BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 24, 2023
DRAFT

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Kim Sturtevant
Lori Olberg
Meagan Tuttle
Brian Pine
Kim Sturtevant
Charles Dilliard
Nathan Lavery
Jon Murad
Cindi Wight
Kim Bleakley

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:52 PM.

MOTION by Councilor Dieng, SECOND by Councilor King, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 6.39, Exterior Temporary Fencing for Memorial Auditorium – BPRW and place it on the Deliberative Agenda as item 7.10 (per Councilor Dieng);**

- **Note revised version of agenda item 7.7 (per Councilors Shannon and Bergman)**

VOTING: unanimous; motion carries.

2. COMMUNICATION: MEAGAN TUTTLE, BRIAN PINE AND KIM STURTEVANT, ESQ., NEGOTIATION OF AN AGREEMENT REGARDING UVM HOUSING (VERBAL) **EXPECTED EXECUTIVE SESSION** 5:45 PM – 6:45 PM

2.1. Communication: Meagan Tuttle, Brian Pine and Kim Sturtevant, Esq., Negotiation of an Agreement Regarding UVM Housing (verbal) **expected executive session**
Mayor Weinberger said that the City and UVM have been in discussion about housing and the University's desire to have greater zoning freedom with regard to Trinity Campus. He noted that conversations with UVM had stalled in the spring but that they have been more active for the last several months. He said that the administration does not anticipate the Council taking any action tonight on this.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, that the Council find that premature general public knowledge of information concerning contract negotiations and attorney-client communications regarding UVM would clearly place the City at a substantial disadvantage with such negotiations.

VOTING: unanimous; motion carries.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications and updates on contract negotiations regarding UVM, per 1 VSA Section 313(a)(1)(A) and (F).

VOTING: unanimous; motion carries.

3. WINOOSKI RIVER SEWER MAIN BREAK EXPENSES – CHAPIN SPENCER AND MEGAN MOIR 6:50 PM – 7:15 PM

3.1 Winooski River Sewer Main Break Expenses – Chapin Spencer and Megan Moir
Director Spencer said that on July 12 there were high flows in the Winooski River and the sewer main adjacent to the North Plant broke, as a result. He said that DPW has worked to reduce the flows, repair the pipe, and reroute the flows since then. He said that they began pumping the sewage from above the break the day after the break, and that they began working on installing a plastic pipe above the break a day after that. He provided an update on activities since the last update on this issue to the Board of Finance last week. He noted that sewage hauling has continued on a 24 hour-per-day pace, which has enabled them to manually bring 75% of the flows to the North Plant. He said that the bypass piping project has made progress, and that testing on the bypass piping will begin tomorrow. He said that they will have divers in the river to assess the conditions of the existing broken pipe once water flows and visibility have returned to safe levels. He said that DPW has been in daily communication with the State's emergency operations center and FEMA. He said that the costs associated with this break are significant, and are estimated to be $750,000, which includes pumping, bypass piping, and disaster consultant costs.

Councilor Shannon thanked DPW and its team for the excellent communication to the public about this unfortunate incident.

4. PUBLIC FORUM: **TIME CERTAIN – 7:30 PM**

4.1 Verbal Comments
City Council President Paul began with a brief moment of silence for the loss of Katie Hartnett.

Forum opened at 7:30 PM.
COMMENTS:
Burlington residents (in person):

- Romeo von Hermann spoke about item 6.40 and shared his concern with the recent devastating floods in Vermont. He spoke in support of the grants being accepted on the consent agenda, saying that they will help the unhoused and other vulnerable members of the community.
- Greg Delantey spoke about item 7.7, stressing the importance of climate initiatives and net zero emissions, in order to preserve the environment for future generations.
- Sylvia Knight spoke about item 7.7, regarding aviation and ground emissions at the Burlington Airport. She spoke about the existential dread and sorrow she feels about the devastation of the planet. She spoke about the enormous emissions generated by F-35s when they fly. She spoke about seeking alternatives such as advanced flight simulation technology.
- Phillip Merrick spoke about how the McNeil Plant emits more greenhouse gas than all cars, trucks, and residential furnaces in Burlington, and represents 47% of all emissions in the City. He said that according to research, McNeil and its associated forestry activities generates three times the amount of emissions as a comparable natural gas plants.
- Kathryn Bock said that she is speaking on behalf of the children who are unable to swim in the lake due to cyanobacteria and the elders who are unable to visit their grandchildren because it is too hot and the air quality is too poor. She spoke in support of item 7.7 and against the District Energy plan.
- Lucy Gluck spoke in support for item 7.7, saying that the F-35 emissions are yet another reason why the F-35s should not be in Burlington. She also asked for more support from the City to electrify residential homes to help move the needle on net zero goals, in addition to addressing the F-35 problem.
- Ashley Adams spoke in support of item 7.7. She also spoke about the lack of action on the part of the City on reducing emissions and tackling the climate crisis. She said that the reduction of fuel use by the F-35 program offers the most significant opportunities to optimize capabilities and reduce greenhouse gases in the atmosphere.
- Pike Porter spoke about the resolution related to item 7.7, which asks the City, State, and Air Force to begin a dialogue to reduce carbon emissions. He said that this resolution begins the process of addressing whether meaningful action on the part of these entities will have meaningful impact to help the City and State meet their climate goals.
- Connor Wertz spoke about item 6.48, saying that the ordinance is a step in the right direction but that he does not support the ordinance's definition of renewable natural gas as a renewable or sustainable fuel.
- Jacob Burkowitz spoke on behalf of the UVMMC support staff union, noting that the union is engaged in protracted contract negotiations with UVMMC over issues such as low pay, and asked that the City Council support the over 2,000 workers within the union. He noted that this group of workers is the backbone of the working class in this City and State.
- Todd Lacroix spoke about selfish individualism in American society and emphasized the importance of compassion and reciprocity, especially during times of disaster and devastation.
- Steve Goodkind spoke about item 7.7, and spoke against using McNeil as a source of energy and electricity generation for the City.
- Amanda Lafon spoke as a lab worker at UVMMC, noting that she has never been able to afford the health insurance offered by her job and that she is living paycheck-to-paycheck and supporting her children. She asked how workers like her are expected to take care of their patients when they can't even take care of themselves.

- Nic Persampieri asked the City to overhaul its net zero energy roadmap, saying that the definition of net zero ignores aviation emissions and ignores greenhouse gas emissions from non-fossil fuel sources. He said that the rest of the world defines net zero as reduction in total emissions, not just from non-fossil fuel sources, and expressed concern that the City's definition opens the door to a number of false climate solutions. He also commended the Mayor, staff, and City Council for the rezoning of the South End through the South End Innovation District.
- Jodi Wuse spoke about the District Energy Plan, and expressed concern that it will not reduce carbon emissions. She said that the Burlington Electric Department is greenwashing with this initiative, since it is based on the assumption that wood-burning is carbon-neutral. She said that the carbon neutrality of biomass burning has been called into question and should no longer be the City's working assumption. She noted that the McNeil Plant's emissions aren't even counted in the City's net zero energy calculations. She said that the City needs urgent action to address this, and should not support the District Energy Plan.
- Carlos Esquivel spoke about the use of cars and other personal vehicles and said that cyclists don't feel safe in Burlington. He asked the Council to consider better protected bike lanes.
- Jack Teanu spoke in support of item 7.2 (the South End Innovation District) and item 7.7 (aviation emissions). He said that the City, instead of focusing on large pots of federal money, could think creatively and solve its own problems. For example, the City could designate certain streets to be pedestrian and cyclist only, rather than having costly projects to retrofit current streets with protected bike lanes.
- Jack Hanson said that the climate crisis needs to be looked at through a different lens by the Council. He said that the Council needs more swift action on the climate crisis and truly needs to treat it like a crisis. He said that the City needs more comprehensive frameworks in place for decarbonizing.
- Emily Letterman urged action on the climate crisis, saying that policy choices need to be made immediately. She expressed support for the resolution within item 7.7.
- Dan Castrigano urged the Council to step up and take more action on climate change, citing both the devastating flooding across Vermont over the last several weeks and the constant cyanobacteria blooms in Lake Champlain that shuts down the City's beaches frequently. He spoke in support of item 7.7. He said that all emissions should be counted.
- Levi Silverstein spoke as an outpatient pharmacy technician at UVMMC, and how he cannot make ends meet even though he works for the largest employer in the State. He said that over half of the support staff at UVMMC make less than $20 per hour and said he cannot imagine having to support children on this kind of income. He said that UVMMC must pay its employees enough money to be able to live. He urged the Council to support the support staff union in its contract negotiations with the medical center.
- John Teserano spoke as registration support staff in UVMMC's Emergency Department. He spoke about paltry pay and lack of support from the medical center, and urged the Council to support the support staff union in its contract negotiations with UVMMC for fairer wages and better working conditions.
- Elizabeth Manning spoke as a surgical scheduler at UVMMC. She spoke about coworkers who are one paycheck away from homelessness or cannot afford healthcare. She spoke about staff who are physically or verbally abused by patients with no support from management. She urged the Council to support the UVMMC support staff union.

Burlington residents (via Zoom):

- Chris Gish spoke about item 7.7 and urged the Council to support the resolution. He spoke about how residents do not support the F-35 program and voted it down, even though it still went ahead. He also spoke about the District Energy Plan, saying that it will not reduce greenhouse gas emissions when compared to using fossil fuels. He said that it is time for the City to take action on the climate crisis.
- Chris Mai spoke with sadness about the devastation experienced in the flooding of the Intervale, for farmers, gardeners, and other businesses. She urged the Council to pass item 7.7 and to not support further use of the McNeil Plant.

- Erica Victoria spoke as a mental health worker, urging the City to take action on the climate crisis. She spoke about the flooding and wildfires this summer, resulting in poor air quality. She spoke about the cyanobacteria blooms in the lake, and of the noise pollution and emissions from the F-35s at the Airport. She urged the Council to support item 7.7.

Non-Burlington residents (in person):

- Kim Hornung Marcy spoke about the loss of a beloved aunt from an acute asthma attack, and urged the City to no longer support wood-burning at the McNeil Plant. She said that smoke from wood fires is almost as harmful as cigarette smoke and causes significant negative impacts to those with respiratory illnesses.
- Heather Bowman spoke as phlebotomist at UVMMC, and said that she is appalled at how uncared for and unsafe she and her colleagues feel when working at UVMMC. She said that staff do not receive protective equipment to keep them safe if they are assaulted, nor do they receive de-escalation training if patients come into the hospital with guns. She spoke about colleagues being penalized for taking time off to spend with their families. She spoke about low pay. She asked the City to support the union.
- Brian Forrest spoke about the inefficiency of the McNeil Plant, and said that it is the largest stationary generator of greenhouse gases in the State.
- James Lees spoke about how greenhouse gas is turning the planet into a boiling hothouse. He spoke about how much fuel the F-35s burn per minute. He noted that under FAA rules, Burlington, as the owner of the airport, can set reasonable standards to protect the public and safety from the operations of the airport. He said that setting passenger mile per gallon standards would be a progressive option to pursue.
- Luke McNally expressed concern about the amount of forests that are lost to development through subdivision. He said that more forests should be planted and that only restoration can save the planet. He spoke about managing young forests to achieve old forest characteristics.
- Bob Atkinson said that people need to do everything they can to turn the climate crisis around, especially given the recent catastrophic flooding that the state endured.
- Caleb Quitner said that the planet is past the tipping point in terms of dealing with climate change. He spoke about the damaging effects of the F-35s on young people.

Non- Burlington residents (via Zoom):

- Bill Calfee spoke about the South End Innovation District. He said that he owns a small business in Burlington but that only four of his twelve employees are able to live in Burlington. He said that more housing must be created to both encourage local economic growth and cut down on the fossil fuels related to commuting.
- Jennifer Decker spoke in support of the resolution related to the climate emergency (item 7.7). She noted that pediatric neurologists have cited high decibel levels as a cause in children of decreased reading skills, increased risk of heart attack and mortality, increases attention problems, anxiety, and aggressive behavior. She said that housing needs to be built in areas that are safe for children.
- Carl Martin spoke as a resident of Montpelier in support of item 7.7, emphasizing the importance of decreasing carbon emissions. He also expressed support for the UVMMC support staff union and their negotiations for fairer pay and better working conditions.
- Robert Thornton spoke as the president of the International District Energy Association in support of district energy systems and solutions.
- Peter Duval said that burning biomass is not an efficient way of generating electricity and that a comprehensive evaluation of the risk of the District Energy Project should be conducted.

Forum closed at 9:05 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports
Councilor Traverse noted an item on the consent agenda for a carbon impact fee, which will be referred to the TEUC and then come back to the Council.

6. CONSENT AGENDA

6.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
6.2. Communication: CT Office, re: Accountability List - waive the reading, accept the communication and place it on file.
6.3. Communication: CT Office, re: March 27, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.4. Communication: CT Office, re: March 27, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.5. Communication: CT Office, re: April 3, 2023 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.6. Communication: CT Office, re: April 17, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.7. Communication: CT Office, re: April 17, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.8. Communication: CT Office, re: May 1, 2023 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.9. Communication: CT Office, re: May 1, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.10. Communication: CT Office, re: May 1, 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 August 14, 2023 Regular City Council Meeting.
6.11. Communication: CT Office, re: May 1, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.12. Communication: CT Office, re: May 15, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.13. Communication: CT Office, re: May 22, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.14. Communication: CT Office, re: May 30, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.15. Communication: CT Office, re: June 5, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.16. Communication: CT Office, re: June 5, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.17. Communication: CT Office, re: June 20, 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 August 14, 2023 Regular City Council Meeting.
6.18. Communication: CT Office, re: June 20, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.19. Communication: CT Office, re: June 20, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.20. Communication: CT Office, re: June 26, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.21. Communication: CT Office, re: June 26, 2023 Special City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
6.22. Communication: Lis Mickenberg, Member, BRV, 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 Lis Mickenberg thanking her for her time served as a member of the Board of Registration for Voters.
6.23. Communication: Brad Wiltfong, re: Protect and Improve the Bike Lane on Pine St - waive the reading and place it on file.
6.24. Communication: Emma Swift, re: Bird Bikes - waive the reading and place it on file.
6.25. Communication: Amanda Moore, re: Fletcher Free Library - waive the reading and place it on file.
6.26. Burlington Housing Board of Review Annual Report for 2022 - waive the reading, accept the report and place it on file.
6.27. Annual Electric Commission Report (signed) - waive the reading, accept the report and place it on file.
6.28. Special Event Outdoor Entertainment Permit Application (two days only): Burlington City Arts, Friday & Saturday, August 4 & 5, 2023, 5 pm - 10 pm, top block of Church Street: outside of Halvorson's, Festival of Fools - approve the two day only special event outdoor entertainment permit application for Burlington City Arts, Friday & Saturday, August 4 & 5, 2023, 5 pm - 10 pm, top block of Church Street: outside of Halvorson's, Festival of Fools.
6.29. Special Event Outdoor Entertainment Permit Application (one day only): Vermont Professionals of Color Network, Saturday, August 12, 2023, 12 pm - 6 pm, August Kickback, O.N.E. Community Center Parking Lot - approve the one day only special event outdoor entertainment permit application for Vermont Professionals of Color Network, Saturday, August 12, 2023, 12 pm - 6 pm, August Kickback, O.N.E. Community Center Parking Lot.
6.30. Court Diversion Grant #02100-FY24/25-CN - CEDO/CJC - approve the acceptance of the State of Vermont Grant Award #02100-FY2023-CN, in the amount of $510,526, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2024, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and all other documents necessary to implement the grant, subject to the review and approval of the City Attorney’s Office.
6.31. Department of Corrections Grant: "Safer Communities" (Grant Amendment # 03520-1542) - CEDO/CJC - approve and 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1542 in the amount of $347,805 for FY24, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY24 budget lines associated with the grant.
6.32. Approval for MuniCap, Inc., FY24 TIF District Administration Consultant Contract – CT - authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a one-year contract not to exceed $100,000, for the purposes of providing administrative support for the City’s Downtown and Waterfront TIF Districts, subject to final review and approval by the City Attorney’s Office.
6.33. Re-classfication/retitling of one (1) position - BPRW/HR - approve the reclassification and retitling of the Event Planner, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 15, role to Event Manager, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Parks, Recreation, and Waterfront.
6.34. Reclassification of Emergency Communications Specialists - Police/HR - approve the reclassification of the Emergency Communications Specialist position, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15 to Emergency Communications Specialist, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position.
6.35. 1. Creation of two (2) new Water Distribution Field Technician positions - DPW-Water Resources; 2. Reclassification of the Water Distribution Working Foreman position - DPW-Water Resources - approve the 1. Creation of two (2) Water Distribution Field Technician, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15, roles in the Department of Public Works; and 2. Reclassification and retitling of the two (2) Water Distribution Working Foreman, Regular, Full-Time, Non-Exempt, AFSCME, Grade 16, roles to Water Distribution Working

Foreperson, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, roles in the Department of Public Works, retroactive to January 24, 2023 and further authorize associated retroactive pay not to exceed $5,500.

6.36. City Hall Elevator Modernization – BPRW - approve and authorize the execution of a contract with Mack Brothers Elevator LLC, for a price not to exceed $135,609.45, to provide services related to the modernization of City Hall's elevator, plus a project contingency of $13,560.00 (total request including contingency not to exceed $149,169.45), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

6.37. City Hall Exterior Restoration – BPRW - approve and authorize the execution of a contract with Heritage Environmental Projects, Inc., for a price not to exceed $128,870.00 to complete exterior restoration at City Hall, plus a project contingency of $12,887.00 (total request including contingency not to exceed $141,757.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

6.38. Replacement Remote Sump Tank for City Hall - BPRW - approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed $182,662.00, to replace the remote sump tank in City Hall, plus a project contingency of $18,662.00 (total request including contingency not to exceed $200,928.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

6.39. Exterior Temporary Fencing for Memorial Auditorium – BPRW - **now deliberative agenda item 7.10**

6.40. Approval to accept Planning Grant Contnuum of Care VT-501 & Permanent Supportive Housing Grant Agreements in FY24 VT0030L1T012213 - $306,080 Shelter Plus Care - New Horizons, September 1, 2023 VT0053L1T012207 - $248,364 Beacon Place Apartments, September 1, 2023 CoC Planning Grant VT-501 $32,776, January 1st 2024 – CEDO - approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care grants (VT0030L1T012213, VT0053L1T012207, CoC Planning Grant VT-501) to begin in FY24 and authorize the Director of CEDO to execute all documents necessary to accept the total funding of approximately $600,000 from HUD, subject to the review and approval of the City Attorney's Office.

6.41. Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community - Housing Opportunity Grant Program SFY 2024 $1,250,257.00 – CEDO - approve and the acceptance of SFY 2024 grant funds in the amount of $1,250,257 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all documents and contracts necessary to accept the funding through the period of June 30th 2024, including retroactive approval for the period of July 1st to July 24th 2023, subject to the final review and approval of the City Attorney's Office.

6.42. Authorization to Execute a Contract with Alert Enterprise for Identity management software suite and associated professional services – Airport - authorize the Director of Aviation to execute a contract with Alert Enterprise, Inc. for $277,020 over a five-year term with a 20% contingency for a maximum limiting amount of $332,424 for the provision of and professional services related to identity management software suite for the Airport Operations Department, subject to the final review and approval by the Office of the City Attorney.

6.43. Contract renewal for ESRi GIS Services - I&T - approve and authorize the Chief Innovation Officer to execute a three-year contract with Environmental Systems Research Institute, Inc. in an amount not to exceed $120,000 for Geographic Information System services, subject to final review and approval by the City Attorney's Office.

6.44. Creation of Executive Manager for the Police Department - Police/HR - to approve the creation of the position of the Executive Manager for the Police Department, a Regular, Full-time, Exempt, Non-Union Grade 21 position.

6.45. Communication: Karen Paul, Council President and Katherine Schad, CAO, re: City Council and Board of Finance Meeting Dates - April 2024 to September 2024 - waive the reading, accept the communication and have these dates posted on the City calendar.

6.46. Replacement Hot Water System and Boiler at Paquette Arena in Leddy Park – BPRW - approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed $691,561.00 to replace the domestic hot water system and boiler, and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront to execute the contract and any related documents needed to carry out the

project, subject to the review of the City Attorney's Office; and approve and authorize the Capital bond funds budgeted for replacing the RTU's at the Miller Center in FY '23 and FY '24 to be transferred for payment to this project.
6.47. FIO Documents – for information only.
6.48. Ordinance: Thermal Energy Systems And The Assessment Of A Carbon Pollution Impact Fee (Councilors Traverse, Barlow)(1st reading) - consider this first reading, waive the reading, refer the proposed ordinance to the TEUC first, and then to Ordinance Committee with any recommendations from TEUC.
6.49. Resolution: Amending The Conservation Legacy Fund Policy Document To Provide For Nature-Based Climate Adaptation (PAC Committee) - waive the reading and adopt the resolution.
6.50. 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 Bergman, SECOND by Councilor Dieng, to adopt the consent agenda as amended and take the actions indicated for items 6.1-6.50.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA
7.1. Public Hearing Regarding ZA-23-01: South End Innovation District
Director Tuttle and Principal Planner Dilliard provided an overview of the amendments to the ordinance that will be voted upon this evening.

Director Tuttle began by describing how the amendments have evolved since the last time this ordinance was taken up by the Council, as result of the Ordinance Committee's work. Principal Planner Dilliard walked through the amendments introduced by the Ordinance Committee, which included modifications to the aspirational statement of the district's intent, revised height maps to limit where 8-story buildings are allowed, modified options for reducing non-residential space in buildings to achieve more community benefit, addition of various uses to allowable non-residential uses and removal of hotels from that list, incorporated staff recommendations to increase the Floor Area Ratio, modified urban form standards, streamlined green building standards for the tallest buildings, as well as staff recommendations around clarifying key terms.

Principal Planner Dilliard then walked through the proposed amendments introduced by the Ordinance Committee. These included a modest increase in surface parking permitted on a lot, an amendment that would preclude off-site and payment in-lieu options for affordable inclusionary units in the District, an amendment that would prohibit dormitories in the District, and an amendment that would permit lodging uses, including hotels, but only on lots south of Lakeside Avenue and with additional restrictions.

City Council President Paul opened the public hearing.

Colin Larson expressed support for the SEID, but expressed disappointment for the slowness of this process as a whole.

Colin Hilliard spoke on behalf of the Burlington Business Association, saying that they strongly support this ordinance. He said that businesses and workers desperately need the housing that would come out of this ordinance.

John Carlo thanked the Mayor and staff for their work on this issue. He said that this ordinance represents consensus and that it is measured and forward-looking.

Nic Anderson spoke about Champlain College as an integral collaborator in the community and expressed the importance of allowing the College to build its own housing and dormitories to house its students.

City Council President Paul closed the public hearing.

7.2. Ordinance: Comprehensive Development Ordinance ZA-23-01 South End Innovation District Overlay (Office of Planning, Planning Commission, Ordinance Committee)(2nd reading)(30 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the reading, approve the ordinance amendment regarding ZA-23-01 South End Innovation District Overlay.
DISCUSSION:

- **Councilor Traverse noted that the area of the district in question is currently mostly paved parking lots. He said that the entirety of the district is currently in the Light Industrial Manufacturing District. He said that this is prime location for more housing. He said it promotes more dense, bikeable, and walkable neighborhoods, as a response to the housing and climate crises the City is facing. He said that this version has the support of both the Planning Commission and Ordinance Committee, and strikes a balance among the various concerns brought before these committees during this process.**

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Shannon, to amend the underlying ordinance to include the amendment identified as SEID Amendment CCOC with respect to surface parking requirements.
DISCUSSION OF AMENDMENT:

- **Principal Planner Dilliard said that previously, 20 spaces were permitted on a lot, and it has been increased to 25 spaces or 15% of a lot's area, whichever is greater, and cannot exceed maximum parking limits.**

VOTING ON AMENDMENT: unanimous; motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Traverse, to amend the underlying ordinance as amended to modify Line 218 in the proposed amendment regarding Section 9.1.13 to prohibit the Inclusionary Zoning Off-Site and Payment In-Lieu Options in the E-SEID.
DISCUSSION OF AMENDMENT:

- **Councilor Hightower said that this amendment would close a loophole that allows developers to pay a fee rather than develop inclusionary units, and that eliminating that as an option would increase the amount of truly affordable inclusionary units in the SEID.**
- **Councilor Shannon voiced strong support for closing this loophole in the SEID. She said that this loophole should be fixed for the entire City, rather than just this District, but expressed support for it.**
- **Councilor Carpenter said that closing this loophole is a good fix for now, but that the inclusionary zoning regulations in the City also need to be modified to close this loophole for the entire City.**
- **Mayor Weinberger expressed support for this amendment, saying that it is the quickest way to ensure that the large projects associated with the SEID to guarantee that they will meet inclusionary zoning requirements. He said that there is more work to do on inclusionary zoning requirements going forward.**

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Bergman, to eliminate dormitories from the list of permitted uses.
DISCUSSION OF AMENDMENT:

- **Councilor Shannon said that dormitories as such as not an issue, but that allowing them would create the same problems that the City is experiencing with the Trinity Campus, in that the City would allow dormitories with no controls on them. She said that UVM only requires that first-and-second-year students be housed in dormitories, and that this would allow UVM to increase its enrollment while then creating a further housing crunch for its juniors and seniors. She acknowledged that UVM does not own property in the South End, but nothing precludes it from doing so. She said that growing the City's student population is an issue that requires further discussion.**
- **Councilor Hightower asked what would be allowed with dormitories that isn't currently allowed with other student housing (such as apartments owned by private developers). Director Tuttle noted that dormitories are allowed to have beds rather than full housing units that one would see in a multi-unit housing complex. She said that duration of a lease term would also be based on academic terms and that dormitories would be under institutional control. Councilor Hightower asked whether Champlain College had any plans in the near future that would be adversely affected if dormitories were no longer a permitted use in the SEID. Nic Anderson (representing Champlain College) replied that they would not be adversely affected in the short-term, but that more students are expressing a desire to remain in campus housing rather than seek apartments and that the College has a waitlist of these students. He also noted that the cost of constructing a dormitory is much less than the cost of constructing an apartment building.**
- **Councilor Bergman expressed support for this amendment, as the point of the SEID would be to increase the housing stock for the permanent residents, to create a cohesive community. He said that colleges should be building housing on their campuses.**
- **Councilor Traverse said that the City has been calling for the colleges and universities to take more responsibility for housing their students. He pointed out that dormitories are already permitted uses in the New North End and other parts of the South End. He said that prohibiting dormitories in the SEID wouldn't preclude colleges from building apartment-style housing for students and having it managed through private developers.**
- **Councilor Carpenter agreed with Councilor Traverse. She noted that Champlain College does not have additional land on its campus on which to build dormitories, though it does own land in what would be the SEID.**
- **Councilor Grant said that dormitories should not be allowed in this area. She noted that the City is desperate for non-student housing. She said that PILOT fees are still too low and are not anywhere near what properties are worth.**

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – nay, City Council President Paul – nay (6 ayes, 6 nays); motion fails.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Carpenter to amend the underlying ordinance to add lodging back to the permitted use table with certain conditions outlined in footnote 3 to the permitted use table for E-SEID.
DISCUSSION OF AMENDMENT:

- **Councilor Traverse said that the outcome of this amendment would not necessarily materially change the district, but that he favors lodging in the SEID. He said that permitting lodging wouldn't be at the expense of housing, since it is**

used as a complement the amount of constructed housing, as it brings people to the neighborhood and can help finance housing. He said that there will be a need in the SEID to lodge those who will be doing business there. He said that those who seek lodging in the district will also support the businesses in the district. He added that the best way to combat short-term rentals is to increase the amount of lodging.

- **Councilor Carpenter expressed support for this amendment.**
- **Councilor Grant emphasized the importance of housing, not lodging.**
- **Councilor Magee said that lodging would complement the SEID in the future, but agreed that housing is more important in the short-term.**
- **Councilor Hightower agreed that housing is the priority, but said that having a walkable neighborhood and people interacting with the streetscape is also important.**
- **Councilor Shannon said that there is a demand for lodging and that lodging is one of the only things that can compete with housing in terms of the economics of building it, since there is such high demand for it. She said that lodging will likely displace housing units if they are permitted in this district.**
- **Mayor Weinberger said that this amendment will not dramatically impact the future of the SEID, but said it would be unfortunate if the amendment fails. He said that lodging and housing are not interacting in a zero-sum game. He said that allowing lodging and flexibility will allow the City to organically evolve the best way possible. He said that prohibiting lodging will not decrease the amount of short-term rentals. He said that projects will be more likely to succeed if they have multiple ways to amortize the costs of construction.**
- **Councilor Traverse said that though some constituents are against lodging, not all of them are. He spoke about support from local businesses and developers who are in favor of allowing lodging in the SEID.**
- **Councilor Grant said that working people are being crushed by the high rents in the City and that the City needs to know that the first developments need to be housing for residents.**
- **Councilor Carpenter spoke about her experiences with developing affordable housing and said that developing housing could take longer if there is not a viable business mix in the community to help support the infrastructure.**

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (5 ayes, 7 nays); motion fails.

<u>DISCUSSION OF ORDINANCE AS AMENDED:</u>

- **Councilor Shannon thanked staff for their efforts to innovate, engage the community, and think creatively to solve this massive problem. She also noted that there is a developer with whom the City has a high level of trust who is prepared to begin projects if the ordinance passes. She emphasized that this ordinance was not written solely for one developer, but would apply to any developer who is willing to put forth plans. She said that though this process took 18 months, she felt that it was rushed. She noted that there is a desire for large-structured parking garages in this district, and that while she supports a multi-modal transit center, a parking garage is not that. She said that the South End should not serve as a parking solution for the rest of the City. She also noted a Memorandum of Understanding (MOU) that lays out a vision for the SEID, which has not been approved or really reviewed by this Council, which is concerning. She said that what an MOU can do that zoning can't do is encourage homeownership, and said that the City should encourage owner-occupied units in whatever high rise buildings are developed.**
- **Councilor Hightower commended and thanked staff for their work in this process.**

- **Mayor Weinberger spoke about the collaborative efforts around this ordinance change, and thanked the Council and staff for their work on this. He said that Burlington is in its current housing crisis because it has made housing too hard to build in the City and the State. He noted that there was a prohibition on having housing in this 84-acre district until now, and that this will be a significant positive change to address the housing crisis. He said that upon passage, the ordinance will enable more than 1,000 homes to be created in the City.**

VOTING ON ORDINANCE AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, 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 (unanimous); motion carries.

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

VOTING: unanimous; motion carries.

7.3. Resolution: Authorization For Public Improvement Bonds For School District Capital Improvements - March 7, 2017 Voter Authorization (Board of Finance)

MOTION by Councilor Magee, SECOND by Councilor Dieng, to waive the reading and adopt the resolutions for items 7.3-7.6.

VOTING: unanimous; motion carries.

7.4. Resolution: Authorization For School District Capital Improvement Bonds For Burlington High School - November 8, 2022 Voter Authorization (Board of Finance)
Item included in a slate vote (see 7.3 above).

7.5. Resolution: Authorization For Refunding Public Improvement Bonds (Board of Finance)
Item included in a slate vote (see 7.3 above).

7.6. Resolution: Authorization For Public Improvement Bonds For Fiscal Year 2024 (Board of Finance)
Item included in a slate vote (see 7.3 above).

7.7. Resolution: The Climate Emergency And A Council Request To Count Vermont Air National Guard GHG Emissions And To Plan To Eliminate VTANG Aviation And Ground GHG Emissions In The Spirit Of The City's 2030 Net Zero Goals (TEUC (Councilors Bergman, King), Councilors Magee, Hightower (20 mins.)

MOTION by Councilor Bergman, SECOND by Councilor Magee, to waive the reading and adopt the resolution as amended, by adding the words "substantially reduce or" to Line 54.
<u>DISCUSSION:</u>

- **Councilor Bergman noted the numerous constituents and other Vermonters who have reached out to the Council to pass this resolution. He emphasized that climate change is an existential crisis that is occurring now. He said that one of the biggest emitters of greenhouse gases is the U.S. Air Force, and this resolution asks the Air Force to partner with the City to share emission data and to help the City get to net zero energy emissions by 2030. He said that this resolution is in both the spirit of the City's net zero energy goals and the Air Force's climate action plan.**
- **Councilor Barlow expressed support for counting these emissions in reduction metrics.**

VOTING: unanimous; motion carries.

7.8. Resolution: Authorization For Capital Public Improvement Infrastructure Bonds - March 1, 2022 Voter Authorization (Board of Finance)

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

VOTING: unanimous; motion carries.

7.9. Burlington CARES Overview, Position Requests. and Structure - Police (15 mins.)

MOTION by Councilor Dieng, SECOND by Councilor Carpenter, to approve the creation of: One (1) Burlington CARES Clinical Supervisor, a Regular, Exempt, AFSCME, Grade 20 position; and Two (2) Burlington CARES Clinicians, a Regular, Exempt, AFSCME, Grade 19 position.
<u>DISCUSSION:</u>

- **Councilor Grant said that this is a community-driven team and is a needed part of the City's public safety infrastructure. She expressed strong support for this initiative.**
- **Mayor Weinberger said that this is an important milestone in the efforts to stand up a crisis response team. He said that this action would allow the City to post and recruit for these positions. He noted that these positions were discussed at and have the support of the Police Commission.**

VOTING: unanimous; motion carries.

7.10 Exterior Temporary Fencing for Memorial Auditorium – BPRW
Councilor Dieng said that he asked that this be placed on the deliberative agenda because it is temporary fencing and it is extremely expensive. He said that he would like to see more creativity and innovation in the construction of the fencing and does not want the downtown to look like a construction zone.

Councilor Grant said that Memorial Auditorium is a difficult building for the City right now, and said that temporary fencing is not a solution for what is occurring with the building.

Councilor Bergman asked what the administration's position is on exploring alternatives to this temporary fencing. Facilities Manager Bleakley said that this project was led by both CEDO and BPRW. She said that the main goal of the fencing is not to keep people out of the building but to keep them from the edge of the building so that nothing falls on them. She said that art could be placed on the temporary fencing while it is in place.

Councilor Hightower asked about future projected costs for Memorial. Mayor Weinberger replied that staff are looking into opportunities for the future of Memorial Auditorium and that it may take some time for any of the options to be implemented.

MOTION by Councilor _____, SECOND by Councilor _____, to approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed $119.750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of $11,975.00 (total request including contingency not to exceed $131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

VOTING: 10-2; motion carries (Councilors Dieng and Grant dissenting).

8. COMMITTEE REPORTS
8.1. Verbal reports
No discussion.

9. CITY COUNCIL – GENERAL AFFAIRS
9.1. Verbal reports
No discussion.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES
10.1. Verbal reports
No discussion.

11. MAYOR – GENERAL AFFAIRS
11.1. Verbal reports
No discussion.

12. ADJOURNMENT
12.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:05 PM.

RScty: AACoonradt