



Regular City Council Meeting - Monday, December 20, 2021, 7:00 pm **In-Person in Contois Auditorium, 2nd Floor, City Hall OR REMOTELY via ZOOM
12/20/2021**

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 20, 2021

MEMBERS PRESENT: Karen Paul

Chip Mason

Max Tracy

Joan Shannon

Ali Dieng

Perri Freeman

Jack Hanson

Zoraya Hightower

Jane Stromberg

Sarah E Carpenter

Mark Barlow

Joe Magee

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Lori Olberg

Amy Bovee

Ed Baker



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Grace Keller

Marielle Matthews

Scott Pavek

Jessica Kirby

Meagan Tuttle

Kim Sturtevant

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Tracy at 7:00 PM.

MOTION by Councilor Stromberg, SECOND by Councilor Magee, to amend/adopt the agenda as follows:

- **add to the consent agenda item 4.34 Communication: Daniel Richardson, City Attorney, re: Re-classification of Positions within the City Attorney's Office with the action to "approve the motion as written" (per City Attorney Richardson);**
- **add to the consent agenda item 4.35 Communication: Diana Carlisle, re: Agenda Monday meeting Short term rentals discussion with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.36 Communication: Linda Tierney, re: airbnb short term rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.37 Communication: casual observer, re: Defunding the police with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.38 Communication: Ivan Goldstein, re: Lakeview Terrace airbnb police event with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.39 Communication: William (Bill) Kaupas, re: Defund the Police with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.40 Communication: Christopher-Aaron Felker, Chairman, Burlington Republican Party, re: Updated & resubmitted Opposition to Municipal Mask Mandate Ordinance with the action to "waive the reading, accept the communication and place it on file"**
- **add to the consent agenda item 4.41 Communication: Barbara Zucker, re: short term rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.42 Communication: June Lais, re: Short Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 4.43 Communication: Gillian Eaton, re: opposition to Alternate STR Ordinance with the action to "waive the reading, accept the communication and place it on file"**





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VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2. 01 Verbal Comments

Forum opened at 7:24 PM.

COMMENTS:

Burlington residents – in person:

- Karen Greenblat spoke against removing 75 parking spaces on North Winooski Avenue, saying that it would cause unnecessary hardship for residents and workers along that corridor. She also said that the study on which the proposed removal is based is faulty.
- Beth Cytler asked the Council to reconsider or delay the resolution to install an additional bike lane on North Winooski Avenue, saying that the data to support this resolution is incorrect.
- Robert Bristow Johnson asked the City Council to make the 2022 ballot question on redistricting an advisory vote, saying that the issue is complex and voters need to see supporting material and maps in order to make an informed choice.
- Amy Magyar spoke about short-term rentals, noting that the City's tightening of restrictions on long-term rentals is discouraging short-term rental owners from transitioning their units into longer-term rentals. She asked the Council to consider the compromise proposals that had been discussed earlier in the year.
- Kristen Baker spoke as an Airbnb owner, saying that it had been easier to maintain than a longer-term rental. She said that the resolution as written will hurt local property-owners
- Christopher Aaron Felker renewed his request to extend public forum speaker duration from two minutes to three minutes. He said that the public must do their part to restore civility and said that elected officials should lead by example. He suggested adopting a policy whereby rowdy or disrespectful or disruptive speakers can be removed from the meeting.

Burlington residents – via Zoom:

- Maggie Stanley spoke about a program in Austin, Texas called Community First Village, saying that it would be a good fit in Burlington to address its houselessness issues. She also asked the Council and City to consider allocating funding for children in the community who may not have adequate familiar supports.
- Randy Cytler spoke about the North Winooski Avenue corridor study and parking management plan. He asked the Council to relay the reconfiguration until there is a more robust public engagement process that uses a realistic definition of essential parking needs.
- Deb Ward Lyons said that the City will not gain long-term housing with either of the short-term rental housing proposals up for voting tonight, and that neither of them support the low-and-middle-income landlords.
- Kent Casela said that very few of the short-term rentals being targeted by several proposals tonight would be considered affordable were they to go onto the long-term rental market. He said that short-term rental hosts are making ends meet by supplementing their income. He called the current proposals Draconian.
- Chris Rivers spoke about the shortage of parking on North Winooski Avenue, saying that the current proposal to remove them would further exacerbate it. He advised putting a pause on the proposal until more stakeholder engagement and public input can occur, in addition to further analysis of more accurate data.



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- Laurie Koterman spoke as a short-term rental unit owner, saying that collateral damage will occur if the proposal is passed as written.
- Abbot Stark said that 52% of Airbnb hosts are low-to-moderate-income and that they use the income from their Airbnbs as supplemental income.

Non-Burlington residents – in person:

- Eric Hanley spoke about the benefits of short-term rentals in Burlington.
- Julie Marx said that the currently-proposed short-term rental ordinance is flawed. She said that owner-occupancy and Burlington residency has no bearing on whether a rental negatively impacts the neighborhood or housing market.
- Jeff McKee spoke on behalf of the Community Health Centers of Burlington, saying that the removal of parking on North Winooski Avenue would be detrimental to the Center and its patients.
- Susan Bohen spoke about how Burlington is one of only 16 municipalities in the state that voted to have a mask mandate, whereas around 72 other municipalities have voted against having them.
- Lucas Jensen spoke about the unintended consequences of placing limits on short-term rentals. He said that many property-owners will sell the properties they own in Burlington or raise rent on longer-term tenants to make up for lost income from short-term rentals. He said that operating short-term rentals offers extra income.

Non-Burlington residents – via Zoom:

- Chris Weinberg encouraged the Council to question the transparency and integrity of the Burlington International Airport. He said that he had been assured that general aviation tenants would not be negatively impacted by the license agreement between the City and Beta Technologies, but then said that he had heard that one of the tenants was having their lease terminated.

Forum closed at 8:15 PM.

3. CLIMATE EMERGENCY REPORTS

3.01 Climate Emergency Reports

None at this time.

4. CONSENT AGENDA

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

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

4.03 Communication: C/T Office, re: Minutes, October 18, 2021 City Council With Mayor Presiding Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.04 Communication: C/T Office, re: Minutes, October 18, 2021 Regular City Council Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City





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Council Meeting - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.05 Communication: C/T Office, re: Minutes, October 25, 2021 Local Control Commission Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.06 Communication: C/T Office, re: Minutes, October 25, 2021 Regular City Council Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.07 Communication: C/T Office, re: Minutes, November 8, 2021 Full Board of Abatement of Taxes Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.08 Communication: C/T Office, re: Minutes, November 8, 2021 Board of Civil Authority Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.09 Communication: C/T Office, re: Minutes, November 8, 2021 Regular City Council Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.10 Communication: C/T Office, re: Minutes, November 15, 2021 Board of Civil Authority Meeting, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.11 Communication: C/T Office, re: Minutes, November 15, 2021 Regular City Council Meeting, Draft waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.12 Communication: C/T Office, re: Minutes, December 1, 2021, Public Informational Hearing re 12/7/21 SCE Ballot Questions, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.13 Communication: C/T Office, re: Minutes, December 1, 2021, Special City Council Meeting re Masking Ordinance, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 13, 2021 Regular City Council Meeting.

4.14 Communication: William Ward, Director, Permitting and Inspections Department and Danielle Cota, Human Resources Manager, re: Position Elimination and Creation - approve the elimination of the Code Enforcement Admin Assistant, a Regular, Full-time, NonExempt, AFSCME, Grade 14, position and create an Electrical Inspector, a Regular, Full-time, NonExempt, AFSCME, Grade 19 position.

4.15 Communication: Meagan Tuttle, Director of Planning, Kerin Durfee, Director of Human Resources and Tony Berry, HR Manager, re: Creation of One (1) Regular Position in the Office of City Planning - approve the Creation of the Planner, a Regular, Full-time, Exempt, Non-union, Grade 18, position.

4.16 Communication: Doreen Kraft, BCA Director, Kerin Durfee, Director of Human Resources and Tony Berry, Human Resources Manager, re: Creation and Classification of One (1) BCA Position - approve the Creation of the Marketing and Sponsorship Support Specialist, a Regular, Full-time, Non-Exempt, Non-union, Grade 15, position.





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4.17 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources and Tony Berry, Human Resources Manager, re: Reclassification of four (4) Clerk/Treasurer positions - approve the · Reclassification and retitling of the Cash & Banking Accountant II, a Regular, Full-time, Non-exempt, AFSCME, Grade 17, position to Cash & Banking Accountant, Regular, Full-time Non-exempt, AFSCME, Grade 16, role in the Clerk/Treasurer Office; · Reclassification of the Purchasing Coordinator & Financial Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 15, position to Purchasing Coordinator & Financial Assistant, a Regular, Full-time, Non-exempt, AFSCME, Grade 16, role in the Clerk/Treasurer Office. Please note this request also includes retroactive pay of approximately \$1,084.68 due to being effective August 1, 2021; · Reclassification and retitling of the Accounts Receivable Team Coordinator, a Regular, Full-time, NonExempt, AFSCME, Grade 16, position to Accounts Receivable Team Lead, a Regular, Full-Time, NonExempt, AFSCME, Grade 18, position; and

· Reclassification/Replacement of the Accounts Receivable & Receipts Specialist, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position with Accounts Receivable & Receipts Specialist, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15, position.

4.18 Communication: Brian Pine, CEDO Director, Kerin Durfee, Human Resources Director and Tony Berry, Human Resources Manager, re: Reclassification of the CEDO Assistant Director of Administration and Finance Position - approve the reclassification and retitling of the Assistant Director of Administration and Finance, a Regular, Full-time, Exempt, Non-Union, Grade 22, position to the Assistant Director of Grants and Finance, a Regular, Full-time, Exempt, Non-Union, Grade 24, position in the Community Economic Development Office. Please note this request also includes Retroactive pay of approximately \$2,647 due to being effective June 7, 2021.

4.19 Special Event Outdoor Entertainment Permit Application (one day only): Burlington City Arts, Highlight New Year's Eve Celebration, Friday, December 31, 2021, 11 am - 12:30 am, 1/1/22, various locations around the City, Dancing by Patrons: YES, Amplified Music: YES - approve the one day only special event outdoor entertainment permit application for Burlington City Arts, Highlight New Year's Eve Celebration, Friday, December 31, 2021, 11 am - 12:30 am, 1/1/22, various locations around the City, Dancing by Patrons: YES, Amplified Music: YES; recommended for approval by the LC on 12/14/21.

4.20 Communication: Amy J. Bovee, Presiding Officer - December 7, 2021 Special City Election, re: Declaration Of Election Results Questions On The Ballot Special City Election - December 7th, 2021 - waive the reading, accept the communication and place it on file.

4.21 Communication: Alexander J. LaRosa, re: AJL-COUNCIL 12.15.21 re: STR Ordinance - waive the reading, accept the communication and place it on file.

4.22 Communication: Bekah Charleston, re: Nevada Lawsuit - waive the reading, accept the communication and place it on file.

4.23 Communication: Christopher-Aaron Felker, Chairman, Burlington Republican Party, re: Restoring Civility - waive the reading, accept the communication and place it on file.

4.24 Communication: Daniel Skiba, re: Vermont Eugenics at it again with the less desirable unvaccinated people - waive the reading, accept the communication and place it on file.

4.25 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Authorization to Extend Contract Term ParkMobile Parking Payment System - authorize the Director of the Department of Public Works to amend the contract with ParkMobile for digital parking permit and payment services, extending the term through January 30, 2025, subject to review and approval by the City Attorney's Office.



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4.26 Communication: Norman Baldwin, Assistant Director Technical Services, Laura Wheelock, Senior Public Works Engineer and Lynn Reagan, Human Resources Manager, re: Department of Public Works - Retitling, Reclassifying, Eliminating and Adding Positions within the Technical Services Team - approve: • Retitle the Public Works Engineer to Public Works Transportation Engineer; • Reclassify and retitle the Associate Public Works Engineer, Regular, Full-time, Exempt, Non-Union, Grade 17 to Associate Public Works Transportation Engineer, Full-time, Exempt, Non-Union, Grade 19 position and process retroactive pay to two Associate Public Works Engineers in the amount of \$4,019.33 and \$2,698.24; • Reclassify the Excavation Inspector, Regular, Full-time, Non-Exempt, Union, Grade 16 to a Regular, Full-time, Non-Exempt, Union, Grade 19 position and process retroactive pay in the amount of \$6,555.70; • Eliminate the vacant Capital and Asset Program Manager, a Regular, Full-time, Exempt, Non-Union, Grade 22, position; and • Create a Public Works Transportation Engineer, a Regular, Full-time, Exempt, Non-Union, Grade 21, position.

4.27 Communication: Kerin Durfee, Director of Human Resources and Katherine Schad, Chief Administrative Officer, re: Reclassification of One (1) role within the Human Resources Department - waive the reading, accept the communication and place it on file.

4.28 Communication: Capital Committee, re: Challenges of the Fiscal Year 2023 Capital Budget - waive the reading, accept the communication and place it on file.

4.29 Communication: Katherine Schad, Chief Administrative Officer and Amy Bovee, Assistant City Clerk, re: Revision to Language in Sex Workers Resolution Adopted December 13, 2021 - waive the reading, accept the communication and place it on file.

4.30 Communication: Katherine Schad, Chief Administrative Officer, Chief Innovation Officer (Interim), Martha Keenan, Capital & Special Projects Director and Kerin Durfee, Director of Human Resources, re: Re-classification of the Limited Service Asset Management Coordinator to Regular Full-time Asset Management & GIS Coordinator and move to I&T Department - 1. To approve the reclassification of the Asset Management Coordinator position from a Limited Service, Full-time, Exempt, Non-Union, Grade 19, position to Asset Management & GIS Coordinator, a Regular, Full-time, Exempt, Non-Union, Grade 20, position; 2. To approve the move from the Department of Public Works to I&T; and 3. To approve the payment of retroactive pay from June 4th, 2021 to December 20th, 2021 in the amount of \$2,907.87.

4.31 FIO Document – for information only.

4.32 Ordinance: Comprehensive Development Ordinance: Historic Preservation Rehabilitation Bonus, ZA #22-01 (Office of City Planning, Planning Commission)(1st reading) waive the first reading and refer to the Ordinance Committee.

4.33 Ordinance: Comprehensive Development Ordinance: Permitting Adjustments, ZA #22-02 (Office of City Planning, Planning Commission)(1st reading) - waive the first reading and refer to the Ordinance Committee.

4.34 Communication: Daniel Richardson, City Attorney, re: Re-classification of Positions within the City Attorney's Office - approve the reclassification and retitling of one Assistant City Attorney, Regular, Full-time, Exempt, Non-Union, Grade 24 to Deputy City Attorney, Regular, Full-time, Exempt, Non-Union, Grade 26, reclassify and retitle one Assistant City Attorney Regular, Full-time, Exempt, Non-Union, Grade 24 to Assistant City Attorney – Director of Litigation, Regular, Full-time, Exempt, Non-Union, Grade 26, and retitling of the Public Records & Information Coordinator, Position Current Regular, Full-time, Non-Exempt, Non-Union, Grade 15 to Public Records Officer, Regular, Fulltime, Non-Exempt, Non-Union, Grade 15.

4.35 Communication: Diana Carlisle, re: Agenda Monday meeting Short term rentals discussion - waive the reading, accept the communication and place it on file.

4.36 Communication: Linda Tierney, re: airbnb short term rentals - waive the reading, accept the communication and place



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it on file.

4.37 Communication: Casual observer, re: Defunding of police - waive the reading, accept the communication and place it on file.

4.38 Communication: Ivan Goldstein, re: Lakeview Terrace aribnb police event - waive the reading, accept the communication and place it on file.

4.39 Communication: William (Bill) Kaupas, re: Defund the Police - waive the reading, accept the communication and place it on file.

4.40 Communication; Christopher-Aaron Felker, Chairman, Burlington Republican Party, re: Updated & Resubmitted Opposition to Municipal Mask Mandate Ordinance - waive the reading, accept the communication and place it on file.

4.41 Communication: Barbara Zucker, re: short term rentals - waive the reading, accept the communication and place it on file.

4.42 Communication: June Lais, re: Short Term Rentals - waive the reading, accept the communication and place it on file.

4.43 Communication: Gillian Eaton, re: opposition to Alternate STR Ordinance - waive the reading, accept the communication and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Magee, to amend/adopt the consent agenda and take the actions as indicated for items 4.01-4.43.

VOTING: unanimous; motion carries.

5. DELIBERATIVE AGENDA

5.01 Presentation: Marielle Matthews, Public Health Equity Manager, REIB and Scott Pavek, Substance Use Analysis intern, REIB, re: Overdoes Prevention Sites

Manager Matthews noted that this presentation accompanies a report on envisioning overdose prevention sites (OPS) in Burlington, which was a report requested through a resolution passed by City Council in September 2020. She said that the report proposes a pilot project, though there is no current pilot being implemented this report; lays the groundwork. She said that the goal is to examine the feasibility of a pilot.

She said that an overdose prevention site is a place where people can bring pre-obtained drugs and consume them under supervision of a licensed medical professional who can intervene should an adverse reaction or overdose occur. She noted that OPSs usually have a reception area, observation area, and intervention area. She said that the point of these sites is to prevent people from using their drugs alone and prevent overdoses. She said that OPSs are thought of as a harm reduction mechanism in public health.





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Manager Matthews noted that local overdose deaths have risen in the last several years, noting that it has worsened during the course of the pandemic. She noted that most opioid overdoses can be linked to fentanyl. She said that overdose deaths will increase unless more harm reduction measures are taken. She also spoke about regional statistics, noting that they generally follow local trends. She said that there has also been an increase in cocaine and methamphetamine overdoses.

Policy Analyst Pavek walked through some of the report details. He said that the vision for an OPS is similar to those already established in the US, Canada, and Australia. He said that the pilot is structured around evidence-based medical practices designed to decrease mortality. He noted the importance of case management in conjunction with overdose reversal services. He said that pilots in other areas have been promising in terms of results and furthering harm reduction goals. He said that OPSs can take many forms, but this pilot would envision a brick-and-mortar site staffed for provision of primary services and intervention services.

Mr. Baker spoke about some Vermont overdose statistics. He began by noting that in 2014, the Centers for Disease Control conducted a study and found a steady increase in overdose fatalities related to synthetic opioids, and a tripling in deaths attributable to heroin over 4 years. He said that it also noted a trend in illegally-manufactured fentanyl for the first time. He noted that there have been 68,000 fentanyl-related deaths in 2021 alone.

Ms. Kirby from the Howard Center spoke about her prior experience with drug use and drug overdose herself. She said that if an OPS is opened in Burlington, many of her clients would take advantage of it and benefit from its use.

Ms. Keller from the Howard Center spoke about her experiences using Narcan and overdose reversal, and also spoke about her experiences visiting OPSs in Vancouver. She said that OPSs are evidence-based and greatly increase the chances of reversing a fatal overdose.

Manager Matthews said that for next steps, City staff will continue to work with state legislature to advocate for legislative change for OPSs in the state. She said she will also report back about any changes needed in order to implement an OPS pilot in Burlington (licensure and other regulatory requirements, etc). She asked if City Council could provide a recommitment to Overdose Prevention Sites, requesting a letter of support from Council or its CommStat subcommittee be sent to the legislature.

Councilor Paul noted that CommStat signed a letter of support for OPSs that will be submitted to the legislature. She said that if there is a desire for a recommitment from the City Council, there is strong support for OPSs on this Council.

Councilor Mason asked what steps are necessary between now and the opening of an OPS in the City. Manager Matthews noted that the biggest hurdle for an OPS would be a legislative change. She used the example of Rhode Island, which authorized the opening of an OPS through the legislature. She said that lack of legislation is a barrier for site operation as well as finding a willing partner who is ready to take on management of a pilot. She said that advocating for this type of program at the state and local levels are extremely important at this juncture. She said that an operational needs



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assessment would be a useful exercise to conduct prior to implementing a pilot. She noted that the report accompanying this presentation outlines a staffing level recommendation for an OPS pilot.

Councilor Carpenter asked about the use of a mobile site versus a brick-and-mortar site. Policy Analyst Pavek said that this report is focused on brick-and-mortar sites, though there was legislation put forth at the State level last session exploring the use of mobile prevention services. He said that the mobile sites would meet people where they are at and the brick-and-mortar site would have users come to it. Manager Matthews also noted that a brick-and-mortar site has more capacity than a mobile site, but a mobile site can be more flexible.

Councilor Magee, Councilor Hightower, and Councilor Hanson expressed support for endorsing a letter of support for OPSs.

Councilor Shannon asked who would use these sites and what might motivate them to do so, rather than using in private or not under supervision. Policy Analyst Pavek said that these sites would be open to anyone and everyone who would need them, and that they would likely be motivated to use them by the potential life-saving support they could offer. Ms. Kirby added that fear and need overcome most reservations that users would have about being seen at one of these sites. Councilor Shannon asked what radius would be served by a potential OPS. Ms. Kirby replied that the majority of clients who use don't drive.

Councilor Dieng asked what next steps would be. Policy Analyst Pavek replied that more staff research and an expression of support by the Council to the legislature are solid next steps. Mr. Baker replied that bringing the concept of OPSs into the spotlight and working to destigmatize the concept are crucial.

MOTION by Councilor Paul, SECOND by Councilor Stromberg, to accept the communications and place them on file.

VOTING: unanimous; motion carries.

5.02 Communication Regarding National Opioid Settlement

MOTION by Councilor Mason, SECOND by Councilor Carpenter, to approve the City of Burlington joining and participating in the two proposed National Opioid Settlement Agreements as negotiated by the Vermont Office of the Attorney General, first with Johnson & Johnson and Janssen for a portion of the \$12 Billion settlement to be paid nationally over a period of 10 years and second with McKesson, Cardinal, and Amerisource Bergen for a portion of the \$21 Billion settlement to be paid nationally over a period of 18 years. Further resolving to approve and authorize the Mayor and City Attorney to draft and execute any documents necessary to report and effectuate



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the City's agreement to join and participate in the two Settlement Agreements and to file and report such documents, including but not limited Exhibit K, to the parties and to the forums necessary to perfect the City's interests in the settlements on or prior to the January 2, 2022 deadline.

DISCUSSION

- **City Attorney Richardson noted that the City has communicated with the Attorney General's Office, and that the State is likely to receive the bonus funding built into the settlement. He said that the Attorney General has said that Burlington has an important role to play in abatement efforts.**

VOTING: unanimous; motion carries.

5.03 Ordinance: Comprehensive Development Ordinance -- Short Term Rentals ZA #20-05 (Office of City Planning, Department of Permitting and Inspections, Planning Commission)(2nd reading)

Councilor Mason said that in the summer of 2019, the Mayor convened a housing summit which was attended by hundreds of constituents and stakeholders, and out of that, the Council moved forward that provided direction on a number of policy initiatives, one of which was around regulation of short-term rentals (STRs). He outlined the October 2019 resolution that provided direction for the STR initiative, which was to create a regulatory framework for short term rentals, and protect the City's housing supply by limiting the amount of housing that can be converted to STRs while preserving some flexibility for creating income for short-term rental owners. He noted that the policy lever of owner-occupancy was one way to get at how to limit the amount of short-term rentals in the City.

Councilor Hightower said she supports the Ordinance Committee version of the proposal as amended, saying that it strikes a balance between stakeholders in terms of limiting to on-site owner-occupied scenarios. She said she is not supportive of what came out of the Joint Committee.

MOTION by Councilor Hanson, SECOND by Councilor Shannon, to waive the second reading and set for public hearing after the Chapter 18 changes are effective.

VOTING: unanimous; motion carries.

5.04 Ordinance: Chapter 18. Housing--Short Term Rentals (Planning Commission, Office of City Planning, Department of Permitting and Inspections)(2nd reading)

MOTION by Councilor Shannon, SECOND by Councilor Hanson, to amend the ordinance to have the first reading



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replaced with the version that is on BoardDocs as "Ordinance Alternate Read – Councilor Shannon – Ch. 18 Short Term Rentals – 12.20.21 Meeting (FINAL)" and set for public hearing.

DISCUSSION:

- Councilor Shannon said that this version of the proposal is for renting out a room in one's home or renting out one's home, if someone is away. She said that this is lodging, rather than short-term rentals. She said that Burlington needs housing units, and that allowing conversions of second units to short term rentals rather than housing units does not address the housing shortage. She said that this policy does not make housing more affordable. She said it reduces the number of available rental units.
- Councilor Hanson said that he supports this version of the ordinance. He said that 60% of Burlington are renters and that allowing Airbnbs will have a clear negative impact on renters by taking more units way from the rental market. He said that this policy should start more restrictively and then potentially be loosened further down the line, which is easier than trying to tighten a policy in future.
- Councilor Mason said that the three-year restriction in the policy clamps down on speculation and is enough of a restriction for the ordinance. He noted that they received a pre-litigation letter from someone regarding short-term rentals, and would like to hear from the City Attorney whether there is risk to the City for adopting short-term rental ordinance changes.

MOTION by Councilor Mason, SECOND by Councilor Shannon, to find that premature public knowledge would cause prejudice to one or more parties and that any response given directly to the referenced pre-litigation letter or based on issues stated in that letter would be prejudicial to the City if given in public session.

VOTING: unanimous; motion carries.

MOTION by Councilor Mason, SECOND by Councilor Shannon, to go into executive session to include City Attorney's Office, Mayor's Office, Director of Planning and Zoning, and Manager of Zoning Division.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 10:04 PM.

The City Council exited executive session at 10:31 PM.

MOTION by Councilor Stromberg, SECOND by Councilor Mason, to suspend the rules and complete the deliberative agenda.



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VOTING: unanimous; motion carries.

DISCUSSION (CONT'D)

- Councilor Barlow said that short-term rentals are a way for some Burlingtonians to be able to afford owning their own property by supplementing their income.
- Councilor Carpenter asked how many STRs are in Burlington. Director Tuttle replied that there are around 250 of them. Councilor Carpenter asked what proportion of those are single-family homes. Director Tuttle replied that almost 70% of them are whole-unit rentals and the other 30% of partial-units. She added that 55% of them are in single-family property types.
- Councilor Mason said that if this version is enacted there will be a precipitous drop in the supply of STRs.
- Mayor Weinberger supported warning Councilor Shannon's version of the ordinance for a public hearing and continue debate on this issue.

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (9 ayes, 2 nays, 1 absent); motion carries.

5.05 Resolution: Hiring A Chief Of Police For The Burlington Police Department (Councilors Hanson, Stromberg and Tracy)

MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Hanson said that the City of Burlington needs to move away from punishment incarceration and needs to protect racial justice. He said that in order to do this, it is critical that the leader of the Burlington Police Department is committed to this. He said that the City should bring in a recruitment firm to perform targeted outreach to these types of candidates, and this resolutions lays out that process.
- Councilor Mason said that this resolution addresses only one of the points from the Mayor's November 12 memo on next steps for public safety and police chief search. He asked the Mayor to weigh in on this resolution. Mayor Weinberger said that this resolution is disappointing and that it nonresponsive to most of the other concerns from his administration's proposed steps for recruiting a police chief.
- Councilor Stromberg said that this resolution takes necessary action steps and that the City needs more applicants that meet more than just the minimum requirements for the job.
- Councilor Hightower said that combining raising the salary of the BPD position in tandem with engaging a search firm are good ideas, though the remainder of the steps laid out in the Mayor's memo may be steps that need to be taken once a Police Chief is found.
- Councilor Barlow said that the salary of the position needs to be increased. He said that the climate the City has created has made it difficult to find a candidate that wants to take on the role of Police Chief.
- Councilor Magee expressed support for the resolution.
- Councilor Dieng asked how many candidates have applied for the position of Police Chief. Councilor



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Stromberg replied that a handful of them met the minimum qualifications. Mayor Weinberger added that 4 candidates were identified for screening interviews but that 2 of them made it through that screening. He said that this resolution is nonresponsive to the memo his administration drafted in November.

- Councilor Paul noted that other municipalities in the country are also looking for transformative police chief candidates. She said that experts have said that the salary for a BPD chief needs to be higher. She also spoke in support of using a search firm to find candidates. She asked the Mayor what items in his November memo he would need to see completed in order to conduct a robust search. Mayor Weinberger replied that hiring a search firm, having a competitive salary, and hiring a public information officer will be important.
- Councilor Shannon said that a search firm might not be successful at finding a perfect candidate and recommended that the City hire from the pool of candidates that it currently has.

VOTING (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Stromberg – aye, City Council President Tracy – aye (6 ayes, 5 nays, 1 absent); motion carries.

5.06 Resolution: Request For Additional \$750,000 Of ARPA Funds To Provide Relief For Property Tax Lag (Board of Finance; Councilors Barlow, Carpenter, Hanson)

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Carpenter said that this would assist property taxpayers with addressing the lag between the State's homestead credit (which is based on prior year's taxes and income) and this year's property tax bills.
- Chief Administration Officer Schad said that there are around 1,000 preliminarily eligible taxpayers and that the City would outreach to them to have these credits applied to their March 12 quarterly tax payment.

VOTING: unanimous; motion carries.

5.07 Resolution: Renewal And Amendment Of COVID-19 Public Face Covering Mandate To Encourage Safe Practices And Vaccinations (Mayor)

MOTION by Councilor Shannon, SECOND by Councilor Mason, to waive the reading and adopt the resolution.

VOTING: unanimous; motion carries.



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6. COMMITTEE REPORTS

6.01 Verbal Reports

Councilor Mason said that the Ordinance Committee will meet on Wednesday December 22nd at 4:30, and the agenda includes an update on energy efficiency and weatherization, requiring prequalification for construction contractors and further discussion on minimum and maximum parking requirements.

Councilor Paul said that the Public Safety Committee will meet at least 4 times in January (each Tuesday) to review sections of the CNA report recommendations and will be joined for that review by members of the Police Commission, a member of the Marketplace Commission, and other groups and different areas of the administration. She said that they will take place from 5:15-7:30 PM.

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will meet on January 12 at 5:00 PM.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will meet on January 18.

7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports

None at this time.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports

City Council President Tracy said that Councilors participating remotely should let staff know that they can receive the appropriate materials and URL links for Zooms.

He also spoke about the ad-hoc reappraisal committee applications, noting that they received 6 applications but none met all of the criteria for each of the positions. He said that he would review these applications with other Councilors prior to making decisions.

He also requested that public speakers maintain decorum and said that City Attorney Richardson is assessing options for what the Council can do to prevent or mitigate disruptions from rowdy public speakers.



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9. MAYOR – GENERAL AFFAIRS

9.01 Verbal Reports

Mayor Weinberger reiterated that wastewater testing has confirmed that the Omicron variant of Covid-19 is present in Burlington and is spreading. He urged the public to get vaccinated and boosted, noting that booster doses are extremely effective against the Omicron variant. He wished everyone a safe holiday season.

10. ADJOURNMENT

10.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 12:08 AM.

RScty: AACoonrad