**BURLINGTON CITY COUNCIL**
**CITY HALL, CONTOIS AUDITORIUM *OR***
**REMOTE MEETING WITH CALL-IN**
**BURLINGTON, VERMONT**
**MINUTES OF MEETING**
**January 13, 2025**
**DRAFT**

**MEMBERS PRESENT:**

Joan Shannon (via Zoom, then in-person at 6:48 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Melo Grant (at 6:17 PM)
Carter Neubieser
Joe Kane (at 6:15 PM)
Becca Brown McKnight
Evan Litwin (via Zoom)
Marek Broderick

**OTHERS PRESENT:**

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Kim Sturtevant
Lori Olberg
Keaton Knowles
Ashley Parker
Megan Moir
Brian Duffany
Charles Dillard
Megan O'Rourke
Jordan Mitchell
Kevin Lumpkin
Karen Vastine
Dave Keelty
Karen Tyler
Ashley Bond
Jon Murad
Chapin Spencer
Nic Longo

## 1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:10 PM.

**MOTION by Councilor Neubieser, SECOND by Councilor Bergman, to amend and adopt the agenda as follows:**

- **Remove item 2.2 (Executive Session Regarding Police Chief's Report) from the agenda.**
- **Move item 10.4 (Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter) to become item 10.7 on the deliberative agenda.**

**VOTING (by roll call): Councilor Barlow – nay, 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, 6 nays); motion fails.**

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

- **Remove item 2.2 (Executive Session Regarding Police Chief's Report) from the agenda.**

**VOTING: unanimous; motion carries.**

## 2. EXECUTIVE SESSION

2.1 Communication: City Attorney Jessica Brown and Assistant City Attorney, Director of Litigation, Kim Sturtevant, re: Litigation Update

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

**VOTING: unanimous; motion carries.**

**MOTION by Councilor Neubieser, SECOND by Councilor Barlow, that based upon that finding, the Council go into executive session to receive confidential client-attorney communications, 1 VSA Section 313(a)(1)(F), in pending or probable civil litigation matters, 1 VSA Section 313(a)(1)(E).**

**VOTING: unanimous; motion carries.**

2.2 Executive Session Regarding Police Chief's Report **ITEM REMOVED FROM AGENDA**
No discussion.

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

3.1 Verbal Reports

Mayor Mulvaney-Stanak began by providing updates on the City's Cold Weather Shelter Policy. She said that Vermont has an adverse-weather program for opening up emergency shelter beds in Rutland and Burlington during weather where temperatures fall below -20 degrees. She said that given the current humanitarian and public health emergency with a shortage of shelter beds, the City has updated its policy to be more reasonable, practical, and accessible. She noted that the City's third community safety forum was held last Thursday, and it focused on substance use disorder, public health, harm reduction, the overdose prevention center, updates from the treatment courts, presentations on the City's drug enforcement policies from the Police Department, and community dialogue. She noted that the City's next forum will occur in March and will focus on hate crimes and biases. She thanked Officer John at the Police Department for hosting her on several ride-alongs, as well as thanking him for his candor and thoughtfulness when proposing solutions for the City's current public health issues. She noted that an RFP has been issued for a recruitment firm to help with the City's search for its next Police Chief. She spoke about a potential revamp to the CommStat program, given the need to address co-occurring issues (not just substance use disorder) and focusing on supporting the most high-risk individuals in the City. She noted a fiscal Town Hall that occurred related to the three bonds that are up for a potential vote on Town Meeting Day. She spoke briefly about the ModernGov initiative, which is the Administration's attempt to right-size government and realize efficiencies for the City. She noted that the state's legislative session began last week. She said that she has begun to meet with a diverse group of stakeholders to engage on a number of different topical areas.

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

4.1 Verbal Reports

Councilor Grant noted that there was a Public Safety Committee meeting on December 19 and that the next one will take place on January 23. She noted that at the December meeting they heard a report from Fire Chief LaChance on overdose response and other data points. She also noted a report from the Police Department's CAIP program and updates from their work. She also noted that the CARES program is coming online.

Councilor Bergman noted a climate report that stated that 2024 was the hottest year on record, and thanked the Council and public for supporting many of the climate resiliency initiatives that have come through the Transportation, Energy, and Utilities Committee (TEUC).

Councilor McKnight spoke about public safety data related to high speeds coming out of the Shelburne roundabout traffic circle. She noted that based on a radar speed tracker installed by the Department of Public Works, South Willard has seen extremely high speeds (one reading was 82 MPH), and that based on these, DPW is planning traffic calming measures for this street and surrounding streets.

Councilor Neubieser noted that the Community Development Neighborhood Revitalization Committee (CDNR) is meeting this Wednesday, and noted they are discussing ways to increase the Affordable Housing Trust Fund, getting clarity on roles and relationships between City government, the City Council, and the City's NPA structure, and a resolution to require Councilors to file disclosure and ensure adherence with conflict of interest policies and laws.

Councilor Litwin encouraged Councilors to think about next steps related to the CAIP data that Councilor Grant mentioned, and how to evaluate the effectiveness of the outreach and interactions through this program. He also reminded the Council and Public Safety Committee about the community safety hub resolution, a report-back on which is due to the Council two meetings from now. Councilor Grant noted that she will have an update at an upcoming Council meeting, but reminded Councilors that a higher-priority item for the Public Safety Committee was to ensure access at the public-facing portion of the Police Department, which the committee has been working on.

**MOTION by Councilor Barlow, SECOND by Councilor Bergman, to suspend the rules and take up item 10.1 immediately.**

**VOTING: unanimous; motion carries.**

## 5. PUBLIC FORUM: TIME CERTAIN: 6:30 PM

5.1. Verbal Comments
Forum opened at 6:53 PM.

COMMENTS:
*Burlington residents (in person):*

- Brett Yates expressed skepticism that a community conversation around the conflict in Gaza and the apartheid-free ballot measure will actually occur, but said that even if it did it would not replace the rejected ballot measure. He said that the purpose of a community conversation is social and the ballot measure would have been political. He said that political processes are appropriate for resolving this type of irreconcilable difference.
- Alex Melville suggested improvements to the Neighborhood Code amendments that will come before the Council in March, and that these improvements will make it easier to build starter homes in Burlington. He suggested that secondary dwellings not be required to be at least 350 square feet and said that limit should be lowered to allow for the construction of tiny homes in the City.
- Jeanne Keller spoke about UVMMC's plans for construction, which will negatively impact the neighborhoods surrounding the hospital. She said the MOU up for consideration tonight would allow UVMMC to build structures that will loom over residential houses around them, and this construction will increase traffic in the area.
- Romeo Von Hermann said that public servants play a crucial need in addressing the needs of the City, but that when public officials spend time on political posturing, they do not help the public trust or ensure resources are directed toward tangible outcomes. He said that public officials should adhere to strict communications protocols.
- Lee Morrigan said the resolution around rebuilding and reconciling with the Police Department ignores rank and file officers and instead centers on the voices of leadership, including sergeants (who are part of the problem). They said that this resolution is a performative failure and that officers deserve better.
- Dave Maher spoke about the poor shape of the criminal justice system, saying that it has led to more criminal activity. He spoke about lack of accountability for criminals. He noted that criminal suspects who violate their conditions of release are rarely held without bail in Vermont and that judges need to have more common sense to apply the law appropriately.
- Caryn Long spoke about how good faith efforts are needed to improve public safety in Burlington and that the Administration-developed Burlington Safety & Security Guide helps to do that, because it helps the public understand who to call for which types of public safety issues.
- Todd Deluca apologized to the police for how they were treated in the June 2020 resolution that defunded the department, saying that the department did not deserve that treatment. He spoke about personal experiences with public safety issues in the community. He said he hopes the City will focus urgently on protecting people from crime.
- Christopher Aaron Felker spoke about housing and impact fees, saying the City should be removing regulatory burdens and requirements that overburden developers to make building housing more affordable and streamlined. He also spoke about agenda item 10.4, saying it is a step in the right direction in restoring the relationship with the Police Department.
- Trey Cook said that item 10.4 is misguided and does not move toward real solutions to public safety issues in Burlington. He said that this shows that pandering to the police takes precedence over addressing the urgent needs of the community.
- Drew Demar said that his nonprofit is having exchange students come to Burlington from the Philippines and Myanmar to learn about sustainability and conflict resolution, and asked for any volunteers to host an individual for a week or two weeks during this time.

*Burlington residents (via Zoom):*

- Sharon Bushor spoke about the work session on assessing impact fees, saying that she would like more clarity on which impact fees are currently being implemented and which would be proposed for new developments, as the presentation materials are unclear.
- Cindy Cook spoke about the draft MOU between the City and UVMMC, expressing concern about building height and setbacks, as well as a canyon effect for any large structures on Colchester and East Avenues. She said that looming buildings would dramatically affect the nature of the residential neighborhoods around the medical center. She also expressed concern about traffic, if significant additional parking spaces are added to the medical center campus.
- Martha Lang spoke in opposition to UVMMC's request to increase building heights and reduce green space. She urged the Council to postpone a vote until new Councilors from Wards 1 and 8 are elected, given that this would impact their district the most.

*Non-Burlington residents (in person):*

- Keren Sita spoke about free speech and said that the City should listen to its women, who are suffering socially and economically.

Forum closed at 7:25 PM.

## 6. WORK SESSION REGARDING IMPACT FEE PROGRAM: DRAFT RECOMMENDATIONS – C/T

6.1 Work Session Regarding Impact Fee Program: Draft Recommendations – C/T
Capital Program Director Parker began by introducing the topic, noting that the impact fee study had been in progress for the last several years. Brian Duffany, a principal consultant with Economic & Planning Systems (EPS), provided an overview of the presentation, which include information on the definitions and background for the presentation (the concept of impact fees, their legal framework, and the City's current fee program), as well as an overview of the study process, findings and recommendations, and proposed ordinance changes. He began by noting that impact fees can be charged on new development to defray capital costs directly related to that new development, but they cannot be spend on maintenance, operations, or existing deficiencies, and that they are intended to supplement the City's existing capital funding sources. He spoke about the legal framework for impact fees, both at the federal and state level. He noted that there are two types of impact fees, which include buy-in fees (such as for water and sewer enterprise funds), and capital expansion impact fees, which are used in situations where additional infrastructure capital investments are needed to support more growth in the City. He spoke about fee revenue history, noting that it totals about $350,000 per year across the City. He noted that it is not significant source of revenue for the City's capital funds. He spoke about the work process used to conduct an impact fee study, including drafting nexus study calculations, conducting department interviews for capital projects, and reorganizing fee categories to determine whether it would give the City more flexibility to spend funds. He spoke about the decision criteria for impact fees, which include whether they can be spent on eligible projects, whether other funding sources will be needed to close the gap, and whether impact fees will generate enough money to be worthwhile.

Division Director Moir spoke about the work process related to water and sewer impact fees. They walked through the process, which includes calculating the value of water and sewer fixed assets, excluding debt service principal remaining on any of the fixed assets, dividing that by the capacity that the system currently supports, and generating a buy-in impact fee per gallon/day of allocation requests. They noted that based on these calculations, the wastewater buy-in impact fee per gallon per day would be $7.87 per gallon, and for water it would be $11.58 per gallon.

Mr. Duffany then outlined the recommendations related to this study. He noted that they would propose eliminating several fee categories (including school, library, police, and fire) and replacing them with water/sewer and transportation improvement fees. He noted that with these recommendations, residential impact fees would increase between $1,000 - $3,000 per residential unit. He said the rationale for this is that the City should continue collecting impact fees but should focus on transportation, water, and sewer, since they tend to be the most expensive in terms of capital projects, and that they have the most potential growth for new development.

Capital Program Director Parker spoke about potential ordinance changes related to these recommendations, as well as other next steps related to the results of this fee study. She said that the goal is to have these ordinance changes in place for Fiscal Year 2026.

Councilor Neubieser asked for more detail about the rationale for focusing on water, sewer, and transportation impact fees. Mr. Duffany replied that impact fees need to be tied to projects that are currently at capacity, and these are the projects that best fit this criteria. He said that in discussing future capital needs with department heads across the City, most of the projects are related to existing facilities and not expansion, and so are not good candidates for more focus related to impact fees. Capital Program Director Parker noted that they plan to assess impact fees on a more regular basis (every five years) moving forward.

Councilor Bergman said he is focused on impact fees related to transportation and transportation demand management, and asked what current fees could pay for and what the proposed new fees could pay for. Mr. Duffany replied that the previous fee was related to traffic impact fees, particularly around cars and infrastructure that is used to expand capacity related to vehicles. He said that the City's focus is now on moving people, rather than moving cars, and that the multi-modal impact fee being proposed could be used to increase bicycle lanes and higher-capacity modes such as shared-use paths.

Councilor Barlow asked about the differences between the appropriate parks and school uses and whether it is appropriate to remove these categories. Mr. Duffany replied that after talking with the School District they were not able to identify capital projects that meet the criteria for impact fees, which drove the recommendation to drop school-related impact fees. Capital Program Director Parker noted that they are not ceasing collecting school-related impact fees forever, saying again that they will reassess impact fee categories on a regular basis (every five years).

City Council President Traverse asked about the recommendations related to non-residential properties and the decreases in their fees. Mr. Duffany replied that the methodology used now has been updated, which is why non-residential costs have gone down. He said that impact fees are only charged on new development. City Council President Traverse said he will need to understand how Burlington's impact fees will stack up to those of other surrounding municipalities, saying that he wants to ensure that any increases don't serve as an impediment to meeting housing demands.

Councilor Carpenter asked if fees can be assessed for very small developments. Mr. Duffany replied that every certificate of occupancy will have impact fees assessed on it. Councilor Carpenter noted that the City will need to make sure that capital needs are addressed for new developments (for example, existing sidewalks needing repair).

## 7. WORK SESSION REGARDING UVMMC LAND USE MOU

7.1 Work Session Regarding UVMMC Land Use MOU
City Council President Traverse noted that because there is no action on this item, he will not recuse himself but will not be making commentary.

Ms. Vastine began by providing a summary of the land use Memorandum of Understanding (MOU) between the City and the University of Vermont Medical Center (UVMMC). She noted that the original MOU was signed in 1999, with amendments in 2006 and 2016. She said that the MOU was put in place to ensure the neighborhoods adjacent to the hospital would maintain their unique character, and that they express the intent for long-term planning. She noted that the MOU does not replace zoning, other ordinances, or other public processes or policy. She said that the MOU outlines parameters related to campus structures, including density of buildings and height restrictions on the campus. She also noted that UVMMC has several agreements with residents, especially those living along the East Avenue corridor.

Mr. Keelty provided background for the need for the MOU. He said that the hospital has projected the need for additional impatient beds to serve the community and the region, saying that they are projected to need 242 additional beds by 2035, based on demand modeling conducted from 2020 census data. He said that they are trying to determine what kind of building envelope is needed to accommodate an additional 242 beds on the UVMMC campus. Ms. Vastine spoke about the collaborative approach UVMMC has taken, both with the Ward 1 NPA and the City's Administration. She noted that UVMMC will maintain commitments to East Avenue neighbors, including a transitional buffer to any development. She said that they are also committed to avoiding construction near the sliding hill and community garden area, that they will continue participating in CATMA and multi-modal transportation options, that they are committed to protecting the original Mary Fletcher Hospital building, that they are committed to supporting efforts to add affordable housing and design buildings that are climate resilient, and that they will communicate regularly with hospital-adjacent neighbors regarding any developments or changes on the campus.

Ms. Vastine then noted that UVMMC is asking the City to support two changes in the Comprehensive Development Ordinance related to the MOU. These include expanding the Height Overlay District to Mary Fletcher Drive and increase the allowable height by 40 feet, and the addition of 856 parking spaces in the parking structure with no anticipated net increase in surface parking. She said that in return, UVMMC is committing to resilient infrastructure and meeting with DPW regarding the water infrastructure needs, and continuing to participate in CATMA, working with the City to create and pursue multi-modal transportation options, and committing to rolling out an unlimited bus pass program for UVMMC staff through Green Mountain Transit.

Mayor Mulvaney-Stanak spoke about how the MOU and the proposed asks are aligned with the community's values. She said that there are elements related to work between UVMMC and Burlington Electric Department on battery storage and other climate resilient practices. She spoke about elements related to fair labor practices for any new construction at UVMMC's campus. She spoke about the community's concern about transportation impacts, highlighting UVMMC's commitment to CATMA and other partnerships with GMT. She further spoke about UVMMC's commitment to Burlington's infrastructure needs.

Councilor Neubieser spoke about the disproportionate effects these proposed changes will have on Ward 1 residents. He asked about the current height limit and whether the MOU proposals would change these height limits. Director Dillard said the area outside of the height overlay is not subject to the 540-foot elevation plane, but to the McClure building height (the tallest structure on the UVMMC campus). Councilor Neubieser asked what the MOU would do for height limits and building setbacks for vacant areas north of Mary Fletcher Drive, and Director Dillard replied that the proposal isn't intended to change these, though it would change the lot coverage requirements.

Councilor Bergman expressed concern about "canyon" development, though he expressed support for the proposals related to GMT and CATMA and multimodal transportation and said that he would like these proposals to be strengthened in the future. He asked about the future of 1 South Prospect Street. Mr. Keelty replied that UVMMC leases the building from the university, and that making large capital investments in it are not feasible given UVMMC's role as a tenant. He said they are looking to relocate current services from there to other locations. He said that they anticipate continuing to occupy that building at least for the next five years.

Councilor McKnight expressed concern about the potential for "canyon" development and asked if Councilors could tour the campus and walk through the proposed changes. She also asked whether patients and visitors could be incentivized to pursue alternate modes of transportation, given the competition for space between patient beds and parking spaces.

Councilor Litwin asked that the hospital pursue developments that are amenable to residential neighbors. He said that car transport shouldn't be demonized as much as it is here, especially given that many patients are using the hospital for acute needs and aren't able to pursue alternative modes of transportation.

## 8. CONSENT AGENDA

8.1 Motion to adopt the consent agenda and take the actions indicated
8.2 Accountability List – C/T – waive the reading, accept the communication, and place it on file.
8.3 Approval of Parking Fees – BPRW – approve the 2025 Parking Fees as recommended by the Parks, Recreation, & Waterfront Commission, during its December 10, 2024 meeting, as detailed in the rate table herein.
8.4 Authorization to Accept Grant Award from Vermont Department of Public Safety for Emergency Response Unit Tactical Body Armor Vests – Police - approve and authorize Chief of Police for the BPD to accept the grant award of $104,019.14 from Vermont Department of Public Safety and execute all necessary documents thereto upon final review and approval of the Chief Administrative Officer and the City Attorney's Office.
8.5 Distribution and Collection System Improvements – Contractor Budget Amendment – DPW – Water Resources – 1. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of $211,066.00, for a total Distribution and Collections System contract value with Inliner not to exceed $8,347,199.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer; and 2. Authorize the Chief Administrative Officer to execute any budget amendments necessary to implement the budgetary actions. outlined in this memo.
8.6 Green Up Day – May 4, 2025 Update – waive the reading and place the communication on file.
8.7 Communication: Sam Pratt, re: Unfortunate End – waive the reading and place the communication on file.
8.8 Communication: Please Save The Roxy, re: Please save the Roxy Cinema. Purchase the theater and reopen it? – waive the reading and place the communication on file.
8.9 FIO Documents – for information only.
8.10 Resolution: Selection Of Newspapers For Publication of 2025 Election Warnings And Notices (Councilor Traverse) – waive the reading and adopt the resolution.
8.11 Resolution: Designation Of Ward 6 Polling Place (Councilors Shannon, McKnight) – waive the reading and adopt the resolution.

**MOTION by Councilor Barlow, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.11.**

**VOTING: unanimous; motion carries.**

**MOTION by Councilor Litwin, SECOND by Councilor McKnight, to suspend the rules and move items 10.3 and 10.4 to take place prior to item 10.2 on the deliberative agenda.**

**VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – nay, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – nay, City Council President Traverse – nay (2 ayes, 9 nays); motion fails.**

## 9. FIRST PUBLIC HEARING ON PROPOSED CHARTER CHANGE AMENDMENTS FOR MARCH 4, 2025 ANNUAL CITY ELECTION

9.1 First Public Hearing On Proposed Charter Change Amendments For March 4, 2025 Annual City Election
City Council President Traverse noted that the proposed charter changes for tonight's discussion include a proposal on banning guns in bars, a proposal on the redistricting process, and a proposal on rental period notifications.
Forum opened at 9:40 PM.

COMMENTS:

- William Lackey spoke about his experience trying to find a rental apartment, noting that most units only had active listings available only 2-4 weeks from when they were posted, which was problematic for him as he was trying to be proactive and secure a new lease several months prior to the end of his current lease. He spoke about how he was responsible for an extra month of rent at his old lease, and that he is required to give a 60-day notice of intent to vacate as a tenant (but that landlords are not held to similar standards when listing vacant apartments). He asked that the housing code be changed in a way that leans more toward tenants than landlords. He asked that this change lengthen landlord notice period and shorten tenant notice periods.
- Chris Haessley spoke about the firearms charter. He said that there should be an exception for employees in addition to owners when employees are coming home late at night. He said that the proposal should also look at establishments themselves, and penalize those where gun violence incidents are taking place (rather than just penalizing the individuals responsible for the incidents). He then spoke about the rental notification ordinance proposal, saying that though it would be beneficial to have a longer rental notice period, the real issue is affordability. He spoke about the redistricting proposal, saying that it will be important to get the legislature involved to ensure some checks and balances, but also suggested establishing an independent council to look at this issue and make it less partisan than the topic has been in the past.
- Romeo Vonn Hermann expressed concern about enforcement related to the firearms ban, saying that it is uncharted territory. He asked what the City will do to protect frontline staff that are working at establishments and are confronted with patrons carrying firearms (given that it is legal to carry firearms in the state).
- Sharon Bushor (via Zoom) expressed support for a ban on firearms in establishments that serve liquor. She spoke about the rental notification proposal and expressed support. She spoke about the redistricting proposal, saying that the effective date should not be immediate upon passage, given that redistricting requires notification and that notification is important. Councilor Carpenter clarified that the City can't redistrict for at least five more years, so it would not be effective immediately upon passage. Councilor Neubieser noted that any redistricting proposal would need to have maps approved by the voters.

Forum closed at 9:56 PM.

## 10. DELIBERATIVE AGENDA

10.1 Resolution: Congratulating The University Of Vermont Men's Soccer Team For Their 2024 NCAA Division 1 National Championship And Proclaiming January 26, 2025 A Day In Their Honor (City Council)
Councilor Barlow acknowledged UVM Interim President Patricia Prelock, members of the National Championship Soccer Team, Head Coach Rob Dow, and Athletic Director Jeff Schulman. He congratulated the Men's Soccer Team for their victory. He noted that since this championship, Coach Dow and his staff have been named Coach and staff of the Year by the United Soccer Coaches organization.

**MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the following resolution, which he read into the record: "That WHEREAS, the University of Vermont Men's Soccer Team (UVM) won the 2024 America East**

**Conference Tournament earning the team an automatic bid in the 2024 National Collegiate Athletic Association (NCAA) Division 1 National Tournament; and WHEREAS, the NCAA Division 1 National Tournament is a single elimination tournament among the champions from 22 college conferences and 26 other top college teams in the Nation; and WHEREAS, UVM defeated Iona University 5-0 in the first round at home, and then traveled over 7,000 miles to play away from home during the subsequent rounds of the tournament where they defeated Hofstra University (#7 seed) 2-1 in the second round, defeated San Diego University 1-0 in the third round, defeated University of Pittsburgh (#2 seed) 2-0 in the quarter final round, defeated University of Denver (#3 seed) 4-3 in penalty kicks during the semi-final round, and defeated Marshall University (#13 seed) 2-1 in the final round to win the NCAA Division 1 National Tournament; and WHEREAS, UVM Men's Soccer was the first team other than Skiing to win a national championship in the University's history, the first ever NCAA championship in the America East Conference, and the first unseeded team to win the crown in a non-COVID, full-field NCAA Tournament since 2006; and WHEREAS, the UVM national championship win has brought great pride and celebration to UVM the City of Burlington, and the State of Vermont; NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of Burlington applaud the UVM Men's Soccer Team for their historic achievement and congratulate the players, coaches, and staff who represent this outstanding team: 0 Lou Liedtka, 1 Niklas Herceg, 2 Nathan Simeon, 3 Mike Bleeker, 4 Cole Richardson, 5 Adrian Shulze Solano, 6 Connor Thompson, 7 Andrew Millar, 8 Niels Hartman, 9 Maximilian Kissel, 10 Nick Lockermann, 11 Yaniv Bazini, 12 Nash Barlow, 13 David Ismail, 14 Ethan Czaporowski, 15 Gianluca Armellino, 17 Ioannis Vassiliou, 18 Marcell Papp, 19 Toby Grant, 21 Karl Daly, 22 Sydney Wathuta, 24 TJ Liquori, 25 Pieter Bultman, 27 Ryan Zellefrow, 28 Zach Barrett, 31 Jeremy Tsang, 36 Max Murray, 99 Mitchell Ringman, Head Coach Rob Dow, Associate Head Coach Brad Cole, Assistant Coach Rory Twomey, Goalkeeper Coach Brendan Pulley, Director of Operations Mack Walton, Athletic Trainer Hannah Tremel, Student Manager Eric Bissell, Student Manager Eli Rosi, Assistant Athletic Performance Coach Mike Ederer, Associate Director of Academic Services Namik Sevlic, Assistant Athletic Director for Broadcasting & Communications Nich Hall; and BE IT FURTHER RESOLVED that in celebration and recognition of their historic achievement, the Mayor shall will proclaim January 26th, 2025 "UVM Men's Soccer Team D1 National Champions Day."**

**VOTING: unanimous; motion carries.**

10.2 Town Meeting TV FY24 Update and FY25 Municipality's FY26 Budget Request
Jordan Mitchell, Town Meeting TV's Director of Operations, presented Town Meeting TV's FY26 budget request and provided an overview of how funds received were used in the prior fiscal year. She noted that the request is comprised of $29,172 foe general Town Meeting TV operations, $17,530 to support ongoing hybrid meeting coverage for monthly NPA meetings, and $42,000 for additional Burlington municipal meeting coverage. She noted that in the past year, Town Meeting TV provided coverage and production for 87 meetings for Burlington, including its Board of Finance, City Council, and Development Review Board meetings. She said that they further provided hybrid support for 66 NPA meetings, and additional general programming coverage for numerous and various City events. She spoke about CCTV's work to diversify its funding streams and seek additional funding from the legislature.

Councilor Neubieser and Councilor Kane thanked Town Meeting TV for everything they do for local democracy.

Councilor Grant noted that the Public Safety Committee doesn't get Town Meeting TV coverage and asked if there is any way City staff could send the recordings of the meetings to Town Meeting TV to get them on the Town Meeting TV website. Executive Director O'Rourke replied that Town Meeting TV can ingest programming and post it for municipalities, but that there are certain fees associated with adding to archival storage.

10.3 Police Chief’s Report
City Attorney Brown said that the City takes seriously its duty to enter into bargaining negotiations with employee unions (such as BPOA) in good faith. She said that there has been some discussion about redactions to the Police Chief’s report, because the City also takes seriously the protection of its bargaining position. She said that with regard to the imminent BPOA contract negotiations, Chief Murad’s report is informative, but is not binding on the bargaining team or the City in its negotiations with the union. She noted that the report and Councilor feedback are not opinions or positions of the bargaining team.

Chief Murad noted that the report itself now contains data through the end of 2024, but that it does not include substantive changes from the previous version seen by the Council in December.

Councilor Grant spoke about the survey results from the police officers’ union, saying that it contains important information that is valuable to the public. She said the survey should be used in the rebuilding of the department. She noted comments around morale issues and concern from officers about how they are viewed by members of the City Council and public. She noted comments around deferred maintenance in the Police Department and a lack of care on the part of the City related to this. She noted comments around the lack of prioritizing wellness. She noted comments around internal issues at the Police Department, including lack of support and direction from police leadership, concern about younger, less trained officers out on the streets as more seasoned officers leave the force, concern about a lack of recruitment and retention planning, lack of adequate training, and concerns around favoritism. She said that these items from the internal survey aren’t handled in an honest fashion in the Police Chief’s report, and yet they are crucial to the idea of developing a recruitment and retention plan. She said that an apology from the Council without an apology to the public for the incidents that led up to the June 2020 vote shows that there has been no internal reflection of how the City arrived at its current state. She said that the lack of using Vermont companies to do digital advertising and help with recruitment is disappointing. Chief Murad said that the department addressed these concerns internally through a long and thorough process, and that he provided an update on this at the November Police Commission meeting.

Councilor Litwin said the survey highlights the need for increasing staffing levels, given the top concern around officers being overworked and burnt out and clocking too much overtime due to inadequate staffing levels. He also noted work within the department to develop incentives for retention, reassessing workload and looking at different operational models. He asked if the police chief has any additional recommendations to add. Chief Murad replied that he does not have any other overarching themes or ideas other than what is laid out in the report.

Councilor Kane noted that this report shows that the Police Chief believes that attempts to increase community oversight of policing have contributed to recruitment and retention issues but does not acknowledge the effects that highly publicized excessive force lawsuits could also be having on those same efforts. He also noted a recommendation to reject the officer cap and that there are many statements about the Council defunding the police (despite Council efforts to clarify that this defunding did not occur). He noted no acknowledgment that officer levels were decreasing in the years prior to 2020. He noted no analysis of broad, well-documented industry-wide hiring and retention challenges that have plagued police departments around the country. He noted difficulty in interpreting the data presented within the report, without underlying contextual and background information. He said there should be an evidence-based and accessible record of decision-making processes for recruitment and retention efforts and decisions. He said that it would likely have been better if the chief had taken a less combative approach and acknowledged the well-intentioned and thoughtful work that has gone into modernizing policing practices in Burlington.

Councilor Barlow said this report will be an important document in the recruitment and retention conversation as the City moves forward, and said that criticisms of the chief and of this report are emblematic of the large recruitment challenges related to perceived or actual lack of support by City government. He thanked the chief for leading the department and doing so much with so little, during extremely challenging times.

Councilor Neubieser said this report does not represent moving past prior issues and taking the politics out of policing, but represents a step in the opposite direction. He said that the City asked for solutions to issues that were realistic and achievable, but that the proposals in this report have not been properly vetted, properly priced, ranked by priority, or put into budgetary context. He noted that many of the solutions boil down to needing more funding, but he pointed out that the Council has supported increasing the Police Department's budget more in the last several years than in any years prior. He noted that the Police Department has spent a significant amount of funding on recruitment but that this has not led to successful recruitment. He expressed his support for rank and file officers, and said that this support is only possible when policing isn't politicized.

Councilor McKnight thanked Chief Murad for his service, and for his willingness to engage in dialogue and take a collaborative approach with her. She also highlighted his efforts to collaborate with rank and file officers to come up with the proposals int his report, because this type of input is crucial to rebuilding efforts. She also noted that some of these ideas were shared with the Administration over the summer but that no action has come of that. She spoke about some of the data points in the survey, including that 97% of respondents ranked their supervision received as satisfactory or above, and that 74% of officers said they were not satisfied with the City's commitment to employees. She asked if whether some of the negative comments heard tonight could be contributing to this statistic. Chief Murad replied that officers want to feel supported by the public and by the City and that of those that are leaving, many are doing so due to the lack of support. Councilor McKnight asked if item 10.4 below takes steps to help address some of that lack of support, and Chief Murad replied that yes, the report suggests that recognition that the decision made in 2020 was not in the best interest of the Police Department would be beneficial to retention.

Councilor Bergman thanked Chief Murad for his service and for leading a force that is stretched thin and dealing with myriad issues related to public safety. He said that while there are some good points in this report, he expressed concern that it is not responsive to the resolution and what it asked for. He said that criticism should not be equated to lack of support. He also expressed concern that the unredacted report contained proposals related to the upcoming contract and was shared with the union prior to sharing them with management's bargaining team. He said that the report fails to provide the comprehensive assessment of recruitment hurdles asked for in the resolution, does not provide recommendations on the number of CSOs, CSLs, and other complementary staff, an assessment on the administrative hours needed to relieve officers of some of that workload, information related to bonuses and their impact on hiring, and the steps the City can take to encourage alternative training models at the Police Department. He expressed grave concern that this report is a political attack, in that it blames the Council for staffing problems while ignoring that police staffing issues are prevalent at the state and national levels and minimizing internal problems that could be accelerating retirement or attrition. He said that no one on the Council wants fewer police officers and that its actions to raise the cap and increase BPD's budget significantly have proven this.

Councilor Shannon acknowledged that this report was a substantial lift for an already severely depleted department. She said that the department needs to be lifted up. She said that cost estimates were not part of the ask related to this report and that the union bargaining process will be what determines what the City can do in terms of priorities and what the City can afford. She said that it also isn't fair to criticize the Chief for relaying feedback from staff in BPD through this report. She said the lowest-cost first positive step that can be taken is a formal offer of thanks from the Council to the Chief and the Police Department. She said this report is extremely informative and that it is responsive of the questions asked of the department in the resolution.

Mayor Mulvaney-Stanak said that she respectfully cannot endorse this report. She cited reasons around the impact on the City's bargaining position with the BPOA (and BFFA) and the lack of collaboration from the Chief when she articulated her concerns with the report. She emphasized that successfully rebuilding the Police Department takes trust and good faith in what the City can offer at the bargaining table. She further said she cannot endorse this report as it does not meet the criteria of a researched, data-driven report that can be relied on to make policy decisions related to recruitment and retention. She said she plans to commission an expert assessment from her office to provide the Council with a data-informed analysis on how the City can put its limited recruitment and retention resources to better use. She said she has asked that the Council hold a working session on January 27 on its internal recruitment and retention data. She said that she stands with the Council, the outgoing Police Chief and the new Police Chief to move the City forward on behalf of the rank and file who are working at BPD.

Chief Murad spoke about discussing the September City Council meeting where the resolution relating to this report was voted on with staff at the BPD. He then spoke about being proud of the community and the wonderful events held in it. He spoke about events that create opportunities for individuals to foster meaningful connections with police officers, lamenting that the department hasn't been able to have those types of events as frequently in the last few years.

**MOTION by Councilor Barlow, SECOND by Councilor Bergman, to suspend the rules and complete item 10.6 on the deliberative agenda.**

**VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion fails.**

**MOTION by Councilor Bergman, SECOND by Councilor Broderick, to suspend the rules and complete items 10.5 and 10.6 on the deliberative agenda.**

**VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – nay, Councilor Shannon – nay, City Council President Traverse – aye (6 ayes, 5 nays); motion fails.**

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

**VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – nay, 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 – aye (5 ayes, 6 nays); motion fails.**

**MOTION by Councilor McKnight, SECOND by Councilor Litwin, to adjourn the meeting.**

**VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – nay, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – nay (3 ayes, 8 nays); motion fails.**

**MOTION by Councilor Neubieser, SECOND by Councilor Bergman, to suspend the rules and complete items 10.5, 10.6, and 10.7 on the deliberative agenda.**

**VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – aye (7 ayes, 4 nays); motion carries.**

10.4 Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter)
No discussion—item not taken up.

10.5 Water Resources Bond request Update – DPW – Water Resources
Division Director Moir said that based on feedback at the Council's December 16 meeting, staff are now bringing the projects related to the bond forward in a differently-phased approach and are only focusing on the items deemed Phase 1. They said that in the original proposal, they were bringing forward a much larger proposal for wastewater, but that they have been able to decrease it to $138 million to focus on Phase 1 work. They said that this brings down the bond total for the Lake Bond to $152 million (from $204 million). They said that they have consolidated Phase 1 work to Main Plant but that the North Plant will need to be worked on soon and that they will be returning, potentially as early as 2027, to potentially seek funding for the balance of this project. They noted that rate increases are still significant, but that DPW will be working diligently to secure more state funding and keep affordability a primary focus during this process.

10.6 Resolution: Authorization For Interfund Loan For Department Of Public Works (Board of Finance)
Director Spencer said this relates to authorizing financing resolving a 24-year back-and-forth with Chittenden Solid Waste District to allow the City to develop a unified solid management area 201 Flynn Avenue and free up other areas for other community uses. He said that this financing package has a short term and appropriate interest rate that is consistent with Federal Aviation Administration (FAA) policy.

Councilor Shannon asked if this transfer of funds required FAA approval. Aviation Director Longo replied that it does require FAA approval, and that it is permissible because it is a short-term loan between enterprise fund departments and because the interest rate is the prevailing interest rate with a demonstrated benefit to the Airport.

Director Spencer walked through the repayment terms, which would be between 3 and 4 years. He noted that DPW has budgeted $40,000 in this fiscal year and allocations of $160,000 in the next three fiscal years. Chief Administrative Officer Schad added that because the solid waste generation tax would be used to pay the vast majority (if not all) of this loan, it is not viewed as a risky inter-fund loan from the General Fund perspective.

**MOTION by Councilor Barlow, SECOND by Councilor Bergman, to approve and 1. Waive the reading and adopt the resolution regarding a $520,000 interfund loan from the Patrick Leahy Burlington International Airport to finance the purchase and fit up of 201 Flynn Avenue, subject to the review and approval of the City Attorney's Office; 2. Authorize a FY25 budget amendment to utilize fund balance from Water (Fund 460) in an amount not to exceed $140,000, and to use fund balance from Stormwater (Fund 245) in an amount not to exceed $94,000 for the purchase and fit up of 201 Flynn Avenue, and; 3. Authorize the Mayor, Chief Administrative Officer, and DPW Director to take such further actions and to execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby.**

**VOTING: unanimous; motion carries.**

10.7 Presentation Regarding FY26 General Fund Budget Update – C/T

**MOTION by Councilor Barlow, SECOND by Councilor Broderick, to postpone this item until the January 27, 2025 City Council meeting.**

**VOTING: unanimous; motion carries.**

# 11. COMMITTEE REPORTS

11.1. Verbal reports
No discussion.

# 12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports
No discussion.

# 13. ADJOURNMENT

13.1 Motion to Adjourn
The meeting adjourned without objection at 11:42 PM.

*RScty: AACoonradt*