



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

R

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

July 12, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Jack Hanson

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Jane Stromberg

Mark Barlow

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Rich Goodwin

Jordan Redell

Justin St. James

Chapin Spencer

Megan Moir



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

Lee Perry

Meaghan Tuttle

Scott Gostin

Kim Sturtevant

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt the agenda

The meeting was called to order by City Council President Tracy at 6:32 PM.

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

- **note written materials for agenda item 2.01 Work Session Regarding Short Term Rentals (per Meagan Tuttle);**
- **note presentation slides for this agenda item (per Meagan Tuttle);**
- **note ordinance language for this agenda item (per Assistant City Attorney Sturtevant)**
- **add to the consent agenda item 5.26 Communication: C/T Office, re: Openings Burlington City Commissions/Boards with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.27 Communication: Katherine Schad, Chief Administrative Officer and Amy Bovee, Assistant City Clerk, re: November 9, 2021 Special City Election Calendar with the motion to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.28 Communication: Nathan Edwards, re: Complaint with the motion to "waive the reading, accept the communication and place it on file";**
- **note approved BPD permit for agenda item 6.03 (per BPD);**
- **note final version of agenda item 6.07 Resolution: Divestment From Weapons Manufacturers (Councilor Stromberg)(per Councilor Stromberg).**

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Shannon, to add to the deliberative agenda item 6.09: Resolution: Burlington Parks Arts And Culture Committee To Create A Dog Task Force.





Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

VOTING: unanimous; motion carries.

2. WORK SESSION: SHORT TERM RENTALS

2.01 Work Session Regarding Short Term Rentals **6:30 pm - 7:30 pm**

Meagan Tuttle introduced herself, saying that she and Scott Gostin will present a status update and recommendation from the Joint Committee of the City Council Ordinance Committee and the Planning Commission regarding short term housing rentals. She provided a general outline of the proposal as it's been referred, as well as background for the proposal. She noted that the Development Review Board (DRB) is having difficulty with considering new permit requests under the current STR rules, which fall under an ordinance pertaining to hotels, and that they requested that the Planning Commission consider redefining short-term rentals. She added that STRs were also identified as an actionable policy item at the 2019 Mayor's Housing Summit. She noted a City Council resolution that was passed in October 2019 that provided a framework for STR regulation that would create different tiers for different types of STRs and disincentivize the most impactful uses. She also noted input received at the Housing Summit, which encouraged establishing different standards for different types of STRs, requiring or encouraging owner occupancy, and encouraging partial-unit rather than whole-unit STRs.

Ms. Tuttle then outlined the Joint Committee's key discussion topics, which included discussion around the types of STRs they wanted to see and which they want to limit. She said that these could include permits with low or no barriers for things like STRs at their primary residences (to provide flexibility for residents in their own homes), limiting or prohibiting property speculation for STR purposes, and capping STRs so that no more than 50% of units in a building/property are STRs. She noted that there were mixed opinions on when to allow off-site hosts for STRs, specifically in small multi-unit properties.

Ms. Tuttle spoke about the tools to limit the number of STRs, including host occupancy on property as the most influential tool for the number of STRs city-wide. She said that this enables the flexibility for residents to use their own homes or properties to generate income, and committee recommended a hybrid of requiring some form of occupancy. She said that they also discussed other policy levers, which weren't recommended due to complexity or limited ability of staff to enforce them.

She said that a primary question asked by the Committee was around how permissive or restrictive the policy should be. She said that they tried to strike a balance between flexibility and having some form of requirement. She said that the proposal largely utilizes the Minimum Housing Code as the basis for regulating STRs. She said that the Committee also discussed whether to use fees on STRs, as a tool to generate revenue from STRs to support the City's affordable housing efforts. She said that they also explored using fees as a mechanism to discourage STRs, but that there are no recommended fees in the current proposal.

Ms. Tuttle outlined the STR proposal, which includes changes to two sections of the City's Code of Ordinances. She said that changes in the Zoning Ordinance would define an STR, allow them as a Special Residential Use, and updates and clarifies definitions and standards for other types of lodging. She said that changes in the Minimum Housing Code defines an STR as a form of rental housing, details STR limits by building and when a host must live on site, includes minimum life



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

safety standards for STRs, and establishes rental registry requirements, including an annual registration fee.

Ms. Tuttle said that staff recommend that the Council also consider aspects including clarifying host residency requirements for Single Detached/Duplex vs. other types of housing, as they are currently confusing and difficult to enforce. She also asked that they consider reducing the number of rooms within a dwelling that can independently be rented as STRs (proposing a reduction from 5 to 3), and reducing redundancy in lodging definitions by removing "Bed & Breakfast" standards and relying on "Historic Inn" standards in Zoning.

She also spoke about a transition to a new regulatory framework and that a one-year grace period was recommended, and that STRs that have a current Zoning Permit are considered non-conforming and can continue until host discontinues uses.

Councilor Shannon said that in 2019 there was a housing crisis and that the magnitude of it has intensified today, which should play into the decision about where the line is drawn with regards to STR regulations. She asked whether the Joint Committee looked at other community models and what other models were taken into consideration. She noted that Cambridge has a model where STRs can only be offered in units which the owner occupies. Mr. Gostin replied that dozens of models were looked at and that the proposal in front of the Council is drawn from a number of different sources. Ms. Tuttle added that in general, some of the most restrictive examples are places where there are the most acute housing needs. She noted that destination communities have tended to have more relaxed policies. Councilor Shannon noted that other communities sometimes have extremely high taxes on properties booked through Airbnb and VRBO, which is a way of extracting more community benefit out of these rentals.

Councilor Hightower noted that the Committee was mostly made up of property-owners and that the proposal is not as strict as it should be and allows owners to rent out units they do not occupy. She said the proposal should consider prohibiting short-term rental for owners who have additional single-family homes. She also noted that the three-year prohibition on short-term renting after purchasing a home maintains old wealth and prevents new wealth.

Councilor Carpenter asked about current policy. Ms. Tuttle replied that currently, STRs should be registering as Beds and Breakfasts, which would require that the host live on the property. She said that a special permit could be obtained if they are located in a mixed-use district.

Councilor Dieng asked about the three-year ownership requirement. Ms. Tuttle replied that the committee was mixed on it as a solution, but that there was a desire to enable some degree of short-term rental for single-family and duplex properties, but understanding that there are risks related to property speculation, etc.

Ms. Tuttle noted that next steps would be to bring the proposal back to a City Council meeting for first read, and then maybe moving it to the Ordinance Committee.



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:27PM.

COMMENTS:

- Amy Magyar spoke about the short term rental issue. She said that many Burlington residents and homeowners use their properties to be able to ensure that they can continue to live in Burlington. She asked Councilors to be open to listening to all perspectives
- Julie Macuga spoke in support of legalizing sex work in Burlington. She noted that current sex work laws have not changed in the last hundred years and do not do enough to keep sex workers safe. She spoke about the ways that decriminalizing sex work keeps sex workers safe.
- Ethan W. spoke in favor of the resolution to decriminalize sex work, saying that governments shouldn't be able to tell women what they can and cannot do with their bodies.
- Deb Ward Lyons spoke about short term rentals, noting that short-term renting helps supplement her income.
- Holli Bushnell spoke about rejecting the extended entertainment permit hours for Orlando's Bar and Lounge, citing noise concerns and lack of noise mitigation measures. She requested that any extension include sound mitigation measures.
- Gene Bergman spoke about the municipal consolidated collection option, saying it would be the most cost effective and impactful option. He expressed concerns that without a district model, there is the risk of monopolization. He expressed appreciation for the hybrid model, which limits the amount of privatization that can occur. He said it adds good union jobs and that the benefits would be long-term.
- Christopher/Aaron Felker spoke about consolidated waste collection. He spoke against the proposal, saying that it would eliminate a property owner's ability to choose their own providers and would lead in higher waste collection cost and an increase in fees.
- Lucas Johnson spoke about short term rentals in Burlington. He spoke as a small-scale landlord, saying that further restrictions for short term rentals will prevent him from offering more longer-term housing and maintenance/upgrades to longer-term rental properties. He cited a lack of data around policies limiting short-term rentals having a positive impact on the availability of housing in communities.
- Zoe Kennedy spoke about the Colchester Avenue bike lanes.
- Isabelle Dekluyver spoke in support of the measure around the Colchester Avenue bike lanes, which would promote more sustainable transportation.
- Will Keeton/Jade spoke about abolishing VPIRG in light of allegations of sexual assault against a City Councilor who formerly worked there. They also called for holding this particular City Councilor accountable for his actions.
- Sharon Bushor spoke about the Colchester Avenue Scoping Study. She expressed concern about the complete elimination of parking on that street. She acknowledged the lack of a workable solution but said that a solution is needed in order to support the parking needs of small businesses and residents in that area.
- Jean Hopkins urged the Council to support measures to divest from weapons manufacturers. She suggested investing in housing to curb homelessness in the City.
- John Renner spoke about divesting from weapons. He said that this would bring the community's investment strategy in line with its values.
- Robert Bristow Johnson spoke about the redistricting that occurred in 2013 and 2014.



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

Forum closed at 7:58 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Councilor Stromberg spoke about the 2021 Western North American Heatwave and the deaths that have occurred as a result of it. She stressed the importance of taking climate change seriously and with a sense of urgency, even when elements of it don't affect this community.

5. CONSENT AGENDA

5.01 Motion to adopt the consent agenda 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: CAO Schad, re: Burlington's Livable Wage Ordinance – waive the reading, accept the communication, and place it on file.

5.04 Communication: Cora Smith, Ward 8 Inspector of Elections, re: Resignation – waive the reading, accept the communication, place it on file and send a letter of appreciation to Cora Smith thanking her for her time served as a Ward 8 Inspector of Elections.

5.05 Communication: Peter Deng, Member, Board of Tax Appeals, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy (7 Days 7/14 edition) and send a letter of appreciation thanking Peter Deng for his time served as a Member of the Board of Tax Appeals.

5.06 Communication: Victoria Hellwig, Member, Conservation Board, re: Resignation - waive the reading, accept the communication, advertise the vacancy (7 Days 7/14 edition) and send a letter of appreciation to Victoria Hellwig thanking her for her time served as a Member of the Conservation Board.

5.07 Communication: Patricia Dumas, re: Battery Street – waive the reading, accept the communication, and place it on file.

5.08 Communication: C/T Office, re: May 10, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.09 Communication: C/T Office, re: May 17, 2021 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.10 Communication: C/T Office, re: May 24, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.11 Communication: C/T Office, re: May 24, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.12 Communication: C/T Office, re: June 7, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.13 Communication: C/T Office, re: June 14, 2021 City Council With Mayor Presiding Meeting Minutes, Draft - waive the



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.14 Communication: C/T Office, re: June 14, 2021 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.15 Communication: C/T Office, re: June 14, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.16 Communication: C/T Office, re: June 14, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.17 Communication: C/T Office, re: June 28, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.18 Communication: C/T Office, re: June 28, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2021 Regular City Council Meeting.

5.19 Communication: James Sherrard, Stormwater Program Coordinator, re: Authorization to execute a construction contract and annual software licensing agreements for a Continuous Monitoring Adaptive Control (CMAC) Valve System with OptiRTC, Inc. - 1. To authorize Chapin Spencer, the Director of Public Works, to execute a construction contract with OptiRTC, Inc. for the installation of a valve at Englesby Brook Pond, in an amount up to \$98,000, subject to the prior review and approval of the City Attorney's Office; and 2. To authorize Chapin Spencer, the Director of Public Works, to execute a software licensing agreement with OptiRTC, Inc. to support the installation and operation of the valve at Englesby Brook Pond for up to five years, in an amount up to a total of \$66,000 over five years, at \$13,200 per year, subject to the prior review and approval of the City Attorney's Office.

5.20 Communication: Megan Moir and Ashley Walenty, DPW - Water Resources, re: Construction Engineering Amendment for the Flynn-Fletcher Pump Station Improvements Project - authorize the Director of the Department of Public Works to execute an amendment to the Engineering Service Agreement with Hoyle, Tanner & Associates, Inc. for additional design work on the Fletcher Place pump station, increasing the maximum limiting amount by \$13,633 to a new total of \$178,483, subject to the final review and approval of the City Attorney's Office.

5.21 Communication: Ashley Walenty, PE, DPW - Water Resources, re: Authorization to Amend the Main Services Agreement with VHB for Stormwater Engineering Services to \$500,000 - 1. To approve and authorize the Director of Public Works to execute a second amendment to the Main Services Agreement with Vanasse Hangen Brustlin, Inc. ("VHB") to increase the maximum limiting amount by \$127,780 to a new total of \$500,000, subject to the final review and approval of the City Attorney's Office; and 2. To approve and authorize the Director of Public Works to execute and amend individual Work Assignment Contracts, which in total shall not exceed the maximum limiting amount established in the Main On-Call Agreement, to complete work authorized by Main On-Call Agreement, subject to prior review and approval by the Chief Administrative Officer and the City Attorney's Office.

5.22 Communication: Megan Moir, Division Director of Water Resources, re: Renewal of Main On-Call Contract for Financial Advisor Services with Raftelis Financial Consultants - 1. To authorize the Director of Public Works to renew the Master On-Call Agreement with Raftelis Financial Consultants for on-call financial consulting services for the Water Division, for an additional two-year term, with a maximum limiting amount of \$150,000 per fiscal year during the additional term, for a new total of \$300,000 overall, subject to prior review and approval by the City Attorney's Office; and 2. To approve and authorize the Director of Public Works to execute individual Work Assignment

Contracts, which in total shall not exceed the maximum limiting amount established in the Master On-Call Agreement, to complete work identified in the renewal of the Master On-Call Agreement, subject to prior review and approval by the



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

Chief Administrative Officer and the City Attorney's Office.

5.23 Communication: Fleet Committee -- Chapin Spencer, Martha Keenan, Lee Perry, Katherine Schad, Dave Hammond, Cindi Wight, Deryk Roach, re: FY22 Fleet Replacement Schedule - authorize the Director of the Department of Public Works, to purchase 35 pieces of equipment, for a total value of \$2,620,314, with lease financing determined by the Clerk/Treasurer's Office at a rate not to exceed 4%, for terms of 5 or 7 years, subject to review and approval by the City Attorney's Office.

5.24 Communication: Martha Keenan, Capital & Special Projects Director, Clerk/Treasurer's Office, re: Fiscal Year 2022 Equipment Master Lease approval - approve and authorize Katherine Schad, Chief Administrative Officer, or designee to execute a Tax-Exempt Lease Purchase with Key Government Finance for the amount of \$3,089,590 with an annual payment of \$509,603 to be paid out of the General Fund Capital Budget, Water Resources, and Traffic Budgets within the approved Fiscal Year 2022 Budgets subject to review by the City Attorney's Office.

5.25 FIO Documents – for information only.

5.26 Communication: C/T Office, re: Openings Burlington City Commissions/Boards updated 07/12/21 – waive the reading, accept the communication, and place it on file.

5.27 Communication: Katherine Schad, Chief Administrative Officer and Amy Bovee, Assistant City Clerk, re: November 9, 2021 Special City Election Calendar – waive the reading, accept the communication, and place it on file.

5.28 Communication: Nathan Edwards, re: Complaint – waive the reading, accept the communication, and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Freeman, to adopt the consent agenda as amended, taking the actions as indicated for items 5.01-5.28.

VOTING: unanimous; motion carries (Councilor Paul recused self from voting on items 5.23 and 5.24).

6. DELIBERATIVE AGENDA

6.01 Extension of Indoor Entertainment Hours (2021-2022): The Wallflower Collective, 71 South Union Street #4

MOTION by Councilor Mason, SECOND by Councilor Hanson, to extend the indoor entertainment hours of the Wallflower Collective, 71 South Union Street #4.

VOTING: unanimous; motion carries.

6.02 Extension of Outdoor Entertainment Permit Hours (2021-2022): Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10

Councilor Mason



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

MOTION by Councilor Mason, SECOND by Councilor Hanson, to extend the hours of operation for the outdoor entertainment permit for Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10.

DISCUSSION:

- Councilor Mason noted that the existing hours were a topic of lengthy discussion at the License Committee and that to his knowledge, nothing has changed in terms of conditions getting better, nor have concerns been addressed.
- Brando Mossman, owner of Orlando's Bar and Lounge, said that the requested extension would be until 11:00 PM on Thursday evenings and 12:00 AM on Friday and Saturday evenings.
- Councilor Shannon said that there has been a problem with the entertainment permit in the past and that these were the hours that were landed on as a compromise to allow businesses and residents to coexist. She asked if residents were supportive of this compromise. She asked what outreach has been done to residents.
- Mr. Mossman said that they addressed complaints over Zoom calls. Councilor Shannon questioned whether ample outreach and engagement occurred.
- Councilor Hightower asked whether this could be referred back to the Licensing Committee for some kind of compromise. Councilor Mason replied that it could, but he wasn't sure of the utility of that action.
- Councilor Hanson asked whether there has been any noise mitigation efforts over the last several months. Mr. Mossman replied that they hired a sound technician who came to the space and surrounding spaces with a decibel reader to ensure that bands comply with sound level limits. Councilor Hanson said that when this issue had previously been discussed, there was a suggestion around adding some kind of sound barrier behind the stage. Mr. Mossman replied that the speakers had been located in an alleyway but they have since been relocated and one of them has a wood barrier behind it. Councilor Hanson asked if he'd received feedback from neighbors since that change and Mr. Mossman replied that he hasn't had any calls from neighbors since implementing the change.

MOTION TO AMEND by Councilor Dieng, SECOND by Councilor Hightower, to refer this item back to the Licensing Committee.

DISCUSSION:

- Councilor Shannon stressed the importance of outreach by the business to residents to resolve issues.
- Councilor Hanson said that this is an opportunity for Orlando's to do outreach, and it may have a bearing on how the discussion goes at the License Committee.

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

VOTING ON ORIGINAL MOTION (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – nay, Councilor Mason – nay,



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

Councilor Paul – nay, Councilor Shannon – nay, Councilor Stromberg – nay, City Council President Tracy – nay (0 ayes, 11 nays); motion fails.

6.03 Special Event Outdoor Entertainment Permit Application (one day only): Commonwealth Financial Group, South Champlain Street-between Main and King, August 27, 2021, 5 pm - 9 pm, Live DJ/Amplified Music, Celebration for Business Owners and Residents

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the one day only special event outdoor entertainment permit application for Commonwealth Financial Group, South Champlain Street-between Main and King, August 27, 2021, 5 pm - 9 pm, Live DJ/Amplified Music, Celebration for Business Owners and Residents.

VOTING: unanimous; motion carries.

6.04 Communication: Megan Moir, Water Resources Division Director, re: Approval of Water Resources Assistance Program Policies for Water Resources Rebates and the Temporary Waiver of Water and Wastewater Fixed Meter Charge for Low-Income and Senior, and Non-Profit Affordable and Senior Housing Customers

Assistant Director Moir said DPW seeking approval for policies in addition to approved structural changes to rates themselves. They reminded the Council that they'd approved a lower rate for the initial block of water usage. They outlined the proposed additional policies, which include an affordability measure through the temporary waiver of the fixed meter charge which would apply to rate payers with economic hardships, senior rate payers, and non-profits related to affordable housing. They also noted measures to keep water usage down, such as funding toward flow fixtures, as well as initial assistance for filming sewer laterals to determine current conditions. They noted the waiver does not apply to renters yet. They also noted that waiver eligibility could be retroactively applied back to July 1.

MOTION by Councilor Hanson, SECOND by Councilor Freeman, to approve the attached two policies to facilitate the Water Resources Assistance Program: 1) Policy for Temporary Waiver of Water and Wastewater Fixed Meter Charge for Low-Income and Senior, and Non-Profit Affordable and Senior Housing Customers; and 2) Water Resources Rebate Policy.

DISCUSSION:

- **Councilor Hanson thanked staff for their work on this set of policies.**
- **Councilor Mason asked if the City is tracking the condition of residents' sewer laterals. Assistant Director Moir replied that they currently have data on expiration permits. They added that their goal is to establish a 0% interest loan program for eligible applicants.**
- **Mayor Weinberger stressed the importance of investments to assist ratepayers who are experiencing affordability barriers.**

VOTING: unanimous; motion carries.



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

6.05 Communication: Chapin Spencer, Director and Lee Perry, Division Director DPW Maintenance, re: Consolidated Collection Study Update and Next Steps

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

DISCUSSION:

- Director Spencer noted that this came out of a Council resolution to look at how to reduce cost and improve service for customers seeking solid waste or recycling services. He noted that the evaluation studied both a franchise model and a municipal model for consolidated collection. He said that staff are recommending a hybrid model.
- Division Director Perry provided background information and spoke about the benefits of consolidated collection. He additionally spoke about the public outreach and feedback that was conducted around a consolidated collection system, including surveys and meetings. He also outlined projected costs for the municipal and franchising models.
- Director Spencer outlined the 13 criteria comparing the municipal and hybrid options. He noted that the municipal model scored 28 on the criteria, and the hybrid model scored 34 on the criteria.
- Director Spencer detailed DPW's recommendation for a hybrid option, saying that it would build off the structure and capacity of the City's current Recycling Program, would achieve the goals of a fully consolidated collection system, and would create three new union positions, among other benefits. He outlined a conceptual timeline for adopting a hybrid option, which could ultimately be implemented on January 1, 2024.
- Councilor Shannon thanked staff for their work on this exploration. She noted concerns from constituents about adding to the cost of municipal services. She also cited concerns about additional capital investments if a municipal model were to be adopted, noting the current acute capital needs of the school district. She asked about the ability of residents to opt out of a new model if they choose. Director Spencer replied that there is the option to allow opting out or not, which is a City decision. He said that allowing opt outs would increase the cost per household, but noted that many residents expressed a desire for the ability to opt out if they choose.
- Councilor Carpenter asked about compliance rates for the composting program. Director Spencer replied that they can look into compliance rates. He also noted that one of the benefits of consolidated collection would be the addition of the composting stream to the program while costing the same amount that trash and recycling cost today.
- Councilor Stromberg asked about the environmental benefits of a hybrid model, noting that the environmental benefits seem higher in a municipal model. Director Chapin replied that the net benefit to either model is that there would be one hauler instead of four.
- Councilor Hanson said that a municipal option would mean more local control and would allow for a quicker transition to an electric fleet. He asked about the debt ceiling and how it affects options. He also asked how the City could prevent monopolization in a hybrid model.
- Councilor Barlow asked about the survey and expressed concern about the impact on small businesses. Director Spencer replied that DPW has conducted outreach since 2019. He said that if the Council requests additional outreach, it can be conducted.
- Councilor Freeman spoke in support of the municipal option.



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

- Councilor Mason asked how many collection services exist currently, and DPW staff replied that there are five. Councilor Mason asked about the traffic impact of a new facility on Flynn Avenue, noting concerns about traffic from constituents. Director Spencer replied that they would have approximately 12 employees working at that facility and 6-8 heavy commercial vehicles entering and exiting the facility. He said that the City looked at all potential sites where the facility could be located, and each parcel has its own challenges.
- Councilor Carpenter asked about how the recycling fee is collected now if someone opts out of recycling. Assistant Director Perry replied that if someone self-hauls their own recycling, they are not charged for the collection of that recycling. Director Spencer said that a future model could entail someone choosing to opt out of trash collection, recycling collection, or both.
- Councilor Dieng asked what future public engagement would look like. Director Spencer replied that they are proposing taking 4-6 months to conduct further public engagement in 2022. Councilor Dieng asked how long a pilot should last. A consultant with GGB, replied that contractors would be reluctant to bid on a contract term that is too short.
- Mayor Weinberger said that the franchise model offers many benefits, and that his administration is supportive of pursuing a franchise model over a municipal model. He said that the municipal model would require the City to get into two challenging, competitive businesses, at the risk of taxpayer capital.

VOTING: unanimous; motion carries.

6.06 Resolution: Review Of Sex Worker Charter Section & Ordinances (Councilor Freeman)

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

DISCUSSION:

- Councilor Freeman noted that the proposed change would strike language that makes prostitution and keeping houses of prostitution illegal as well as refer certain sections of the City Charter to the Charter Change Committee to examine either repealing the section or recommending amendments to implement protections for sex workers and decriminalize sex work.

MOTION TO AMEND by Councilor Freeman, SECOND by Councilor Stromberg, to replace "buyer and seller" on Line 4 with "client and worker"; and to modify "September 27" on Line 44 to "October 25".

VOTING: unanimous; motion carries.

DISCUSSION OF MOTION AS AMENDED:

- Councilor Stromberg said that this is not a controversial concept and spoke about the negative impacts of incarceration.
- Councilor Hanson said that this aligns with work to modernize this language at the State level.



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

- Mayor Weinberger said that the administration supports the modernization of this component of the City Charter.

VOTING: unanimous; motion carries.

6.07 Resolution: Divestment From Weapons Manufacturers (Councilor Stromberg)

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

DISCUSSION:

- Councilor Stromberg summarized the resolution, which would request the Board of Finance to report on the extent of non-BERS investment in weapons manufacturers, request the BERS board to provide a current accounting of investment in weapons manufacturing in its portfolio, and that the BERS board commit to full divestment from such as well as report to the Council on the feasibility of ongoing monitoring of such investments in the portfolio.
- Councilor Shannon asked what BERS is currently invested in that it would need to divest from, in terms of weapons manufacturers. Councilor Stromberg said that the resolution would explore whether and the extent to which the BERS portfolio is invested in weapons manufacturing.
- Councilor Barlow asked about whether the portfolio would divest of an entire indexed mutual fund if certain stocks were related to weapons manufacturing. Councilor Stromberg replied that the resolution would ask for a report back around considerations like that from the BERS Board.
- Councilor Mason noted that the authority to make a determination around investment resides solely with BERS.
- Chief Administrative Officer Schad noted that it is unlikely that there are non-BERS investments in this type of weapons, since they tend to be investments in treasury bills. She said that the larger investments are with BERS.
- Councilor Hanson said he would support full divestment from weapons manufacturers.

VOTING: 10-1 (Councilor Barlow voted nay).

6.08 Resolution: Bikeways, Parking, And Intersection Safety Scoping Study Re: Colchester Avenue And Colchester Avenue/East Avenue Intersection (Transportation, Energy and Utilities Committee)

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

DISCUSSION:



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm

****In-Person in Contois Auditorium, 2nd Floor, City Hall ****

7/12/2021

- Councilor Hanson noted that the changes proposed in the resolution would significantly improve the level of safety and comfort for pedestrians and cyclists.
- Councilor Carpenter asked if the redesign would remove parking. Councilor Hanson replied that this redesign would include the removal of permanent on-street parking, while retaining short-term on-street parking.
- Councilor Shannon asked if businesses have participated in discussion. Councilor Hanson replied that there was outreach to businesses as a component of these proposed changes.
- Councilor Mason asked about the temporary parking that would be kept to accommodate Kampus Kitchen and whether the bike lane is being expanded or narrowed. Director Spencer replied that as this project is advanced, the design will change. He said that when they are accommodating on-street parking, they are removing some of the tree zone and the green belt.

VOTING: unanimous; motion carries.

6.09 Resolution: Burlington Parks Arts And Culture Committee To Create A Dog Task Force (Parks, Arts and Culture Committee)

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

DISCUSSION:

- Councilor Shannon said that there has been a sharp increase in dog ownership by residents during the pandemic, and with that an increase in the number of dog attacks, dogs off leash, dog excrement not being picked up, unlicensed dogs, and dog barking contributing to noise pollution. She said that this resolution would create a dog task force and specified who would be on it. She outlined the activities that the task force would conduct, with an ultimate report-back to City Council at the end of April, 2022.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging (REIB) Committee will meet on July 20th and will discuss the exploration of the REI Commission with the City Attorney's Office.

Councilor Hightower noted that the Public Safety Committee has closed their contract with Talitha and the next Public Safety and Police Commission Joint Committee meeting will review those results and hear an update from CNA.



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

None at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Tracy spoke about the August 30th meeting and that they are considering canceling it. He also noted the transition back to City Hall and that they are in the process of transitioning to hybrid meeting technology. He said that the City will offer hybrid meetings at the next August meeting, and technology will be in place to support that.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger welcomed Councilors, staff, and members of the public back into Contois Auditorium for the first in-person meeting since the beginning of the Covid-19 pandemic in March of 2020. He noted that the City's July 3rd event was well-attended and thanked everyone who attended and work at the event. He noted that the City's Festival of Fools event will take place July 30 through August 1.

11. COMMUNICATION: HR DIRECTOR DUFEE AND ACTING CITY ATTORNEY ST. JAMES, RE: PERSONNEL MATTER (VERBAL) **EXPECTED EXECUTIVE SESSION; **NOW AGENDA ITEM #12****

11.01 Communication: HR Director Durfee and Acting City Attorney St. James, re: Personnel Matter (verbal)**expected executive session*

Councilor Mason recused himself from the executive session.

MOTION by Councilor Paul, SECOND by Councilor Stromberg, that the Council find that premature general public knowledge of information related to a personnel matter would put the City at a substantial disadvantage.

VOTING: unanimous; motion carries (Councilor Mason recused himself).

MOTION by Councilor Paul, SECOND by Councilor Hanson, that, based on that finding, the Council go into executive session to consider confidential attorney-client communications pursuant to 1 VSA §313(a)(1)(F) and relating to a personnel matter pursuant to 1 VSA §313(a)(4) Individuals to be invited into executive session in



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

addition to the Council and Mayor will include the Mayor's office staff, Acting City Attorney, CAO, HR Director.

VOTING: unanimous; motion carries (Councilor Mason recused himself).

12. COMMUNICATION: MAYOR MIRO WEINBERGER, RE: UPDATE ON CITYPLACE/REDSTONE MEDIATION
****EXPECTED EXECUTIVE SESSION**, **NOW AGENDA ITEM #11****

12.01 Communication: Mayor Miro Weinberger, re: Update on CityPlace/Redstone Mediation (verbal)**expected executive session**

Mayor Weinberger noted that the only missing property right for this phase of the CityPlace project is currently controlled by 100 Bank Street LLC (Redstone Company) and that this discussion would center on whether to purchase real estate rights.

Councilor Mason recused himself from the executive session.

MOTION by Councilor Paul, SECOND by Councilor Carpenter, that the Council find that premature general public knowledge of information related to the recent confidential mediation session, the City's strategy and legal advice related to the pending litigation with BTC Mall Associates and 100 Bank LLC. would put the City at a substantial disadvantage.

VOTING: unanimous; motion carries (Councilor Mason recused himself).

MOTION by Councilor Paul, SECOND by Councilor Stromberg, that, based on that finding, the Council go into executive session to consider pending litigation and confidential attorney-client communications pursuant to 1 VSA §313(a)(1)(E) and (F). Individuals to be invited into ES in addition to the Council and Mayor: Mayor's office staff, City Attorneys, CAO, Jeffrey Glassberg, Downs Rachlin Martin attorneys (Jennifer McDonald and Tim Sampson).

VOTING: unanimous; motion carries (Councilor Mason recused himself).

The City Council entered into executive session at 10:24 PM.

13. ADJOURNMENT

13.01 Motion to adjourn



Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm
****In-Person in Contois Auditorium, 2nd Floor, City Hall ****
7/12/2021

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to adjourn the meeting.

VOTING: unanimous; motion carries. (Councilor Mason not present for vote)

The City Council meeting adjourned at 11:17 PM.

RScty: AACoonrad