

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 27, 2023
DRAFT**

MEMBERS PRESENT: Karen Paul
Joan Shannon
Ali Dieng (via Zoom)
Perri Freeman
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Maea Brandt

OTHERS PRESENT: Miro Weinberger
Kim Sturtevant
Lori Olberg
Cindi Wight
Maria Karunungan
Lori Kettler
Nina Hurley
Ilona Blanchard
Brian Pine
Meagan Tuttle
Charles Dillard

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

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

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to adopt the agenda.

VOTING: unanimous; motion carries.

2. COMMUNICATION: CAMPING IN PARKS (VERBAL) (EXPECTED EXECUTIVE SESSION)

2.01 Communication: Hayley McClenahan, Assistant City Attorney, re: Camping in Parks (verbal)(expected executive session)*5:30 pm - 6:00 pm*

City Council President Paul said that this item was brought to the Council in February 2022 and was to request that the Community Development and Neighborhood Revitalization (CDNR) Committee begin a community review of the proposed ordinance and operational policies related to camping on municipal lands, and that the City Attorney's office would lead a review of the proposed ordinance and submit to the Council a report on the benefits, precedents, and possible concerns about the changes in comparison to the City's current policies. She said that work has been done on the draft ordinance and that the Council will meet in executive session to hear their update and discuss next steps.

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, that that the Council find that premature general public knowledge of legal advice regarding camping in parks would clearly place the City at a substantial disadvantage, and further move that that the Council enter into executive session with regard to the negotiating or securing of real estate purchase or lease options pertaining to Memorial Auditorium pursuant to 1 V.S.A. 313(a)(2), to include the Mayor's Staff, Acting City Attorney Sturtevant, Assistant City Attorney McClenahan, and Special Assistant Sarah Russell.

VOTING: unanimous; motion carries.

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, that based upon the finding on parks, move that the Council go into executive session to receive confidential attorney-client communications for the purpose of providing professional legal services to the body pursuant to 1 V.S.A. §313(a)(1)(F), to include the Mayor's staff, CEDO Director Brian Pine and CEDO staff Samantha Dunn, and Acting City Attorney Sturtevant.

VOTING: unanimous; motion carries.

3. COMMUNICATION: UPDATE: MEMORIAL AUDITORIUM (VERBAL) (EXPECTED EXECUTIVE SESSION)

3.01 Communication: Mayor Weinberger, CEDO Director Pine and Samantha Dunn, CEDO, re: Update: Memorial Auditorium (verbal)(expected executive session)*6:10 pm - 6:40 pm*

See motions above.

4. PRESENTATION REGARDING DOG TASK FORCE PROGRESS UPDATE

4.01 Presentation Regarding Dog Task Force Update: Presenters: Maria Karunungan, Lori Kettler, Nina Hurley, Ilona Blanchard and Cindi Wight (6:45 pm - 7:15 pm)

Ms. Karunungan began by speaking about the formation of the Dog Task Force, which was created due to the increasing number of incidents involving dogs or dog owners on social media and complaints related to off-leash dogs, dog attacks, dog feces not being picked up, lack of policy enforcement, unlicensed dogs, and dog barking contributing to noise pollution. She noted that the task force was formed in January 2022. She reviewed the scope of work, which involved both taking action and issuing policy recommendations. She noted that they are in the process of collecting data around dog complaints, and they have received high-level data from the Police Department that is currently being reviewed.

Director Wight noted that she has spearheaded the Off-Leash Subcommittee, which reviewed prior dog task force work and looked into whether previously-proposed off-leash spaces in Burlington could be used. She said that the Subcommittee is fielding a survey to collect feedback around that, and will pilot/test new off-leash areas based on survey results. She noted that less than 1% of Burlington City Parks are available for off-leash use, and that more off-leash areas would make it easier to maintain a leash requirement.

Ms. Kettler spoke about the Education Subcommittee, which has been producing many public service announcements related to feces cleanup, dog leashing, barking, and licensing. Ms. Blanchard spoke about a proposed annual education calendar with educational campaigns and events related to dogs.

Ms. Hurley spoke about the Ordinances Subcommittee, which has been reviewing current City ordinances and drafting changes for the full Dog Task Force to review in the spring. She said that these include updating old language, updating fees, and considering proposed ordinance changes related to the regulation of outdoor cats, cat licensing, and recommending a dedicated animal control officer and restorative justice enforcement option.

Ms. Kettler spoke about licensing issues, noting that the City is likely underlicensing its dogs, licensing is now available online, that licensing fees could be used to support dog-related programs, and that there is a perceived back of consequences for not licensing a dog. She noted that Community Service Officers, who respond to dog complaints, currently do not have a way to check to see if a dog is even licensed.

Ms. Karunungan spoke about next steps, which include analyzing survey results and other data, completing their Council-mandated report and presenting their recommendations on the report to the Council. She said that potential recommendations for the Council could include an ordinance update, off-leash areas, and more funding sources, and potential recommendations for the City could include a PSA calendar, event calendar, and better coordination of enforcement and licensing.

Councilor Carpenter asked whether there are public lands other than parks that might lend themselves well to being off-leash areas or a fenced dog park.

Councilor Barlow noted that the largest body of complaints was around “at large” dogs, and asked whether those are off-leash dogs or dogs roaming free. Ms. Karunungan replied that they are assuming that “at large” means that the owner is not in sight, but are double-checking the definitions.

Councilor Freeman asked if the increase in microchipping of pets has led to a decrease in licensing in this more traditional way. They also said that the lack of off-leash spaces has likely led to spaces being used informally as off-leash areas. They said that having more dog-accessible and dog-friendly spaces in the City would be good.

Councilor Hightower asked about the recommendations related to cats, and asked what cat registration would look like. Ms. Kettler replied that unlicensed cats are a public health issue similar to that of dogs, due to rabies, and that there are also environmental issues related to free-roaming cats, since they attack and kill other wildlife.

Councilor Shannon suggested having a list published of the dogs that are registered, to try and bring unlicensed dogs into compliance.

Councilor Dieng suggested including content on water bills or electricity bills to remind rate-payers to license their animals. He also emphasized the importance of registering and licensing cats as well as dogs.

5. PROCLAMATIONS

5.01 Burlington High School Girls' Nordic Ski Team

City Council President Paul said that this item will be postponed until the Council’s next meeting.

5.02 Fair Housing Month

Mayor Weinberger noted that April is Fair Housing Month and read the following proclamation:

WHEREAS, the Federal Fair Housing Act was passed in April 1968 in order to take steps toward eliminating discrimination in housing opportunities based on race, color, national origin, religion, and, as amended, sex, family status, and disability; and to further housing choices for all Americans; and

WHEREAS, Vermont’s Fair Housing Act strengthened the protections of the Federal Fair Housing Act to include age, marital status, sexual orientation, gender identity, receipt of public assistance, and people who have experienced abuse, sexual assault, or stalking, as

well as the income of prospective residents in land use decisions; and

WHEREAS, the month of April is now celebrated as Fair Housing Month both nationally and locally; and

WHEREAS, the ongoing struggle for dignity and opportunity for all in housing is not the exclusive province of the federal or state governments and vigorous local efforts to combat discrimination and expand housing opportunities can be extremely effective; and

WHEREAS, Burlingtonians need safe, decent, affordable, and inclusive housing, and illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all; and

WHEREAS, the City of Burlington supports the efforts of fair housing organizations, advocates, community members, and the housing industry to create broader housing choice in Burlington and Chittenden County and to promote understanding of fair housing; and

WHEREAS, inclusive, welcoming, and affordable communities promote diversity and a climate conducive to equitable and vibrant development; and

WHEREAS, Burlington submitted to the U.S. Department of Housing and Urban Development an Assessment of Fair Housing, which was subsequently approved by the Department in December 2017; and

WHEREAS, in my "2021 Action Plan to Fulfill the Promise of Housing as a Human Right in Burlington," I propose opening new housing opportunities through the creation of a mixed use Enterprise Innovation District in a portion of the South End and opening new housing opportunities City-wide through "missing middle" zoning reforms, which will expand opportunities for new homes to be created in every neighborhood in ways that reflect the character of these parts of the City.

WHEREAS, Burlington continues to work to expand housing opportunities and the availability and affordability of housing in Burlington through policy reform, including the development of new policies to implement energy efficiency standards in rental housing, eliminate requirements around parking standards in order to reduce a major driver of the cost of housing and align the City's land use policies with its climate goals, and restore and increase the dedicated funding for the City's Housing Trust Fund, among others; and

WHEREAS, the COVID-19 crisis put additional strain on the City's housing and support services and exacerbated existing inequities for people whom fair housing laws seek to protect from discrimination, particularly for people of color;

NOW THEREFORE, be it resolved that I, Miro Weinberger, Mayor of the City of Burlington, do hereby proclaim the month of April 2023 to be FAIR HOUSING MONTH in Burlington, and I do hereby urge all individuals, agencies, and institutions – public and private – to contribute to the observance by continuing our efforts to eliminate housing discrimination in our communities and increase housing opportunities for all.

6. PUBLIC FORUM

6.01 Verbal Comments

Forum opened at 7:35 PM.

COMMENTS:

Burlington residents (in person):

- Romeo Von Herman highlighted that this is the month of Ramadan and emphasized the importance of it. He also spoke about the lack of civic engagement among students in Burlington. He asked the Council to reach out more to students to engage with them more.
- Todd LaCroix spoke about the lack of volunteerism and generosity among the wealthy.

- Sandy Barry spoke about the F-35s at the airport and spoke about their impact on the environment, in terms of noise pollution as well as fossil fuel emissions. She also said that the F-35s make the City a target for nuclear warfare.

Burlington residents (via Zoom):

- Jean Hopkins spoke about concerns with the F-35s and their effects on the lives of residents in the communities around the airport.
- Sharon Bushor spoke about Memorial Auditorium, expressing disappointment with the current process and lack of public engagement. She asked the City to make the process more transparent and invite more public engagement on the RFPs being considered for posting.
- Jess Hyman spoke with gratitude about the Fair Housing Proclamation and work being done to make housing more inclusionary and inclusive in the community. She spoke about fair housing events that are taking place in the Burlington community in April.
- Ashley Adams spoke about the F-35 noise in and around the airport in South Burlington. She said that stopping the Air Guard program would stop the emission of a significant quantity of carbon into the atmosphere, would help improve the quality of life in South Burlington, and would open up a number of acres of land for housing (which is desperately needed in this housing crisis).
- Dan Castrigano spoke about a number of airport items, including concerning negative behavior on the part of several members of the Airport Commission and the length of time it will take for noise mitigation to be rolled out to the homes in South Burlington. He said that the Airport Commission should issue a public apology on these insensitive remarks.

Non-Burlington residents (in person):

- Duncan ____ spoke about his work in social work with young boys and expressed concern about violence.

Non-Burlington residents (via Zoom):

- ____ Decker spoke in favor of representative government, affordable housing, peace, health care, education, and services for the disabled. She asked the City to take a stand against the basing of the F-35s in Burlington.
- James Lees (?) noted that the federal government does not have control over the National Guard's training. He noted that the training program for F-35s at the Burlington Airport violates the requirement that training be conducted separately and apart from densely populated areas. He said that it causes hearing loss, cognitive decline, and degrades home values. He said that the City was delegated the power and authority to improve public health within its bounds, and it should exercise this power by grounding the F-35s.

Forum closed at 8:05 PM.

7. CLIMATE EMERGENCY REPORTS

7.01 Climate Emergency Reports

Councilor Bergman noted that he testified last week at a VTrans Climate Reduction Strategy public meeting, which are required by the federal government for all states to discuss what they're doing to reduce greenhouse gas emissions in the transportation sector. He noted the Council's actions around mass transit and the need for sustainable funding sources, which were supported. He noted that more action needs to occur around that resolution. He encouraged others to engage with the process that is occurring in the legislature.

8. CONSENT AGENDA

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

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

8.03 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 at the April 17, 2023 Regular City Council Meeting.

8.04 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 at the April 17, 2023 Regular City Council Meeting.

8.05 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 at the April 17, 2023 Regular City Council Meeting.

8.06 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 at the April 17, 2023 Regular City Council Meeting.

8.07 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 at the April 17, 2023 Regular City Council Meeting.

8.08 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 at the April 17, 2023 Regular City Council Meeting.

8.09 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 at the April 17, 2023 Regular City Council Meeting.

8.10 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 at the April 17, 2023 Regular City Council Meeting.

8.11 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 at the April 17, 2023 Regular City Council Meeting.

8.12 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 at the April 17, 2023 Regular City Council Meeting.

8.13 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 at the April 17, 2023 Regular City Council Meeting.

8.14 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 at the April 17, 2023 Regular City Council Meeting.

8.15 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 at the April 17, 2023 Regular City Council Meeting.

8.16 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 at the April 17, 2023 Regular City Council Meeting.

8.17 Communication: Fauna Hurley, Parks and Recreation Commission, Member, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Fauna Hurley thanking her for her time served as a Member of the Parks and Recreation Commission.

8.18 Communication: Katherine Schad, Presiding Officer - March 7, 2023 Annual City Election, re: Declaration of Elected Candidates Annual City Election - March 7, 2023 - waive the reading, accept the communication and place it on file.

8.19 Communication: Katherine Schad, Presiding Officer - March 7, 2023 Annual City Election, re: Declaration Of Election Results Questions On The Ballot Annual City Election - March 7, 2023 - waive the reading, accept the communication and place it on file.

8.20 2023 - 2024 Tobacco License and Tobacco Substitute Endorsement Renewals: see attached list - approve the 2023-2024 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.

8.21 CEDO, Community Justice Center - Reclassification of three positions and creation of one position - CJC/HR - approve and authorize the reclassification of the following positions within the City's Community Justice Center: • A BARJ Coordinator, from a Limited Service, Full-Time, Non-Exempt, Union, Grade 16 position to a Regular Service, Full-Time, Non-Exempt, Union, Grade 16 position; • A Community Assistance Program Coordinator, from a Limited Service, Part-Time (24hr/week), Non-Exempt, Union, Grade 15 position to a Regular Service, Part-Time (32hr/week), Non-Exempt, Union, Grade 16 position; • An Adult Restorative and Volunteer Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position to an Adult Restorative and Volunteer Manager, a Regular Service, Full Time, Exempt, Non-Union, Grade 18 position; and approve and authorize the creation of an Adult Restorative Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position within the Community Justice Center.

8.22 Leddy Park Pause Place Construction, Contractor Contract – BPRW - 1. To approve and authorize the execution of a contract with Don Weston Excavating, for a price not to exceed \$472,428.00 for the Leddy Park Pause Place Construction project, plus consultant fees of \$44,996.00 and a project contingency of \$52,000.00, for a total authorized expenditure in the amount of \$569,424.00, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office; 2. To approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$167,000 in funds from the Penny for Parks unallocated restricted fund balance to the Penny for Parks – Leddy Pause Place Project; 3. To approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$180,000 in funds from the Bike Path – Phase 3 Construction budget to the Penny for Parks – Leddy Pause Place Project.

8.23 Burlington School District and Balanced and Restorative Justice award acceptances - CEDO/CJC - approve and authorize Director Pine to accept and retroactively execute the DCF State Grant #45100 in the amount of \$133,522.79 for CY23, upon final review and approval of the City Attorney's Office.

8.24 CY23 Paving Contract – DPW - 1. The City Council authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources, as further detailed in the attached CY23 paving project budget, as needed to a total of \$1,709,008.30 for the projected construction costs to complete the CY23 Paving project; 2. The City Council authorize the Director of Public Works, or their designee, to execute a construction contract with Engineers Construction Inc. for the CY23 Paving project in the amount of \$1,399,098.45, with an additional \$139,909.85 in contingency funds, and to further execute a change order authorizing an additional expenditure of \$170,000 for street patching work, equaling a total authorized expenditure of \$1,709,008.30, subject to the final review and approval by the Office of the City Attorney.

8.25 Oakledge Universally Accessible Playground Construction, Contract Amendments – BPRW - approve and authorize the execution of a contract amendment with Engineers Construction, Inc. for a price not to exceed \$1,004,388 for the Oakledge Universally Accessible Playground Project, and the execution of a contract amendment with EIV Technical Services for a price not to exceed \$98,918, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

8.26 1. Creation of 3 new Water Resources positions Reclassification of 3 Water Resources positions 2. Reclassification of 3 Water Resources positions 3. Reorganization of Water Resources Engineers, Asset Manager, Stormwater Manager, Distribution Staff and Water Resources GIS and Field Specialist. - DPW/HR - authorize and approve the: • Creation of a Water Resources Risk and Resiliency Special Projects Engineer, a Regular, Full-time, Exempt, Non Union, Grade 23, position in the Department of Public Works; • Creation of an Director of Engineering and Operations , a Regular, Full-time, Exempt, Non Union, Grade 25, position in the Department of Public Works; • Creation of an Wastewater Plant Mechanic, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Department of Public Works; • Reclassification and retitling of the Senior Water Resources Engineer, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Engineering Manager, a Regular, Full-time, Exempt, Non Union, Grade 23 position in the Department of Public Works; • Reclassification and retitling of the Water Resources Policy and Programs Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Policy and Programs Advisor, a Regular, Fulltime, Exempt, Non Union, Grade 21 position in the Department of Public Works; • Reclassification and retitling of the Stormwater Program Coordinator, a Regular, Full-time, Exempt, Non Union, Grade 19, to the Stormwater Program Manager, a Regular, Full-time, Exempt, Non Union, Grade 21 position in the Department of Public Works, retroactive to October 17, 2022; and, to authorize back wages to the incumbent in the amount of \$2355.73 in retroactive compensation; • Reorganization of reporting structure for the Water Resources GIS and Field Specialist, a Regular, Fulltime, Exempt, Non-Union, Grade 18 position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Engineering Manager, as further detailed in Attachment B; • Reorganization of the reporting structure for the Engineering Manager, a Regular, Full-time, Exempt, Non-Union, Grade 23, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B; • Reorganization of the reporting structure for the Stormwater Program Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B; • Reorganization of the reporting

structure for the Distribution Field Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.

8.27 Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract – DPW - 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$609,672.58 for the projected construction costs to complete the CY23 Sidewalk Reconstruction Program; 2. To authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$554,247.80 with an additional \$55,424.78 (10%) in contingency, totaling \$609,672.58, subject to the final review and approval by the Office of the City Attorney.

8.28 FY23 Expense Authorization Champlain Parkway Project – DPW - authorize an increase to the Champlain Parkway FY23 Expense Authorization from \$16,777,998.03 to \$23,092,317.91 to continue approved project activities in FY23, and further approve and authorize the Chief Administrative Officer to execute a budget adjustment and transfer for the usage of an additional \$119,729.97 of Street Capital for local match in furtherance of the Expense Authorization increase, as further detailed in Attachment A.

8.29 Traffic Signal Modernization Burlington NH PC22(1) - FM0421 : VTrans Class 1 Paving - DPW - Parking and Traffic - approve and authorize the Director of the Department of Public Works to accept a change order to the January 2022 finance and maintenance agreement with the State of Vermont and to expend \$107,955.10 in non participating costs pursuant to such order to fund the installation of a modern traffic control system at Shelburne Street and Shopping Center, Shelburne Street and Home Avenue, Shelburne Street and Flynn Avenue, Shelburne Street and Prospect Avenue, and Winooski Avenue and Bank Street as part of the otherwise State-funded Burlington NH PC22(1) - FM0421 project paving project; and to further approve and authorized expenditure not to exceed \$53,580 for ancillary improvements, as further detailed in Attachment A, for a total expenditure of \$161,535.10; to be paid for with a repurposed existing lease and Impact Fees; subject to review and approval by the Chief Administrative Officer and City Attorney's Office.

8.30 Reclassification and Retitle Network Administrator to Senior Network Administrator - Police/HR - accept the Board of Finance recommendation and approve the following: • The reclassification and retitling of the Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 18 position to Senior Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 19 position.

8.31 Reclassification of Fire/Police Accountant position - Police/HR - approve and authorize the reclassification of the Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position to Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 18, position.

8.32 CY22 Street Reconstruction Program Contract Amendment for Additional Water Resources Infrastructure Work on Birchcliff Parkway - DPW Water Resources - approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2022 Street Reconstruction Program contract with S.D. Ireland Brothers to effect a maximum limiting amount increase of \$68,179.13 to the previously authorized contract expenditure limit with S.D. Ireland of \$2,911,355.98, for a total authorized maximum contract expenditure of \$2,979,535.11, 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.

8.33 Request Authorization to Re-Establish Quiet Zone – DPW - approve and authorize the proposal to the Federal Rail Administration for re-establishing railroad Quiet Zones in the areas of Flynn Avenue and Home Avenue in order to facilitate rail crossing improvements in these areas and to further authorize the Mayor to sign all necessary documents in furtherance of such establishment, including but not limited to, Notice of Intent and Notice of Establishment.

8.34 Approval for four-year agreement with National Business Technologies for the lease of copiers and Papercut Payment Systems – CT - authorize the Chief Administrative Officer, Katherine Schad, to execute a four-year agreement with National Business Technologies for the lease of copier and printers up to \$60,000 per year, and for the provision of copy and print services at the included cost schedule, upon final review and approval of the City Attorney's Office. The provision of copy and print services is subject to change based on the number of prints.

8.35 FIO Documents – for information only.

8.36 Resolution: Ratification Of Appointment Of Acting Ward Eight Inspector Of Election For March 7, 2023 Annual City Election (Councilor Paul) - waive the reading and adopt the resolution.

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

MOTION by Councilor Magee, SECOND by Councilor Traverse, to adopt the consent agenda and take the actions as indicated for items 8.1-8.37.

VOTING: unanimous; motion carries.

9. DELIBERATIVE AGENDA

9.01 Public Hearing Regarding CDO--INCLUSIONARY ZONING Inclusionary Zoning Percentages and General Requirements for Inclusionary Units ZA# 23-02

City Council President Paul opened the public hearing.

Amy Demetrowitz of the Champlain Housing Trust spoke in favor of the proposed amendments to the inclusionary zoning ordinance, saying that the proposed changes would allow for more flexibility for Champlain Housing Trust and private developers to independently tailor the unit mix of their apartments to meet the needs for the communities in which the IZ units would be placed.

City Council President Paul closed the public hearing.

9.02 Ordinance: CDO--INCLUSIONARY ZONING Inclusionary Zoning Percentages and General Requirements for Inclusionary Units #ZA 23-02 (Office of City Planning, Planning Commission)(2nd reading)(10 mins.)

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

DISCUSSION:

- **Councilor Traverse said that this is the result of joint meetings between the Ordinance Committee and Planning Commission.**
- **Principal Planner Dillard said that this amendment would allow for more flexibility in the unit mix and size in developments for inclusionary zoning, which would in turn allow more ease for developers to implement inclusionary zoning requirements.**
- **Councilor Hightower said that this set of amendments provides more flexibility without weakening the inclusionary zoning requirements and expressed support.**
- **Councilor Bergman requested receiving a report back on the impact of this set of inclusionary zoning amendments, to determine whether they have had the desired effects.**
- **Councilor Carpenter expressed support for this set of amendments, saying that it will help address housing gaps.**
- **Mayor Weinberger expressed support for these amendments.**

VOTING: unanimous; motion carries.

9.03 Council Rules (30 mins.)

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to waive the reading and adopt the revised Council Rules.

DISCUSSION:

- **Councilor Bergman said that the Charter Change Committee met three times to review the proposed revisions to the Council Rules. He noted one point of contention on the proposed Council rules regarding**

the time limit for public forum. He said that the Committee rejected the proposed elimination of the time limit and extended the time limit for public forum from 60 minutes to 90 minutes, and additionally provided for the Council to extend the time limit for public forum.

- Councilor Shannon said that she supports allowing the Council (in addition to the Council president) to weigh in on whether to extend public forum for a given meeting. She pointed out that public forum was originally proposed to be extended from 30 minutes to 60 minutes, and said that while public forum is important, it is also important to allow the Council to conduct the business of the City at a reasonable hour of the evening during its meetings. She asked the Council to consider amending

MOTION TO AMEND by Councilor Shannon, **SECOND** by Councilor Barlow, to amend Section 6B to modify "90 minutes" to "60 minutes" and amend Section 16 Order of Business #D to modify "no longer than 90 minutes" to "no longer than 60 minutes."

DISCUSSION OF AMENDMENT:

- Councilor Hightower made a friendly amendment to move the public forum to earlier in the evening (from 6:30-7:30 to 6:00-7:00).
- Councilor Bergman said that the start time was moved back to 6:30 to accommodate working families. He also said that he does not support a time limit for public forum. He said he would not support an amendment to decrease the public forum time from 90 to 60 minutes.
- Councilor Barlow noted that the time limit for public forum was increased during the ad hoc committee meetings from 30 minutes to 60 minutes and that at every Council meeting the time has been extended to accommodate all speakers.
- Councilor Freeman said that beginning public forum at 6:00 seems early for public forum.
- Councilor Carpenter expressed support for these amendments. She said that constituents are able to submit comments in writing in addition to speaking during public forum.
- Councilor Hightower noted that hybrid meetings have helped expand access to the forum.

VOTING (on amendment, by roll call): Councilor Barlow - aye, Councilor Bergman - nay, Councilor Brandt - aye, Councilor Carpenter - aye, Councilor Dieng - nay, Councilor Freeman - nay, Councilor Hightower - nay, Councilor Magee - nay, Councilor Shannon - aye, Councilor Traverse - nay, City Council President Paul - aye (5 ayes, 6 nays; motion fails).

DISCUSSION (on original motion):

- Councilor Traverse said he agreed that there should be time limits around public forum but that he had proposed extending the public forum to 90 minutes.

MOTION TO AMEND by Councilor Hightower, **SECOND** by Councilor Traverse, to amend the Council Rules such that time certain for public forum is no later than 6:00 PM and no later than 7:00 PM.

VOTING (ON AMENDMENT): 7-4; motion carries (Councilors Bergman, Dieng, Freeman, and Shannon dissenting).

VOTING (ON MOTION AS AMENDED): unanimous; motion carries.

9.04 Report on the CNA recommendations (30 mins.)

MOTION by Councilor Magee, **SECOND** by Councilor Hightower, to waive the reading and accept the recommendations in the report.

DISCUSSION:

- **Councilor Magee said that this is the result of an extensive review of the 150 recommendations made by CNA in their functional and operational assessment of the Burlington Police Department. He said that the ad hoc review group met weekly to review each recommendation. He said that the group noted that the redrafting of Department Directive #40 is a top priority, as it is the directive that governs the handling of citizen and employee complaints within the department. He said that the report also recommends that the department should consider the possibility that disparities in traffic stops and use of force incidents are driven by implicit and explicit bias and should address bias in officers' behavior and other department practices. He said that the report also strongly recommends continued emphasis and priority on establishing alternative responses for mental health calls, overdose calls, and houselessness.**

VOTING: unanimous; motion carries.

10. COMMITTEE REPORTS

10.01 Verbal Reports

Councilor Hightower said that the Community Development and Neighborhood Revitalization Committee met with staff and county-wide planning bodies and heard testimony on potential solutions to addressing houselessness at its last committee meeting.

Councilor Magee spoke briefly about recent topics at the Public Safety Committee's meetings, including innovative approaches to addressing gaps for fire dispatch.

Councilor Shannon noted that the Reappraisal Committee recently submitted its report to the City Council President. She said that the License Committee has begun discussing moving allowing the sale of alcohol to a later time in the day (such as 9:00 AM). She noted that the Cannabis Control Board has explored its authority and powers when it comes to the licenses that come before them for consideration. She said that the Parks, Arts, and Culture Committee has discussed safety in Burlington's parks and that future committees should take that conversation up again, since it is a persistent problem.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee will meet tomorrow and discuss an update from the Airport emission counting and an update on their carbon accreditation project. He also noted that the Tax Abatement Committee will be meeting on March 30 for hearings.

Councilor Carpenter said that the Human Resources Committee will start to review the City's comprehensive personnel policy.

Councilor Traverse said that the Ordinance Committee will meet on April 19 to discuss the proposed zoning amendments for the South End Innovation District.

Councilor Dieng said that with regards to the CNA report, he hopes that the City will look into processes to bring some level of proof and reconciliation between the Council and the Police Department, which is needed for everyone to ensure that the community feels safe.

11. CITY COUNCIL – GENERAL AFFAIRS

11.01 Verbal Reports

Councilor Dieng wished the Muslims in the community a happy Ramadan, and asked his fellow Councilors for forgiveness for shortcomings and deeds done and not done.

Councilor Shannon thanked Councilors Freeman and Brandt for their service on the Council. She thanked Councilor Freeman for her dedication and independent thinking on the Council. She thanked Councilor Brandt for stepping up during the Council's time of need.

Councilor Freeman spoke about the passing of Janet Carscadden, a wonderful member of the Burlington community. They also spoke about the experience they gained as a Councilor on this body.

Councilor Brandt spoke about her experiences on the Council and thanked everyone for their work.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.01 Verbal Reports

City Council President Paul thanked her fellow Councilors for their support for her leadership over this past year. She expressed gratitude for her fellow Council-members and thanked the Council for their work over the past year.

13. MAYOR – GENERAL AFFAIRS

13.01 Verbal Reports

Mayor Weinberger thanked City Council President Paul for her work over the past year and leadership on the Council. He presented plaques to departing Councilors Brandt and Freeman and thanked them for their service on the Council.

14. ADJOURNMENT

14.01 Motion to Adjourn

MOTION by Councilor Freeman, SECOND by Councilor Brandt, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 9:47 PM.

RScty: AACoonrad