



Regular City Council Meeting - Monday, December 12, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM 12/12/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

December 12, 2022

DRAFT

MEMBERS PRESENT: Karen Paul

Joan Shannon

Ali Dieng

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee (via Zoom)

Gene Bergman

Ben Traverse

Maea Brandt

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Kim Sturtevant

Jordan Redell

Lori Olberg

Bill Ward

Derek Libby



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1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

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

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

- **add to the consent agenda item 6.31 Communication: Susan DuCharme, re: Downtown Shopping with the motion to "waive the reading, place it on file and send a copy to Business & Workforce Development Director Alnasrawi".**

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

2. SWEARING IN OF NEWLY ELECTED EAST DISTRICT CITY COUNCILOR MAEA BRANDT

2.01 Swearing In of Newly Elected East District City Councilor Maea Brandt

Mayor Weinberger swore in Councilor-elect Brandt as the East District City Councilor.

3. COMMUNICATION: ACTING CITY ATTORNEY STURTEVANT, RE: LITIGATION UPDATE **VERBALEXPECTED EXECUTIVE SESSION** 6:15 PM – 7:15 PM**

3.01 Communication: Acting City Attorney Sturtevant, re: Litigation Update**verbal**EXPECTED EXECUTIVE SESSION **6:15 pm - 7:15 pm**

Mayor Weinberger noted that this is to keep the Council informed on active litigation, which is sensitive by nature.

MOTION by Councilor Shannon, SECOND by Councilor Traverse, that the Council find that premature general public knowledge of legal advice and information concerning the details of probable and pending litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

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





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MOTION by Councilor Shannon, SECOND by Councilor Traverse, that, based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending or probable civil litigation matter, 1 VSA §313(a)(1)(E), to include the Acting City Attorney, Mayor, and members of the Mayor's staff.

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

4.0 PUBLIC FORUM

4.01 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

Burlington residents (in person):

- Todd Lacroix spoke with concern about the military industrial complex's prominent role in current affairs.
- Farhied spoke against the deliberative agenda item on the gun violence resolution.
- Robert Bristow Johnson spoke about redistricting and said that the City could apply the new redistricting rules at first just to the offices elected after the charter change goes into effect, and allow the Council and School Board members to finish out their terms.
- Jake Schuman spoke about two charter change ballot initiatives for which he worked to collect resident signatures. He thanked the Clerk/Treasurer's Office for their work.
- Christopher Aaron Felker spoke on the resolution to address gun violence in Burlington. He agreed with stopping the gun violence occurring on the streets, but disagreed with the potential charter change that would ban firearms at establishments with liquor licenses, because it makes employees at these establishments more vulnerable. He expressed concern that the only way to enforce this would be through stop and frisk policies.

Burlington residents (via Zoom):

- Charlie Messing spoke about Battery Street Jeans, which is helping to clothe the homeless and spoke against the encumbrance. He said that there are very few establishments and organizations who are supporting the homeless.
- Melo Grant spoke about taking real steps to address racial disparities in policing. She noted continued issues with an unacceptable pattern of behavior with some of the City's officers, including inappropriate use of language or racially insensitive statements. She said that this issue should be addressed as part of building back the Burlington Police Department. She also said that she would like the Memorial Auditorium RFP process to be as public and inclusive as possible.
- Sharon Bushor spoke about procedure and process during tonight's meeting. She urged the Council not to adopt the consent agenda without first holding public forum.
- Marc Sherman, a business owner on Church Street, spoke about the eroding public safety conditions downtown. He said that the City needs to use its CSOs and CSLs more effectively, to help mitigate retail theft. He also urged the City to open a safe injection site as soon as possible, to reduce overdose deaths and free up police bandwidth. He also expressed support for the CAHOOTS model of policing.
- Christopher Haessly thanked those workers who keep the Church Street Marketplace clean. He additionally



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expressed concern about increased harassment of the unhoused and most vulnerable in Burlington, noting that everyone in the community deserves respect.

Forum closed at 8:19 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

None.

6. CONSENT AGENDA

6.01 Motion to adopt the consent agenda and take the actions indicated

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

6.03 Regular City Council Meeting Minutes, October 17, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.04 City Council With Mayor Presiding Meeting Minutes, October 17, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.05 Local Control Commission Meeting Minutes, October 17, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.06 Board of Civil Authority Meeting Minutes, October 24, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.07 Local Control Commission Meeting Minutes, October 24, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.08 Regular City Council Meeting Minutes, October 24, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.09 Special City Council Meeting Minutes, November 1, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.10 City Council With Mayor Presiding Meeting Minutes, November 7, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.11 Board of Civil Authority Meeting Minutes, November 7, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.12 Regular City Council Meeting Minutes, November 7, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.



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6.13 Full Board of Abatement of Taxes Meeting Minutes, November 21, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.14 Local Cannabis Control Commission Meeting Minutes, November 21, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.15 Board of Civil Authority Meeting Minutes, November 21, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.16 Regular City Council Meeting Minutes, November 21, 2022, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting.

6.17 Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community Grant #03440-44063 - 23 - CEDO – CEDO - approve the acceptance of grant funds (Grant #03440-44063-23-CEDO) in the amount of \$472,366 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of the Community and Economic Development Office to execute all documents necessary to accept the funding for the period to June 30th 2023, including retroactive approval for the period from October 1st 2022 to December 12th 2022, subject to the final review and approval of the City Attorney's Office.

6.18 Communication: John Bossange, re: TAKE BACK BURLINGTON: PF 12/5/22 CC - waive the reading and place it on file.

6.19 Communication: Pike Porter, re: McNeil: PF 12/5/22 CC - waive the reading and place it on file.

6.20 Communication: County Assistant Judges, re: Pre-Budget Meeting - waive the reading and place it on file.

6.21 Cain Overlook Improvements – BPRW - approve and authorize Cindi Wight, Parks, Recreation and Waterfront Director, to execute a contract with Chevalier Stoneworks, in the amount of \$100,915 and a project contingency of \$10,092, for a total authorized expenditure in the amount of \$111.007, subject to review by the City Attorney's Office.

6.22 Lease of Vendor Space at North Beach for three seasons, 2023-2025 – BPRW - approve and authorize the execution of a lease agreement with Jason Starr, to perform Paddle board & kayak rentals at North Beach for the 2023 - 2025 seasons for the premises as detailed in Attachment A, and to authorize Mayor Miro Weinberger, to execute the lease and any related documents, subject to the review of the City Attorney's Office.

6.23 Property Lease Aerodyme Corporation, 274 Valley Road – Airport - approve a property lease agreement at 274 Valley Road in South Burlington with Aerodyme Corporation, on the terms provided in and substantially in conformance with the attached lease, and to authorize the Mayor of Burlington to execute the lease, subject to final review and approval by the City Attorney's Office.

6.24 Request to Authorize a Budget Neutral Amendment to Burlington International Airport's Fiscal Year 2023 Budget in the Amount of \$118,193 – Airport - approve a budget neutral amendment in the amount of \$118,193 to the Fiscal Year 2023 Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum.

6.25 FIO Document – for information only.

6.26 Ordinance: Chapter 22, Parks - Section 21, Updating Burlington Municipal Arena Rules and Regulations PARKS, ARTS & CULTURE Committee (PACC) - Barlow, Dieng, Shannon - adopt the amendment to Chapter 22 of Burlington City Ordinances as outlined in the attached ordinance change form by suspending the Rules and Regulations of the City Council and placing the amendment in all stages of passage.

6.27 Ordinance: Chapter 9, Cemeteries - Section 50, Updating Changes for Perpetual Care PARKS, ARTS & CULTURE



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Committee (PACC) - Barlow, Dieng, Shannon - adopt the amendment to Chapter 9 of Burlington City Ordinances as outlined in the attached ordinance change form by suspending the Rules and Regulations of the City Council and placing the amendment in all stages of passage.

6.28 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.

6.29 Resolution: Implementation Of A Carbon Pollution Impact Fee For New Construction And Large Existing Commercial And Industrial Buildings 50,000 Square Feet Or Larger (Councilor Barlow) - waive the reading and refer the resolution to the Transportation, Energy and Utilities Committee.

6.30 195-201 Flynn Avenue MOU and CSWD Drop-Off Center in Burlington - DPW (10 mins.) ****WAS AGENDA ITEM 7.01**** - 1. Move to approve a six month extension of the 2019 Chittenden Solid Waste District – City of Burlington Memorandum of Understanding through June 30, 2023 and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney's Office; and 2. Move to approve a second extension of the 339 Pine Street Lease Agreement with CSWD through December 31, 2024 with an allowance for CSWD to expand the drop of center footprint as shown on the attached map once the City's soil management activities are relocated from 339 Pine Street, and authorize the Mayor to execute the agreement subject to the review and approval of the City Attorney's Office.

6.31 Communication: Susan DuCharme, re: Downtown Shopping - waive the reading, place it on file and send a copy to Business & Workforce Development Director Alnasrawi.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to adopt the consent agenda and take the actions as indicated for items 6.01-6.31.

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

7.DELIBERATIVE AGENDA

7.01 195-201 Flynn Avenue MOU and CSWD Drop-Off Center in Burlington - DPW (10 mins.) ****NOW AGENDA ITEM 6.30****

No discussion.

7.02 Notice of Decision: Hearing re: Sworn Complaint of Resident Pertaining to Orlando's Bar and Lounge 2022-2023 Entertainment Permit (10 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to approve and adopt the attached decision in re Sworn Complaint of Resident Pertaining to Orlando's Bar and Lounge 2022-2023 Entertainment Permit and to impose a two-week suspension of the permit effective from April 15-April 30, 2023 as detailed in the attached decision.



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VOTING: unanimous; motion carries (Councilors Brandt and Hightower recused themselves; Councilor Freeman absent for vote).

7.03 115 College Street - Battery Street Jeans - Encumbrance Application - DPW (10 mins.) **AGENDA ITEM REMOVED**

No discussion.

7.04 Resolution: Addressing Gun Violence In Burlington (Public Safety Committee) (20 mins.)

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

DISCUSSION:

- Councilor Magee said that this resolution came out of work done by the Board of Health. He spoke about the effects of gun violence in the country, in Vermont, and in the Burlington community. He noted that there are around 75 gun deaths in Vermont per year, and that the majority of those are by suicide. He said that this resolution calls for the State legislature to increase gun safety and support organizations working to address the root causes of violence. He said that it calls for the legislature to repeal the law that prevents local governments from regulating the possession of firearms, as well as urge the legislature to support charter changes that would prohibit firearms from Burlington establishments with a liquor license.
- Councilor Traverse thanked the Board of Health for framing this issue as a public health emergency. He said that this resolution would provide Burlington the flexibility to address the gun violence epidemic in the community.
- Councilor Bergman emphasized the collaborative and significant effort of the Board of Health on this resolution.
- Mayor Weinberger expressed appreciation for the Board of Health's actions to weigh in on this issue. He said that he would support the legislature allowing Burlington to take action on this issue, but he would even more strongly support the legislature taking action on this issue at a statewide level.

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

7.05 Ordinance: Burlington Code of Ordinances-Abatement and Rehabilitation of Vacant Buildings and Dangerous Structures (Councilor Paul, Ordinance Committee)(2nd reading) (10 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the reading and adopt the ordinance as amended by the Ordinance Committee.



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DISCUSSION:

- **Councilor Traverse said that this resolution was in part drafted the result of several tragic fires that occurred in a residential building on King Street. He said that it would strengthen requirements around the maintenance of vacant buildings by their owners and that it would make stricter requirements around when a building needs to be taken down if it is deemed unsafe by the City. He added that it would increase vacant building permit fees.**

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

7.06 Resolution: March 7, 2023 Annual City Meeting--Proposed Charter Change Re Ward Boundaries (Councilor Paul) (10 mins.)

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

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports

Councilor Barlow said that the Transportation, Energy, and Utilities Committee will meet on December 19 at 3:00 and will discuss the South End Multimodal Center Feasibility Study, an update on the Lake Street Shared Use Path concept plans, a potential GMT funding discussion, a Main Street Great Streets update, and a discussion of a resolution on the implementation of a carbon pollution impact fee.

Councilor Dieng noted that the Racial Equity, Inclusion, and Belonging Committee will meet on December 13 at 5:30.

Councilor Hightower said that the Community Development and Neighborhood Revitalization Committee will hold public hearings on two Vermont community development programs, including the licensed nursing assistant training program and the ventilation improvement program, and a presentation from a group of UVM graduate students on property tax reform for housing affordability and social justice.

Councilor Traverse said that the Ordinance Committee met twice last month to consider the minimum/maximum parking requirements and Transportation Demand Management ordinance. He said that an amended version will be coming back to the City Council for its consideration.



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Councilor Shannon said that the License Committee will be taking up an encumbrance permit for Battery Street Jeans on December 21 at 4:30.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

Councilor Shannon noted the passing of former Economic Development Director Bruce Cypher. She shared Bruce's thoughts on the proposed South End zoning changes, noting that he is not supportive of the proposed changes.

Councilor Traverse spoke about a consent agenda item around the MOU related to the CSWD drop-off site in the South End. He expressed support for this item, since it expands CSWD services and allows it greater flexibility.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

City Council President Paul noted that there will be a working session in January to update Council rules, as well as presentations on first response service providers.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

Mayor Weinberger noted that the City has a New Year's Eve celebration, which will feature events downtown and at the waterfront.

12. ADJOURNMENT

12.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 8:33 PM.





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RScty: AACoonrad

