

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 17, 2023
DRAFT

MEMBERS PRESENT: Karen Paul
Joan Shannon (via Zoom, then in person)
Sarah E Carpenter
Zoraya Hightower (via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom, then in person)
Hannah King

OTHERS PRESENT: Miro Weinberger
Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg
Mohamed S. Ibrahim
Kara Alnasrawi
Cindi Wight
Samantha Dunn
Doreen Kraft
Michael LaChance
Zach Campbell
Hayley McClenahan
Jared Pellerin
Chapin Spencer
Philip Peterson
Kara Alnasrawi
Will Clavelle
Sarah Reeves
Jen Holiday

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:31 PM.

MOTION by Councilor Magee, SECOND by Councilor Barlow, to amend and adopt the agenda as follows:

- **add to the consent agenda item 5.33 Communication: James Sherrard Jr., Burlington Resident, re: Demand Side Housing Crisis City Council Public Comment;**
- **add to the consent agenda item 5.34 Communication: Chelsea, re: Pods; add to the consent agenda item 5.35 Communications;**

- **Holli Bushnell and Cecelia Dooley, re: Feedback about ongoing music with Orlando's music - Cecelia Dooley and CC Public Forum statement;**
- **add to the consent agenda item 5.36 Communication: Karen Paul, City Council President, re: Standing Committee Assignments.**

VOTING: unanimous; motion carries.

2. WORK SESSION RE: ARPA COMMUNITY INFRASTRUCTURE PROJECTS AND MORAN FRAME UPDATE & NEXT STEPS

1. Work Session re: ARPA Community Infrastructure Projects, Presenting by: Kara Alnasrawi and Samantha Dunn

Director Alnasrawi began by noting that the City received approximately \$27 million in American Rescue Plan Act (ARPA) funding to help combat the impacts of the COVID-19 pandemic. She said that the City's Business and Workforce Development Team launched a Citywide survey to solicit feedback on community priorities for that spending, which received almost 4,000 responses. She noted that members of the BIPOC community identified investing in community gathering spaces for cultural exchanges as their top choice for community infrastructure, and that in FY2023, the City Council approved the use of \$2,000,000 in ARPA funding to create and support that infrastructure.

She noted activities that staff conducted to identify existing community infrastructure for renovation and improvement. She said that five projects were selected, including investments in three public parks and two new indoor community gathering spaces, which are spread equitably throughout the City. She said that the proposals will be to allocate the \$2 million to the Redstone Cottage Community Space and upgrades to the Fletcher Free Library's satellite location in the New North End, to the Roosevelt Park Pavilion in the Old North End, to the 405 Pine Street community room and kitchen in the South End, to the City Hall Park Kiosk in Downtown, to expanding the Waterworks Park connections and amenities on the Waterfront, and an amount of money for contingency funding.

Councilor Bergman asked where the Roosevelt Park would be located and how it is envisioned to be used, as well as the relationship to the Boys & Girls Club in the park. Director Wight replied that the City is in the process of hiring a consultant to do a comprehensive plan for the park to ensure that the pavilion is right-sized for the park. She said that there are also donors who have offered to fund other improvements to Roosevelt Park. Director Alnasrawi said that the funding needs to be encumbered by FY2024 and spent by FY2026.

Councilor Traverse said that it is exciting to have a community space like this in the South End. He asked if there are concerns about finding a vendor to operate a kiosk in City Hall Park and whether the City Council can help make the opportunity more attractive. He also asked how much ARPA funding remains unencumbered once this \$2 million for these projects becomes encumbered. Director Alnasrawi replied that they had a vendor relationship near the kiosk last year and were able to receive feedback on how to make a vendor kiosk most attractive to vendors. She said that most of the ARPA funding has been used for revenue replacement (which was the original intent for the funding), as well as for housing, water infrastructure, local nonprofits, community infrastructure, emergency response, and further revenue replacement.

Councilor Barlow asked about the library upgrades in the New North End. Director Kraft replied that they are hoping to improve the interior by expand shelving and opening the space up further.

Mayor Weinberger noted that part of the budget process for Fiscal Year 2024 will discuss how to use the remainder of the ARPA dollars that remain uncommitted, and that those budget discussions will begin in earnest in May.

2.02 Work Session re: Moran Frame Update & Next Steps, Presented by: Samantha Dunn and Zach Campbell, Friends of the Frame
Assistant Director Dunn began by briefly speaking about the history of the Moran Frame, noting that it was an electric plant from 1954 to 1986, and that the City spent almost 20 years exploring adaptive reuse until it designed and constructed the Moran Frame from 2018-2022.

Zach Campbell, founder of Friends of the Frame, spoke about how his organization was created to facilitate sustained use of the Frame as an inclusive, evolving space, and to present high-quality programming, support ongoing stewardship, and empower local creativity. He spoke about the creation of a Frame website, construction of Frame swings, art installations, and a crowdfunding campaign that received \$62,000 to support 2023 programming. He spoke about 2023 activities, including free public amenities, art programming, and events and performances.

Assistant Director Dunn spoke about next steps, including continued collaboration with Friends of the Frame and Phase 2 conceptual design. She noted that there were some Phase 1 items that were not able to occur in Phase 1, given the extensive (and expensive) remediation of the site prior to Phase 1 construction, and that these items have been moved to Phase 2.

Mayor Weinberger expressed excitement about the collaboration between the City and the Friends of the Frame.

Councilor Bergman asked about the connection between this presentation and the \$600,000 related to the Moran Frame in the previous presentation. Assistant Director Dunn said that that funding is for future investment in community infrastructure in the expanded Waterworks Park (including the skate park, fishing pier, and Moran Frame).

3. **PUBLIC FORUM**

1. Verbal Comments

Forum opened at 6:32 PM.

COMMENTS:

Burlington residents (in person):

- Romeo von Herman congratulated incumbent and new Councilors. He also expressed support for securing funding for free or fair public transit.
- James Sherrard spoke about the housing crisis, noting that though the focus on local and state levels has been to address the supply issues around housing, there is significant concern about investors, noting that 21% of Burlington homes are not owner-occupied.
- Holli Bushnell spoke about Orlando's Bar and Lounge, which is being considered for an outdoor entertainment permit to end at midnight on weekends. She raised concerns about past noise violations and spoke about mitigation measures and requirements to lessen the impact of their activities for residential neighbors.
- Liz Curry spoke about the North Winooski Avenue bicycle lane and corridor, expressing thanks to DPW for public input efforts and engagement. She said that the parking proposal would create confusing and complex parking rules that don't exist in other parking districts, and said that this is inequitable, as it would require an immense amount of enforcement, which would disproportionately affect the poor in the community.
- Beth Sightler spoke about the North Winooski Avenue corridor and bike lane. She expressed frustration about communication and engagement, as well as impacts to parking access. She asked that a baseline be established to measure how this proposal would work for the businesses and social service organizations that will be impacted.
- Bruce Wilson spoke briefly about the second class liquor license start times.
- Pike Porter spoke about the impacts of the Airport and F-35s, including greenhouse gas emissions.
- Robin Lloyd spoke about Daniel Ellsberg and how this week is Daniel Ellsberg week.
- Chris Gish spoke about the ordinance related to building energy and asked for changes to the ordinance to exclude biofuels.

Burlington residents (via Zoom):

- Sharon Bushor noted that Jared Wood passed away in March and that he was a Ward 1 resident who had a passion for pedestrian safety. She also spoke with concern about the North Winooski Avenue proposal and its impacts on the businesses and organizations along the corridor.

Forum closed at 6:55 PM.

4. **CLIMATE EMERGENCY REPORTS**

4.01 Climate Emergency Reports

Mayor Weinberger said that he participated in the kickoff of the University Of Vermont's Research Week, which is highlighting opportunities for UVM and Vermont Clean Energy Utilities Consortium, and focusing on the connection between the consortium and alumni opportunities. He also noted that Earth Day is coming up and the Burlington Electric Department will have a table on the Church Street Marketplace with electric vehicles and staff on hand to answer questions.

Councilor Bergman spoke about sustainable transportation funding, noting that the legislature has a provision in the transportation bill to extend fair and free fares for six months to develop a system for greater equity on mass transit, but also a study to provide the Housing and Senate Transportation Committees with recommendations on dedicated funding sources for local match required of public transit providers by December 1, 2023.

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: CT Office, re: January 17, 2023 First Public Hearing re: Charter Changes Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.04 Communication: CT Office, re: January 23, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.05 Communication: CT Office, re: January 23, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.06 Communication: CT Office, re: January 23, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.07 Communication: CT Office, re: February 6, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.08 Communication: CT Office, re: February 6, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.09 Communication: CT Office, re: February 21, 2023 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.10 Communication: CT Office, re: February 21, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.11 Communication: CT Office, re: February 21, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.12 Communication: CT Office, re: March 1, 2023 Public Information Hearing re: ACE Questions Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.13 Communication: CT Office, re: March 13, 2023 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.14 Communication: CT Office, re: March 13, 2023 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.15 Communication: CT Office, re: March 13, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.16 Communication: CT Office, re: March 13, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.17 Indoor and Outdoor Entertainment Permit Renewals (2023-2024): see attached list - approve the 2023 - 2024 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.
- 5.18 Tobacco License Renewals (2023-2024): see attached list - approve the 2023 - 2024 Tobacco License Renewals as listed.
- 5.19 Communication: Duncan Kanach, re: More effective composting in Burlington - waive the reading and place it on file.
- 5.20 Communication: Melo Grant, Member, Police Commission, re: Resignation - waive the reading, accept the communication, place it on file and advertise the vacancy (already did in Seven Days) and send Melo Grant a letter of appreciation thanking her for her time served as a member of the Police Commission.
- 5.21 Communication: Charles Cashatt, Member, BRV, re: Resignation - waive the reading, accept the communication, place it on file and advertise the vacancy (already did in Seven Days) and send a letter of appreciation thanking Charles Cashatt for his time served as a member of the Board for Registration of Voters.
- 5.22 Communication: Brad Wiltfong, re: Aggressive Driving in Downtown - waive the reading and place it on file.
- 5.23 Distribution and Collection System Improvements - Consultant Agreement - DPW - Water Resources - approve and authorize Chapin Spencer, the Director of Public Works, to execute an amendment to the previously executed contract with DuBois & King for construction administration and inspection services in order to cover the cost of additional hours needed in 2023 for the Construction Inspection Services for the Distribution and Collection System Improvements project for a contract amendment amount of \$267,552.00, resulting in a total contract value not to exceed value of \$546,291.00, 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.
- 5.24 Penny for Parks and Bike Path Project Close Out Budget Amendments - BPRW - approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$335,008.36 in funds from the Penny for Parks Projects as outlined on the Budget Amendment Request form to BPRW's unallocated restricted fund balance.
- 5.25 Request approval to modify the previously approved form of Ground Lease Agreement with BTV Hotel, LLC. the developer of the proposed hotel at Burlington International Airport - Airport - authorize the Mayor of Burlington to execute the revised ground lease agreement with BTV Hotel, LLC, subject to the final review and approval by the Office of the City Attorney and once all contingencies are

met in the Option Agreement made with BTV Hotel, LLC dated May 11, 2018, as amended.

5.26 Airport Strategic Evolution Through Reorganization – Airport - recommend that City Council approve the:

- Reclassification and job description change of the Deputy Director of Aviation— Administration, a Regular, Full-time, Exempt, Non-Union, Grade 23 position, to a Regular, Full-time, Exempt, Non-Union, Grade 24, position in the Burlington International Airport, as further detailed in Appendix D;
- Reclassification, retitling, and job description change of the Director of Engineering and Environmental Compliance, a Regular, Full-time, Exempt, Non-Union, Grade 21 position, to the Director of Planning, Engineering, and Sustainability, a Regular, Full-time, Exempt, Non-Union, Grade 26, position in the Burlington International Airport, as further detailed in Appendix D;
- Job description change of the Deputy Director of Aviation—Operations, a Regular, Fulltime, Exempt, Non-Union, Grade MF, position in the Burlington International Airport;
- Retitling of the Financial Advisor, a Regular, Full-time, Exempt, Non-Union, Grade 26, to the Director of Finance, a Regular, Full-time, Exempt, Non-Union, Grade 26 position in the Burlington International Airport;
- Creation of a Director of Innovation and Marketing, a Regular, Full-time, Exempt, NonUnion, Grade 25, position in the Burlington International Airport;
- Creation of an Executive Assistant to the Director of Aviation, a Regular, Full-time, NonExempt, AFSCME, Grade 13, position in the Burlington International Airport;
- Creation of an Associate Airport Engineer, a Regular, Full-time, Exempt, Non-Union, Grade 19, position in the Burlington International Airport;
- Creation of a Customer Experience Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Burlington International Airport;
- Creation of a Properties Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Burlington International Airport;
- Creation of an Operations Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Burlington International Airport.
- Creation of an Airfield Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Burlington International Airport;
- Creation of a Maintenance Worker II, a Regular, Full-time, Non-Exempt, AFSCME, Grade 14, position in the Burlington International Airport;
- Removal of a currently vacant Director of Maintenance, a Regular, Full-time, Exempt, Non-Union, Grade MF, position in the Burlington International Airport;
- Removal of a currently vacant Director of Ground Transportation, a Regular, Full-time, Exempt, Non-Union, Grade MF, position in the Burlington International Airport;
- Removal of a currently vacant QTA Manager, a Regular, Full-time, Exempt, Non-Union, Grade 18, position in the Burlington International Airport;
- Reorganization of the reporting structure for a Working Foreman Landside, a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for an Airport Working Foreman (Facilities), a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Burlington International Airport, reporting to the Properties Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for two (2) Working Foreman (Ground Transportation), Regular, Full-time, Non-Exempt, AFSCME, Grade 16, positions in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for an Airport Operations Foreman, a Regular, Full-time, Non-Exempt, AFSCME, Grade 18, position in the Burlington International Airport, reporting to the Operations Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for a Working Foreman (Airfield), a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for a Working Foreman (Vehicle), a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for a Marketing Assistant, a Regular, Full-time, Exempt, Non-Union, Grade 15, position in the Burlington International Airport, reporting to the Director of Innovation and Marketing, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for an Office Assistant II, a Regular, Full-time, Non-Exempt, AFSCME, Grade 12, position in the Burlington International Airport, reporting to the Director of Innovation and Marketing, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for an Electrician I, a Regular, Full-time, NonExempt, AFSCME, Grade 15, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for a Working Foreman Electrician, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for two (2) Equipment Maintenance Technicians, Regular, Full-time, Non-Exempt, AFSCME, Grade 16, positions in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for ten (10) Maintenance Workers, Regular, Full-time, Non-Exempt, AFSCME, Grade 14, positions in the Burlington International Airport, five reporting to the Properties Manager; two reporting to the Customer Experience Manager; and three reporting to the Airfield Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for six (6) Operations Specialists, Regular, Fulltime, Non-Exempt, AFSCME, Grade 16, positions in the Burlington International Airport, reporting to the Operations Manager, as further detailed in Appendices B and C;
- Reorganization of the reporting structure for eleven (11) Airport Ambassadors, Regular, Full-time, AFSCME, Grade 9, positions in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C; and
- Reorganization of the reporting structure for four (4) Airport Ambassadors, Regular, Part-time, AFSCME, Grade 9, positions in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C.

5.27 Center Street - Daily Planet - Encumbrance Permit Request – DPW - approve the Encumbrance Application for Daily Planet requesting use of the public right-of-way for an outdoor seating structure as detailed in Attachment A, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

5.28 Silver Maple Construction - 381 South Union Street - Encumbrance Permit Application – DPW - approve the Encumbrance Application for 381 South Union Street requesting use of the public right-of-way for construction related parking as detailed in Attachment A, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

5.29 FIO Documents – for information only.

5.30 ORDINANCE: PARKING ENFORCEMENT IN CERTAIN BURLINGTON PARKS, RECREATION & WATERFRONT LOTS (PACC - Councilors Shannon, Dieng and Barlow) - suspend the rules, waive the reading, and put the ordinance in all stages of passage.

5.31 ORDINANCE: ENABLING URBAN PARK RANGERS TO ENFORCE BURLINGTON CODE OF ORDINANCES SEC. 5-14 (Parks, Recreation and Waterfront Department) - suspend the rules, waive the reading, and put the ordinance in all stages of passage.

5.32 Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Barlow and Bergman) - waive the reading and adopt the resolution.

5.33 Communication: James Sherrard Jr., Burlington Resident, re: Demand Side Housing Crisis City Council Public Comment - waive the reading and place it on file.

5.34 Communication: Chelsea, re: Pods - waive the reading and place it on file.

5.35 Communications: Holli Bushnell and Cecelia Dooley, re: Feedback about ongoing music with Orlando's music - Cecelia Dooley and CC Public Forum statement - waive the readings and place them on file.

5.36 Communication: Karen Paul, City Council President, re: Standing Committee Assignments - waive the reading, accept the communication and place it on file.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 5.01-5.36.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Outdoor Entertainment Permit Renewal (2023-2024): Orlando's Bar and Lounge

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Outdoor Entertainment Permit Renewal for Orlando's Bar and Lounge with all standard conditions.

DISCUSSION:

- Councilor Shannon noted that Orlando's came before the License Committee last week to renew their Outdoor Entertainment Permit with the same hours as previously. She noted that the License Committee chose to extend their hours on the weekends from 11:00 PM to midnight. She noted that the suspension for the Applicant's permit went into effect from April 15 to April 30th, and noted that there was a noise violation and a live band at Orlando's this past Saturday (while the permit was suspended). She said that additionally, the doors were open and the noise was emanating from the establishment. She further noted that every permit that is granted is subject to standard conditions, including that they are not exempt from Burlington noise ordinances. She also noted that there is another live event occurring this Thursday, which is also during the permit suspension period. She said that City resources should not continue to be devoted to babysitting a permittee to ensure that they are not in violation of said permit.
- Councilor Grant said that she initially supported the extension of Orlando's hours until midnight to support a vibrant downtown and businesses. She also noted that there may be ambiguities about what is allowed, since the Applicant has an indoor and an outdoor permit.
- Councilor Hightower asked how the Applicant failed to meet the two-week permit suspension period requirements. Sean Beauvais, an owner of Orlando's Bar, replied that they have two permits, one of which is the indoor entertainment permit, which is not suspended. He said that during the period in question, they had indoor entertainment occurring and they had the windows and doors open because it was quite hot on Saturday. Councilor Hightower asked how the Applicant will improve in the future, and the Applicant replied that they are working on further sound mitigation strategies.
- Councilor Traverse said that the License Committee had assumed that all entertainment would cease during the two week permit suspension period, as they had had quite a large amount of discussion with the Applicant about how a

revocation of the permits would be detrimental to the business, but a two-week suspension was more reasonable. He acknowledged that the suspension decision as written was not clear about which permit was suspended. He also said that Orlando's outdoor entertainment permit ends earlier than any other outdoor entertainment permit for downtown businesses, and that resonates for him as an argument for extending the hours. However, he said that such an extension would need to happen down the road, after the sound mitigation has been put into place.

MOTION TO AMEND by Councilor Traverse, **SECOND** by Councilor Grant, to amend the permit to move the end time back to 11:00 PM on Friday and Saturday evenings.

DISCUSSION OF AMENDMENT:

- Assistant City Attorney McClenahan said that the suspension decision as she interpreted it applied to both indoor and outdoor entertainment permits, though she is hearing that it could be open for interpretation by members of the Council. She also noted that the noise ordinance does not make a distinction between indoor and outdoor entertainment permits.
- Councilor Magee said that he is not supportive of extending the outdoor entertainment permit to midnight at this time, but would be open to it in future, once work has been done by the Applicant to improve the sound mitigation systems in place.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – absent, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (11 ayes, 1 absent); motion carries.

DISCUSSION OF MOTION AS AMENDED:

- Councilor Bergman said that he had interpreted the original suspension as to be for both permits, but now see how it could be ambiguous. He said that there now appears to be a reasonable basis by which the Applicant could have indoor entertainment under a suspended outdoor entertainment permit. He said that there still remains a significant problem around noise coming out of the establishment for neighboring residents, and that there need to be greater protections for residents in the area.
- Councilor Shannon asked what the Applicant's plan is for being compliant with the suspension. The Applicant asked whether the suspension applied to both permits. Councilor Shannon replied that the original suspension was intended to apply to both entertainment permits. Assistant City Attorney McClenahan said that the Council has the ability to clarify its current suspension order and then follow up in writing. Acting City Attorney Sturtevant concurred.
- Councilor Grant said that she had interpreted the suspension to only apply to the outdoor entertainment permit and that ambiguities should be addressed in future.
- Councilor Hightower said that she had interpreted the suspension to apply to both permits. She confirmed that both permits expire on April 30th.
- Councilor Barlow asked about the sound mitigations being explored and how long it would take to effect those changes. Mr. Beauvais replied that they could be implemented immediately and then approved upon. Councilor Barlow said he would be concerned about tabling the decision, which could put the business at risk.
- Councilor Carpenter said that she had interpreted the suspension to apply to the outdoor entertainment permit. She also noted that that corner of Burlington's downtown has not historically been a quiet part of downtown.
- Councilor Shannon said that the License Committee could possibly meet during the week of April 24th to bring a decision back to the full Council for its May 1 meeting.
- Councilor Bergman said that the decision that the Council had made to suspend the permit was not clear enough, but he is willing to accept that there were ambiguities. He said that tabling the issue to the May 1 meeting could allow time for the License Committee and the Applicant to work out mitigation steps.

MOTION by Councilor Bergman, **SECOND** by Councilor Shannon, to postpone this discussion to May 1, 2023.

DISCUSSION:

- Councilor Barlow said he is not supportive of having a time certain to take this up again.
- Councilor Grant said that there will be a learning curve in terms of sound mitigation improvements and that the business should be set up for success.

- **Councilor Traverse said that the Council has spent too much time on this debate and that he is not supportive of having another hearing on Orlando's.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – absent, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – nay, City Council President Paul – aye (8 ayes, 3 nays, 1 absent); motion carries.

6.02 Indoor Entertainment Permit Application (2023-2024): Halvorson's Upstreet Cafe

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Indoor Entertainment Permit Application for Halvorson's Upstreet Cafe with all standard conditions.

VOTING: unanimous; motion carries.

6.03 Outdoor Entertainment Permit Application (2023-2024): Elk's Club

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Outdoor Entertainment Permit Application for the Elk's Club with all standard conditions.

VOTING: unanimous; motion carries.

6.04 Tobacco License Application (2023-2024): True 802 Cannabis

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Tobacco License Application for True 802 Cannabis.

VOTING: unanimous; motion carries.

6.05 Tobacco License Application and Tobacco Substitute Endorsement License Application (2023-2024): The Herb Closet

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Tobacco License Application and Tobacco Substitute Endorsement License Application for The Herb Closet.

VOTING: unanimous; motion carries.

6.06 Winooski Avenue Corridor Study Implementation Update - DPW (20 mins.)

Director Spencer said that this is an opportunity to give an update on the Winooski Avenue Corridor Study, which the Council has requested. He said that this has been a five-year effort. He said that implementing the City's 2011 transportation plan and its 2017 bike walk plan is not easy in New England streets and the competing interests are challenging, that getting this right is important for all modes of transportation, and that DPW will continue to be engaged in the process in working with each business along the corridor. He spoke about the City's engagement with each business along the corridor. He noted that they have recommended implementing the smallest section of this corridor, which is the most feasible option. He noted that they have been in constant communication with Vermont Legal Aid and Champlain Housing Trust, which hold off-street parking lots on the corridor block in question, and that they have agreed to free public off-street parking on nights and weekends for approximately 25 parking spaces. He said that Champlain Housing Trust has also committed 5 parking spaces for this purpose. He said that for next steps, North Winooski Avenue will be repaved later this spring.

Councilor Bergman said he appreciates the engagement that DPW has conducted, as well as the collaboration between City departments on this project. He also thanked the Council to make \$15,000 available for transportation demand management studies for the businesses being affected by the project. He said that there should be more funding available for transportation demand management in this area. He said that he would like to have further surveys to clients and managers of social service agencies in the area and surveying residents in the area about their transportation needs. He said he would also like metrics on the information on the number of tickets issued and cars towed.

Councilor Hightower asked whether this section of North Winooski Avenue is remaining a two-ways street. Engineer Peterson replied that the street will remain two-way and that the parking spaces on the eastern side of the street will be removed to make way for bicycle lanes. He said that there will be time-limited spaces during business hours that can be available for residents after 9:00 PM.

Councilor Barlow said he would like to see a commitment from DPW to monitor and evaluate how the North Winooski Avenue Corridor project is impacting businesses and residents along the project area.

Councilor Grant said that it would be good to take the character of each neighborhood into consideration when implementing projects. She said that in the Old North End, many residents have non-traditional schedules and different parking needs for their cars. She asked how this will be monitored and asked whether people will be subject to ticketing. Engineer Peterson said that the parking department will be holding regular and frequent meetings to review parking and ticketing data for the area. Councilor Grant encouraged the City to be as engaged as possible with residents and businesses.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to accept the communication, request that the Administration continue to engage with the community including but not limited to the requests made by the public at the April 17th City Council meeting, and to refer the matter to the Transportation, Energy, and Utilities Committee so that they can work with the Administration on a plan to monitor and evaluate the changes to the North Winooski Avenue corridor and any proposals to address the transportation and neighborhood needs that result from that.

DISCUSSION:

- **Councilor Carpenter said that there is a lot of work still to be done and asked about any work on Intervale. She also noted that the Burlington Housing Authority garage is an underutilized property, and that redeveloping that property in the long run is something that DPW and CEDO should contemplate.**
- **Councilor Shannon thanked DPW staff to problem-solve on this project. She said that the parking stresses of life impact lower-income people more than they impact higher-income people. She said it is important for the City to evaluate the impacts and whether the changes are having the benefits that are intended.**

VOTING: unanimous; motion carries.

6.07 Proposed FY 24 Budget - CSWD (20 mins.)

Sarah Reeves, Executive Director of Chittenden Solid Waste, presented CSWD's Fiscal Year 2024 budget. This budget was approved by the CSWD Board of Directors and is being presented to Burlington for its consideration and adoption.

Councilor Barlow asked what the impacts to the users of the system would be, and if increases would be seen to residents and users for MRF or organic portions based on their haulers' abilities to absorb costs. Ms. Holiday replied that impacts to individual households should not be seen by individual households except that bag fees are being increased slightly at drop-off centers.

Councilor Traverse said that Burlingtonians are very interested in seeing a drop-off center in Burlington, and asked for an update on the timeline for doing so at Flynn Avenue. Ms. Reeves said that they are very interested in bringing more services back to Burlington. She said that there are both revenue and expenses in the FY24 budget for a Burlington drop-off center.

Councilor Hightower asked about the moratorium on accepting compostable containers and whether there is an update on that. Ms. Reeves replied that they have stopped accepting compostable container at their non-compost sites simply because compostable and non-compostable containers look very similar and it's difficult for consumers to differentiate them, and they have contaminated the compost in the past.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to approve the CSWD Fiscal Year 2024 budget.

VOTING: unanimous; motion carries.

6.08 Annual Report on Livable Wage Ordinance -- FY23 - City Attorney's Office (10 mins.)

Assistant City Attorney Pellerin began by noting that the City Attorney's Office has not received any complaints in the past year or has had to deal with large enforcements. He reminded the Council that in 2001, they passed this ordinance as a way to provide a minimum level of compensation for employees in City contracting. He said that there are two livable wage monitors who have been proactive in conducting site visits and gathering information, as well as conducting educational sessions with contractors to ensure compliance with the ordinance.

Councilor Grant asked about issues with construction contractors and their subcontractors, and what documentation is being required to ensure subcontractor compliance. Assistant City Attorney Pellerin replied that the City's RFPs and contracts all contain language around these requirements and that there is a certificate of compliance that also needs to be filled out and fulfilled. He said that subcontractors are also required to comply.

Councilor Carpenter suggested conducting more education, since smaller contractors might have a harder time with becoming aware of and demonstrating compliance with this ordinance.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to waive the reading, accept the report and place it on file.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Traverse said that the Ordinance Committee will meet on April 19th and taking up the zoning amendment that was approved by the Planning Commission for the South End Innovation District. He said that there is an additional meeting on this topic on May 8th, if it is needed. He also spoke about joint meetings between the Charter Change Committee and the Ordinance Committee on police oversight and accountability, noting that the first meeting is scheduled for May 4th, with other meetings tentatively scheduled for May 23rd and May 30th.

Councilor Hightower noted that the Community Development and Neighborhood Revitalization Committee will meet on May 27th, and that she also anticipates submitting a resolution to the Council regarding camping and camping policies prior to that.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Shannon raised concerns about police officer working conditions in the City, noting that she spoke to one officer who was working his third 18-hour shift in three days. She said that she is not sure what the Council can do about this at this juncture, but that it is important for the Council and the public to recognize the sacrifices they are making for the sake of public safety in the community. She said that while officers are being hired to go through training at the academy, that process takes time and the Council should think about other ways to support the Police Department in the interim.

Councilor Grant said that there needs to be an element of accountability in the Police Department to improve the trust between the Department and the community in areas where it is lacking. She said that there needs to be an inward examination about what behaviors can be changed that would improve communication and trust.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul said that she would like to revive the practice of having commissions and committees present annual reports to the Council, and as such, she has invited the Board of Health and the Parks & Recreation Commission to present to the Council. She said that if Councilors would like other commissions to present their annual reports to the Council, to please reach out to her and let her know.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger said that the City has launched a new revolving loan fund of \$500,000 of ARPA funding to stabilize and support the growth for Burlington's small businesses, specifically for underserved business populations who have traditionally faced barriers to accessing capital.

Mayor Weinberger also noted that he was in Montpelier last week to support meaningful state investment in affordable, high-quality childcare. He noted that significant reform has passed in one chamber and that there is hope that it will pass in the other, and have great impacts for Burlington's childcare system.

11. ADJOURNMENT

11.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 9:14 PM.

RScty: AACoonrad