



Regular City Council Meeting - Monday, September 9, 2019, 7:00 pm, Contois Auditorium, City Hall 9/9/2019

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

September 9, 2019

MEMBERS PRESENT: Kurt Wright (Council President) – Ward 4

Perri Freeman – Central District

Franklin Paulino – North District

Joan Shannon – South District

Jack Hanson – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Adam Roof – Ward 8

MEMBERS ABSENT: Ali Dieng – Ward 7

ADMINISTRATION: Mayor Weinberger

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Tim Devlin, Assistant City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office





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Deanna Paluba, HR

Brian Lowe, IT

Lori Olberg, C/T

Amy Bovee, C/T

Chapin Spencer, DPW

Norm Baldwin, DPW

Laura Wheelock, DPW

Davie White, Planning

Bill Ward, Inspections & Permitting

OTHERS PRESENT:

Yaw Obeng

Michael Lacroix

Jesse Porter

Jennifer Decker

Will Hurd

Kaylie Haberstaw

Richard Vaughn

Nick Floersch

Jenn Saysani

Lucy Gluck

Julie McCuga

Charlie Messing

James Marc Leas



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1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 7:07 PM on September 9, 2019.

1.01 Agenda

MOTION by Councilor Bushor, SECOND by Councilor Hanson, to approve the agenda with the following amendments:

- **Additional information on Item 2.01 (Burlington Net Zero Energy Roadmap)**
- **Corrected information for Item 4.08 (GIS Position)**
- **Final version of Item 4.16 (Housing Ordinance Enforcements and Penalties)**
- **Add Item 4.17 (Code for BTM)**
- **Corrected information for Item 5.04 (Housing Ordinance Accumulation of Garbage, Trash, Abandoned Vehicles, Appliances and Furniture)**
- **Remove Item 5.07 (Climate Impacts by DPW)**
- **Remove Item 5.08 (Climate Emergency Declaration) and put on 9/23/19 meeting agenda**

VOTING: unanimous; motion carried.

2.0 PRESENTATION: Burlington Net Zero Energy Roadmap

BED General Manager, Darren Springer, Jenn Kallay and Asa Hopkins with Synapse, and Jonathan Slason with RSG reviewed the net zero energy roadmap to the goal of decreasing and eventually eliminating use of fossil fuel across electric, thermal, and ground transportation sectors by 2030 which will require different policies and incentives to achieve. The roadmap will be shared with the NPAs. Highlights of the analysis include:

- Most of the fossil fuel reduction will be from efficient electric buildings (60%), electric vehicles (20%), district energy (15%), and alternate transportation solutions (5%).
- Electric use will increase over time because heating and ground transportation will become electrified. More electricity will be needed in 2030 than today.
- Efficiency is necessary to control costs and the amount of renewables needed.
- A change in carbon dioxide emissions will be seen.
- Natural gas and petroleum use will decrease.

Strategies to reach the 2030 goal include:

- In the near term deploy capital to advance energy efficiency and regulatory action (update zoning and permit code, set building energy benchmarks, district energy system, policies for alternate transportation such as travel modes, pricing travel differently, demand management, and land use changes).
- In the mid-term proceed with regulatory action.
- In the long term there are few strategies because the opportunities will have passed.

Councilor Pine asked how to transition off fossil fuel when the fuel cost is so low. Jenn Kallay said the transition is





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voluntary. The energy efficiency standards require buildings to have renewables or all electric. Councilor Pine asked if the utility bill will be paired with financing. Jenn Kallay said there are a number of mechanisms of which financing is one to be developed to get to incentives. BED General Manager Springer added strong incentives to natural gas customers are being offered.

Councilor Bushor asked how to find a balance so the economy is not strangled Councilor Bushor recalled when residents were encouraged to use natural gas rather than electric heat and partnered with VT Gas to try to bring affordable heating solutions to the clientele. Now the push is to transition back to electricity. Jenn Kallay said education is critical on a number of fronts. BED General Manager Springer said VT Gas is viewed as a partner, not a competitor.

Councilor Tracy asked if the net zero goal could be met without creating district energy in the city. Jenn Kallay said technically it could be done, but there are efficiencies and various elements that could be leveraged from the existing system. BED General Manager Springer noted the legislature passed some legislation so now there is the potential to offer incentives for the project. Partners and pathways forward are being examined. Councilor Tracy asked how City Council can be involved in supporting the work. Jenn Kallay said strategies and policies will come before City Council at some point.

Councilor Hanson asked about ongoing tracking of progress to meet goals. BED General Manager Springer said net zero metrics will be tracked (fossil fuel use across sectors, EV registrations and usage of EV charge stations, E-bike rebates, E-bus incentives, and other measures adopted over time). A performance measures report will be presented to City Council.

Councilor Shannon asked if there are incentives for low/moderate income renters. BED General Manager Springer said the standards for rental housing will have a broad impact on renters rather than incentives. An \$800 incentive on pre-owned EVs and plug in hybrids is being offered. Charging stations at multi-family buildings around the community will be added. Councilor Shannon asked how building owners will be incentivized to have more efficient rental units. BED General Manager Springer said BED partnered with VT Gas and offers weatherization standards and energy efficiency standards. Rental energy efficiency standards should be contemplated in the Mayor's housing summit and a broader standard adopted for energy efficiency across all rental housing. Policy may be more important than incentives in this area.

Councilor Freeman asked how decisions on the scope of the proposal were made. BED General Manager Springer said the scope was developed on the net zero energy goal focused on electric, thermal, and ground transportation. Ground transportation and thermal are the two biggest sectors. Progress is being made with air travel. There is more work to do. The city is interested in anything that can be electrified, and has the most ambitious goal in the country for local government. Councilor Freeman asked about accountability if the goals are not met. BED General Manager Springer said even if 80% of the goal is achieved the city would be leading the country in fossil fuel use and greenhouse gas emission reduction on the 2030 timeframe. The city is going in the right direction for the climate and economically.

Mayor Weinberger said the roadmap means a dramatic restructuring of buildings and the transportation system (i.e. having 20,000 EV by 2030 in the city in order to meet the goal). The public needs to be committed. Residents and property owners need to consider incentives now. The Administration and City Council can work on a strong resolution endorsing the goals.



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3.0 PUBLIC FORUM

Public forum was opened at 7:56 PM.

COMMENTS

- Jesse Porter spoke of disrespect by homosexual videos and comments, and requested help from City Council with this matter.
- Jennifer Decker spoke of the amended resolution related to basing the F-35 planes at the airport and spoke against the F-35s.
- Will Hurd spoke of citizen involvement by declaring a climate emergency.
- Nick Floersch read a statement on events during Code for BTV and expungement week, and requested City Council support.
- Kaylie Habershaw, UVM SGA, gave an update on activities by the committee and promised regular updates going forward.
- Richard Vaughn, Perky Planet and Coffee Shop, spoke of the negative impact on his business by having the streets and sidewalks closed off due to construction for the past 370 days when the city said the closure would be 143 days. Also, the project documents were based on the false assumption that the soils were pristine when the city knew there were contaminated soils. The omissions by the city were purposeful and to avoid state regulations for environmental quality, and that is wrong.
- Jean Saysani spoke of the lack of trust in government and concern for the F-35 planes carrying nuclear weapons making Burlington a target.
- Lucy Gluck spoke against the F-35s and use of after burners and the impact on residents.
- Julie MaCuga said the city's net zero energy program is supplemented by the green washing scheme of Vermont Gas renewable gas program which uses imported fracked gas.
- Charlie Messing spoke of Burlington Housing Authority changing from electric to gas, noise from the F-35s, being wrong about the building needing to be moved for the Pine Street reconnect, additional money needed to clean the port-a-loo twice a day, homeless people trying to sleep in port-a-loos in some cities, electric leaf blowers needing to be less noisy, and the need for more trees.
- James Marc Leas spoke of the noise of the F-35 after burners in a city being an issue.

There were no further comments from the public. Public Forum was closed at 8:22 PM.

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Saving the Lake and Pedestrians, Caryn Long
- 4.04 COMMUNICATION: Surplus Equipment, Fire Chief
- 4.05 COMMUNICATION: Public Works Fleet Maintenance Worker Position
- 4.06 COMMUNICATION: Construction Inspection Services Contract, Champlain Parkway





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4.07 COMMUNICATION: Amend PGAL Contract, QTA Project at Airport

4.08 COMMUNICATION: GIS Position to IT

4.09 COMMUNICATION: FIO Document(s)

4.10 RESOLUTION: Carryover Unexpended Wellness funds

4.11 RESOLUTION: Quitclaim Deed, 83 Tracy Drive

4.12 RESOLUTION: E-911 Coordinator Position Appointment

4.13 ORDINANCE: E-911 Building Numbering and Street Naming

4.14 ORDINANCE: Notice of Trespass on City Property

4.15 ORDINANCE: Permits, Fees, Metered Parking Spaces, Awnings

4.16 ORDINANCE: Housing Enforcement and Penalties

4.17 COMMUNICATION: Code for BTV Funds

MOTION by Councilor Bushor, SECOND by Councilor Roof, to waive the reading, adopt the consent agenda, Items 4.01 – 4.17, and take the action indicated. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Appointment: Assistant City Attorney – Mayor

Mayor Weinberger reviewed the education and professional experience of Tim Devlin. Tim Devlin mentioned his passion for municipal law.

MOTION by Councilor Mason, SECOND by Councilor Roof, to confirm the appointment of Tim Devlin as the newest Assistant City Attorney. VOTING: unanimous; motion carried.

5.02 Presentation: Review of 2018-2019 School Year – Superintendent Obeng

Superintendent Obeng highlighted the following from the 2018-2019 school year:

- Continued focus on strategic plan goals (academic, health, investment priorities)
- Expanded learning program (after school and summer) serves over 1600 students, K-12, with a 99% satisfaction rate by parents
- Parent University Program graduated 26 parents
- Webpage has been updated
- Student Support Services (Special Ed) opened a Gaga pit for Gaga ball
- Early Education program (pre-K) is successful and has a waiting list
- Burlington Technical Center offers a range of opportunities to students





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- Scholastic achievements received by students include Presidential Scholar, Scholar Bowl Championship, Congressional Art Award, Golden Wrench Award, Annual Vermont Brain Bee Award, National Student Poet for NE, Burlington Tech Center entrance into the retail market
- English Learners Program is successful
- Numerous faculty awards have been received
- Curriculum innovation (city & lake, cooking cart)
- Achievement gap strategy (new data system)
- Sustainable Finance & Facilities Capital Plan in place
- Community support of the budget as evidenced by the budget being passed by 70% of the votes
- School food project for hunger relief serves over 60 families
- Restorative practices have been a success
- Reading to End Racism and Black History month
- Establishment of a gender-neutral locker room
- Teacher Appreciation Week in May

Councilor Pine asked the status of the preschool plan. Superintendent Obeng said the Finance & Facilities Committee will make a determination on whether the plan goes forward.

Councilor Bushor asked about Horizon and On Top, stressing students need intervention at the right time so their self-esteem is not destroyed. Superintendent Obeng said the plan is to bring these programs back to campus eventually. The school district has looked at resource counselors and social workers within the system and restructuring the Special Ed Program to address students as early as possible. Councilor Bushor asked when coaching happens. Superintendent Obeng said that is a continuous debate.

Councilor Tracy asked what has been done to build trust with the teachers' union and working more collaboratively to avoid contract impasses. Superintendent Obeng said the school district has been working on strategies and will have conversations on the issues in the school district that can be worked on together.

Councilor Shannon urged tracking socio-economic levels and achievement from elementary school through high school. Superintendent Obeng agreed longitudinal data is critical.

Councilor Freeman asked what the schools are doing with integrating consent education into the curriculum. Superintendent Obeng said there are a number of programs plus the schools partner with the appropriate agencies. A better job engaging students to be leaders in this area can be done.

Councilor Paulino mentioned senior citizens and people on fixed incomes questioning why the school district is always asking for a budget increase. Information flyers should be provided to better inform the citizenry. Superintendent Obeng said it is continuous work to reach out and keep the public informed on their investment. Councilor Paulino mentioned multiple concerns about vaping. Superintendent Obeng said the school district is revising the policy on tobacco and drug



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use to include vaping.

5.03 Shelburne Street Roundabout – Council President Wright

MOTION by Councilor Paul, SECOND by Councilor Hanson, to waive the reading and adopt the resolution to initiate proceedings to layout the Shelburne Street Roundabout Project.

DISCUSSION:

- Councilor Paul said the resolution initiates the right-of-way process for Shelburne Street roundabout as the next step. The state project is on Route 7.
- Michael Lacroix, VTrans, gave an update on the single lane roundabout on Shelburne Street. The site is a high crash location with lots of pavement and no landscaping. There are many utilities under the road and no storm water facilities. A significant decrease in the number of crashes is anticipated with the roundabout. The utilities will be straightened out and a storm water system added. The project will take two construction seasons to complete. The \$7 million project is 100% federally funded. The city will be reimbursed for any costs incurred. If all the rights-of-way are acquired by March 2020 the project can begin in the spring of 2021.
- Councilor Tracy asked about bike facilities. Mike Lacroix said there will be a dedicated shared use path with bike ramps for access.
- Councilor Paul asked about cars queuing on Shelburne Street. Mike Lacroix said there is potential during the worst peak hours for some queuing. Traffic volumes are on a declining trajectory so the queue line is getting shorter.
- Councilor Roof asked about the volume of traffic handled by other similar roundabouts. Mike Lacroix said the Shelburne Street roundabout will likely see the most daily volume of traffic flow in the state with 19,000 cars per day. This is a safety project and VTrans is optimistic there will be a dramatic drop in the number of crashes. The single lane roundabout will have enough capacity, and there is room for a second lane if traffic volume exceeds 25,000 cars per day in the future.
- Councilor Mason asked about the timing with the Champlain Parkway construction. DPW Engineer Wheelock said both projects have a traffic management plan. The roundabout has been sensitive to the Champlain Parkway schedule. Councilor Mason asked if there will be further opportunity to discuss sequencing the projects with DPW. DPW Engineer Wheelock said there is still opportunity before construction.
- Councilor Paulino asked about a 'hybrid roundabout'. Mike Lacroix said sight lines and distances are the same. The lane sizes are the same. The goal is to slow down the cars and roundabouts do that well.
- Councilor Pine said the lane narrowing to the roundabout will cause queuing. Driveways will be blocked. There will be a major bottleneck. Mike Lacroix said roundabout scenarios were run through three different model software programs with real traffic counts. The results show people adjust their speed with merger. There will be a level of education and outreach needed on the project. Councilor Pine said many drivers on the road are visiting Burlington for the first time. Mike Lacroix said Shelburne Street is a gateway to the city so getting the word out and making it as smooth as possible for people is vital. There has been success with other roundabouts in the state and people adjusting. Merging is not a 'deal breaker'.
- Councilor Bushor expressed concern about people finding other ways to get to their destination resulting in traffic congestion elsewhere in the city. Councilor Bushor asked if Burlington Telecom was given the plan for relocation, and if there will be ledge removal. Mike Lacroix said there is ledge everywhere which will be removed by the contractor. Councilor Bushor asked about Stantec's mitigation and removal plan for soil and ground water. Mike Lacroix said this will happen in the next couple of months. DPW Engineer Wheelock said the activities will be covered in the quarterly updates.





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- **Councilor Shannon asked about the queuing time at peak hours. Mike Lacroix said 5% of the time traffic queuing could exceed the 350' mark. Councilor Shannon said a comparison to an existing, similar roundabout in the northeast would be nice as proof the roundabout will work.**

VOTING: 10 ayes, one nay (Paulino); motion carried.

5.04 Housing Ordinance: Accumulation of Garbage, Trash, Abandoned Vehicles, Appliances, and Furniture – Permitting & Inspection Services

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the second reading and adopt the ordinance on accumulation of garage, trash, abandoned vehicles, appliances, and furniture on property within the city.

DISCUSSION:

- **Councilor Mason said the ordinance makes clear certain materials cannot be stored outdoors. The Ordinance Committee passed the ordinance unanimously.**

VOTING: unanimous; motion carried.

5.05 Building/Construction Ordinance: Fees, Exceptions – Permitting & Inspection Services

MOTION by Councilor Mason, SECOND by Councilor Bushor, to suspend the rules and place the ordinance amendment in all stages of passage.

DISCUSSION:

- **Councilor Mason said the amendment reduces the administrative burden from minor fee adjustments on building permits.**

VOTING: unanimous; motion carried.

5.06 Climate Change Initiatives and Expansion of Tree Planting Program – Councilors Paulino, Paul

MOTION by Councilor Paulino, SECOND by Councilor Paul, to waive the reading and adopt the resolution on climate change initiatives and expansion of the city's tree planting program.

DISCUSSION:

- **Councilor Paulino said this is a plan to plant more trees in the greenbelt, parks, and cemeteries.**

VOTING: unanimous; motion carried.

5.07 Climate Impact by DPW – Councilor Hanson

5.08 Climate Emergency Declaration and Just Transition for City Staff – Councilor Freeman





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Items 5.07 & 5.08 removed from agenda.

6.0 COMMITTEE REPORTS

- Councilor Tracy announced the TEUC will meet 9/17/19 to discuss rail.
- Councilor Shannon announced the PACC will meet 9/11/19 to discuss an update on the mural resolution, Moran, Memorial Auditorium, and the off-leash dog area ordinance and policy.
- Councilor Pine announced CDNR will be meeting to finish the report on the neighborhood project and to discuss the CityPlace development. The HR Committee is meeting 9/10/19 to discuss the Diversity, Equity, and Inclusion position job description.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Hanson mentioned the global climate strike on 9/20/19 followed by a week of climate action activities across the state.
- Councilor Bushor said the follow up meeting from the Housing Summit was very informative with good feedback from renters. The Wild Ways ribbon cutting at Ethan Allen Homestead was very good. The Abnaki ceremony on obligation to the land was moving. The work to advance Wild Ways by former city councilor Deane is recognized.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- The Wild Ways project opens over five miles of marked trails in the citizenry.
- Five proposals in actionable form will be brought to City Council from the Housing Summit.
- CEDO will be presenting to the NPAs on tenant protection and opportunities for refinement. A memo will be provided to City Council by the end of October.

10.0 ADJOURNMENT

MOTION by Councilor Roof, SECOND by Councilor Hanson, to adjourn the meeting. VOTING: unanimous; motion carried.

The City Council meeting was adjourned at 10:16 PM.





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