noted that Israel has struck Syria 800 times in the last week and continues to bombard the region with bombs supplied by the United States. She expressed incredulity that the Council does not even want to engage in dialogue around these acts. She urged the Council to let the voters have their say on Town Meeting Day and vote. She said it is not the Council's role to censor what the City is given the opportunity to vote on.
- Will Lambeck noted previous public comments about a previous Palestinian public speaker, noting that this individual has spoken out many times against anti-Semitism, and that it was a shame that another individual defamed and slandered him tonight. He said that some individuals have argued that putting this item on the ballot would harm Jews, but that isn't true, and the referendum and its contents are not anti-Semitic. He said that no one who is testifying tonight is the sole arbiter of anti-Semitism and no single person can tell the Council what is and isn't in the best interests of Burlington's Jews. He said that this is why it should be on the ballot.
- Cathy Owell spoke as the next door neighbor of one of the Palestinian individuals who was shot last year, and has seen what their family has gone through for the past year. She said the Council should be ashamed if this measure is blocked from going on the ballot for a vote on Town Meeting Day. She asked how this reflects on American democracy, if five Councilors can hold this question hostage.
- Will Lynch urged the Council to honor the work of the City's residents to bring the apartheid-free community pledge to the Town Meeting Day ballot. He said that it is public knowledge that the Council is prepared to vote no on this measure, which is both selective democracy and clearly sides with Zionism (not Judaism). He said that nations do not have the right to bomb, starve, and dispossess an entire population in the name of defense. He said that preventing this measure from appearing on the ballot will not mitigate the tensions in the community.

Burlington residents (via Zoom):

- Mark Leopold said that genocide is at the core principle of Hamas and Hezbollah, and not a core principle of the state of Israel, the Israeli government, or the Israeli people. He emphasized that words matter, and that using terms like genocide and apartheid-free in a ballot item placed before the voting public of Burlington is not democracy in action but is an oppression of the majority by the few. He urged the Council not to let this item on the ballot in March.
- Stella Sarefield spoke about being harassed and feeling unsafe in the community for having pro-Palestinian views. She said that when the City Council silences discussions, they're signaling to their supporters that this type of behavior is permissible. She urged the Council to place this on the ballot and allow Burlingtonians to vote on it.
- Adam Franz said that given that this is the fourth time in recent history this topic has been spoken about, many Councilors have already made up their minds and are not listening to public comments, but said that discourse is part of living in a democratic society and that not having this on the ballot will not stop Burlingtonians from discussing these issues. He urged the Council to vote to place this on the March ballot.
- Ambrose Moore expressed support for putting the apartheid-free community item on the ballot for Town Meeting Day 2025. He said that allowing this to be on the ballot demonstrates the democratic right of voters, and serves as a way for the people to present their voices on the matter. He said the people of Burlington worked hard to get enough petition signatures for this to come before the City Council.
- Evan Gould said the public engagement process for the Winooski Bridge project felt terrible and that the priorities in the design of the bridge do not map to the City's goals. He said the City needs to think about how to move toward its transportation goals and safer streets, and this project still prioritizes cars over all other modes of transportation. He said that despite this, the proposal is marginally better than the existing conditions, so he asked the Council to support it. He also spoke about emergency shelters, noting that people with access to low barrier shelters have a 50% higher chance of recovery and are three times more likely to remain stably housed 6 months after entering low barrier housing. He urged the Council to

support the resolution to allow emergency shelters in all districts within a certain distance of a fixed transit line.

- Dima Dahdah spoke about harassment she has faced in the community as a Palestinian. She said allowing a vote on the ballot measure would help protect the safety of Arab community members. She noted that 52% of Americans do not want to provide military aid to the Levant. She said the City must make the distinction between performance of solidarity and true democratic action. She said that even local votes can affect larger systems.
- Hannah Lawrence urged the Council to vote in favor of allowing the apartheid-free community pledge to be placed on the ballot for a March 2025 vote. She said that the legal procedures for collecting the right amount of registered voter signatures were followed and that it is their right, as Vermont voters, to have the chance to vote on this pledge on Town Meeting Day.
- Carmela Armando said the community has spoken in favor of this measure twice, even though the Council is signaling that it will not support it. She said the City needs more conversation about this issue, which putting it on the ballot would naturally allow it to have. She said this issue is about allowing the democratic process to play out, and that preventing this measure from being on the ballot prevents that and in turn makes the community less safe.
- Sharon Bushor thanked Megan Moir and her staff for reducing the amount of the potential wastewater bond, and said she hopes there is more savings to be gained. She also expressed support for moving forward with the Winooski Bridge project, but said there is time for improvements, particularly around safety. She also noted that a family was evicted last week and said she didn't think evictions were allowed in the winter. She asked if this is something the Administration and staff can look into.
- Dee Graham urged the Council to support the apartheid-free community pledge being placed on the ballot in March. She said it is unconscionable that the Council would continue to ignore this issue and this request, time and time again. She said that preventing this item from being placed on the ballot would be a failure of already-tenuous democratic rights. She said it sets a dangerous precedent that potentially divisive issues aren't worth putting forward to allow the community to decide and vote on.

Forum closed at 8:58 PM.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak spoke about working in collaboration with the City of Winooski on shared legislative priorities, which include emergency housing, mental health and substance use disorder, a working court system for accountability, and gun reform. She also spoke about attending the Chittenden County Regional Planning Commission (CCRPC) to continue to move this legislative agenda forward once the session begins. She also spoke about a regional meeting with Sheriff Gamlin, Burlington Police Department, and State Attorney Sarah George, to continue the conversation around regional coordination on retail theft and a working court system. She noted that the fourth community forum on public safety will be held on January 9, and will focus on substance use. She also spoke about work her Administration is doing around climate change, including inventorying what the City is doing across departments in order to bring in community advisors to help advise on gaps. She spoke about preparations for the FY26 budget, noting that staff have conducted a second analysis of the operational needs of each department, and focusing on what the core services in the City need to be in order to increase affordability and right-size government. She said that they will hold a town hall on January 6 on the money-related issues that will be on the ballot. She spoke about the ModernGov initiative, which is looking at the structure of government to realize efficiencies and cost savings. She also noted that while she signed the ordinance amendments around graffiti, she expressed disappointment around the lack of action within the amendment itself, saying that it represents a failure to keep the community safe. She also spoke about a memo that was put together to document the history of the REIB department and its initiatives, as well as a roadmap for the future, and urged the Council to review it.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Councilor Kane noted that UVM Health Network has responded to regulatory efforts to reduce healthcare costs by cutting to essential healthcare services, including kidney transplants, removing inpatient beds at UVM Medical Center, closing rural dialysis clinics, and closing inpatient psychiatric beds at Central Vermont Medical Center. He said these cuts will impact access, care, and quality of life for Burlington residents. He said that these are backward steps and underscore the need for the state delegation to adopt standard and fair pricing guidelines, in the form of reference-based pricing.

Councilor Grant noted that there will be a Public Safety Committee meeting on Thursday at 5:30, and will focus on the public safety hub, a discussion on a known drug house in the Old North End and how residents are being affected, and documents related to a public records request around the BPOA survey.

Councilor Neubieser noted that the CDNR Committee is meeting this week, and will discuss the resolution on clarifying the role of the NPAs, and exploring a resolution regarding investing more in the City's affordable housing trust fund.

Councilor Shannon spoke about a gunfire incident on Buell Street and South Union Street in which the police department was involved and struck by the vehicle of the suspect, and that the suspect was then apprehended by the Essex Police. She thanked them and offered condolences to the officer that was struck. She also noted a shooting on Church Street on December 14.

6. CONSENT AGENDA

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

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

6.3 October 7, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.4 October 7, 2024 Board of Civil Authority Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.5 October 28, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.6 October 28, 2024 Local Control Commission meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.7 November 12, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.8 November 12, 2024 Local Control Commission Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.9 November 18, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.10 November 18, 2024 Board of Civil Authority Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.11 November 18, 2024 Local Control Commission Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.12 November 18, 2024 Local Cannabis Control Commission Meeting Minutes, Draft – C/T – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.13 Communication: Alan Matson, Inspector of Elections, Ward 6, re: Resignation – waive the reading, accept the communication, place it on file and second a letter of appreciation to Alan Matson thanking him for his time served as a Ward Six Inspector of Elections.

6.14 City Of Burlington And University Of Vermont Medical Center Second Agreement To Extend 1999 Memorandum Of Understanding And Agreement – authorize the Mayor to sign the City of Burlington and University of Vermont Medical Center Second Agreement to Extend 1999 Memorandum of Understanding and Agreement.

6.15 Reclassification request for Records Clerk position – Police - approve and authorize the reclassification of the four (4) Records Clerk positions, Regular, Full-time, Non-Exempt, AFCSME, Grade 13 positions to Regular, Full-time, Non-Exempt, AFCSMW, Grade 15 positions within the Burlington Police Department.

6.16 Reclassification of one position, the Recreation Assistant, in the Department of Parks, Recreation, and Waterfront – BPRW – approve and authorize the reclassification of the Recreation Assistant, a regular, part-time, non-exempt, AFCSME, Grade 9 position to a regular, part-time, non-exempt, AFCSME, Grade 12 position in the Department of Parks, Recreation, and Waterfront.

6.17 Addition of a new position: Airport Maintenance Work II at the Patrick Leahy Burlington International Airport – approve the addition of an additional full time Grade 14 AFCSME position in the existing “Airport Maintenance Worker II” job category within the Landslide Division at the Leahy Burlington International Airport.

6.18 Request for approval to execute a Military Air National Guard Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the Vermont Air National Guard Aircraft System Drainage Improvements – Airport – approve and authorize the Director of Aviation to execute a Military ANG Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the VTANG Aircraft System Drainage Improvements, upon approval by the Office of the City Attorney.

6.19 Great Streets Standard Lighting Assembly Update – DPW – approve the use of the lighting assembly as shown in Figure 2 for Great Streets projects in the downtown to meet new lighting standards and further, grant the Burlington Electric Commission the authority to approve changes to the Great Streets lighting assembly that are best practice or safety updates.

6.20 Second Amendment to Work Assignment Agreement #3 with Utility Services Co., Inc. for additional scope items associated with Redstone Tank Rehabilitation – DPW – Water Resources – approve and authorize Chapin Spencer, Director of the Department of Public Works, to execute the second amendment to Work Assignment Agreement #3 with Utility Services Co., for an amount not to exceed \$14,238, subject to the final review and approval of the City Attorney’s Office.

6.21 Tobacco License Renewal (2025-2026): Kampus Kitchen – approve the 2025-2026 Tobacco License Renewal for Kampus Kitchen.

6.22 Tobacco Substitute Endorsement Renewals (2025-2026): Grass Queen and Kampus Kitchen – approve the 2025-2026 Tobacco Substitute Endorsement Renewals for Grass Queen and Kampus Kitchen.

6.23 Water Resources FY25 Personnel Reorganization – Various – DPW – Water Resources - approve the: Reclassification of the Wastewater Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Wastewater Facilities - a Regular, Full-time, Exempt, Non-Union, Grade 24 position; Reclassification of the Chief of North, East and Pump Stations - a Regular, Full-time, Exempt, Non- Union, Grade 20 position, to Wastewater Treatment Manager - a Regular, Full-time, Exempt, Non- Union, Grade 22 position; Reclassification of the Drinking Water Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Drinking Water Production - a Regular, Full-time, Exempt, Non-Union, Grade 24 position; Creation of a Drinking Water Production Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, position; Reclassification of the Senior Customer Care - a Regular, Full-time, Non- Exempt, AFSCME, Grade 16 position, to Utility Billing and Customer Care Manager - a Regular, Full-time, Exempt, Non-Union, Grade 20 position; and 2. To approve and recommend that the City Council authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages Total Compensation Contingency lines 480-19-425-000.5000_910, 460-19-400-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions.

6.24 License Agreement with Battery Park, LLC (DBA Beansie’s Bus) – BPRW – approve and authorize the granting of a license to Battery Park, LLC (DBA Beansie’s Bus) to occupy space in the Sherman Street extension from April 1, 2025 – December 31, 2029 for the purpose of carrying on food concession operations; and, to further authorize the Mayor to execute a license agreement with

Battery Park, LLC (DBA) Beansie's Bus) and all documents necessary to effect the license, subject to the final review and approval of the City Attorney's Office.

6.25 City Council Initiative Fund Support of Free 2024 Highlight Buttons – BCA – approve the use of \$5,000 from the City Council Initiative Fund to subsidize Highlight tickets.

6.26 FY24 DPW Commission Annual Report – waive the reading, accept the report and place it on file.

6.27 FIO Documents – for information only.

6.28 Resolution: Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of The City Of Burlington Perpetual Lease Land Interests List (Councilor Traverse) – waive the reading and adopt the resolution.

6.29 Resolution: Authorization To Accept U.S. Department Of Transportation Innovative Finance And Asset Concession Grant Of \$1 Million For South End Coordinated Redevelopment (Board of Finance) – waive the reading and adopt the resolution.

6.30 Request for Amicus Support from VLCT – authorize the City Attorney's Office to request VLCT Amicus support, and to work with the VLCT, in the matter of **32 Intervale, LLC et al v. City of Burlington**.

MOTION by Councilor Bergman, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.30.

VOTING: unanimous; motion carries.

7. ADVISORY BALLOT QUESTION

7.1 Resolution: March 4, 2025 Annual City Meeting – Advisory Ballot Question Re: Pledge Of Mayor And City Council ((Councilor Traverse)

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

DISCUSSION:

- Councilor Bergman began with remarks about the ongoing conflict in Gaza. He said that the Council was petitioned by over 2,000 Burlington voters to place a question on the March ballot, as is their right in statute, and the question asks Burlington voters if they want to take a public stand against racism, oppression, and to commit to support equality, justice, and freedom for Palestinians and declare Burlington an apartheid-free community, and work to end all support to Israel's apartheid regime. He said this debate is happening in Burlington, throughout the country, and globally. He said this debate is what the democratic process is for, and it is time to have an open debate on this topic, and it is anti-democratic to deny the petitioners the right to place this petition before the voters and campaign for its passage. He said that this is a local issue because it was clearly brought forth by a large number of local petitioners. He said keeping this off the ballot elevates the trauma of one side of the issue while minimizing the trauma of the other. He said that anti-Semitism is unacceptable, and spoke of the harassment he and his family have endured as Jews in the community, but that he still supports this petition. He condemned violence on all sides.
- Councilor Grant said that like so many other issues, this issue will not go away unless properly addressed. She said she supports a procedural vote on this issue, citing the hard work conducted by thousands of people to petition. She said that Israel may have the right to exist, but not at the expense of Palestine and Palestinians. She begged her fellow Councilors to have courage and vote to place this item on the ballot.
- Councilor Shannon asked about the origin of the legal authority the Council has in order to make this decision. City Attorney Brown said that the authority comes from Section 6 of the charter, allowing a petition by at least 5% of the legal voters to be taken up and considered by the City Council to decide whether the advisory questions posed by the petition should be warned, and that the jurisdiction to call for an advisory vote lies with the City Council. Councilor Shannon said that she has heard that those who are in support of placing this item on the ballot want a community discussion of the issue, but that a binary question like this one is an

opportunity to divide. She implored the Mayor to continue the pursuit of holding community dialogue around this issue through the Community Justice Center. She said that harassment of the Jewish community will continue regardless of whether this question is placed on the ballot. She said she is not supportive of putting this question on the ballot.

- Councilor Neubieser said that democratic processes were followed by the petitioners, and the Council now must entertain whether to place the issue on the ballot. He said that the substance of the ballot question is irrelevant, because enough of the community thinks this issue is worth discussing, and the Council should heed that desire. He said that the previous Mayor set a precedent of deciding it was the City Council's right to litigate the content of ballot items brought by citizens, and that this precedent has degraded democracy. He said people have a right to place items on the ballot for a vote, especially given threats to democracy at the federal level. He said he is against violence and does not support the harassment of any individuals in the community, especially in schools.
- Councilor Broderick said that when it comes to citizen petitions, the Council should be listening to and giving power to the members of the public. He said disagreeing with putting this on the ballot entails silencing the thousands in the community who have now twice tried to place this item on the ballot. He said people in the City have the right to decide what they stand for, and he supports that right. He said this resolution has been grounded in the peace movement and the rejection of all forms of hate, and is not the first (nor the last) divisive issue to be considered for the ballot. He said residents are mature enough and smart enough to make decisions about what should appear on the ballot.
- Councilor Litwin expressed sadness that no progress has been made since the last time this item was considered for placement on the ballot. He noted the attempts to coordinate facilitators and the CJC to hold a community dialogue around the issue, but there has been difficulty in finding the appropriate facilitators to lead the conversation in an unbiased and helpful way. He said this item asks him as a Councilor to adopt a pledge, and that he has the First Amendment right not to do so, and also that this pledge accomplishes nothing. He said he is not clear about the implications of the language in the item, and said that he would be in a better position to support this had community conversations around the issue been held. He said the City needs to hold this facilitated dialogue prior to putting anything on the ballot.
- Councilor Kane said that after the 2021 divestment and boycott resolution failed, organizers pursued the only viable alternative path in the democratic process to work on this issue at the City level, and trusted that the City Council would respect their hard work. He echoed a former Councilor's sentiments that it feels like the City Council intentionally wears down the public until issues can be dismissed. He said the barrier for rejecting a citizen petition should be extremely high, especially for this issue. He said there are no controversial words in this pledge. He said he admires the organizers for their broadened coalition of inspired citizens and their resilience as they worked to collect signatures.
- Mayor Mulvaney-Stanak acknowledged the pain, harm, and impacts that this dialogue has had on the community and its inability to model how to grapple with conflicts. She said that it is not up to the Mayor to do the entire work of the City and said that City Councilors are partners in that work. She emphasized her commitment to prioritize engaging in community dialogue around this issue. She said her office has been continuously working on moving forward to steward community dialogue, and noted that she and the City Council president have partnered to try and figure out a path forward. She said that hopefully these conversations will start to foster community connections. She also noted that she and the Council have a responsibility to local democracy, and that she has advised the Council that it is in the City's charter and statute constitution to place this item on the ballot.
- Councilor McKnight expressed grave concerns with some Councilors' willingness to put anything on the ballot, using the example of an anti-abortion measure. She said that people want to feel safe and to be able to rely on their elected officials to protect them.

- **Councilor Carpenter noted that advisory questions in Vermont have been couched in how the results of those questions help officials govern, and said the Council should focus more on the point of a non-binding, advisory question. She asked what specifically this resolution would do if it passes, and how it would help her govern. She said that initiatives should be able to be turned into action at a local level, and this item doesn't do that.**

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

MOTION by Councilor Bergman, SECOND by Councilor McKnight, to postpone the executive session to the City Council's meeting on January 13, 2025.

VOTING: 8-2; motion carries (Councilors Broderick and Grant dissenting).

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to suspend the rules and complete the deliberative agenda.

VOTING: 7-3 (Councilors Litwin, McKnight, Shannon dissenting).

8. DELIBERATIVE AGENDA

8.1 Burlington – Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Concept Approval – DPW

Director Spencer spoke about activities since the prior presentation to the City Council on this topic at its November 18, 2024 meeting, including productive conversations and engagement with Councilors and the public, and also noting that the City of Winooski voted to approve the base technical concept associated with this agenda item tonight. He noted a list of 20 conditions staff are proposing to put into the approval of the base technical concept, based on public and Councilor input.

Josh Olund, a consultant and project manager with HNTB, presented an update that reviewed the current and future schedule for the project (with milestones from 2023-2030) and provided a project update and review of past activity. He noted major points of project refinement since 2023, which included expanding the downstream bridge shared use path from 12 to 15 feet, improving the bike and pedestrian connectivity through the intersection, further reviewing the feasibility of a left turn out of Mill Street, and more traffic calming measures.

Mr. Olund then provided a summary of the base technical concept as it stands today. He said that this includes work on the intersection prior to the bridge on the Burlington side, and a shifted bridge alignment with curvature that allows traffic to be partially maintained on the bridge while it is being constructed.

City Engineer Wheelock then spoke about the RFP requirements for a construction contract. She noted that the City has the ability to include prescriptive or flexible requirements in the RFP, and they have a number of additional considerations they'd like to add based on Councilor and constituent feedback. With respect the bridge, these include promoting slow vehicle speeds with narrow travel lanes, visual narrowing of lanes, drainage that won't impact pedestrians and cyclists, and traffic management and emergency response as priorities. With respect to the intersection, they include short crosswalks, reviewing the left turn feasibility at Mill Stret, exclusive or leading pedestrian phase, a robust gateway design and street and tree aesthetics, undergrounding of aerial utilities, design to slow vehicle speed, inroad bike markings, design focused on bike transitions and conflict points, and allowing for proposals to provide protected bicycle facilities through the entirety of the project limits.

Mr. Olund then spoke about the bridge aesthetics. He noted that they are collecting public input on railings and lightings through a survey, and that they have received public comment about wanting bump-outs, balancing modern and historic features, space for greenery and flowers, and good lighting and security and ramps on stairs under the bridge.

MOTION by Councilor Bergman, SECOND by Councilor Neubieser, to authorize the Director of Public Works to execute the Burlington-Winooski BF RAIZ(2), Bridge 150 on U.S. Route 2/7 (Riverside Ave.) over the Winooski River and Burlington STP 5000(29) – Colchester Avenue, Riverside Avenue, and Barrett Street Intersection Base Technical Concept forms from the Vermont Agency of Transportation for design and construction of the Bridge and Intersection, and to take such other actions and execute such other instruments approved as to form by the City Attorney as may be necessary or convenient to implement the transactions contemplated hereby.

DISCUSSION:

- Councilor Bergman noted that he has had many questions over the last two years about this project and that many of them have been addressed. He said he believes that there is opportunity to continue to improve this project and do it in a way that makes it part of a re-envisioned transportation system.
- Councilor Litwin offered a friendly amendment to add to the end of the motion "...and to add onto the City's Bridge Conditions and Intersection Conditions that the design of the bridge and intersection will include attention to, and make best efforts, to create sight lines that can accommodate a left turn from Mill Street with a restriction during peak hours should that been deemed necessary."
- City Engineer Wheelock noted that asking for an option that preserves the ability to have sight lines to the right as one exits Mill Street supports the ability for the left turn or gives it a better chance in a future configuration.
- Councilor McKnight said she is not able to support this project yet due to persisting concerns about speed and safety and that it does not make enough progress on the City's climate goals.
- Councilor Kane asked if the amendment regarding Mill Street pushes staff to pursue a less safe design. City Engineer Wheelock replied that this language pertains to continuing to look at the possibility of having left turns, but isn't a guarantee. Councilor Kane expressed disappointment at the quality of the public engagement process around this project.
- Councilor Broderick said that after deliberation, he has concerns with moving forward with this amended motion, especially given the concerns around safety with the left turn out of Mill Street. City Engineer Wheelock clarified that there is no possibility that an engineer would allow a final design to move forward that is unsafe, and that what the amended motion does is commit the City to exploring an option that could allow a safe left turn.
- Councilor Neubieser expressed appreciation for staff for continuing to push and advocate for the local community through the design phase of this project. He asked how much the total project cost is, and Mr. Olund replied that the bridge cost is between \$70 million and \$80 million and the intersection is between \$7 million and \$9 million. He noted that Burlington taxpayers are responsible for \$3.8 million of the total project cost. Councilor Neubieser said he wants the public to appreciate that there won't be the opportunity to do this in the future, especially leveraging such high federal and state funding.
- Councilor Bergman said that Councilors who supported the motion without the amendment should also feel willing to support it with the amendment.
- Councilor Shannon noted written public comment from Jak Tiano about the process, challenges of the project, and challenges in timing for decision-making. She said she agrees with the challenges related to the pace of the process, especially when new goals are established in the middle of the process and aren't feasible to integrate into the project. She said Mr. Tiano also noted that if this project doesn't move forward, it is unlikely that the two cities will be able to line up funding to repair the bridge before it fails. Councilor Shannon said that when discussing safety, Councilors should consider the bigger picture, which is a safe and structurally sound bridge.

VOTING (by roll call): Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye,

Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 2 nays); motion carries.

8.2 Presentation: Burlington Water Resources Capital Planning, re: Proposed March 2025 Bond Requests City Council Update December 16, 2024

Director Spencer said that staff continue to work to refine and reduce the total bond request through phasing the work and optimizing borrowing approaches, and through refining design.

Division Director Moir began by noting that in the stages of capital bond authorization, voter approval through a bond vote is not the final stage of the process and that the City Council ultimately has the authority on when and at what magnitude bonds and loans are issued. They noted that voter approval signals community support for the general scope of the project and allows the City to move forward without risk on the final design for the project to ultimately inform the bond cost. They also noted that a successful bond vote increases the project's priority ranking in the State Revolving Loan Fund (SRF), which also determines some of the grant opportunities that could come through this project. They spoke more on pursuit of alternative funding for the project, and that they have been exploring a number of grant opportunities. They said that increased Pollution Control Grant Funding is the most likely and largest grant they could receive. They also noted a meeting with GBIC to apply for a potential NBRC grant of between \$1-\$3 million.

Division Director Moir then spoke about the bond magnitude reductions under consideration currently. They noted that they are contemplating the removal of \$14 million for the North Plant Sewer Siphon because it is currently eligible for FEMA funding, as well as removing \$8.7 million related to dewatering upgrades, and adjusting the design contingency from 25% to 20%, which removes an additional \$6 million. They walked through the rationale and risks for each of these. They said that taken together, this brings down the potential estimated cost of the bond for the wastewater portion of the bond from \$204 million to \$175.3 million. They also spoke about stretching out the phases of the projects, which wouldn't reduce the total cost of the overall project, but would allow for leveraging the maximum SRF subsidy and leveraging deferred payment options.

Division Director Moir then spoke about work related to affordability and rate restructuring, as a result of this massive set of projects. They noted that determinations of affordability benchmarks and the methods for ensuring equitable burden of needed water resources funding across ratepayers are complicated. They said that if relying on the EPA's benchmark for affordability (4.5% of median income), Burlington does not have a problem with affordability; however, this doesn't take into account the high cost of living overall in Burlington. They said that their goal is that someone in Burlington shouldn't have to choose between paying their water bill and paying for other essentials, like medicine. They noted that they implemented a tiered rate system for the water rates for FY25, and could pursue a similar restructuring for the sewer side. They said they have also continued to work on the Water Resources Assistance Program (WRAP), particularly around how to allow renters to benefit from an affordability program. They said that they are exploring the option of giving Burlington Electric funds to credit renters' electricity bills in the equivalent of the WRAP discount if they qualify for BED's own energy assistance program. They also spoke about the outreach they have done since the last update before the Council.

Councilor Neubieser expressed appreciation for the Water Division's work leading the way in affordability programs.

Councilor Shannon expressed concern that moving forward with a bond of this size could fail. She asked if this can be prioritized in such a way that prioritizes the City's most urgent needs and what it can feasibly do more quickly, while looking for funding for other areas of the projects. She said that since the entire system can't be replaced at once, they need to think about really pragmatic phasing of the project over time. Councilor Bergman agreed with this approach as very logical, and would welcome staff laying this out at a future presentation.

8.3 Town Meeting TV Fy24 Update and FY25/Municipality's FY26 Budget Request **AGENDA ITEM REMOVED**

No discussion—item removed from agenda.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to postpone item 8.9 (Police Chief's Report) until the City Council's January 13, 2025 meeting.

VOTING: unanimous; motion carries.

8.4 Presentation: Emergency Housing – Mayor's Office

Special Assistant Russell provided a number of updates around homelessness. These include statistics related to the number of unsheltered individuals, updates on the motel program, deployment of resources for people who are outside, a storage pilot that the City would like to consider, updates about the General Assistance Emergency Housing Program, and updates around extending shelter capacity.

Councilor Litwin expressed support for the pilot storage project, saying that it is environmentally friendly and centers humanity by not throwing out peoples' tents and belongings. He asked the Council to consider where an appropriate location could be for the pilot, saying that he does not think the current proposed location at Battery Park is the most appropriate location, given how heavily used it is for recreation. Special Assistant Russell noted that Battery Park was recommended because of the high number of individuals who are rough sleeping there, without tents, but with a lot of belongings (which is already impacting the park space). She agreed that they should work to site the storage facility in an area where it will be successfully utilized. She noted precedent in operations with the VFW storage site last winter.

Councilor McKnight asked about the storage facility itself. She also asked if there are further conversations with the state about opening more family shelters (like the two that were recently opened in Williston and Waterbury). Special Assistant Russell replied that the container that was used at the VFW was a metal storage container, and she would envision using something similar for this pilot. She also said that there are state funds available to stand up emergency shelters, but that there is a lack of service workers to staff them. She also noted that the amount of funds nonprofits receive from the state is nowhere near the amount of money the state has put into operating two shelters for families. Mayor Mulvaney-Stanak added that it's becoming more clear that the legislature needs to be more specific with the GA Emergency Housing Program, in that a transition plan and off-ramp for individuals in the program needs to be more explicitly articulated. She added that she would also like to see workforce solutions put forth at the legislature, noting that there are successful models for staffing critical positions or sectors, and that emergency shelters can be staffed more responsibly and efficiently than they are currently.

Councilor Bergman said it would be helpful to have demographic information on the 259 unhoused individuals and the 36 individuals living in their vehicles, to get a sense of the types of housing and services that are needed. Special Assistant Russell said the unhoused population is generally difficult to connect with, but said that around 200 of the unhoused individuals are currently enrolled in the City's coordinated entry program, through which she will work to obtain demographic information.

Councilor Kane said he would prefer the storage facility pilot be sited in a building rather than a park, citing concerns with erratic behavior, antisocial behavior, and littering.

Councilor Grant asked how many individuals have died outside so far this winter, and Special Assistant Russell replied that there have been three deaths so far that have been publicized, but that these types of deaths are often not publicized. Councilor Grant said it would be good to consider the fact that people with complex comorbidities are not qualifying for housing and continue to be unhoused.

Councilor Shannon clarified that the 259 individuals who are unhoused are across Chittenden County, and Special Assistant Russell agreed, but added that the majority of them are in Burlington.

8.5 Public Hearing Regarding ZA-24-03 Emergency Shelters

Public hearing opened at 12:04 AM.

COMMENTS:

- State Representative Kate Logan noted that Act 47 requires municipalities to have at least one district with zoning for emergency shelters and further limits permitting requirements for emergency shelters to those used for other similar developments, like churches and schools. She said that this element was targeted at municipalities that denied permits for emergency shelters. She expressed dismay that some Councilors continue to oppose allowing every possible opportunity for human services providers to conceive of and develop an emergency shelter system in Burlington that meets the needs of those experiencing the worst of the housing crisis. She encouraged the Council to take testimony from the subject matter experts and services providers who would be in charge of determining the optimal location for services.
- Erhard Mahnke spoke against the Ordinance Committee proposal, which would prohibit emergency shelters in low and medium density residential neighborhoods. He urged the Council to allow their use in these zoning districts. He said what the Ordinance Committee proposed is not what the Planning Commission recommended to the Council, and said that this proposal is a shameful example of NIMBYism that the legislature sought to prevent with Act 47. He said that it is also embarrassing given that Vermont has the second highest per capita rate of homelessness in the country. He said the City has a long tradition of setting up emergency and transitional housing for a variety of the most vulnerable populations in the community.
- Missa Aloisi spoke on behalf of herself and 18 other residents in her ward, stating that they oppose the Ordinance Committee proposal, given Vermont's high rate of homelessness and the passage of Act 47 to prevent this type of NIMBYism. She noted that the needs of the unhoused community are varied, and that varied services in a number of locations should be offered. She said that limiting where shelters can be is harmful and discriminatory.

Public hearing closed at 12:15 AM.

8.6 Ordinance: CDO—Emergency Shelters ZA0-24-03 (Ordinance Committee) **AGENDA ITEM REMOVED**

No discussion—item removed from agenda.

8.7 Indoor Entertainment Permit Application (2024-2025): Spiral House Collective, 19 Church Street (recommended for approval at the 12/11/24 LC Meeting)

MOTION by Councilor Shannon, SECOND by Councilor Litwin to approve the 2024-2025 Indoor Entertainment Permit Application for Spiral House Collective, 19 Church Street with all standard conditions.

VOTING: unanimous; motion carries.

8.8 Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8, Art. VII (TEUC)

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to waive the second reading and adopt the ordinance with an amendment on line 32 to strike "conditions" and replace it with "conditioned."

DISCUSSION:

- **Councilor Bergman noted an accompanying memo from BED and Permitting & Inspections that speak to certain considerations that will need to be examined in this ordinance, but that they are in support of this as an important piece of the City's energy reduction work. He also noted support from UVM.**

VOTING: unanimous; motion carries.

8.9 Police Chief's Report **POSTPONED**

No discussion—item postponed until January 13, 2025 City Council meeting.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 12:20 AM.

RScty: AACoonradt