BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 11, 2023
DRAFT

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg
Meagan Tuttle
Sarah Morgan

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:07 PM.

City Council President Paul called for a moment of silence in remembrance of the lives lost on September 11, 2001.

MOTION by Councilor Doherty, SECOND by Councilor Traverse, to amend and adopt the agenda as follows:

- **Put the action item of 2.1 on the consent agenda;**
- **Add to the consent agenda item 5.25: Communication: Stephanie Seguino, Member, Police Commission, re: Resignation;**
- **Remove from the consent agenda item 5.3 Update on Initial Receipt and Obligations of Nationwide Settlement Opioid Money (CAO and Mayor) and add it to the deliberative agenda as item 6.2.**

VOTING: unanimous; motion carries.

2. ANNUAL REPORT FOR 2022-2023 PARKS, RECREATION, AND WATERFRONT COMMISSION
2.1 Annual Report for 2022-2023, Parks, Recreation, and Waterfront Commission
Abbey Duke (chair) and Lee Morrigan (vice chair) of the Parks, Recreation, and Waterfront Commission provided a verbal summary of the 2022-2023 annual report for the commission. They spoke about the importance of the services provided by the Parks, Recreation, and Waterfront department, as well as about the professionalism of its staff.

Councilor Barlow said that the report cited difficulty with increasing public engagement, noting that this was also a problem for him when he served on the Commission. He asked what strategies are being pursued currently to increase engagement. Chair Duke replied that they are working on several ideas but have not yet developed a cohesive plan.

Councilor Shannon noted that complaints about safety concerns in parks have decreased this year, and asked what conversations are occurring at the Commission level related to safety improvements. Vice Chair Morrigan replied that they are working on a project to reduce syringe litter, and that they have also been working with the Police Chief to gather information about City Hall Park in a boots-on-the-ground way in order to inform plans for increasing safety there.

Councilor Traverse asked whether there have been discussions about water access and how people can cool down on hot days when the beaches are closed, noting that there had been discussions when he was on the Commission around alternatives to a public pool for the City. Chair Duke replied that this will be one of the Commission's primary area of focus this winter, including gathering input on short-term and longer-term solutions.

Councilor Carpenter thanked BPRW staff for their hard work. She asked whether BPRW and the administration can work together around the Urban Park Ranger program, which has been assisting greatly with the population of unhoused in the City and its parks, but said that this wasn't what was envisioned to be taking up so much of their role when the program was created.

Councilor Dieng thanked the Commission for the report but said he would like more detail, especially related to data around who is accessing parks programs.

Councilor Grant noted the tremendous improvement in coordination among City employees across departments and looked forward to further collaboration.

Councilor Hightower asked several questions related to the officiant fee that was recently established, which were answered.

3. PUBLIC FORUM: **TIME CERTAIN – 6:15 PM**
3.1 Verbal Comments

Forum opened at 6:34 PM.
COMMENTS:
Burlington residents (in person):
- Michael Nodell spoke about the Elmwood Emergency Shelter, expressing concern about the drug use and public defecation occurring on and around the site, especially given that it is a residential area. He said that the success of the program is in jeopardy because of this illegal activity, and asked that the police be more involved,.

- Jada Bearden spoke about white supremacy in the Burlington community, and her lived experience with it. She also spoke about her current unhoused situation.
- Bella Fern spoke about Vermont's lack of diversity, noting that Black residents are being driven out of the state due to racism. She spoke about the actions taken against former REIB Director Tyeastia Green, noting that those responsible for those actions need to be held accountable.
- Robert Bristow-Johnson spoke about elitism and hypocrisy on the basis of race. He said that everyone needs to be held accountable if they are in the wrong, regardless of race.
- Jack Tiano expressed excitement about the Neighborhood Code project kickoff. He noted that while the South End Innovation District project and other spot-zoning are important, but more comprehensive and systemic code updates are needed to tackle barriers to residential housing and access to affordable housing. He said that one goal for the discussion should be to examine how cost per dwelling unit is affected by the densities that are set through the Neighborhood Code project.
- Ryan Thornton spoke about the Neighborhood Code project, saying that a primary goal should be increasing access to homeownership for all of Burlington's residents, given that most of them are renters and are priced out of owning homes in the community. He said that the City should look at footprint lots and the ability for replacing single-family homes with multi-family units or duplexes.
- Todd Lacroix spoke about September 11, racism, and hypocrisy.

Burlington residents (via Zoom):
- Sharon Bushor spoke about the ordinance related to technical amendments, noting that there should have been more discussion about the technical amendments prior to passing the ordinance. She also spoke about the Neighborhood Code project, saying that there should be more opportunity for public input at the NPA meetings for this project.
- Colin Larson said he is excited about the Neighborhood Code project, as well as the South End Innovation District project. He said that he supports efforts to have more alternatives to single-family homes, especially in the Old North End.

Non-Burlington residents (via Zoom):
- Karen Seba spoke about more policy action needed to combat racism in the City.

Forum closed at 7:01 PM.

4. CLIMATE EMERGENCY REPORTS
4.1 Climate Emergency Reports
Mayor Weinberger spoke about the acquisition of an electric bucket truck for Burlington Electric Department, noting that it is part of the ongoing electrification of the City's fleet. He noted that development in the walkable and bikeable parts of Burlington will lead to lower energy consumption, as denser, more urban environments tend to use less energy per capita than suburban neighborhoods.

5. CONSENT AGENDA
5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
5.2 Communication: CT Office, re: Accountability List – waive the reading, accept the communication and place it on file
5.3 Update on Initial Receipt and Obligations of Nationwide Settlement Opioid Money – CAO and Mayor – **now deliberative agenda item 6.2**.
5.4 Champlain St. Park Renovations Construction., Contractor Contract – BPRW – approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed $163,844.00 for the Champlain Street Park Renovations Construction project, plus a project contingency of $19,887.50, for a total authorized expenditure in the amount of $183,731.75, 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 review by the City Attorney's Office; and 2. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of $10,000.00 in funds from the Penny for Parks unallocated restricted fund balance to the Champlain St. Park Renovations Project as outlined on the Budget Amendment Request Form.

5.5 Lakewood Cemetery Exterior Restoration – BPRW – approve and authorize the execution of a contract with Farrington Construction Company, for a price not to exceed $238,976.00, to complete exterior restoration at Lakeview Cemetery, plus a project contingency of $35,846.00 (total request including contingency not to exceed $274,882.00), 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.

5.6 North Winooski Avenue Project and Community Health Centers Parking – DPW – approve the use of $15,000 of Councilor Initiative Funds for the Community Health Centers to conduct additional geotechnical study and design work for off-street parking adjacent to their facility and authorize the Director of Public Works to execute an agreement with Community Health Centers to facilitate transfer and terms of acceptance of such funds, subject to review by the City Attorney's Office.

5.7 Acceptance of VTrans Town Highway Class 2 Roadway Program Grant #P02156 for North Avenue Road Surfacing – DPW - Council authorize the Director of Public Works to accept and execute the Town Highway Class 2 Roadway Program Grant #P02156 from the Vermont Agency of Transportation, in an amount up to $200,000, for the mill and fill of asphalt on North Avenue between Plattsburg Avenue and Staniford Road, where such acceptance includes commitment of local matching funds which equal 20% of the grant award, with such execution of grant documents being subject to the prior review of the City Attorney's Office.

5.8 Budget Amendment for 79 Pine Street Sales Tax Reallocation Funds for the BTC Public Improvements Project – DPW - Council authorize the use of $480,052 in 79 Pine St Sales Tax Reallocation funds towards the BTC Public Improvements Project Budget - Great Streets Bank and Cherry Street Project Budget and authorize the Chief Administrative Officer or designee to effectuate all necessary budget amendments and transfers of funds in substantial conformance with Attachment 1 in furtherance of securing this reimbursable state funding.

5.9 Acceptance of Grant Agreement (CAO811) for the Congressionally Directed Spending Church Street Side Street – Cherry St. associated with the BTC Public Improvements Project – DPW – 1. Authorize the Director of Public Works to execute the Cooperative Agreement from the Vermont Agency of Transportation to accept a grant amount of $12,000,000 for construction of the Church Street Side Street (Cherry) Project, 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 $3,000,000 in City funds (20%), for a total project budget of $15,000,000, subject to approval by the City Attorney's Office; 2. To approve and recommend that the City Council approve the necessary amendments to the BTC Public Improvements Project Budget – Great Streets Bank and Cherry Street Project Budget by adjusting the accounts as described in the affiliated memorandum and attachments and further authorize the Chief Administrative or designee to effect all necessary transfer of funds in furtherance of such amendments; and 3. To approve and recommend that the City Council approve and authorize the use of the VTrans At-the-Ready process for Professional Design Consultant Procurement.

5.10 Authorization to Amend Project Budget and Execute the Construction Contract for East Avenue Traffic Calming – DPW – 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds from Transportation Capital as needed to create the Traffic Calming project budget in the amount of $396,320.10 in accordance with the attached Budget Amendment (Attachment 1) for the East Avenue Traffic Calming Project; and 2. To approve and recommend that the City Council authorize the Director of Public Works to execute a contract with S.D. Ireland Brothers Corp. in an amount up to $360,291.00, and any necessary future change orders using up to $36,029.10 (10%) in available contingency funds, for a total authorized amount of $396,320.10, for the construction of the East Avenue Traffic Calming project, subject to the review and approval of the City Attorney's Office.

5.11 Communication: Juliette N. Rooney-Varga, William Moomaw, and Laura Zakaras, RIST Institute for Sustainability & Energy, re: Is Burning Wood Climate Neutral? – waive the reading and place the communication on file.

5.12 Communication: Jennifer A. Francoeur, re: Management of city funds - waive the reading and place the communication on file.

5.13 Communication: Robert Herendeen, Member, Electric Light Commission, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation thanking Robert Herendeen for his time serving as a member of the Electric Light Commission.
5.14 Communication: Jason Wiseberg, Member, Parks and Recreation Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation thanking Jason Wiseberg for his time serving as a member of the Parks and Recreation Commission.
5.15 Communication: Jennifer Garvin, re: Crime in Burlington – waive the reading and place the communication on file.
5.16 Communication: Daniel Gaviria, re: Shelter hidden in Callahan Park – waive the reading and place the communication on file.
5.17 Communication: Brad Wiltfong, re: Expand Alternative Transportation Improvements in Burlington – waive the reading and place the communication on file.
5.18 Communication: Pike Porter, re: VTANG Contracts/email - waive the reading and place the communication on file.
5.19 FIO Documents – for information only.
5.20 Ordinance: Model Years for Vehicles for Hire (Councilor Barlow) – suspend the rules, waive the reading, and place in all stages of passage an ordinance relating to model years for vehicle for hire.
5.21 Ordinance: CDO—SETBACKS ZA-23-03 (Planning, Planning Commission) – 1st reading, waive the reading, accept proposed change by staff to remove the language "(2015 IBC)" from line 38 and warn the ordinance for public hearing.
5.22 Ordinance: CDO—STRUCTURES ZA-23-04 Temporary Structures (Planning, Planning Commission) – 1st reading, waive the reading and warn the ordinance for public hearing.
5.23 Ordinance: CDO—Technical Amendments ZA-24-01 (Planning, Planning Commission) – 1st reading, waive the reading and warn the ordinance for public hearing.
5.24 Ordinance: CDO—Rezoning ZA-23-05 168 Archibald Street (Planning, Planning Commission) – 1st reading, waive the reading and warn the ordinance for public hearing.
5.25 Communication: Stephanie Seguino, Member, Police Commission, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and second a letter of appreciation to Stephanie Seguino thanking her for her time served as a member of the Police Commission.

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.25.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Joint Committee to review Neighborhood Code Recommendations
Planning Director Tuttle began by noting that the project related to recommendations around neighborhood code's primary goal is more homes in all of Burlington's neighborhoods, while recognizing that the City's neighborhoods all have strong identities, unique patterns, and distinct architectural features. She explained what Middle Housing is (house-scale buildings with multiple units in walkable neighborhoods) and noted that it is missing in most of Burlington. She noted that the joint committee's goals will also be to identify zoning barriers to middle-housing types, and find opportunities to support more of them.

She outlined the scope of the Joint Committee and how it plans to move forward with its work. She said that it will review and participate in public and stakeholder input related to the development of any draft ordinance, provide feedback to staff and City consultants on proposed middle housing types and standards to regulate them, discuss other related zoning changes to fully implement the proposed middle housing types (especially where multiple options exist), and provide a recommendation from the full Committee to the City Council (after a public hearing).

City Planner Morgan walked through the proposed schedule for the joint committee and the Neighborhood Code project. She noted introductory meetings in September and October, meetings to develop and review draft ordinance language in October and November, meetings around the adoption process in December and January, including City Council working sessions and public hearings and adoption by the Council. She spoke about ongoing engagement with the public, including stakeholder focus groups, AARP coffee chats, NPA presentations, a public engagement session in November or December, and additional technical assistance.

Councilor Traverse emphasized how this is the most comprehensive way the City can address its housing crisis. He expressed appreciation for efforts to streamline this process while ensuring that public engagement is taking place. He said he is hopeful that the joint committee can arrive at a set of recommendations that it agrees upon, without needing to also have them reviewed by the full Ordinance Committee.

Councilor Hightower asked about the range of middle housing that is being considered, such as townhouses. Planning Director Tuttle replied that they are primarily looking as far as the townhouse level on the spectrum of middle housing, and are exploring whether certain types of housing are more appropriate in the middle of zoning districts and what could be considered more acceptable in corridors running into them. Councilor Hightower also noted that the recommendations may need to go to the Ordinance Committee.

Councilor Carpenter said that the City could do better in figuring out a process for improving how zoning changes are made, and said she hopes that the City can do that within the next year. She suggested looking at how other communities go through zoning changes.

Councilor Shannon said she looks forward to the work, though does not agree with the current structure of having a joint committee of the Planning Commission and Ordinance Committee do it. She acknowledged a desire to streamline the process, though said that the public needs to be given ample opportunity to engage with the discussions. She suggested a process where the Planning Commission and Ordinance Committee review it on separate tracks but that then they come together and merge their discussions. Councilor Dieng agreed with Councilor Shannon’s points. Councilor Hightower expressed a high degree of confidence in the joint committee process.

Mayor Weinberger expressed strong support for this work as part of the ten point action plan around housing that was developed in 2021. He said that this is one of the more impactful of the points within that plan.

Planning Director Tuttle noted that there is still a statutory process that needs to be followed related to zoning amendments, including consecutive action by the Planning Commission and the City Council. She noted that this joint committee is the attempt to bring the commissions’ work together, rather than having separate processes. She additionally noted efforts to visit each NPA in the fall. She then spoke about how the joint committee’s work is intended to be iterative and receptive to feedback.

Councilor Carpenter said that it will be important to clarify that many new state regulations will override local zoning regulations, and that increased density in certain zoning districts will be allowed.

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

VOTING: unanimous; motion carries.

6.2 Update on Initial Receipt and Obligations of Nationwide Settlement Opioid Money – CAO and Mayor (**was Consent Agenda item 5.3**)
Councilor Grant said that the Public Safety Committee has been discussing steps that the Council and City residents need to take to communicate more about the drug crisis in the City, noting that one area for improvement is communication. She said that it is important to bring to the public any actions being taken at the City or state level to combat the opioid epidemic and drug crisis, hence why she wanted to discuss this item.

Mayor Weinberger spoke about this item, noting that it provides an update on where the City stands on collecting funding from a variety of opioid-related lawsuits. He said that the City has received $220,651 in opioid settlement money to date, and anticipates an additional $182,598 to be received in FY24. He said that this item also requests making a further commitment of $75,000 dollars to the Vermonters for Criminal Justice Reform (VCJR), and spoke about the importance of this program and the services it provides to individuals. He also spoke about the much larger pot of money that the State is receiving related to opioid settlements (approximately $23 million), though it has not yet been directed to specific programs. He said it is disappointing that the funding at the State level is languishing, given the urgent and immediate crisis occurring in communities around the State.

Councilor Shannon asked how the settlement funding to VCJR will benefit the community of Burlington. Mayor Weinberger noted that the office itself is in Burlington and that it serves largely the residents of Chittenden County (and the majority of those live in Burlington). He said that the program links people to traditional forms of opioid treatment as well as providing contingency management treatment for stimulant users. He noted significant early data that suggests that this is a promising program. He noted that overdose deaths in Chittenden County are significantly lower than in other parts of the State, likely related to the infrastructure the county has built for opioid use treatment.

Councilor Magee spoke about how the opioid epidemic has impacted the Burlington community, noting that how the opioid overdoses in 2023 have already surpassed those in 2022. He emphasized the importance of harm reduction in curbing deaths related to the opioid epidemic, and spoke in support of the allocation of funding for VCJR. He said that the City should focus on evidence-based, people-oriented solutions and policies. He urged the legislature to work on policies to allow overdose prevention centers as a form of harm reduction.

Councilor Grant spoke with frustration about the lack of movement on the opioid crisis, saying that the funding needs to keep flowing to provide support in the fight against the opioid crisis. She also spoke about the importance of communication about funding and how it is being used to the Burlington community.

MOTION by Councilor Grant, SECOND by Councilor Magee, to 1. Authorize and approve moving all opioid settlement agreement money received to date and all forthcoming into assigned fund balance labeled 'Opioid Money' to be spent only as directed by such agreements, and to further authorize the Chief Administrative Officer or designee to affect all necessary budget amendments and transfers of funds to complete such allocation; and 2. Agree and recommend to the City Council that it authorize and approve earmarking and expenditure of $75,000 of opioid settlement agreement money to support VCJR, and further authorize the Chief Administrative Officer or designee to execute an agreement and all other necessary documents to memorialize such expenditure, subject to any necessary review by the City Attorney's Office.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS
7.1. Verbal reports

Councilor Traverse said that the Ordinance Committee and Charter Change Committee have four meetings scheduled over the next month to discuss community oversight of the police. He said that they will discuss potential proposals (or charter changes) to bring back to the Council for its consideration later in the fall.

Councilor Grant said that the Public Safety Committee will be working on a resolution to bring to the Council at its next meeting. City Council President Paul noted that the next public Safety Committee meeting will be scheduled for some time next week to discuss this resolution.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports
Councilor Shannon spoke about the discussion at the City Council's last meeting. She noted that members of the public had asked the City Council how it will keep the public safe during City Council meetings, which she feels is a fair question. She noted that the meeting had certain elements of physicality, which may be occurring in an absence of a sense of order in the room. She said that in terms of the subject of the discussion, she said she felt that the subject of the report (overspending by a City department) was not discussed because the Council did not feel comfortable discussing it. She said that the Council needs to be able to conduct the business of the City and it needs to feel safe enough to do so. She said that public forum is intended to be for members of the public to address items on the City Council's agenda, though the Council has not to date limited the subject of public forum to just those items.

Councilor Grant said that at the last meeting, the discussion centered around both the report and around the larger issue of racism. She said that the way the City approached looking into the conduct of the department in question was problematic, because it implied wrongdoing before the report was even issued.

Councilor Hightower spoke about several items of concern at the prior City Council meeting. She said that it's problematic to associated someone with an event that they did not manage and make them a scapegoat for any of the problems that occurred after their departure. She said it was also problematic that the individual was continually discussed negatively, even after the report demonstrated that there was no wrongdoing, though she noted that the report itself was not as clear as it could have been on this point. She further said that the public speaker who was cut off at the previous meeting should not have been cut off and should be given an apology. She said that the people who used the term "racist" used it very thoughtfully at the last meeting and that when an employee is treated differently than all other employees and the only reason for that is due to their advocacy is problematic. She said that there have been many contentious meetings of this body, but that the feelings of fear at meetings were never as prominent as they were at the Council's August meeting.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports
None at this time.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports
Mayor Weinberger spoke about the 22nd anniversary of September 11, 2001. He noted that as an act of honor and commemoration, 15 members of the Fire Department hiked up Mount Philo twice in full gear, as that is the approximately the amount of vertical distance of the Twin Towers.

Mayor Weinberger also noted that Burlington hosted a Pride festival this past Sunday, which was a success, and also held its 31st Art Hop.

Mayor Weinberger said that the Moran Frame will host a event on September 29th for an art installation. He noted that the City has also begun Phase 2 of the Moran Frame project. He noted that the public will be able to give input to the City's design team on that second phase on Wednesday the 13th of September, to be held at the Moran Frame from 5:30-7:00 PM.

Mayor Weinberger finally spoke about the City's efforts to rebuild its Police Department. He noted that there are 5 recruits currently at the Academy and that there have been 2 lateral transfers from other police departments. He also noted recruitment activities for positions within BTV CARES. He noted that they are close to hiring a director for the CAIP program, as well.

11. ADJOURNMENT

11.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 8:35 PM.

RScty: AACoonradt