

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 15, 2023
DRAFT

MEMBERS PRESENT: Karen Paul
Ali Dieng (via Zoom)
Sarah E Carpenter
Zoraya Hightower
Mark Barlow (via Zoom)
Joe Magee
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant
Hannah King

OTHERS PRESENT: Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg
Samantha Sheehan
Celia Bird
Jenny Tomczak
Ines Castro
Christine Curtis
Todd Rawlins

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:31 PM.

MOTION by Councilor King, SECOND by Councilor Carpenter, to adopt the agenda.

2. ANNUAL REPORT: BOARD OF HEALTH

2.01 Annual Report: Board of Health

Celia Bird, the Chair of the Burlington Board of Health, provided an update on the Board's activities and its goals for the coming year. She spoke of the Board's mission and charge, which are to educate the citizens of Burlington, promote, improve and protect their well-being, and to consider the most vulnerable in the community while doing that. She said that the Board will continue to focus on the social determinants of health and working with community organizations to address health disparities. She spoke about the goals for the upcoming year, which include increasing access to health-related information, using data analysis to forge community partnerships, and will continue conducting a health-equity focused data analysis of past pesticide and herbicide use application data and a data modernization project to convert existing paper records on pesticide/herbicide-use applications to an online form. She spoke about collaborations over the past year with organizations such as the Howard Center Safe Recovery, Vermont Legal Aid, and Chittenden Clinic, as well as others.

Jenny Tomczak, a member of the Board of Health, provided an update on the Board's Prevention of Gun Violence Committee's activities. She spoke about the resolution that it drafted that was approved by the City Council in December 2022, as well as the City Council's own complementary resolution that it approved at the same time, which called on the State of Vermont legislature to repeal the restriction on

Vermont municipalities to enact local gun restrictions. She spoke about new initiatives that have come about as a result of these resolutions, including the creation of the Mayor's Task Force to Reduce Gun Violence, and Vermont State House resolution H.230 and Senate resolution S.4, which were passed by both the House and Senate in early May.

Ines Castro, a member of the Board of Health, provided an update on the Board's Eradicating Systemic Racism Committee. She said that the Committee has worked to identify key stakeholders and collaborators as part of the initial coalition-building work around the goal of addressing systemic racism as a public health crisis. Those stakeholders include the Burlington Office of Racial Equity, Inclusion, and Belonging (REIB), the Burlington Community and Economic Development Office (CEDO), the UVM Health Network Community Health Needs Assessment Team (UVMHN CHNA), and the Chittenden Accountable Community for Health (CACH). She said that in the next year, the Board will continue to foster and expand these partnerships and identify opportunities for broader coalitions.

Chair Bird then spoke about the Committee on Mitigating the Impacts of Substance use Disorder and Reducing the Number of Discarded Syringes in the Community. She said that this work was done in collaboration with local stakeholders and the use of data from SeeClickFix reports of discarded syringes to identify high frequency areas.

Councilor Bergman asked if the Board of Health has been made aware of complaints of significant pesticide use down by the waterfront around the railroad tracks. Chair Bird replied that they have been working with that constituent while recognizing that the Railroad is not entirely within the jurisdiction of the City of Burlington. She said that they are working to create signage to make the community aware of pesticide application and advanced notification of that.

Councilor Grant asked about whether there are active programs for reducing the amount of discarded syringes in the community. Chair Bird replied that their goal is to collaborate with existing organizations, conduct more outreach to the community and increase the capacity of existing organizations to reduce the amount of discarded syringes. She said that they are working closely with the Howard Center, Vermont Legal Aid, and the Chittenden Clinic on this initiative. She said that in the next year they also plan to advocate for better harm reduction initiatives as well. Councilor Grant asked who is tracking the number of needles being removed from the community. Chair Bird replied that the Board of Health is using SeeClickFix to create a heat map of the highest-density areas of discarded syringes and hope to leverage that data to concentrate resources and reduce the number of discarded syringes.

Councilor Traverse said that the ordinance around the Board of Health really speak to the Board's past roles in regulating food safety, rather than its work on more current, pressing public health issues, such as eradicating systemic racism and gun violence prevention. He asked that the Board of Health think about how the City can better memorialize its more current work through ordinance or charter changes, in order to give the Board a clear path to continue its good work.

Councilor Magee asked that the Board help ensure coordination of information related to harm reduction services from legislation coming down from the State level. He also asked the Board of Health to look into how and where an overdose prevention site would be most beneficial to the community, if they have the bandwidth to begin researching that.

Councilor Hightower said that she would love being a partner in any work around housing equity that the Board of Health is conducting in the next year.

Councilor Dieng commended the Board for their contributions to the community. He asked what additional resources the Board may need from the City to continue its work. Chair Bird said that the Board of Health feels supported by the City already and hopes that the Council will continue to allow the Board to serve in its advisory role. She said that she hopes the Council will continue to use the information brought to it by the Board and act upon it at the local and statewide level. Councilor Dieng asked if the Board has worked on racism as a public health emergency. Ms. Castro said that the Board has tried to focus on expanding its work on addressing systemic racism by increasing collaboration with local organizations and ensuring that the Board's scope of work is realistic within that larger context. She said that the Board may be most useful by leveraging data within these collaborations.

3. **PUBLIC FORUM**

1. Verbal Comments

Forum opened at 7:21 PM.

COMMENTS:

Burlington residents (in person):

- Romeo Von Hermann spoke about the unhoused in Burlington and the resources for them that are sunseting soon, and asked that the Council help provide adequate and compassionate solutions for them and the housing crisis.

- Dave Maher spoke about a news program that highlighted how San Francisco has such a problem with the homeless because the community is so welcoming to the homeless and provides supports and does not crack down on shoplifting or drug use (which makes the community more appealing to some of the unhoused).
- Lucy Gluck spoke about the unhoused and in favor of the resolution on updating policies on camping on public lands, and for the City to be compassionate for the unhoused.
- Martha Dallas spoke in favor of finding ways to be compassionate and find ways to help those who are houseless or will become unhoused in the coming weeks. She said that it will take time to provide enough housing for everyone who needs it and that in the interim, the City needs to be compassionate and creative in how it meets the needs of the unhoused.
- Lee Morrigan expressed concern about the current rhetoric about the unhoused and that vigilantism is not welcome in the community.
- James Mallowney spoke about houselessness and said that camping should not be allowed in parks. He spoke about crimes in the houseless community. He said that somewhere should be found to house the unhoused, but not in the City's parks.
- Representative Kate Logan shared with the City Council some of the legislation that was passed at the State level, notably that the general assistance housing program will sunset as of July 1 and that hundreds of families from Burlington and Chittenden County will be unhoused beginning in June and July.
- Todd Lacroix spoke about the threat of the American oligarchy and killing children.
- Steve Miller spoke about the resolution to update the policies on camping and that he does not know if that will help solve the problem of houselessness, given how unruly some of the parks already are.
- Jayne Ahsaf spoke in favor of the resolution to update policies on camping on public land. She spoke about the lack of supports for housing for the unhoused. She said that if the crisis is not addressed now, it will only exacerbate public health, substance use, mental health, and physical health crises already prevalent in the community.
- Representative Troy Headrick spoke about the homelessness crisis, saying that it is bad and will get worse. He said that this is a policy decision, not a financial decision, on the part of the State.

Burlington residents (via Zoom):

- Robert "Bob" Kiernan spoke against the resolution to update policies on camping on public land. He said that there is no accountability built in to any of the solutions brought forth by the City.
- Andrew Kranichfeld spoke in favor of the resolution to update policies on camping on public lands. He said that if the issue is not dealt with, it will only get worse.
- Sharyl Green spoke in favor of the resolution to update policies around camping on public lands. She said she is glad this resolution will look at research conducted by CEDO on this topic and will hire additional City staff to help support this.
- Aspen Overy spoke in favor of the resolution to update policies around camping on public lands. She spoke about how the City must act now and should have acted sooner. She said that people will camp even if it is not legally allowed, since they have nothing else to turn to. She said that the City should not be harder on the homeless.
- Lina Greenberg spoke in favor of the resolution to update policies on camping on public lands, and expressed support for researching best practices. She said that the houseless crisis will not go away if the resolution is not passed and that the City needs to continue to work to provide a robust system of supports to try and solve this crisis.

Non-Burlington residents (via Zoom):

- Brenda Siegel spoke in favor of the resolution updating policies around camping spaces on public lands. She spoke about how housing provides a stabilizing support for many members of the community to receive treatment for physical and mental health issues and that if they become unhoused, those conditions will become destabilized again, resulting in serious adverse effects for those individuals.
- Grace Pfeil spoke in favor of the resolution updating policies around camping spaces on public lands. She said that the houseless problem will not go away and that the City needs to figure out how to shelter individuals.

Non-Burlington residents (in-person):

- Grey Barreda spoke about how he was just released from jail for being homeless, and that the homeless do not have the same legal protections as those with homes. He said that he would be more than happy to try and provide information to the community to educate them on the homeless situation.

Forum closed at 8:07 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Councilor Bergman provided an update on the McNeil Symposium, which will occur on June 13, and will address the question and concern raised about the burning of biomass at McNeil. He said that the symposium will convene experts around this topic in the context of the climate emergency.

5. CONSENT AGENDA

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

5.02 Communication: CT Office, re: Accountability List - waive the reading, accept the communication and place it on file.

5.03 Communication: Aaron Kindsvatter, re: tents next to building – waive the reading and place it on file.

5.04 Communication: Marquita Sherice Hazelett, re: FOR THE CITY COUNCIL BOARD – waive the reading and place it on file.

5.05 Annual Report of the Burlington Conservation Board Fiscal Year: 2022: June 30, 2021 - July 1, 2022 – waive the reading, accept the report, and place it on file.

5.06 Annual Report of the Burlington Development Review Board Fiscal Year 2022: July 1, 2021- June 30, 2022 – waive the reading, accept the report, and place it on file.

5.07 Amendment of Work Assignment Agreement #3 with Utility Services Co., Inc. for Project Cost Increases associated with Redstone Tank Rehabilitation - DPW/Water Resources - 1. "To approve and authorize Chapin Spencer, Director of the Department of Public Works, to execute an amended work assignment agreement #3 with Utility Services Co., Inc. for an amount not to exceed \$685,365, subject to review by the City Attorney's Office;" and 2. "To approve and authorize the acceptance of \$135,385 from AT&T/Cingular Wireless to be used towards Red Stone Water Tank Rehabilitation, and authorize Chapin Spencer, Director of Public Works, to execute an agreement with AT&T/Cingular Wireless LLC memorializing the acceptance of such funds, subject to the final review and approval of the City Attorney's Office."

5.08 Request for Approval to Execute Contract with ADS Environmental Services for the Flow Monitoring and Data Hosting Services - DPW/Water Resources - approve and authorize the Director of Public Works to execute a main agreement with ADS Environmental Services for flow monitoring and data hosting services for a term of 3 years and maximum limiting amount of \$478,161, and subsequent work assignment sub-agreements for temporary flow metering, subject to final review and approval by the City Attorney's Office.

5.09 Letter of Support Colchester Avenue/Riverside Avenue/Barrett Street/Mill Street Intersection VPSP2 - Burlington STP 5000 (29) – DPW - authorize the Director of Public Works to execute the Letter of Support for the Colchester Avenue/Riverside Avenue/Barrett Street/Mill Street – Burlington STP 5000 (29) Intersection Project from the Vermont Agency of Transportation, supporting advancement of the preferred alternative in the April 2019 Final Scoping Study.

5.10 Pearl Street/Prospect Street/Colchester Avenue Intersection VPSP2 - Burlington STP 5000(30) – DPW - authorize the Director of Public Works to execute the Letter of Support for the Pearl Street/Prospect Street/Colchester Ave – Burlington STP 5000(30) Intersection Project from the Vermont Agency of Transportation, supporting advancement of the preferred alternative in the December 2014 Final Scoping Study.

5.11 Use of Council Initiative Funds for TEUC Sponsored McNeil Symposium – TEUC - approve the expenditure of up to \$5,000.00 of budgeted City Council Initiative funds for honoraria and expenses associated with promoting and producing a TEUC sponsored McNeil Symposium.

5.12 Use of Council Initiative Funds for the Voices of St. Joseph's Orphanage Memorial & Healing Garden - Councilors Carpenter and Barlow - approve and authorize the designation and expenditure of \$10,000 dollars in budgeted City Council Initiative Funds to support the creation of the Children of St. Joseph's Orphanage Memorial and Healing Garden.

5.13 FIO Documents – for information only.

5.14 Resolution: Authorization For Reimbursement From Public Improvement Bonds For Construction Of New High School And Technical Center (Board of Finance) – waive the reading and adopt the resolution.

5.15 Resolution: Authorization For Bond Anticipation Notes For School District Capital Improvements (Board of Finance) – waive the reading and adopt the resolution.

MOTION by Councilor Dieng, SECOND by Councilor Carpenter, to adopt the consent agenda as amended and take the actions indicated for items 5.01-5.15.

VOTING: unanimous; motion carries (Councilors Traverse and Doherty abstaining from item 5.12).

6. DELIBERATIVE AGENDA

6.01 Public Hearing: Community Development Block Grant and HOME Investment Partnerships Proposed Allocations for the 2023 Action Plan for Housing & Community Development

Community Development Specialist Curtis said that this is the public hearing associated with the 2023 Action Plan for Housing & Community Development, which is required prior to submitting the proposed allocations within the Action Plan to the Housing & Urban Development (HUD) Department). She noted that the City is allocated a certain amount of funding every year by HUD to address the roots and consequences of poverty, that the City solicits proposals for this funding from community- and faith-based organizations, nonprofits, and City Departments, and that these proposals and then applications go through scoring and recommendations are made. She noted that the total funding for the 2023 Action Plan is approximately \$760,000 in CDBG funds and \$685,000 in HOME funds. She outlined the public service awards, development awards, and planning and administration awards that will be awarded to organizations with the CDBG funds, and outlined the awards for HOME funds.

City Council President Paul opened the public hearing. There was no public comment.

City Council President Paul closed the public hearing.

Councilor Dieng asked why there was \$300,000 from the previous year that wasn't allocated. Assistant Director Rawlins replied that housing projects generally take a lot of time and planning and that they anticipate HOMES funding for 2022, 2023, and 2024 will go to two large housing projects.

6.02 Resolution: BTV Solar Eclipse 2024 (Councilors Paul, Traverse) (15 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Traverse said that the City has begun its preparation for this once-in-a-lifetime event, since the City will be in the eclipse's path of totality and the last time this occurred was in 1932. He said that Vermont hotels are already booking up for this event and said he would appreciate support on this resolution to allow the Council to receive updates from City staff and others as they prepare for the event.**
- **Councilor Dieng thanked the Council and City staff for their work on this.**

VOTING: unanimous; motion carries.

6.03 Resolution: Process For Updating Sheltering on Public Lands Policy Given The Rise in Homelessness And The End Of The Motel Voucher Program (Community Development and Neighborhood Revitalization Committee) (25 mins.)

MOTION by Councilor Hightower, SECOND by Councilor Magee, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Hightower said that this resolution would examine policies around public lands that are not the City's parks. She said that the City and State have not done enough to prepare for what will occur this summer with the loss of the motel voucher program as a resource to combat houselessness, and that not taking action tonight will further leave the City unprepared to cope with the coming crisis. She said that this resolution would direct the City to conduct more research and determine best practices through the use of data, not direct the City to take any specific policy action. She spoke about the positives of stable, safe housing for individuals. She said that the majority of the unhoused are unhoused involuntarily, and that the vacancy rate is so low in Vermont that it is almost possible to find housing, even with resources. She said that action would require coordination with other municipalities and the State and that this resolution is not a call to action but a call to develop a plan so that thoughtful and deliberate action can be taken in future.**
- **Councilor Carpenter expressed thanks for the work of CDNR on this resolution, but that the City of Burlington is not in a position due to lack of resources to sanction camping on public lands.**

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, that, given the absence of the Mayor this evening, and given that there are active conversations going on with the Agency of Human Services and the City, and ongoing efforts to address the pressing and important community issue of homelessness and sheltering on public lands as well as the need to fully

engage our Vermont House and Senate delegations, I would move that we postpone debate and a vote on this resolution to June 5, 2023 and request that the Administration present a full update on efforts with the city, state, other municipalities and our legislative delegation and address these issues in a council work session prior to deliberation on this resolution.

DISCUSSION:

- Councilor Magee said that many members of the public have come to this meeting to voice their opposition to camping in the City's parks. He said it was never the intent of the resolution he brought to the Council in February of 2022 to have people camping in recreational areas, but that there are public spaces and other public lands where people are camping and that the City has an obligation to make clear where people are prohibited from camping. He clarified that this resolution also would not allow for camping on public lands or in parks. He said that in terms of postponing this resolution, there has not been a convening of outreach workers yet and postponing this resolution would only allow the City a month to come up with a plan to try and deal with this crisis before the motel voucher program ends.
- Councilor Grant said that the City already has no time to deal with the crisis and that though camping is not a viable long-term solution, families and children will lose their housing and an interim solution needs to be developed now. She said that the current resolution in question would help enforce current regulations and ordinances around camping and the City's public parks.
- Councilor Hightower said that this resolution's purpose is to examine and study whether City-sanctioned camping is better than the status quo through research of best practices. She said that it should be looked into. She said she does not support postponing this action, as momentum is needed.
- Councilors Magee and Bergman voiced opposition to postponement.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to withdraw the motion to postpone.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Bergman, to strike and replace from Line 86:

BE IT FURTHER RESOLVED that the City Council asks CEDO to provide the CDNR committee with research and community and city staff engagement on best practices and potential pathways to take to improve the status quo on three topics at the CDNR May, June, July 2023 meetings – respectively: 1) The current sheltering on public lands policy 2) Chittenden County sheltering options when shelter capacity has been reached; and, 3) Storage and bathroom access. Potential pathways may include changes to Burlington's sheltering on public lands policy and procedures (limited to Section III – Procedures for Areas where Camping is not Specifically Prohibited), and if necessary, associated changes to the City's Ordinances; and

BE IT FURTHER RESOLVED that the CDNR committee shall obtain feedback from relevant stakeholders, including the State of Vermont, and report back on the discussion of best practices and potential pathways as well as recommended actions to the City Council on August 14, 2023; and

BE IT FURTHER RESOLVED that the Administration and the City Council will work with our state legislative delegation to find additional funding to assist Burlington and other municipalities to find resources to alleviate the full cost of supporting the unhoused on city services; and

BE IT FURTHER RESOLVED that the City Council requests the Administration convene a meeting of community organizations and City staff responsible for serving unhoused community members to inform a Work Session at the June 5th City Council meeting regarding the City's response to addressing houselessness.

DISCUSSION OF AMENDMENT:

- Councilor Traverse said that this proposed set of amendments would allow for the City to focus not just on camping options but that CDNR would receive research on not just camping options but on sheltering options for all of Chittenden County, and would provide for a work session convened by the Administration and community organizations at the City Council's next meeting on June 5, 2023.

- Councilor Barlow said that camping isn't necessarily the answer to this problem and expressed concern that this would signal more permissiveness around sanctioned camping. He said that a more coordinated sustained response is needed at the State level as well as with surrounding municipalities. He expressed support for this set of amendments.
- Councilor Hightower said that she supports this set of amendments since it is a broadening of the options that would be researched to discern best practices. She clarified that the City does not have sanctioned camping on public lands.

VOTING (on amendment): unanimous; motion carries.

VOTING (on resolution as amended): unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Traverse said that the Ordinance Committee and Charter Change Committee are working jointly to address the question of police oversight accountability and have held one meeting already and also anticipate holding two additional meetings on May 23rd and May 30th. He said that they anticipate the joint committees meeting throughout the summer on this topic. He noted that the Ordinance Committee is also separately discussing the zoning amendments related to the South End Innovation District.

Councilor Magee said that the first meeting of the Parks, Arts, and Culture Committee will be on May 24.

Councilor Hightower said that the Community Development and Neighborhood Revitalization Committee will meet next on May 25 at 5:30.

Councilor Grant noted that the REIB Committee continues to plan logistics for the Juneteenth event.

Councilor Bergman noted that the Transportation, Energy, and Utilities Committee will meet on May 23 at 5:00.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Bergman spoke about the recent Seven Days report on landlords' responsibilities to pay for tenants' housing when they're displaced through no fault of their own. He said he has spoken to Bill Ward on enforcing this ordinance and setting the record straight in terms of making landlords aware of their responsibilities to temporarily relocate tenants if they are displaced through no fault of their own.

Councilor Dieng thanked the Department of Public Works for their work to communicate more clearly about parking requirements and towing.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul said that the Council will be repainting the Black Lives Matter mural on Main Street on June 4th and said that anyone from the community can volunteer to help with that. She also noted that May 31st is the deadline for applications for Commissions and Boards.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

None.

11. ADJOURNMENT

11.01 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Hightower, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 9:59 PM.