



City Council With Mayor Presiding Meeting - Monday, June 27, 2022, Contois Auditorium OR REMOTELY via ZOOM 6/27/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

June 27, 2022

MEMBERS PRESENT: Karen Paul

Joan Shannon

Jack Hanson

Ali Dieng

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

Gene Bergman

Ben Traverse

Ali House

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Stephen Ellis

Jordan Redell

Lori Olberg



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Tom Flanagan

Clare Wool

Nathan Lavery

Darren Springer

Munir Kasti

Emily Stebbins-Wheelock

Kim Sturtevant

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Paul at 5:37 PM.

MOTION by Councilor Hanson, SECOND by Councilor Traverse, to amend/adopt the agenda as follows:

- **note revised motion language for consent agenda item 7.06 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: Center Street - Daily Planet - Encumbrance Permit Request (per Assistant City Attorney McClenahan);**
- **note revised version of consent agenda item 7.28 Communication: Lori Olberg, Licensing, Voting and Records Coordinator, re: Regular Schedule of Meetings of the City Council and Board of Finance through May 2023 (per City Council President per Councilor Bergman);**
- **note FINAL version of agenda item 8.17 Resolution: Annual Appropriate And Budget For Fiscal Year Beginning July 1, 2022 And Ending June 30, 2023 (Mayor Weinberger; Board of Finance)(per CAO Schad);**
- **note revised version of agenda item 8.24 Ordinance: HOUSING and TAXES--Short Term Rentals BCO Ch. 18 & Sec. 21-31 (Ordinance Committee)(per Councilor Traverse)**

VOTING: unanimous; motion carries (Councilors Barlow, Freeman, and House absent for vote).

2. COMMUNICATION: CITY ATTORNEY'S OFFICE AND MAYOR WEINBERGER, RE: UPDATE ON COLLECTIVE BARGAINING (VERBAL) **expected executive session 5:30-6:00 pm**

2.01 Communication: City Attorney's Office and Mayor Weinberger, re: Update On Collective Bargaining (verbal) **expected executive session** 5:30 pm - 6:00 pm

Mayor Weinberger noted that the City is currently in active negotiations with each of the bargaining units, and believe that they have reached an agreement with one of them and anticipate agreement with the others in the next weeks. He said



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that the executive session will serve to update the Council on the status of negotiations.

MOTION by Councilor Bergman, SECOND by Councilor Hightower, that the Council find that premature general public knowledge of information concerning labor relations agreements with employees would clearly place the City at a substantial disadvantage with such negotiations.

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

MOTION by Councilor Bergman, SECOND by Councilor Hightower, that based upon that finding, the Council go into executive session to receive confidential updates on labor relation agreements with employees matters, pursuant to 1 VSA §313(a)(1)(B) to include Chief Administration Officer Schad, Chief of Staff Redell, outside counsel Maitland, HR Director Durfee, and Chief Locke and Acting Chief Murad.

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

3. COMMUNICATION: JEREMY FARKAS, ESQ., AND JEFFRY GLASSBERG, RE: BETA LEASE (VERBAL) **expected execution session 6:00-6:30pm**

3.01 Communication: Jeremy Farkas, Esq., and Jeffry Glassberg, re: BETA Lease (verbal)**expected executive session**6:00 pm - 6:30 pm

Mayor Weinberger noted that this item pertains to negotiations with BETA technology around an electric airplane manufacturing facility being built by them. He reminded the Council that they signed a license agreement last November to allow substantial amounts of earthwork to take place on that site, and noted that the Board of Finance has voted to recommend extending that agreement into July so that that work can continue uninterrupted. He said that that they will use the executive session to discuss a longer-term agreement between Beta and the Airport.

MOTION by Councilor Bergman, SECOND by Councilor Hightower, that the Burlington City Council find that premature general public knowledge of legal advice and information concerning the details of pending lease negotiations with Beta Technologies, Inc. to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries (Councilor Traverse recused himself; Councilor Barlow absent for vote).

MOTION by Councilor Bergman, SECOND by Councilor Hanson, that upon that finding, the Burlington City Council go into executive session to receive confidential communications, 1 VSA §313(a)(1)(F), in a pending contract and lease agreement matter, pursuant to 1 VSA §313(a)(1)(A), outside counsel Jeremy Farkas, consultant Glassberg,



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Interim Airport Director Longo, Assistant Director Lozier, and Assistant Director Friedman.

VOTING: unanimous; motion carries (Councilor Traverse recused himself; Councilor Barlow absent for vote).

4. PRESENTATION: SCHOOL AND LEADERSHIP, RE: BHS/BTC 2025 PROJECT 6:30-7:00pm

4.01 Presentation Regarding School and Leadership, re: BHS/BTC 2025 Project 6:30 pm - 7:00 pm

Superintendent Flanagan began by providing a brief update on the BHS/BTC project. He noted that the Burlington School Board chose in April to pursue Option C of the 5 conceptual designs for the reconstruction project, which is estimated to cost \$181.3 million. He said that this was also the first choice identified in a community survey that was fielded. He noted that the final schematic design in July will provide a more accurate cost estimate for this option. He additionally noted that with this option, remediation of the old building will occur in the first phase of the project construction, which is less expensive than conducting remediation prior to construction of the new building. He further noted that the project is on an aggressive timeline, as their lease at the old Macy's building is limited.

Superintendent Flanagan spoke about the original funding plan prior to June for the project. He noted that they would use \$150 million through bonding, \$10 million in ESSR funds, \$5 million in district surplus over the next five years, and \$10 million from the 2017 Capital Plan. He said that this would have resulted in funding of \$175 million on a project that is estimated to cost \$210 million—meaning a \$35 million gap that would need to be fundraised. He said that in May and June they had begun shifting the programs that would have required high bay doors to at the Tech. Center (BTC) to a future Aviation Education Center at the Airport. This results in a reduced footprint for the new high school, which could lead to a reduced price tag of \$190 million, and a narrower funding gap of \$15 million. He said that the Burlington School District has been and will continue to aggressively seek funding at the federal and State levels. He noted that there is the possibility of funding opportunities in the State's Fiscal Year 2023 budget and in future budgets.

Superintendent Flanagan briefly outlined an updated timeline. He noted that the BSD would like to return to the Council on July 18 to provide more time to connect prior to presenting a bond ballot item. He said that they anticipate providing a ballot item for the City Council's consideration at its August 15th meeting, and they anticipate a bond vote on November 8.

Councilor Hanson asked about the sustainability of the new building and whether it will be net zero. Finance Director Lavery said that they have not made a final decision about whether the building will be net zero but have committed to obtaining a LEED certification and other opportunities to minimize energy costs and use less fossil fuels during the construction period.

Councilor Traverse said that the State standards for PCB emissions have changed since the high school was shut down and said that the State should have a school construction fund. He asked how firm BSD is on its current cost information. Superintendent Flanagan said that they will have more finalized numbers once final schematic design is completed. Councilor Traverse asked whether the availability of bond money would impact other sources of funding.



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Councilor Bergman asked whether there are other opportunities to reduce the footprint of the BTC while still providing a high standard of technical education. Superintendent Flanagan replied that there is very strong programming at BTC and that it is very appropriate for it to be located there. He added that having faculty at a number of different sites would not create the cohesive team that BTC is looking to cultivate. Councilor Bergman asked how much PCB remediation funding is available. Finance Director Lavery said that they do not yet know the total picture of all sources of funding, but are taking that inventory and also pursuing some creative and innovative ways to become eligible for programs.

Councilor Carpenter asked why this project cannot wait until March and whether they would have more clarity if they did so. Superintendent Flanagan replied that if they wait until March, they would lose a year from the timeline. He said that it does not make sense to push the date back to March.

Councilor Shannon asked how much of the burden of cost for this project will be shouldered by State taxpayers versus local taxpayers. Finance Director Lavery replied that while they don't know how much for certain, they do know that State taxpayers will be impacted by these costs. Councilor Shannon asked if a capital bond is different than a budget in terms of how it's funded. Finance Director Lavery replied that it isn't and that the bond debt is considered part of the total spending, though he said it is excluded from penalties for excess spending.

Councilor Dieng asked about the previous \$70 million bond that was approved by voters and how that interacts with this work. Finance Director Lavery replied that BSD received authorization to spend up to \$70 million on the BHS/BTC Re-envisioning project that was meant to renovate the campus, and it was in the initial phase of this that the PCBs were detected in the school. He said that they have spent \$4 million of that bond. He said that they also borrowed but returned unspent another \$20 million, as the renovation never took place. He said that it did not feel right to repurpose the remainder of the bond, as the purpose for which the voters approved it would not occur, so it will remain unspent. Councilor Dieng said that this process should not be rushed, and he would like more information on net zero energy and the actual price of reconstruction prior to making further decisions.

Councilor Carpenter said that it would be helpful if BSD could work with the State's Department of Taxes to create an interactive portal so that voters can plug in their income information and see what the impact of this cost on their taxes would be.

Mayor Weinberger said that the City will strongly support BSD in terms of bonding and communicating this project to the voters.

5. PUBLIC FORUM

5.01 Verbal Comments

Forum opened at 7:20 PM.



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COMMENTS:

Burlington residents (in person):

- Melo Grant expressed concern about rhetoric coming from the Police Department regarding the Black community, specifically that the Black community is being profiled as responsible for the City's gun violence. She said that this rhetoric is hurtful, dangerous, and untrue.
- Abbott Stark said that as a housing provider in Burlington, he has used his income from short-term rentals to enable him to actually purchase his own home.
- Erik Kronk said that in the last two months he has been woken up by a series of gunshots, has seen groups of people publicly using drugs at City Hall Park, and has seen a growing drug market in City Hall Park. He expressed concern that these incidents are occurring, and said that he has never experienced them before in his over three decades of living in Burlington.
- Chris Haessley reminded the Council that many short-term rental hosts put their units on the short-term market after they had had negative experiences with their units on the long-term market. He noted that many of them would be reluctant to move their units back to the long-term market, even if an ordinance were passed to make short-term renting more difficult. He said that STRs should be regulated but that it needs to be done carefully to balance competing interests.
- Sheryl Bartilier spoke as a long-term Burlington resident about her concerns with the homeless population and how it has ballooned over the last several months.

Burlington residents (via Zoom):

- Amy Magyar spoke as a short-term rental host and noted that the bulk of short-term rental hosts are individuals, not developers.
- June Lees spoke about how having a short-term rental unit has helped her pay her taxes and supplement her income. She said that the problem with STRs is with units owned by developers or hosts who don't live in the unit. She said that she does not agree with the Mayor for vetoing the STR bill.
- Ben Gold acknowledged that there is a housing shortage in Burlington but said that it is not caused by STRs. He said that the proportion of housing in Burlington that is for STRs is very low. He said that having STRs in the City benefits the local economy, since it increases tourism. He said that having an STR has allowed him to help pay real estate taxes on his home in Burlington.
- Diana Carlisle spoke about how some STRs are turning into party houses, which are extremely disruptive to neighbors. She said that STRs need to be regulated and people should not be able to rent out an entire house as an STR.
- Shawn Hurley said that regulations should be passed around STRs and that the lack of an explicit policy has not helped the situation.
- Deb Ward Lyons expressed concern that the 9% tax placed on STR would not be applied to inns or hotels. She said that the City should hold the University of Vermont responsible for increasing their enrollment while not also increasing their amount of on-campus housing.

Non-Burlington residents (in person):

- Julia Marks spoke about housing and safety in Burlington. She spoke about how she is unable to take care of her properties due to the increased costs related to doing so, and that she is unable to take care of her tenants due to



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skyrocketing crime and lack of policing.

Non-Burlington residents (via Zoom):

- She said that the STR option helps her to be able to defray costs for her long-term residents.
- David ___ said that as a retired carpenter, he is unable to make income except for through his short-term rental unit and that a proposed 9% tax hike on STRs would drive people to use hotels or inns instead.
- Eric Chase from Mansfield Heliflight Inc said he has been following the BETA developments at the Airport. He expressed concern about the allowances made for the development that is occurring and that it is unclear how further development will transpire.

Forum closed at 8:02 PM.

6. CLIMATE EMERGENCY REPORTS

6.01 Climate Emergency Reports

Councilor Hanson said that there is a growing movement where municipalities are banning new gas stations and said that he will follow up later with more information. He said that this is an important simple step that could be taken by the City in terms of making progress in the climate emergency.

7. CONSENT AGENDA

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

7.02 Communication: CT Office, re: Accountability List as of June 23, 2022 - waive the reading, accept the communication and place it on file.

7.03 Communication: Scot Barker, Chief Innovation Officer, re: Contract Renewal for Continuing Engagement with Managed Security Services Provider - approve and recommend the Chief Innovation Officer be authorized to execute a two-year contract with a vendor to provide managed security services in an amount up to \$110,000, subject to approval by the City Attorney's Office.

7.04 Communication: Scot Barker, Chief Innovation Officer, Tim Clancy, Human Resources Manager, re: Innovation & Technology Position Change - approve (1) The elimination of a Senior GIS Analyst/I&T Programmer a Regular, Full-time, Exempt, Non-Union, Grade 19 position; and (2) The creation of a new Technology Support Specialist position, a Regular, Full-time, Non-Union, Non-Exempt, market factor position (TSS-MFA)

7.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 88 Oak Street - Cafe Mamajuana - Encumbrance Permit Request - approve the Encumbrance Application for 88 Oak Street requesting use of the public right-of-way for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, conditioned upon Public Works Commission approval of the proposed Appendix C change removing the 15-minute parking space on Oak Street and subject to review by the City Attorney's Office.



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7.06 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: Center Street - Daily Planet - Encumbrance Permit Request - approve the Encumbrance Application requesting to occupy an approximately 8 foot by 43 foot section of the right of way adjacent to the premises at 15 Center Street in order to place a parklet, as further detailed in the drawing and map contained in Exhibit B, conditioned upon the Public Works Commission's approval of the temporary decommissioning of 5 metered parking spaces on the opposite side of the street to allow for a lane-shift to accommodate continued flow of traffic around the requested encumbrance, and to further and to authorize the Mayor to enter into a license agreement with the Applicant for use of said portion of the right of way, subject to review by the City Attorney's Office.

7.07 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 189 Bank Street - El Cortijo - Encumbrance Permit Request - approve the Encumbrance Application for 189 Bank Street requesting use of the metered parking stalls for outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

7.08 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 156 North Winooski Avenue - Maudite Poutine - Encumbrance Permit Request - approve the Encumbrance Application for 156 North Winooski Avenue requesting use of the on-street public parking stall for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

7.09 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 126 College Street - Onyx Tonics - Encumbrance Permit Request - approve the Encumbrance Application for 126 College Street requesting use of a metered parking stalls for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

7.10 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 152 Saint Paul Street - Trattoria Delia - Encumbrance Permit Request - approve the Encumbrance Application for 152 Saint Paul Street requesting use of the pervious paver treebelt area for outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

7.11 Communication: City Councilor Karen Paul, re: Request for allocation of 2,200 to purchase a second portable floor camera for Contois Auditorium - request \$2,200 out of the FY22 budget Council initiatives line item for this expenditure.

7.12 Communication: Doreen Kraft, BCA Director, Kerin Durfee, Director of Human Resources, Timothy Clancy, Human Resources Manager, re: Reclassification of One (1) BCA Position - approve the reclassification of the Customer Service Assistant Event Coordinator, a Regular, Full-time, Non-Exempt, Non-union, Grade 12, position to Administrative Assistant, a Regular, Full-time, Non-Exempt, Non-union, Grade 13, position.

7.13 Communication: Brian Pine, CEDO Director and Rachel Jolly, Assistant Director, CJC, re: Court Diversion Grant #02100-FY2023-CN - approve the acceptance of the State of Vermont Grant Award #02100-FY2023-CN, in the amount of \$490,173, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2023, and to authorize CEDO Director, Brian Pine to sign the grant amendment, and all other documents necessary to implement the grant, subject to the review and approval of the City Attorney's Office.

7.14 Communication: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation, and Waterfront, re: Reclassification of Heating, Ventilation, Air Conditioning (HVAC) Technician - approve the reclassification of the HVAC Technician position, a Regular, Full-time, AFSCME, Non Exempt, Grade 15, position to a Regular, Full-time, AFSCME, Non-Exempt, Grade 17, position.



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7.15 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, 71 South Union Street #4, private parking lot, amplified music: yes, dancing by patrons: possibly, June 26, 2022, 4 pm - 10 pm, One - Year Anniversary Party - ratify the one day only special event outdoor entertainment permit application for The Wallflower Collective, 71 South Union Street #4, private parking lot, amplified music: yes, dancing by patrons: possibly, June 26, 2022, 4 pm - 10 pm, One - Year Anniversary Party.

7.16 Communication: Martin Lee and Megan Moir, DPW - Water Resources, re: East Plant Wastewater Plant Outfall Repair - approve and authorize Chapin Spencer, the Director of Public Works, to execute a construction contract with Engineers Construction Inc. for the East Wastewater Descriptions Project Costs FEMA (90%) State (3%) City Sewer City Storm Base Bid with 15% Contingency \$ 99,852 \$59,548.50 \$ 1,984.95 \$38,318.55 Stormwater Bid Alternate with 15% Contingency \$ 8,798 \$8,798.00 Base Engineering Contract \$ 34,000 \$30,600.00 \$ 1,020.00 \$ 2,380.00 Engineering Amendment with Stormwater Items \$ 8,500 \$8,500.00 TOTAL: \$ 151,150 \$ 90,149 \$ 3,005 \$ 40,699 \$ 17,298 Revenues Plant Outfall Repair project in the amount of \$94,477.00, with an additional authorization to amend the contract and expend contingency funds in the amount up to \$14,173.00 if contingency funds are needed to complete the project, for a total project amount of \$108,650.00 in authorized expenditure, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.

7.17 Communication: Cindi Wight, Director of Parks, Recreation & Waterfront and Gary Rogers, Recreation Superintendent, re: Recreation Division Grant Awards for Summer 2022 & 2023 - 1. To approve and accept the grant funds allotted to the Recreation Division by the Burlington School District for summer 2022; and 2. To approve and accept the grant funds allotted to the Recreation Division by VT Afterschool for summer 2022 and summer 2023.

7.18 Communication: Kara Alnasrawi, Church Street Marketplace Director, re: Grant Acceptance for Repairs and Maintenance of the Church Street Marketplace - authorize the Director of the Church Street Marketplace to enter into an agreement with the U.S. Small Business Administration, subject to final review from the City Attorney's Office, to accept a grant award of \$1 million to fund repairs to the Church Street Marketplace.

7.19 Communication: Darren Springer, General Manager, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, Mike Kanarick, Manager of Customer Care, Communications & Energy Services, Tim Clancy, Human Resources Manager, re: BED Position Changes - approve:

(1) the elimination a Sustainability Officer, a Regular, Full-time, Exempt, Non-Union, Grade NS7 position; (2) the creation of a new Net Zero Project & Equity Specialist, a Regular, Full-time, Exempt, Union, Grade A4 and A6 (depending on tiered level) position; (3) the creation of a Project Manager/Business Analyst, a Regular, Full-time, Exempt, Union, Grade A4 and A6 (depending on tiered level) position; and (4) eliminate a Commercial & Industrial Energy Services Engineer, a Regular, Full-time, Exempt, Non-Union, Grade NS4 position and create a Net Zero Energy Services Engineer, a Regular, Full-time, Exempt, Non-Union, Grade NS4 position.

7.20 Communication: Kara Alnasrawi, Director of Economic Recovery, Rebecca Rees, Early Learning Initiative Manager, re: Authorization for the Fourth Amendment to Child Care resources contract for technical assistance and fund disbursement for ELI First Steps Scholarship Program, up to an additional \$40,000 in project funding - authorize the Director of Economic Recovery enter into a contract extension by executing a fourth amendment to the existing contract with Child Care Resource for professional consulting services for up to an additional \$40,000 for a total over the life of the contract of \$104,000 to provide technical assistance and fund disbursement for the First Steps Scholarship Program, subject to conditions enumerated in the agreement to be reviewed and approved by the City Attorney's Office.

7.21 Communication: Marie Friedman, Chief Financial Officer, Nic Longo, Acting Director of Aviation, re: Request for Approval of a \$160,000 Budget Neutral Amendment to the FY2022 Burlington International Airport Budget - approve a budget neutral amendment to the Fiscal Year 2022 Burlington International Airport budget in the amount of \$160,000 by increasing the accounts as described in the affiliated memorandum.





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7.22 Communication: Marie Friedman, Chief Financial Officer, Nic Longo, Acting Director of Aviation, re: Request for Approval of a \$989,799 Budget Neutral Amendment to the FY2022 Burlington International Airport Budget - approve a budget neutral amendment to the Fiscal Year 2022 Burlington International Airport budget in the amount of \$989,799 by increasing the accounts as described in the affiliated memorandum.

7.23 Communication: Nic Longo, Acting Director of Aviation, re: Authorization to Execute a Lease Amendment to the Airline Lease Agreement for a One Year Extension - approve that the Mayor of Burlington, Miro Weinberger, be authorized to execute an additional one year Airline Lease Agreement amendment with Delta Air Lines, JetBlue Airways, American Airlines, Frontier Airlines and United Airlines, subject to the final review and approval by the Office of the City Attorney.

7.24 Communication: Nic Longo, Acting Director of Aviation, re: Contract for the Engineering and Bidding Services with Passero Associates for the North Terminal Second Floor Renovations - authorize the Acting Director of Aviation to execute a contract with Passero Associates in an amount of \$148,300.00, plus a 15% contingency as allowed under the anticipated grant of \$22,245.00, totaling up to \$170,545.00, for the Engineering and Bidding Services for the North Terminal Second Floor Renovations For Transportation Security Administration Check Point Relocation, subject to the final review and approval by the Office of the City Attorney.

7.25 Communication: Nic Longo, Acting Director of Aviation, re: Request for Authorization to Enter into a Non-Signatory Airline Lease Agreement with Sun Country, Inc. - approve and authorize the Burlington International Acting Airport Director of Aviation, to execute a Non-Signatory Airline Lease Agreement, approved by the City Attorney's Office, with Sun Country, Inc.

7.26 Communication: Burlington International Airport Nicolas Longo, Acting Director of Aviation, re: Request to Execute an Amendment to the License Agreement with Beta Technologies, Inc. (BETA) for the Continuation of Earthwork to Create a Developable Area at the Burlington International Airport - authorize the Acting Director of Aviation to execute a license agreement between Burlington International Airport and Beta Technologies, Inc. to execute an amendment to the previously executed license agreement between Burlington International Airport and Beta Technologies, Inc. to extend the term of the agreement up to the end of July 31, 2022 for the continuation of earthwork performance to create a developable area at the Burlington International Airport, subject to final review and approval of the City Attorney's Office.

7.27 Communication: Nicholas Longo and Doreen Kraft, re: Authorization to Execute a Contract to relocate and revise a public artwork installed at the Burlington International Airport by Andrea Wasserman and Elizabeth Billings - 1. "To authorize the Director of Burlington City Arts to execute a contract with Andrea Wasserman and Elizabeth Billings to revise their artwork Maple Apple Birch at the Burlington International Airport in the amount of \$53,500 plus a 10% contingency for a total contract award amount of \$58,850, subject to review and approval by the City Attorney's Office; and 2. To authorize a budget amendment by transferring funds from the Burlington Internal Airport Enterprise Fund to the Public Art Capital Fund as detailed in Attachment B, subject to review and approval by the Chief Administrative Officer."

7.28 Communication: Lori Olberg, Licensing, Voting and Records Coordinator, re: Regular Schedule of Meetings of the City Council and Board of Finance through May 2023 - waive the reading, accept the communication, place it on file and approve the City Council and Board of Finance Meeting Schedule as listed.

7.29 Communication: Mark A. Levine, MD, Commissioner of Health, re: William Ward as Town Health Officer - waive the reading, accept the communication and place it on file.

7.30 Communication: R. Marcus West to Governor Phil Scott, re: VETO OF SAFE SHOOT-UP SITES LEGISLATION - waive the reading, accept the communication and place it on file.

7.31 Communication: Hans Smith, re: City Hall Park/Splash pad - waive the reading, accept the communication and place it on file.



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7.32 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Marketplace Garage Repair - authorize the Director of Public Works to execute a contract with Structural Preservation Systems, LLC for a maximum limiting amount of \$495,955 and a contingency of \$50,000, for a total authorized expenditure amount of \$545,955, for repairs to the Marketplace Garage, subject to review and approval

by the City Attorney's Office and approval by the Chief Administrative Office for compliance with the City's procurement and expenditure policies.

7.33 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Design/Build Stair Replacement Lakeview Garage Southwest Tower - authorize the Director of the Department of Public Works to execute a contract with Jeffords Steel for design-build services related to replacement of the southwest stair tower at the Lakeview Garage for a total contract value of \$182,900 and a contingency of \$20,000, for a total authorized project expenditure amount of \$202,900 subject to review and approval by the City Attorney's Office.

7.34 Communication: Kara Alnasrawi, Director, Economic Recovery, Director, CSM, re: Update Regarding Cannabis - waive the reading, accept the communication and place it on file.

7.35 FIO Documents – for information only.

7.36 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE – Steep Slopes ZA #22-03 (Office of City Planning, Planning Commission)(1st reading) - waive the first reading and refer to the Ordinance Committee.

7.37 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE – Burlington High School Zoning ZA #22-05 (Office of City Planning, Planning Commission)(1st reading) - waive the first reading and refer to the Ordinance Committee.

7.38 Resolution: Queen City Park Road And Austin Drive Bicycle And Pedestrian Scoping Study (Transportation, Energy, and Utilities Committee) – waive the reading and adopt the resolution.

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, to amend/adopt the consent agenda and take the actions as indicated for items 7.01-7.38.

VOTING: unanimous; motion carries (City Council President Paul recused from Item 7.20 and Councilor Traverse recused from Item 7.26).

8. DELIBERATIVE AGENDA

8.01 Indoor Entertainment Permit Application (2022-2023): APON OPCO LLC, d/b/a Nectar's, 188 Main Street (5 mins.)

MOTION by Councilor Shannon, SECOND by Councilor Hanson, to approve the 2022-2023 Indoor Entertainment Permit Application for APON OPCO LLC, d/b/a Nectar's, 188 Main Street with all standard conditions.

VOTING: unanimous; motion carries.



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8.02 Outdoor Entertainment Permit Application (2022-2023): Main Street Landing, 1 Main Street, Suite 301, Thursdays between July 14th and September 1st: 5:00 pm – 7:30 pm, amplified music: yes, dancing by patrons: hopefully (5 mins.)

MOTION by Councilor Shannon, SECOND by Councilor Hanson, to approve the 2022-2023 Outdoor Entertainment Permit Application for Main Street Landing, 1 Main Street, Suite 301, Thursdays between July 14th and September 1st: 5:00 pm – 7:30 pm, amplified music: yes, dancing by patrons: hopefully.

VOTING: unanimous; motion carries.

8.03 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And IBEW (July 1, 2022- June 30, 2026 (Board of Finance)(10 mins.)

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

DISCUSSION:

- **Mayor Weinberger noted that the City is in the process of negotiating collective bargaining agreements with all four bargaining units, and this is the first of those four. He said that IBEW is a consistent partner and collaborator with the City.**

VOTING: unanimous; motion carries.

8.04 Communication: Boards and Commissions Selection Committee, re: 2022 Board and Commission Worksheet: CC and CCM (10 mins.)

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, to approve the slate as listed regarding the 2022 Board and Commission Appointments. The slate is as follows: Chittenden County Solid Waste District – Lee Perry; Chittenden Solid Waste District (alternate) – re-advertise; Church Street Marketplace Commission – Mark Bouchett; Church Street Marketplace Commission – Christopher Haessly; Church Street Marketplace Commission – Linda Magoon; Church Street Marketplace Commission – Sam Tolstoi; Fence Viewer – Shay Totten; Fence Viewer – re-advertise; Fence Viewer – re-advertise; Green Mountain Transit Board (alternate) – Tom Derenthal; Green Mountain Transit Board – Chapin Spencer; Housing Board of Review – Betsy McGavisk; Housing Board of Review – Olivia Irene Taylor; Housing Board of Review – Josh Wronski.

VOTING: unanimous; motion carries.



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8.05 Appointment: Chittenden Solid Waste District (term expires 05/31/24)

See item 8.04 above.

8.06 Appointment: Church Street Marketplace Commission (term expires 06/30/25)

See item 8.04 above.

8.07 Appointment: Church Street Marketplace Commission (term expires 06/30/25)

See item 8.04 above.

8.08 Appointment: Church Street Marketplace Commission (term expires 06/30/25)

See item 8.04 above.

8.09 Appointment: Church Street Marketplace Commission (term expires 06/30/25)

See item 8.04 above.

8.10 Appointment: Fence Viewer (term expires 06/30/23)

See item 8.04 above.

8.11 Appointment: Green Mountain Transit Board – alternate (term expires 06/30/25)

See item 8.04 above.

8.12 Appointment: Green Mountain Transit Board (term expires 06/30/25)

See item 8.04 above.

8.13 Appointment: Housing Board of Review (term expires 06/30/25)

See item 8.04 above.



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8.14 Appointment: Housing Board of Review (term expires 06/30/25)

See item 8.04 above.

8.15 Appointment: Housing Board of Review (term expires 06/30/25)

See item 8.04 above.

8.16 Communication: Mayor Miro Weinberger, re: Aviation Director Market Factor Adjustment (15 mins.)

MOTION by Councilor Barlow, SECOND by Councilor Traverse, to authorize and approve the reclassification of the position of Aviation Director consistent with the market factor compensation range of \$138,168 to \$196,879.

DISCUSSION:

- Mayor Weinberger said that the City is seeking action from the Council to adjust the compensation for the Aviation Director so that they can continue the search process that is currently underway. He said that the search campaign is being conducted nationally. He said that this adjustment would make this position competitive with other similar airports.
- Councilor Hanson said that though the range is very wide, this position is funded through Airport revenue and not taxpayer dollars.
- Councilor Bergman said that he is upset and concerned about the growing inequality of wealth and said that he is not supportive of increasing executive compensation.
- Councilor Dieng said that Airport transformation is occurring quickly and needs as strong of a leadership as possible.

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

8.17 Resolution: Annual Appropriation And Budget For Fiscal Year Beginning July 1, 2022 And Ending June 30, 2023 (Mayor Weinberger; Board of Finance)(30 mins.)

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

DISCUSSION:

- Mayor Weinberger said that this is the proposed 2023 Fiscal Year budget. He said that there have been many



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challenges with putting this budget together (for example, the tax increase that was not approved by the voters), but that this budget was developed collaboratively with the Council and City staff over a number of months. He highlighted several areas of the budget, including substantial investment in public safety and alternative public safety resources, a focus on net zero energy, investments in public infrastructure, and investments in smaller initiatives like the recycler toter program, and finding a long-term home for the City's IT equipment, capital investments in parks, cemeteries, and public buildings. He said that resident should see an overall reduction in their property taxes of about 4%.

- Councilor Bergman said that he looks forward to the transportation demand management study as a good step toward moving away from fossil-fuel burning transportation, stressed the importance of the jobs and people study as a step toward community wealth building, and expressed support for the alternative public safety resources included in the budget. He said that he would like to see important components of the budget, such as the reparations task force and the REIB Department, funded through permanent fund sources and not one-time federal money.
- Councilor Dieng commended the administration's efforts to present a balanced budget without cutting staff or salaries, despite a budget gap, and additionally commended the administration's collaboration with the Council in developing the budget.
- Councilor Hanson said that he is concerned with staff capacity to conduct the major studies around the climate emergency, even though consultants are also being utilized. He said he is concerned with bottlenecks in the policy development and implementation.
- Councilor Magee said that he would like to find funding in the future to support the Robert Kemp Center. He noted the administration's willingness to support additional CSO and CSL positions, given the success that current staff in those positions have had. He also expressed support for a crisis response team.

VOTING: unanimous; motion carries.

8.18 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2022 And Ending June 30, 2023 (Mayor Weinberger; Board of Finance)(10 mins.)

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

DISCUSSION:

- Chief Administration Officer Schad said that the tax rate is made up of a number of different tax rates, for example, the Housing Trust, Pennies for Parks, street capital, highway, debt service, and retirement. She said that the general city tax rate will be at the same rate as in FY22. She said that some of the special rates noted above were capped last year at a lower rate than authorized by voters, but this year those are being funded at cap to support investments. She said that the combined education/municipal tax rate should decrease for FY23.

VOTING: unanimous; motion carries.



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8.19 Resolution: Authorization For Refunding Public Improvement Bonds (Board of Finance)(10 mins.)

MOTION by Councilor Magee, SECOND by Councilor Dieng, to suspend the rules and permit items 8.19 and 8.23 to be moved as a slate.

VOTING: unanimous; motion carries.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to waive the reading and adopt the resolutions for items 8.19 to 8.23.

VOTING: unanimous; motion carries.

8.20 Resolution: Authorization For Short Term Public Improvement Bonds For Fiscal Year 2023 (Board of Finance)(10 mins.)

See item 8.19 above.

8.21 Resolution: Authorization For Capital Public Improvement Infrastructure Bonds – March 1, 2022 Voter Authorization (Board of Finance)(10 mins.)

See item 8.19 above.

8.22 Resolution: Authorization For Public Improvement Bonds For City's Downtown TIF District (Board of Finance)(10 mins.)

See item 8.19 above.

8.23 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Traffic Division Of The Public Works Department (Board of Finance)(10 mins.)

See item 8.19 above.

8.24 Ordinance: HOUSING and TAXES–Short Term Rentals BCO Ch. 18 & Sec. 21-31(Ordinance Committee)(20 mins.)

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



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VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, **SECOND** by Councilor Carpenter, to waive the second reading and adopt the ordinance as amended.

DISCUSSION:

- Councilor Traverse said that it is important to recognize that short-term rentals are beneficial to the community and local economy, while also recognizing that there is a housing crisis and that this Council take action to address that crisis and increase the City's housing stock both for ownership and long-term rental. He said that there are 200-300 units currently in use for STRs (around 1% of the City's housing stock). He said that in brief, this will require that nearly all short-term rentals would need to be connected to a host's primary residence, hosts would be limited to renting out 1 unit as a short-term rental, provisions for tenant protections, and a number of minimum standards that will be put into place. He said that more significantly, gross receipts tax can now be applied to Airbnbs and short-term rentals, and he said that this could generate more than \$400,000 per year for the City's Housing Trust Fund.

MOTION TO AMEND by Councilor Traverse, **SECOND** by Councilor Hightower, to amend Line 151 to add the phrase "in excess of any applicable required inclusionary units;" and to amend Line 158 to add the sentence "A host who is a tenant may only register a short-term rental in their primary residence."

VOTING (on amendment): unanimous; motion carries.

DISCUSSION OF ORDINANCE AS AMENDED:

- Councilor Hightower noted that STRs have outpaced vacancy rates. She said that this ordinance is a good compromise that balances the needs of individual STR hosts while limiting STRs for developers or investment properties, and that the Council has the ability to amend this ordinance in future should that be needed.
- Councilor Bergman said that he supports this as amended, since it closes some loopholes. He said that loopholes around corporate ownership still remain open. He said that he would have liked to limit this to rooms in hosts' primary residences. He said that having an STR registry is important. He expressed support for the incorporation of the gross receipts tax.
- Councilor Shannon noted that there were 400 STRs in 2020 and that 71% of those were whole-unit rentals. She said that these numbers are not 1% of the total number of units, and that the numbers are increasing. She said that this ordinance would still allow whole-unit rentals, which are the most significant problem with STRs. She noted that STRs are exempted from the requirement to obtain a zoning permit when they change their use, and are the only exempted entities other than day care centers. She expressed concern about this. She said that this ordinance does not do enough to preserve housing stock. She said that current regulations do more to halt short-term rentals than this proposed regulation, and said she will not be supporting this.
- Councilor Hanson agreed, saying that this ordinance does not do enough to protect both housing stock or small businesses.



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- **Councilor Carpenter said that this ordinance would go further than current regulations to restrict STRs.**
- **Mayor Weinberger said that this ordinance would give clarity on how STRs would be regulated. He said that this is the last of the five reforms that had been issued in recommendations from the Mayor's housing summit in 2019. He is supportive that the taxes raised through this ordinance would double the funding in the Housing Trust Fund.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – absent, Councilor Hanson – nay, Councilor Hightower – aye, Councilor House – absent; Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (8 ayes, 2 nays, 2 absent); motion carries.

8.25 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE – Short Term Rentals ZA #22-08 (Councilor Carpenter)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the second reading and refer the amendment to the Planning Commission to correct any technical deficiencies and make any recommendation or opinion it considers appropriate and, thereafter, promptly submit the amendment to the City Council for public hearing.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Hightower, to amend the definition of a short-term rental to strike “per calendar year” and replace with “14 days during any rolling 12-month period.”

DISCUSSION OF AMENDMENT:

- **Councilor Shannon said that this is the component of the ordinance that would eliminate the public process, the discretion, and the ability to appeal, which would make it significantly easier to establish an STR.**

VOTING (on amendment): unanimous; motion carries.

VOTING (on ordinance as amended): 8 ayes, 2 nays (Councilors Hanson and Shannon), 2 absent; motion carries.

9. COMMITTEE REPORTS

9.01 Verbal Reports

None at this time.

10. CITY COUNCIL – GENERAL AFFAIRS





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10.01 Verbal Reports

None at this time.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.01 Verbal Reports

None at this time.

12. MAYOR – GENERAL AFFAIRS

12.01 Verbal Reports

None at this time.

13. ADJOURNMENT

13.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 11:22 PM.

RScty: AACoonrad