

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 13, 2023
DRAFT**

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

OTHERS PRESENT: Miro Weinberger
Katherine Schad
Samantha Sheehan
Lori Olberg
Michael LaChance
Alina Korsak

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 6:40 PM.

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

VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2. 01 Verbal Comments

Forum opened at 7:14 PM.

COMMENTS:

Burlington residents (in person):

- Jessica Oski spoke in support of the resolution that condemns transphobia, saying that it supports the community and helps ensure that it maintains an environment of safety.
- Emily Copeland spoke in support of the resolution that condemns transphobia.
- Olivia Taylor spoke in support of the resolution condemning transphobia and supports the LGBTQIA community. She said that this resolution shows that the City is committed to creating inclusive and shared spaces for all in the community.
- Julie MaCuga spoke about anti-trans acts in the community and State, saying that the trans community needs to be supported and kept safe.

- State Rep. Emma Mulvaney-Stanak spoke about the importance of consistent action by allies to support the LGBTQIA community.
- Romeo Von Hermann spoke in support of the trans community and also asked that the public forum time be lengthened to 4 minutes.
- Leif Taranta said that Burlington is not different from other communities and is subject to the same crimes of hate and attacks against the trans community that other places are. They said that though they applaud this proposed resolution, passing it does not mean that work can stop to ensure the safety and support of every member of the community.
- Aspen Overy spoke in support of the trans community.
- Marianne Ward spoke about WCAX's coverage of transphobia and trans activism, saying that they are stirring up hate against anti-trans individuals.
- Christopher Aaron Felker said that stickering campaigns are a demonstration of constitutionally-protected speech, and that if the City wishes to crack down on graffiti and stickers, they should do so for all issues, not just the anti-trans stickers.
- Jane McDougal spoke about sidewalk repair on Pine and Cherry Street, saying that it is needed in order to ensure accessibility.
- Nick Tataakis spoke in support of the resolution supporting the LGBTQIA community as well as in support of the emergency warming shelters and overdose prevention sites.
- Kim Jordan spoke in support of the resolution that supports the LGBTQIA community.
- Lizzie McCullough spoke in support of the resolution that condemns transphobia, speaking specifically about her sister and her experiences.
- Kell Arbor spoke about their experience as a trans individual, and spoke about supporting youth who are growing up trans.
- Mark Montalbon spoke in support of the resolution that condemns transphobia, saying that the City should go even further and become a sanctuary City.
- Todd Lacroix spoke about hypocrisy.
- Lee Morigan spoke in support of the resolution that supports the LGBTQIA community, saying that it will help build a safe and accepting community for all.
- David Kaplan spoke in support of the resolution that supports the LGBTQIA community.
- Keren Sita spoke about the need to do what is morally right and that there is no need to pass this kind of a resolution.
- Jess Kell spoke in support of the resolution supporting the LGBTQIA community, specifically speaking about her trans son and how terrified he is of the anti-trans legislation being passed in other communities.

Burlington residents (via Zoom):

- Thomas Mage spoke in support of the resolution supporting the LGBTQIA community.
- Bentley spoke against the resolution around the LGBTQIA community, saying that it weaponizes legislation and harms children.
- Kevin Hurley spoke against the resolution around the LGBTQIA community, saying that no one was ever born into the wrong body.
- Avery spoke in support of the trans community and the resolution supporting them and the LGBTQIA community, saying that legislation needs to be drafted to support these vulnerable populations.
- Jay Voss said that the resolution against transphobia has already failed and that it is divisive.
- Joanne Kalisz spoke in support of the resolution supporting the trans community, saying that it is a trans person's choice to make how they would like to be. She said that the stickers around town are stigmatizing the trans population and are spreading hate.
- Rachel Siegel spoke in support of both the trans support resolution as well as the resolution around safe overdose prevention sites. She said that the latter is an extremely critical mechanism for harm reduction for drug users.

- Mark Redmond spoke in support of the resolution supporting the LGBTQIA community and against transphobia.

Non-Burlington residents (in person):

- Miguel Lozano spoke in support of the appointment of Chief LaChance as Burlington's Fire Chief, noting his strong leadership and sacrifices he has made as a firefighter.
- Su Vikcofti spoke in support of the trans community and spoke about a specific experience where a trans friend was attacked in the community.
- Jacob "Jake" Cribbs spoke in support of the resolution supporting the trans and LGBTQIA community.
- Kyle Blake, president of the Burlington Firefighters' Association, spoke in support of the appointment of Chief LaChance as Burlington's Fire Chief. He also thanked Deputy Chief Derek Libby for his work serving as Acting Fire Chief.

Forum closed at 8:30 PM.

3. CLIMATE EMERGENCY REPORTS

3.01 Climate Emergency Reports

Mayor Weinberger spoke about ballot initiative that was approved to implement carbon impact fees for the City's buildings.

4. CONSENT AGENDA

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

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

4.03 Communication: Jack Conn, re: Parking enforcement - waive the reading and place it on file.

4.04 Authorization to accept grant funds for the operation of the Extreme Cold Weather Shelter – CEDO - approve the acceptance of grant funds in the amount of \$12,000 from the State of Vermont Housing and Opportunities Program for the operations of the Extreme Cold Weather Shelter and authorize the Director of the Community and Economic Development Office to execute all documents necessary to accept the funding for the period through June 30, 2023, including retroactive approval for the period from February 2, 2023 to present, subject to the final review and approval of the City Attorney's Office.

4.05 Communication: Steve Goodkind, re: PF 022123 MCNEIL VS 2050 CO2 REDUCTION GOALS - waive the reading and place it on file.

4.06 Communication: Emily O'Hara, DRB Alternate, re: Resignation - waive the reading, place it on file, advertise the vacancy in Seven Days and send Emily O'Hara a letter of appreciation thanking her for her time served as an Alternate Member of the DRB.

4.07 Creation of Budge Manager Position, and reclassification of one (1) Clerk/Treasurer Position - CT and HR - approve the creation of the Budget Manager position, a Regular, Full-Time, Non-Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office; and approve the reclassification of the Accounting Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 12, position to Customer Service Associate, a regular, Full-time, Non-exempt, AFSCME, Grade 14, position in the Clerk/Treasurer's Office.

4.08 2023 VTRANS Highway Mileage Certificate Acceptance – DPW - accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2023 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council.

4.09 Communication: Ward 5 NPA, re: Resolution re: Shelburne Street Roundabout - waive the reading and refer the communication to the TEUC Committee for further review.

4.10 Special Event Outdoor Entertainment Permit Application (05/26/23-09/04/23): The South End Get Down, 377 Pine Street, Parking Lot, 4:30 pm - 10:00 pm - approve the Special Event Outdoor Entertainment Permit Application (05/26/23-09/04/23) for The South End Get Down, 377 Pine Street, Parking Lot, 4:30 pm - 10:00 pm.

4.11 Special Event Outdoor Entertainment Permit Application (two days only): Orleans Events, LLC, Oktoberfest, Waterfront Park, 09/22/23 and 09/23/23, Friday: 6 pm - 10 pm; Saturday: 4 pm - 9 pm - approve the two day only Special Event Outdoor Entertainment Permit Application for Orleans Events, LLC, Oktoberfest, Waterfront Park, 09/22/23 and 09/23/23, Friday: 6 pm - 10 pm; Saturday: 4 pm - 9 pm.

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

4.13 ARPA Funds for Addressing Acute Homelessness Crisis Budget Amendment – CEDO - approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget neutral amendment to the ARPA funds allocated for addressing the acute homelessness crisis so as to increase the Shelter Community Capital budget by \$509,787.00 to a total of \$1,618,787.00; reduce the Shelter Community Operating Budget by \$253,787.00 to a total of \$326,213.00 and decrease the Community Resource Center Operating Budget by \$256,000.00 for a total of \$220,000.00.

4.14 Authorization to Update Contract for the Elmwood Emergency Shelter Community – CEDO - approve and authorize the Director of the Community and Economic Development Office to execute all necessary change orders with KBS Builders and 2nd Gen Builders for development of the Elmwood Emergency Shelter Community, pursuant to previously earmarked ARPA funds and in accordance with the following chart, having also received final review and approval by the City Attorney's Office:

Summary of Contract Changes Previously Approved	Maximum Limiting Amounts	Updated Maximum Limiting Amounts	Delta
CM 2nd Gen Builders	522,533	567,885	45,352
Modular KBS Builders	408,048	363,111	(45,352)
Total	930,996	930,996	0.

4.15 City Place Burlington - Encumbrance Application - Bank and Cherry Street Right-of-Way – DPW - approve and authorize the Encumbrance Permit Application dated February 14, 2023, requesting expanding the footprint of the previously approved Application by obstructing an additional portion of public right-of-way on Bank Street and Cherry Street as detailed in Attachment A, and to further recommend that the City Council authorize the Mayor to enter into a First Amendment of the License Agreement dated October 2022 with the Applicant for use of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

4.16 EIV Technical Services - 157 South Champlain Street Drainage Manhole Structure - Encumbrance Permit Request – DPW - approve the Encumbrance Application for 157 South Champlain Street requesting use of the sidewalk for a concrete drainage manhole structure, 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.

4.17 Authorization to Execute Lease Amendment No. 2 to the General Services Administration (GSA) Lease – Airport - approve that the Mayor of Burlington, Miro Weinberger, be authorized to execute Amendment No. 2 to the Lease Agreement with GSA, subject to the final review and approval by the Office of the City Attorney.

4.18 Request to accept a Federal Aviation Administration Grant for Construction of Taxiway A Mill and Overlay - Additive Alternate and Execute Increased Contracts for Construction with SD Ireland Construction and Related Engineering and Inspection Services with McFarland-Johnson Consulting, Inc. – Airport - 1. "To authorize the Director of Aviation to execute a grant from the Federal Aviation Administration accept an amount up to \$1,265,076.00, with a 15% contingency, totaling up to \$1,454,837.40, as allowed under the grant, for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office." 2. "To authorize the Director of Aviation execute contracts with SD Ireland Construction in a cumulative amount of up to \$3,984,562.00, with a 15% contingency, totaling up to \$4,582,246.00, as allowed by the grant, for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office." 3. "To authorize the Director of Aviation to execute contracts with McFarland & Johnson Consulting, Inc. in a cumulative amount of up to \$573,168.85 with a 15% contingency totaling \$659,144.18, as allowed by the grant for construction oversight of the for the construction of Taxiway A's Mill and Overlay, subject to review and approval of the City Attorney's Office."

4.19 Queen City Park Road Sidepath VTrans GRant Cooperative Agreement (CA0727) – DPW - 1. To authorize the Director of Public Works to execute the Cooperative Agreement from the Vermont Agency of Transportation to accept a grant amount of \$828,000, with project costs to be paid upfront by the City of Burlington and then reimbursed by the Vermont Agency of Transportation, with a local match of \$207,000 in City funds (20%), for a total project budget of \$1,035,000; subject to approval by the City Attorney's Office and Chief Administrative Officer. 2. Accept the recommendation of the Capital Committee and approve the creation of the QCPR Sidepath Project Budget for Fiscal year 2023 for use of Capital funds, as described in the affiliated memorandum and attachments, and subject to the review and approval of the Chief Administrative

Officer. 3. Approve the use of the VTrans At-the-Ready process for Professional Design Consultant Procurement and thereby waive any conflicting requirements of the City's Procurement Policy, subject to review and approval of the City Attorney's Office and Chief Administrative Officer.

4.20 FIO Documents – for information only.

MOTION by Councilor Shannon, SECOND by Councilor Brandt, to adopt the consent agenda and take the actions as indicated for items 4.01-4.20.

VOTING: unanimous; motion carries.

5.DELIBERATIVE AGENDA

5.01 Communication: Mayor Miro Weinberger, re: Appointment of Fire Chief

Mayor Weinberger said that he is bringing forth Michael LaChance as his appointment for Fire Chief. He spoke about Chief LaChance's background and qualifications. He noted that Chief LaChance has served in the Burlington Fire Department for 20 years and was appointed Deputy Chief last year. He said that Chief LaChance is committed to diversifying the department and ensuring that it looks more like the community it serves.

Chief LaChance spoke briefly, thanking the Mayor for his support, and speaking about his love for the Burlington community.

MOTION by Councilor Magee, SECOND by Councilor Bergman, to confirm the appointment of Chief LaChance as the Fire Chief Engineer, and to grant a personal hardship extension of the Department Head residency requirement per the City Council rules.

DISCUSSION:

- **Councilor Magee spoke about Chief LaChance's commitment to the well-being of members of the Fire Department. He thanked Acting Chief Libby for his service while the search for a permanent Fire Chief was conducted.**
- **Councilor Dieng asked about Chief LaChance's vision for the Burlington Fire Department. Chief LaChance replied that his vision is that members of the Fire Department feel supported by leadership and a sense of belonging. Councilor Dieng asked about whether Chief LaChance has plans to move to Burlington, citing the residency requirement. Chief LaChance replied that he moved to Franklin County in 2001 because he was unable to afford living in Burlington at that time. He said that they now have four children who are in school and they are reluctant to relocate them.**

VOTING: unanimous; motion carries.

5.02 Indoor Entertainment Permit Application (2023-2024): Half Enterprises, Inc., d/b/a Sidebar/The Other Half, 202 Main Street

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Indoor Entertainment Permit Application for Half Enterprises, Inc., d/b/a Sidebar/The Other Half, 202 Main Street with all standard conditions.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

5.03 Tobacco License and Tobacco Substitute Endorsement Applications (2023-2024): Float On

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 tobacco license and tobacco substitute endorsement applications for Float On.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

5.04 Tobacco Substitute Endorsement Application (2023-2024): Pearl Street Pipe and Beverage

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Tobacco Substitute Endorsement Application for Pearl Street Pipe and Beverage.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

5.05 Resolution: Acceptance And Approval Of The FY2022 Audit (Board of Finance)(15 mins.) **pending BOF Approval on March 13, 2023**

MOTION by Councilor Dieng, SECOND by Councilor Brandt, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Dieng noted that this was reviewed and approved of by the Board of Finance. He said that this resolution signifies that the City's financials have been examined by auditors and there were no significant findings, which is an achievement. He thanked the administration for ensuring the City's financial health.
- Chief Administration Officer Schad said that one component of the audit is the management letter, which noted that there were no material weaknesses found for FY22, but there were three recommendations, pertaining to improving ledger monitoring, improving capital project accounting in the CEDO office, and ensuring alignment between ordinance and collective bargaining agreements regarding pensions. She noted that staff are working on those recommendations. She walked through the City's net position and changes between FY22 and FY21, enterprise net position and changes, fund balances, balance sheets, and further detail on assigned fund balance.
- Mayor Weinberger thanked staff for their work on the audit, as well as making improvements based on recommendations in previous years' audits. He said that these efforts have put the City in a very strong and stable financial position.
- Councilor Bergman said that it would be helpful to see further into the past data and trends, as the City looks to plan for the future.
- Councilor Barlow asked about the \$5 million ARPA grant that was miscategorized (as cited in the first recommendation in the management letter). Chief Administration Officer Schad replied that the Clerk/Treasurer's Office struggles with processes around tracking intergovernmental transfers within the budget (like the ARPA grant), and that the office is working to hire an additional staff to ensure that this tracking occurs more rigorously.
- Acting City Attorney Sturtevant made a friendly amendment to Line 16 to change "Fiscal Year 2023 Audit" to "Fiscal Year 2022 Audit."

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

5.06 Request to accept funding from Department of Mental Health for Crisis Team - Police (15 mins.) **AGENDA ITEM HAS BEEN POSTPONED**

No discussion at this time.

5.07 Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia (Councilor Magee, Paul, Barlow, Carpenter, Traverse, Bergman, Freeman, Hightower, Brandt, Shannon)(15 mins.)

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

DISCUSSION:

- Councilor Magee spoke about increasingly hateful transphobic actions, communication, and language around the community and in the school district. He said that adopting this resolution demonstrates that

there is no room for anti-trans rhetoric in the Burlington community, and would signal the City's support for its trans community members.

- **Councilor Shannon made a friendly amendment to add her name as a sponsor to this resolution.**
- **Councilor Barlow suggested strengthening local ordinance around defacement of public property in such a way that didn't impinge on peoples' right to free speech but that would allow for the removal of graffiti that is hateful or targets specific groups.**
- **Councilor Traverse noted that defacing public property with stickers is illegal and is a civil offense, even if it is with artwork. He said that though the First Amendment protects the type of stickering campaign that has occurred in the community, it doesn't stop the City's ability to call out the campaign for being hateful, harmful, and hurtful.**
- **Mayor Weinberger thanked Councilor Magee for bringing forth this resolution, and will be enthusiastically supporting and implementing it once signed. He said that the anti-trans stickers and campaigns are aimed at making community members feel unsafe and unwelcome and are unacceptable, especially when they are aimed at children. He said that the administration stands with the queer and trans community in Burlington.**
- **Councilor Freeman thanked Councilor Magee for bringing this resolution forward, as well as the members of the community who came out and voiced their support for the LGBTQIA community. They spoke about their experience as a trans person and spoke about how important it is to have personal choice and bodily autonomy as well as support.**

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

5.08 Resolution: Thanking City Staff And Community Partners For Their Efforts At The Emergency Warming Shelter And Reiterating The Call For Overdose Prevention Centers (Councilors Magee, Paul, Traverse, Freeman, Carpenter, Bergman, Hightower, Shannon)(15 mins.)

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

DISCUSSION:

- **Councilor Magee thanked staff and community partners for setting up the emergency warming shelter the first weekend of February, speaking about how it was an excellent example of harm reduction. He said that the City must be more vocal to the State legislature about the importance of harm reduction, particularly in the context of overdose prevention sites. He spoke about harm reduction measures that save lives, including overdose prevention centers, access to safe syringe exchanges and programs, permanent decriminalization of buprenorphine for opioid use disorder, decriminalization of possession of harm reduction supplies, and decriminalization of possession of personal amounts of drugs.**

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

5.09 Resolution: Calling On The Vermont Legislature To Support An Equitable, Affordable, And Accessible Early Childhood Education System (Councilors Traverse, Paul, Magee, Bergman, Brandt)(15 mins.)

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

DISCUSSION:

- **Councilor Traverse spoke about the difficulty of securing early childhood care for families in the City and around Vermont. He spoke about the City's Early Learning Initiative and Lets Grow Kids Vermont.**
- **Mayor Weinberger said that young families and childcare workers are being held back by the current system and that there is not enough funding being invested in the early childhood education system. He said that changing this will have an enormous impact on the quality of life in Vermont.**

- **Councilor Brandt spoke about how important early childhood education is for families' mental health and development.**
- **Councilor Dieng thanked Mayor Weinberger for his efforts around supporting young families and early childhood education. He said that not enough is being done at the State level to support the early childhood education system.**
- **Councilor Freeman spoke in support of the resolution.**

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

6. COMMITTEE REPORTS

6.01 Verbal Reports

Councilor Bergman said that the Charter Change Committee is meeting on Thursday to review the rule modifications that were referred to them by the Council. He said that the Council should see revised rules from the Committee's review at the next City Council meeting.

Councilor Shannon said that the License Committee will meet on March 22nd at 3:30 PM, and will discuss the matter of the Cannabis Local Control Board and that it seems to waste Council, subcommittee, and staff time and is an obstacle that lengthens the amount of time prior to the approval of applications.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will be meeting on March 21st at 5:00 PM and will be reviewing the committee's mission statement, discussing Juneteenth, and planning for the REIB roadmap for the City.

Councilor Magee said that the Public Safety Committee has been working with the Police Commission and Police Department to amend certain department directives as recommended by the CNA operational assessment. He said that they will work with the Police Commission later this month to review the work that has been done on those and anticipates finishing that in April. He said that the Public Safety Committee will be meeting on March 23rd at 5:00 PM to finalize the committee's report on all of the CAN recommendations, which will come back to the Council for a presentation and vote on March 27th.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee will be meeting on March 28th at 5:00 PM and will hear a presentation from Airport leadership about the emission inventory they will be conducting.

Councilor Traverse said that the Ordinance Committee does not have a meeting coming up but pending before it is the proposed zoning changes for the South End Innovation District. He said that because this is likely to stretch over several meetings, and they are looking to begin reviewing those proposed changes in mid-April. He said that based on a Council resolution, they are also obligated, along with the Charter Change Committee, to consider proposals on police oversight and accountability (based on voters' rejection of question #7 on the ballot), and will begin that work together shortly.

7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports

None.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports

City Council President Paul spoke about the public safety event at the Flynn Theater, saying that it was a great event, and that they are hoping to capture all of the community and public input that was given at that event.

9. MAYOR – GENERAL AFFAIRS

9.01 Verbal Reports

Mayor Weinberger spoke about the groundbreaking event for the new Burlington High School that will occur this Wednesday. He said that the Burlington School District continues to seek funding from sources other than taxpayers for the construction of the new high school.

10. ADJOURNMENT

10.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 9:50 PM.

RScty: AACoonrad