



Regular City Council Meeting - Monday, October 25, 2021, 6:30 pm **In-Person in Contois Auditorium, 2nd Floor, City Hall OR REMOTELY via ZOOM
10/25/2021**

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

October 25, 2021

MEMBERS PRESENT: Karen Paul

Chip Mason

Max Tracy

Joan Shannon

Ali Dieng

Perri Freeman

Jack Hanson

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Lori Olberg

Amy Bovee

Brian Pine



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David White

Steven Locke

Jon Murad

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 6:55 PM. A moment of silence was held for the passing of former City Councilor Richard Kent.

1.
 - i. Motion to amend/adopt agenda

MOTION by Councilor Stromberg, SECOND by Councilor Carpenter, to amend and adopt the agenda as follows:

- **add to the consent agenda item 5.22 Communication: Brian Pine, CEDO Director; Meagan Tuttle, Principal Planner, Office of City Planning, re: Revised timeline for Ad Hoc Redistricting Committee with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.23 Communication: Robert Bristow-Johnson, re: 2022 Vermont House Redistricting within Burlington with the action to "waive the reading, accept the communication and place it on file";**
- **remove from the consent agenda item 5.20 Resolution: December 7, 2021 - Special City Meeting Issuance of General Obligations Bonds for Capital Projects - Revised (Board of Finance) and place it on the deliberative agenda as item 6.10 (per Councilor Shannon).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: CITY ATTORNEY RICHARDSON RE: HISTORICAL WATER BILLING ISSUE **verbal6:30 PM – 7:00 PM – LOCATION: BUSHOR CONFERENCE ROOM, 1ST FLOOR, CITY HALL **EXPECTED EXECUTIVE SESSION****

2.01 Communication: City Attorney Richardson re: Historical Water Billing Issue **verbal** 6:30 pm - 7:00 pm: Location: Bushor Conference Room, 1st Floor, City Hall** EXPECTED EXECUTIVE SESSION.

City Attorney Richardson noted that this agenda item concerns a pension settlement agreement that is subject to ongoing litigation.





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MOTION by Councilor Hanson, SECOND by Councilor Paul, that the Council find that premature general public knowledge of information concerning the resolution of historic water billing and collection issues would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Hanson, SECOND by Councilor Carpenter, that based upon that finding, the Council enter into executive session to 1) receive confidential attorney-client communications pursuant to 1 VSA §313(a)(1)(F) and (2) to discuss a pending or probable civil litigation matter, 1 VSA §313(a)(1)(E). Executive session to include City Attorney, DPW staff, and Mayor's staff.

VOTING: unanimous; motion carries.

The City Council entered executive session at 7:01 PM.

The City Council exited executive session at 7:34 PM.

3. PUBLIC FORUM

3. 01 Verbal Comments

Forum opened at 7:41 PM.

COMMENTS:

Burlington residents – in person:

- Lee Morgan spoke in solidarity with the residents of Sears Lane. They reiterated that a judge has enough doubt to the legality of the issue to the point that they have issued an emergency hearing on Thursday, though the emergency injunction has been denied. They said they are shocked that the City is moving ahead with the eviction even though this hearing will occur on Thursday.
- Andrew Krantzfeld spoke in support of the Sears Lane encampment. They noted that the catalyst of the eviction was that drugs were found in the encampment. They pointed out that many people in Burlington have relatives or know someone who suffers from alcohol or drug addiction, and that it seems unfair that that is the reason for this eviction action. He also cited concern with the timing, saying that it is impossible for any individual to find housing within only a few days.
- Jon Kirby spoke about the issues of residents in the South End, saying that some who live in the encampments choose to live there so as not to live within the laws of the City. He supported the eviction.



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- Trey Cook expressed appalment that the City is going through with the eviction actions. He said that when the City carried out trash collection activities in the Sears Lane settlement, residents were not given notice that this was going to occur. He said that many of the residents are suffering from health issues or addiction, which is preventing them from accessing some of the alternative housing options available to them. He said that this is a failure of the City's housing and health systems and supports.
- Patricia Hart spoke on behalf of the Board of Trustees of the Unitarian Universalists. She expressed support for the residents of Sears Lane, saying that all Burlingtonians deserve safe and affordable housing. She called upon the City to take bold action to remedy the immediate crisis of the unhoused Burlingtonians and help them find long-term living solutions.
- Escher spoke in opposition to the destruction of the Sears Lane encampment. He said that the classist and racist assertions of dangerous conditions at the encampment are disgusting, and that the existence of Sears Lane is an indication of the failure of current systems.
- Michele Morin spoke in opposition to the action taken last week by City Council to decriminalize prostitution. She cited concerns about potential increases in sex trafficking and read testimonies from sex trafficking survivors.
- Adam Franz said that every person is entitled a place to live. He said that the government of the City of Burlington is not upholding the values of the community.
- Miguel Figueroa said that houselessness can't be displaced. He said that houselessness will continue until actions are taken to guarantee universal housing for the community. He noted that the ACLU said that the Mayor has peddled false narratives about public safety with the knowledge that crime is down.
- Dan Bito said that the tearing down of Sears Lane is a discriminatory act of punishment. He said that property-owners seem to have more rights than people in Burlington. He said that the City's money and resources should be invested in the homeless and solving homelessness.
- Bobby Alsop said that the eviction of a resident for committing a crime is available everywhere in the State, but the only the individual who committed the crime is evicted—not everyone in the building. She asked if her entire building should be evicted if there is one threatening individual (rhetorically). She said that the residents of Sears Lane have tacitly been allowed to live there for years and that nothing has seriously been done to address the houselessness in the City. She said that affordable housing is not accessible for low-income individuals.
- Bruce Allis spoke as a lifetime resident of the Lakeside neighborhood. He spoke with concern about the Sears Lane area and the number of stolen bicycles and propane tanks there. He said it is not fair that the residents of Sears Lane can run a generator constantly while he has to seek a permit to use a leaf blower in the summer.
- Todd LaCroix said that American democracy existed before Europeans showed up, and that different tribes supported each other and kept each other safe. He said that the City needs to consider how many enemies and friends it wants to make.
- Steven Margolin said that he had previously experienced houselessness, and that the culture in which we live incentivizes owning property as a value. He spoke of the shame he felt as a homeless person. He said that there are many components of the community that support the houseless, but that the City Council and Mayor's office are not part of them.
- Jadah Bearden spoke about their experiences visiting Sears Lane and that they have only seen a few elected representatives down at Sears Lane supporting that community. They said that it would be harder for representatives and the administration to evict people if they could put faces to names.
- Chris Gish spoke against the proposed destruction and eviction at Sears Lane. He urged the Council to support Councilor Magee's resolution to support the unhoused community. He urged the Council to reject the double standard being applied to the houseless and to support the houseless.
- Rachel Foster expressed concerns about the resolution to decriminalize prostitution. She said that penalties should not be levied against people who have been exploited, but said that the City should not be decriminalizing sex buyers and brothel-keepers.
- Kit Andrews spoke in support the resolution on houselessness and against the eviction of the Sears Lane residents.



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- Mike Shively spoke about federally-funded studies on the sex trade. He said that the justification for the abolition of the prohibition against sex trafficking--that it would make it safer for those in the trade--is contradicted by thousands of studies that show that this does not improve conditions for sex workers.
- Su Ughetti spoke in support of the residents of Sears Lane, saying that a six-day notice of eviction for houseless people on the cusp of winter shows a white supremacist culture where people are not seen and respected as people.
- Robert Bristow-Johnson spoke about redistricting, saying that Burlington stands to lose three out of its ten state representatives as a result of redistricting. He urged the City Council to weigh in and provide feedback to the Legislative Apportionment Board.
- Sara Sciortino spoke against the eviction at Sears Lane and in support of the resolution to support the houseless.
- Annie Selle spoke in solidarity with the residents of Sears Lane. She said that it seems cruel to evict the residents at the beginning of winter.
- William Dunkley spoke in support of the residents of Sears Lane, saying that what the political systems are doing to address housing are not working. He said that this planned eviction is an act of violence that can be undone, especially if there are no alternative solutions. He said that it is better to leave an issue alone rather than conduct actions that cause a lot of harm.
- Christopher Aaron Felker spoke about violent recidivists in Burlington, saying that there are several individuals who have habitually been violent downtown. He implored the City Council to pursue actions to keep Burlingtonians safe.
- Emma Schoenberg spoke about the houseless in Burlington, saying that when other community supports have fallen through, she refers individuals to Sears Lane because it is a community where people can access food and supports as a last-ditch effort. She urged the City Council to do nothing and leave the residents of Sears Lane alone.
- Julie Macuga said that the situation at Sears Lane is incredibly heartbreaking. She said that there are honest people living at Sears Lane and that they deserve human rights.
- Lee Jimenez said that the basic purpose and function of government is to take care of the people who live in the margins by providing supports and services. He spoke of the futility of sending people to homeless shelters that are already full.
- Ali Jafari spoke about Sears Lane and how semi-permanent structures are being destroyed, and that the City should follow eviction policy. He said they are not campers, they are residents.
- Brian Cina spoke about time spent building relationships with the residents of Sears Lane. He said that when people fall through the social safety net, they need to be supported, not punished.
- Faried M. said he was surprised to hear about the City's decision to evict residents of Sears Lane, given their prior provision of resources, such as dumpsters, a portable toilet, and the potential to run electrical lines into the community. He expressed disappointment at the lack of imagination or innovative thinking around trying to solve these problems.

Burlington residents - via Zoom:

- Catarina Campbell spoke to affirm the collective right to have safe and sustainable homes. She said that the vouchers are useless until landlords are educated to accept them. She asked where people are supposed to turn, if the hotels, shelters, and campgrounds are full. She said that the City is creating a public campaign to criminalize houselessness.
- Cheney Noyes spoke as a business-owner in the South End and his interactions with the residents of Sears Lane. He spoke about the crimes being committed in the South End and that houselessness does not excuse that (though houselessness is never acceptable).
- Selene Coburn spoke in favor of the resolution to support those who are homeless. She said that when she was a City Councilor she had tried to engage the administration to adopt creative or innovative models to address houselessness, though there was not the sense that this was a high priority at this time.



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- Willow Starkey Cruder urged the City Council to pass the resolution to support the homeless, and to not go through with the eviction actions on the residents of Sears Lane.
- Sophie Aronsen spoke in support of the resolution to support the houseless in the Burlington community, and spoke against the eviction of the Sears Lane community. She said that the safety of business owners and their property should not take priority over the safety of any other individual.
- Thaya Zalewski spoke in support of the residents of Sears Lane, saying that evictions are traumatic and do not serve to protect people.
- Mike Chamness said that there are models to follow other than eviction, and that eviction could be avoided (for the residents of Sears Lane). He spoke about public campgrounds that have been established as communities for housing the unhoused. He said that these are solutions that need to be looked at.
- Gene Bergman spoke in support of the resolution to support the houseless. He said that the residents of Sears Lane should not be evicted because they have done nothing to deserve eviction.
- Eve Dolkart spoke in support of the residents of Sears Lane, saying that the current public housing strategy is insufficient.
- Amy Malinowski spoke in solidarity with the residents of Sears Lane and called on the City to halt the eviction process. She said that the underlying issue will not be addressed, but will be shifted to another location.
- Jody Woos spoke about how the Sears Lane encampment has forced the City to consider and address homelessness and the lack of affordable housing in the City.
- Grace Pfeil spoke in favor of the resolution to support the houseless in the City, saying that houselessness will always exist as a byproduct of the environment in which the City operates. She cited the opioid epidemic and extremely high rent prices as some of the primary drivers of homelessness.
- JF Carter Neubeiser said that breaking up Sears Lane would just shift the houseless from one part of the City to another, and urged more work to support the houseless.
- Primrose van Woolaver said that punishing all of Sears Lane for the actions of a few residents is unjust. They said that current safety net services are overwhelmed and that residents would just be displaced to another part of the City if Sears Lane is broken up.
- John Caulo said that allowing the continued operation of Sears Lane in its current state is not an appropriate public policy or response.
- Marcia Johnson spoke in support of the residents of Sears Lane, saying that displacing them is not the solution.
- Lisa Locks spoke in support of the resolution to support houselessness. She said that it is up to the people with economic and social privilege to ensure that basic needs are available to all.
- Michaela Elagim spoke in support of the residents of Sears Lane and spoke against evicting them.
- E said that the residents need to take back the power and abolish elected representation. He said that the Council serves capitalists, not the masses of workers or the unemployed. He said that society needs a new system.
- Annie Lawson spoke in support of the houseless and residents at Sears Lane, urging the City not to evict them.
- Adam Fareen spoke in support of the residents of Sears Lane, saying that solutions need to be centered around them, and not the middle-class white people who are currently trying to fix the problem.
- Deirdre Graham spoke in support of the resolution to halt the demolition of the Sears Lane community.
- Meg McGovern spoke in support of the Sears Lane residents, saying that the City should find them safe housing, since their encampment is out of control and can't be managed.

MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to complete the public forum with the remaining public speakers who have signed up.



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VOTING: unanimous; motion carries.

Burlington residents – via Zoom (cont'd):

- Dakin Fuller spoke as a neighbor of Sears Lane, saying that she has never had a negative experience with them.

Non-Burlington residents – in person:

- Leif Taranta spoke in solidarity with the residents of Sears Lane. He said that the City and administration have failed the most vulnerable in the Burlington community. He spoke about his experience at Sears Lane, saying that the residents there are also Burlington residents.
- Laura McPeake spoke in favor of the resolution to support the houseless in Burlington. She said that housing is a social determinant of health, and the eviction actions risk worsening the public healthcare crisis.
- Maggie Kerrin spoke against the decriminalization of prostitution through charter change in Burlington, citing sex trafficking concerns. She said that decriminalizing it empowers sex traffickers.
- Ric Lashway spoke on behalf of the Sears Lane residents, saying that evicting them is not morally right.
- Julian Levy spoke in support of the residents of Sears Lane, saying that the eviction should not take place prior to the court hearing taking place.

Non-Burlington residents – via Zoom:

- James Upworth said that being homeless is not a crime and that it is amoral to not help those who are in need. He said that residents of Sears Lane are actively being given other options, though the deadline for finding other arrangements is too tight. He expressed support of having a managed site where there is more oversight to ensure the safety of residents.
- Dana Keyes-Gibbons spoke in opposition to the eviction of residents and destruction of the Sears Lane site, saying that the removal of it won't make anyone any more safe.
- Nicole Bell spoke against the eviction of Sears Lane residents, saying that it would allow white men with money access the bodies of the most vulnerable in the community.
- Brian Grey expressed concern about the criminal activity in the Sears Lane encampment.

Forum closed at 10:04 PM.

4. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

None at this time.

5. CONSENT AGENDA



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

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

5.03 Communication: C/T Office, re: July 12, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the October 18, 2021 Regular City Council Meeting.

5.04 Communication: C/T Office, re: July 12, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the October 18, 2021 Regular City Council Meeting.

5.05 Communication: C/T Office, re: August 9, 2021 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the October 18, 2021 Regular City Council Meeting.

5.06 Communication: C/T Office, re: August 9, 2021 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the October 18, 2021 Regular City Council Meeting.

5.07 Communication: C/T Office, re: September 9, 2021 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the October 18, 2021 Regular City Council Meeting.

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

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

5.10 Communication: C/T Office, re: September 27, 2021 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the October 18, 2021 Regular City Council Meeting.

5.11 Communication: C/T Office, re: September 27, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as amended at the October 25, 2021 Regular City Council Meeting.

5.12 Communication: Katherine Schad, Chief Administrative Officer, re: Meeting with Employees on Safety - waive the reading, accept the communication and place it on file.

5.13 Communication: Andrew Gelinas, re: Encampment - waive the reading, accept the communication and place it on file.

5.14 Communication: Eric Covey, Chief of Staff, Vermont Secretary of State's Office, re: For Official BCA Feedback: Proposed House District Map by Legislative Apportionment Board - waive the reading, accept the communication, place it on file and have this as an agenda item for discussion at the November 8, 2021 Board of Civil Authority Meeting.

5.15 Communication: Chapin Spencer, Director and Lee Perry, Division Director - Maintenance Division, DPW, re: 195-201 Flynn Avenue MOU and a Potential CSWD Drop-Off Center - approve a three-month extension of the Option to enter into





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a lease-purchase arrangement with the Chittenden Solid Waste District contemplated by the Second Memorandum of Understanding between the Chittenden Solid Waste District and the City dated November 1, 2019, and to authorize the Mayor to sign an addendum to said MOU effecting such, subject to final review and approval by the City Attorney's Office.

5.16 Communication: Caleb Manna, Excavation Inspector, DPW, re: 92 North Avenue - Bolt Mobility - approve the Encumbrance Application for Bolt Mobility requesting use of public right of way space at 92 North Ave for an electric bike hub, and to authorize the Mayor to execute an Encumbrance Permit and License Agreement in substantial conformity with the Encumbrance Permit and License Agreement attached—subject to approval by the City Attorney's Office—on behalf of the City of Burlington.

5.17 Communication: Katherine Schad, Chief Administrative Officer, Jeff Padgett, Division Director of Parking and Traffic, Chapin Spencer, Director of Public Works, Martha Keenan, Capital & Special Projects Director, re: Use of ARPA Funds to replace revenue losses due to the Pandemic - approve and authorize the utilization of ARPA funds to the Parking and Traffic Division of Public Works for \$1.0 million to reimburse the Division for its revenue losses in Calendar Year 2020.

5.18 FIO Document – for information only

5.19 Ordinance: Chapter 30, Vehicles For Hire--Article II--Section 30-4, Updating Licensing Board--(Councilor Tracy) - Pursuant to Rule 14 of the Rules and Regulations of the City Council, suspend the rules and adopt the amendment to Chapter 30 of the Burlington Code of Ordinances.

5.20 Resolution: December 7, 2021 -- Special City Meeting Issuance Of General Obligations Bonds For Capital Projects - Revised (Board of Finance) **now Deliberative Agenda Item 6.10**

5.21 Resolution: Request For \$283,365 Of ARPA Funds To Address Ongoing Health Response And Assist Houseless Community Members (Board of Finance) - waive the reading and adopt the resolution.

5.22 Communication: Brian Pine, CEDO Director; Meagan Tuttle, Principal Planner, Office of City Planning, re: Revised timeline for Ad Hoc Redistricting Committee - waive the reading, accept the communication and place it on file.

5.23 Communication: Robert Bristow-Johnson, re: 2022 Vermont House Redistricting within Burlington - 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 5.01-5.23.

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Barlow, to amend Consent Agenda Item 5.11 (the September 27 meeting minutes) based on a factual issue within the minutes.

The September 27 minutes were amended as follows:

- **Note Councilor Dieng's absence in unanimous vote on Deliberative Agenda Item 7.06**

VOTING: unanimous; motion carries.



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VOTING ON CONSENT AGENDA AS AMENDED: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Communication: Brian Pine, CEDO Director; Richard Haesler, Projects & Policy Specialist, re: Substantial Change Request to VEPC - Downtown Tax Increment Financing District

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

DISCUSSION:

- **President White, of White + Burke advisors, began the presentation by describing TIF, the Downtown TIF District and outlining the Substantial Change Proposal. He noted that Burlington has two TIF districts—one on the Waterfront, and the other Downtown. He said that TIF is an economic development tool, through which the City establishes a specific geographic area to foster economic development and investment in the district. He said that the new taxes sequestered through that development are used to pay back the bond or debt that was used to create that development or infrastructure. He outlined revenue distribution for TIF, which are split between the education fund and financing TIF district debt. He spoke about the history of the Downtown TIF, noting that it was established in 2011 and that the final date for new debt in the district is March 31, 2023. He spoke about the Substantial Change request process through VEPC. He outlined the Great Streets projects that comprise the Substantial Change Request. He outlined the projected cash flow for the Downtown TIF, which shows an approximately \$6,000,000 surplus (which may be requested to fund a future substantial change request).**

VOTING: unanimous; motion carries.

6.02 Public Hearing Regarding Burlington Downtown Tax Increment Financing District: Substantial Change Request

City Council President Tracy opened the public hearing at 10:23 PM.

Brian Grey expressed concerns about taking out a bond and incurring additional debt, saying that taxes are already very high.

City Council President Tracy closed the public hearing at 10:26 PM.

6.03 Communication: Max Tracy, City Council President and Katherine Schad, CAO, re: Substantial Change Request



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Submission: Downtown Tax Increment Financing District Reconciliation Plan

MOTION by Councilor Paul, SECOND by Councilor Stromberg to approve the City's substantial change request to VEPC for its Downtown TIF District and authorize City Council President Max Tracy and Chief Administrative Officer Katherine Schad to execute the attached formal request letter.

VOTING: unanimous; motion carries.

6.04 Public Hearing Regarding ZA-21-07, Height Measurements, Dormers & Eaves, ZA-21-08, Act 179 Changes to Ch. 117 and ZA-21-09, Updates and Corrections to Article 14

Director White described the three zoning amendments that had been through the Planning Commission and Ordinance Committee processes. He said that ZA-21-07 has to do with how building height and how dormers affect the measurement of the height of a building. He said that this ordinance provides guidance on the starting and ending points on the measurements and standards on sloped sites, guidance on how dormers are to be measured, and the extent to which the addition of a dormer changes how a building's height is measured, and it also defines eaves and dormers. He outlined the second amendment, ZA-21-08, which comes as a result of state-enabling legislation through Act 179. He noted that this affords additional provisions for the development of additional small lots, which can connect to water and sewer, and that it also discusses accessory dwelling units (ADUs), removes bedroom and occupancy limits from the definitions and increases the alternative maximum size to 900 sq ft, and changes a duplex from conditional use to permitted use. He noted that these edits ensure that the ordinance is consistent with state law. He spoke about the third amendment, ZA-21-09, which provides clarifications and corrections to downtown form-based code. He said that this has come as a result of input collected from applicants, staff, and a review of the ordinance, and that a number of improvements are made to how the ordinance is read and used.

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

VOTING: unanimous; motion carries.

City Council President Tracy opened the public hearing on zoning amendments (ZA-21-07, ZA-21-08, ZA-21-09) at 10:32 PM.

There was no public comment.

City Council President Tracy closed the public hearing on zoning amendments (ZA-21-07, ZA-21-08, ZA-21-09) at 10:33



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6.05 Ordinance: Comprehensive Development Ordinance - Height Measurement, Dormers & Eaves ZA #21-07 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Stromberg, to waive the second reading and adopt the ordinance.

VOTING: unanimous; motion carries.

6.06 Ordinance: Comprehensive Development Ordinance - Act 179 Changes to 117 ZA #21-08 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Hanson, to waive the second reading and adopt the ordinance.

VOTING: unanimous; motion carries.

6.07 Ordinance: Comprehensive Development Ordinance - Updates and Corrections to Article 14 ZA #21-09 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Magee, to waive the second reading and adopt the ordinance.

VOTING: unanimous; motion carries.

6.08 Resolution: Meeting The Basic Needs Of Houseless Vermonters (Councilor Magee)

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

DISCUSSION:

- **Councilor Magee said that there is no way to know whether residents of Sears Lane will have secured housing by 9:00 AM tomorrow, and that temporary shelters and housing options are at capacity. He said that the cost**



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of living is rising, while wages are stagnating and vacancy rates are at record lows. He spoke about his experiences interacting with residents of Sears Lane. He said that the forced removal of residents of Sears Lane would put many of them in danger. He said that this resolution would make it clear that housing is a fundamental human right and that the City is committed to developing ways to guarantee basic human rights.

- Councilor Hightower said that the Sears Lane encampment is unsafe for its own residents, but acknowledged that it is their home and they should be supported in it. She advocated for self-management of the site.
- Councilor Stromberg said that the City's actions seem as though they are meant to criminalize poverty. She said that the residents of Sears Lane should be left alone so that the City can figure out the best way to help them.
- Councilor Hanson said that the most marginalized people in the community should not be targeted and punished.
- Councilor Mason said that he has had concerns about the safety and conditions at the Sears Lane encampment for quite some time, and said that it is not a realistic expectation to keep the encampment open indefinitely.
- Chief Locke said he supports a managed site and has concerns that residents of the encampment may die from fire or carbon monoxide poisoning. He said that he could no longer support the conditions of the encampment after a first responder was threatened with weapons by residents.
- Acting Chief Murad agreed with Chief Locke, saying that the Burlington Police Department has responded to numerous events and incidents over the years, and has confiscated stolen property that they had found at the encampment. He also spoke about incidents of heightened animosity between residents of the encampment and other neighborhood residents.
- Councilor Mason asked the administration to speak to the engagement process when the RFP [for management of the Sears Lane encampment] was developed and posted. Mayor Weinberger replied that the administration has tried to find a way to use City-owned land to address its housing crisis. He said that they have tried to emulate other cities by trying to have a managed site at Sears Lane, but that the RFP had no responses and no non-profits or other organizations were willing to set up an MOU. He said that the City is mobilizing substantial emergency resources in order to help residents secure housing, and stressed that these resources were not available prior to the City announcing that it would take action against Sears Lane.
- Councilor Freeman emphasized the importance of inclusive and comprehensive housing policy that is centered on the actual people for whom the policies are intended. They also said that when a community has more supports available to them, they are less likely to have high crime.
- Councilor Dieng said that everyone deserves and has a right to permanent housing. He said that deconstructing the campsite will not solve any problems, just displace the homeless into other locations in the City.

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Mason, to add three clauses after Line 18 as follows:

- "Whereas the City Council recognizes the quality of life concerned experienced by some property taxpayers and renters living in the proximity of the Sears Lane encampment site;
- "Whereas the Burlington City Council is aware of several safety concerns expressed by members of the Burlington School District community and others due to the proximity of the encampment site to the Champlain Elementary School, businesses, and neighborhoods;
- "Whereas the City Council does not ignore but recognizes all ongoing concerns about Sears Lane encampment even prior to the Covid-19 outbreak;"



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DISCUSSION OF AMENDMENT:

- - Councilor Freeman disagreed with the first whereas clause, since it pits taxpayers and renters against the homeless. They also disagreed with the safety concerns clause, since vagrancy crimes were outlawed in the 1960s and 1970s, and people should not be penalized for being poor.

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

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Barlow, to replace Line 19-21 with: “Be it further resolved that the City Council urges the administration and partners to continue to work one-on-one with all Sears Lane campers to ensure that every camper who wants better housing and is working in good faith with the City to ensure that it has the time necessary to complete their housing plan.”

DISCUSSION OF AMENDMENT:

- Councilor Freeman said that the original resolution more closely represents the value and policy that everyone is entitled to housing.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Stromberg – nay, City Council President Tracy – nay (7 ayes, 5 nays); motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Shannon said that ending the encampment at Sears Lane would help to make its residents more safe and noted that the State has stepped up and committed funding to help this transition. She said that the best way to save lives is to house them, rather than leaving them in an unsafe encampment.
- Councilor Hanson agreed that there are serious issues at the encampment and that a two-pronged approach should be adopted of both finding housing for those at the encampment who want it and also of making the encampment more safe for the residents.
- Councilor Freeman expressed grave concerns about displacing people and the harm it could cause.
- Mayor Weinberger said that CEDO is committed to finding more community property for residents who want to live in non-traditional settings and are unable to access other options in the social safety net for housing. He stressed that the City will continue working to add to the safety net for the unhoused.



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VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (12 ayes, 0 nays); motion carries.

6.09 Resolution: Studying A Community-Wide Transportation Demand Management Program (Councilor Hanson)

Councilor Hanson said that this resolution relates to transportation demand management and takes a larger-scale action on it. He said that the funding for this study was included in the Mayor's budget and was approved, and will look into a City-wide system where institutions and employers are required to support alternative transportation for their employees and visitors. He noted that transportation is one of the biggest culprits in terms of climate change, but that it is also an equity issue and an economic issue, and that this would help find ways to help people move about the City through more accessible modes of transportation.

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

VOTING: unanimous; motion carries.

6.10 Resolution: December 7, 2021 - Special City Meeting Issuance Of General Obligation Bonds For Capital Projects - Revised (Board of Finance) WAS CONSENT AGENDA ITEM 5.20**

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

DISCUSSION:

- **Chief Administration Officer Schad said that this is being brought back before the Council because there was a minor issue in the table of the resolution that was approved several weeks ago, and though it is not a binding table, it did cause some confusion with some members of the media and public. She said that this is an effort to clarify the information in the resolution. She said that the main difference is that funds are being shifted from the fleet vehicle category into funding for sidewalks and civic buildings.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Stromberg – aye, City Council President Tracy – aye (11 ayes, 1 nay); motion carries.



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7. COMMITTEE REPORTS

7.01 Verbal Reports

None at this time.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

None at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

None at this time.

11. ADJOURNMENT

11.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 12:32 AM.

RScty: AACoonrad