



**Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm,
Remote and Virtual Access: The Regular City Council Meeting will
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BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

May 18, 2020

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Franklin Paulino

Perri Freeman

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

OTHERS PRESENT: Miro Weinberger

Eileen Blackwood

Jordan Redell

Luke McGowan

Jeff Glassberg



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Katie Kinstedt

Chapin Spencer

Norm Baldwin

Darren Springer

Laura Wheelock

Olivia LaVecchia

Rich Goodwin

Todd Rawlings

Lori Olberg

Amy Bovee

David White

Bill Ward

Gail Champnois

1. CALL TO ORDER and AGENDA

The meeting was called to order by Council President Tracy at 6:05 PM.

MOTION by Councilor Hightower, SECOND by Councilor Paul, to approve the agenda with the following amendments:

- **note written materials for agenda item 3.01 UVM/Code Enforcement Update on Spring Move Out (per Gail Champnois);**
- **note written material for consent agenda item 6.10 Communication: Katherine Schad, CAO, re: Calendar for FY21 Budget Process (per CAO Schad);**
- **add to the consent agenda item 6.13 Communication: Sara Denny, re: Requiring masks in stores with the motion to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 6.14 Communication: Mary Campbell, re: Require masks on customers shopping in 05401 with the motion to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 6.15 Communication: Martha Day, re: Customers wearing masks in retail stores with the motion to "waive the reading, accept the communication and place it on file";**





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- **add to the consent agenda item 6.16 Communication: Maya Campbell, re: COVID Retail Response with the motion to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 6.17 Communication: Kathy Rouleau, re: Vote on mask mandate in stores with the motion to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 6.18 Communication: Carl and Ellie Potter, re: retail customer masks with the motion to "waive the reading, accept the communication and place it on file";**
- **add Councilor Paulino as a co-sponsor for agenda item 7.06 Resolution: COVID - 19 Emergency Order - Wearing Face Coverings Required In Retail Stores (Councilors Shannon, Hightower, Pine, Stromberg, Hanson) (per Councilor Paulino); note revised version of this agenda item (per City Attorney's Office);**
- **add Councilor Paul as a co-sponsor for agenda item 7.07 Resolution: Removal Of "Everyone Loves A Parade" Mural (Councilors Pine, Dieng, Carpenter, Stromberg, Hanson, Tracy)(per Councilor Pine); note proposed amendments for this agenda item (per Councilor Carpenter).**

2. CITY PLACE UPDATE

2.01 Public update on City Place

Jeff Glassberg provided an update on the City Place project. He gave a brief review of the goals and outcomes of the City Place project, which include the restoration of St. Paul and Pine St. rights of way to reestablish the city street grid, generation of incremental tax revenue to pay for these improvements, and development of housing units, some of which will be designated as affordable housing. He noted that the developer has continued to refine its design and plan in preparation for submission of their permit application. He noted that significant progress has not been made since the COVID-19-related stay at home order was issued in March, and that COVID-19 has had significant impact on project progress. He added that the developer continues to voice confidence in Burlington and the project in the long term. He further noted that new challenges may arise for the project due to COVID-19, including the damage done to downtown retail business due to the stay at home orders, as well as the availability of commercial financing for some elements of the project over the next 12 months. He finally noted that the City may need to adjust its expectations of the developer regarding the timeline and terms for the development agreement amendment, and hopes to discuss some of these points of negotiation in an executive session.

Councilor Pine asked for Mr. Glassberg's perspective on the likelihood that the City Place project will come to fruition. Mr. Glassberg responded that the project is on a highly desirable site in a vibrant downtown and that the prospects for development of this site are good.

Councilor Hanson asked about the timeline for the project. Mr. Glassberg replied that the developer is in the best position to answer timeline questions, noting that the City could realistically expect no commencement of construction this calendar year.

Councilor Freeman asked what underlying issues were already present to cause delays in this project, and what delays are due to COVID-19. Mr. Glassberg replied that City Place 2.0 was an effort to address market conditions and construction costs and have a plan that is more responsive to both. He added that it will take time for market conditions and financial markets to settle out.



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

Councilor Mason noted that the developer had said that delays were related to permitting. Mr. Glassberg confirmed this, adding that there were two discrete permitting processes, one of which (for reuse of an existing building) could move forward more quickly than the other.

Councilor Hanson asked whether the developer would be willing to give an update to City Council, and Mr. Glassberg replied that yes, this is an expectation of the developer.

Councilor Paulino noted that in prior public comments the developer hadn't committed to starting work on the Macy's building first, and asked Mr. Glassberg if that had changed. Mr. Glassberg replied that the developer is still approaching the project holistically, as an entire package.

Council President Tracy noted that the COVID-19 crisis has shown that a heavy reliance on tourism dollars carries risks, and Mr. Glassberg agreed and noted that this concern is shared by a range of investors and lenders.

MOTION by Councilor Hanson, SECOND by Councilor Mason, that the City Council find the necessity to enter into executive session to discuss ongoing negotiations with the developer, and that premature disclosure would put the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Stromberg, SECOND by Councilor Paul, that, based on the finding, the City Council enter into executive session.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:34 PM.

2.02 Expected Executive Session

City Council President Tracy brought the City Council back from executive session and resumed the meeting at 7:36 PM. He led the Council in the Pledge of Allegiance.

3. UVM/CODE ENFORCEMENT UPDATE ON SPRING MOVE-OUT (VERBAL)



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

3.01 UVM/Code Enforcement Update on Spring Move Out (verbal)

Gail Shampnois, Director of the UVM Office of Student of Community Relations, and Bill Ward, Director of Code Enforcement, spoke on this topic.

Mr. Ward noted that code inspectors are out patrolling regularly, and have handled 151 trash issues since April 1, with a 6-day turnaround average. He noted that 70% of the moving tenants surveyed were moving from one rental unit to another in town, and that 30% of them were coming from out of town to move belongings out of town or to another state.

Ms. Shampnois gave an overview of the communications and resources being distributed to off-campus students by the Office of Student & Community Relations department. She noted that the most popular move-in/move-out dates for students will be the weeks of May 18th and May 25th.

Mr. Ward further noted that move-ins after June 1 and through the fall will be affected by the Governor's order to quarantine, adding that UVM will be communicating further direction to students on this topic, as well as providing resources such as on-campus storage, supported isolation for quarantining students, and a potential testing protocol for returning students.

Councilor Hightower asked what other behavior changes UVM is advising for students, beyond the move-in information. Ms. Shampnois replied that UVM is recommending the wearing of masks and social distancing for all students.

Councilor Shannon noted that the state is beginning a heightened strategy of contact tracing and a quarantine order for those returning from out of state, and asked if UVM knows where their off-campus students are located and whether UVM is communicating to them regarding the expectations and law around the quarantine order. Ms. Shampnois replied that the University still needs to develop an approach for contact tracing, and that UVM knows roughly which neighborhoods have the highest concentration of students living off-campus. Councilor Shannon noted the importance of ensuring that returning students are compliant with any public health orders.

Councilor Freeman asked about regulations around sanitization of units, noting that Burlington is in a more vulnerable position than other municipalities in Vermont, with higher population density and higher rate of rental unit turnover concentrated around a single date. Mr. Ward replied that Vermont sets forth requirements for essential maintenance practices in statute, which have more to do with addressing lead hazards in older structures than COVID-19. He added that the code enforcement office is the point of contact for residents who move into apartments that are not clean. He added that the best way for residents to determine whether a property is sanitized is to use their own senses and reach out to code enforcement and the landlord if needed.

4. PUBLIC FORUM



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

4.01 Verbal Comments

COMMENTS:

- Robert Kiernan spoke in favor of the proposed resolution to require masks in retail stores. He added that many Burlingtonians are hoping to see City Council support for restaurant workers, and that a petition to save Vermont restaurants has received 5,700 signatures. He added that a spirit of innovative planning should prevail in this time of COVID-19-related economic and social challenges. He finally expressed concern for tearing down the Everyone Loves a Parade mural two years ahead of schedule, especially when City finances are severely challenged.
- Sarah Sportino voiced support for the resolution to decarbonize and electrify buildings in Burlington, adding that it is a good step toward making Burlington a green city.
- Evan Litwick stated his concern about the proposed change to increase the number of units in the Cambrian Rise development, specifically around the process around making this change, adding that residents have had little to no notice or opportunity to weigh in. He urged City Council to set the standard for community input, transparency, and dialogue with the City's developer community.
- Mieko Ozeki spoke about the Burlington Farmers' Market, noting that it will begin operation on June 6 and will continue through October 17th. She noted that its season will be shortened and the setup has been changed based on guidance from the Agency of Agriculture. She noted that staff and vendors are required to wear face coverings and gloves, and asked that the proposed resolution requiring customer facial coverings in retail also be applied to customers at the Burlington Farmer's Market.
- Norman Fisher spoke in opposition of removing the Everyone Loves a Parade mural.
- Trav Freier voiced support for the proposed resolution to help move Burlington away from fossil fuels.
- Jeff Nick spoke as a representative of the Church Street Marketplace, noting the Marketplace Commission's unanimous support of the resolution requiring the wearing of masks in retail stores, and added that the Commission's current focus is to ensure that shoppers and visitors are comfortable visiting retail shops downtown. He additionally voiced concern that removing the Everyone Loves a Parade mural will have the unintended consequence of attracting graffiti.
- Dale Tillitson spoke about the resolution to require mask wearing in retail establishments, and hopes that communities around Burlington will take notice and adopt similar practices.
- Charlie Messing spoke in support of the mask requirement resolution and cited concern that younger members of the community may not adopt these practices.
- Tony Reddington spoke in support of the Pine Street Coalition, noting the number of unaddressed issues and pending suits for the Champlain Parkway project.
- Tom Proctor spoke in favor of the resolution to decarbonize and electrify buildings in Burlington, citing it as the first of many steps to combat climate change.
- Charles Simpson spoke about the Champlain Parkway project, noting that it's a legacy project rooted in 10-year-old traffic assumptions that squanders investor potential in that area by bisecting it with a highway. He noted that the Pine Street Coalition has developed an alternative plan, and suggested that the resolution be referred to the Transportation, Energy, and Utilities Committee (TEUC) for further review and discussion.
- Johanna Rankin spoke about noise measurement and tracking equipment and that Burlington should apply for a Federal Aviation Administration (FAA) grant to secure such equipment. She asked the Council to encourage or instruct airport management to submit a grant for this.
- Graham Turk spoke in favor of the resolution to move away from fossil fuels in Burlington buildings, stating that it would keep money in the City and create downward pressure on electricity rates.
- Lisa Lacks spoke in favor of the resolution to move away from fossil fuels in Burlington buildings, and stated that it is a logical and necessary step to meeting the City's net zero energy goals.
- Mark Hughes spoke on behalf of racial justice alliance and expressed concern that many are being left behind socially and economically due to COVID-19, especially those that are most vulnerable.



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

- Lori Smith spoke about Champlain Parkway and Pine St efforts to improve the design. She noted that there are major differences in opinion about what modifications can be made to the design and move forward with construction on the project. She suggested that the City Council refer the issue to the TEUC to provide more time to explore which options are most feasible.
- Alex Vinzon spoke in support of the resolution to move Burlington buildings toward more renewable energy sources, stating that sustainable heating technology is now available at affordable prices, and that now is the time to move ahead with this type of initiative.

5. CLIMATE EMERGENCY REPORTS

5.01 Verbal Comments

Councilor Hanson spoke about the status of two resolutions passed on January, one about a fare-free transit study, and one about parking revenue. He noted that both have experienced delays due to the COVID-19 crisis. He also spoke about an ordinance mandating landlords to weatherize rental units, which will come back to the Ordinance Committee in June.

6. CONSENT AGENDA

6.01 Motion to amend/adopt consent agenda taking the following actions as indicated -

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

6.03 Communication: Gene Richards, Director of Aviation, re: Authorization to Execute Contract and Amend Budget for Painting and Markings of Runways 15 - 33 and 1 - 19 at Burlington International Airport - to approve that the Director of Aviation, Gene Richards, be authorized to execute a contract with JJ Cunningham in the amount \$237,430.00 with a total contingency of 20% or \$284,916.00, subject to the final review and approval by the Office of the City Attorney and to approve budget neutral amendment for \$285,000 to increase the Airport Airfield cost center Repair and Maintenance Line Stripping and Marking Expenditure account, consistent with the associated memorandum.

6.04 Communication: Gene Richards, Director of Aviation and Nicolas Longo, Deputy Director of Aviation, re: Authorization to Sign Janitorial Services Contract with Janitech - to approve that the Director of Aviation, Gene Richards, be authorized to execute a contract with K Invest Corp, doing business as Janitech, in the amount \$658,020 for Fiscal Year 2021, \$673,020 for Fiscal Year 2022, and \$688,020 for Fiscal Year 2023, subject to the final review and approval by the Office of the City Attorney.

6.05 Communication: Martin Lee P.E., DPW - Water Resources Division, re: Master License Agreement between VTrans, VRS and the City for Water Resources Utilities at Home Avenue, Flynn Avenue and College Street - to approve and authorize Chapin Spencer, Director of Public Works, to execute the attached Master License Agreement between VTrans, VRS and the City for Water Resources Utilities at Home Ave, Flynn Ave and College Street.



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6.06 Communication: Rich Goodwin, DFO, re: Recommendation For Municipal Advisory Services - to authorize the Chief Administrative Officer to enter into a financial advisory services agreement with PFM for a term of one year, subject to the review and approval of the City Attorney's Office.

6.07 Communication: Brian Lowe, Chief Innovative Officer, re: Request to authorize Chief Innovation Officer to renew the contract for ArcGIS software for three years, for a total of \$115,500 - to authorize and approve the CIO to execute the contract with ESRI for ArcGIS software, for a total amount of \$115,500 over three years, subject to final review by the City Attorney's Office.

6.08 Communication: Elisa Nelson, Ward 5 Ward Clerk, re: Resignation - waive the reading, accept the communication, place it on file and send a letter of appreciation to Elisa Nelson thanking her for her time served as Ward Five Ward Clerk.

6.09 Communication: Chapin Spencer, DPW Director, re: Helping Restart The Local Economy During COVID-19 - waive the reading, accept the communication and place it on file.

6.10 Communication: CAO Schad, re: Calendar for FY21 Budget Process - waive the reading, accept the communication and place it on file.

6.11 FIO Documents - for information only.

6.12 Resolution: Approve Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Electric Department (Board of Finance) - waive the reading and adopt the resolution.

6.13 Communication: Sara Denny, re: Requiring masks in stores - waive the reading, accept the communication and place it on file.

6.14 Communication: Mary Campbell, re: Require masks on customers shopping in 05401 - waive the reading, accept the communication and place it on file.

6.15 Communication: Martha Day, re: Customers wearing masks in retail stores - waive the reading, accept the communication and place it on file.





Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

6.16 Communication: Maya Campbell, re: COVID Retail Response - waive the reading, accept the communication and place it on file.

6.17 Communication: Kathy Rouleau, re: Vote on mask mandate in stores - waive the reading, accept the communication and place it on file.

6.18 Communication: Carl and Ellie Potter, re: retail customer masks - waive the reading, accept the communication and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Paul, to adopt the Consent Agenda and take the actions indicated for items 6.01 through 6.18.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.01 Communication: Chapin Spencer, DPW Director, re: Champlain Parkway - Design Contract Amendment No. 16 with Clough, Harbour & Associates

MOTION by Councilor Mason, SECOND by Councilor Paulino to authorize the Director of Public Works to execute Contract Amendment Number 16 to the contract with Clough Harbour & Associates for engineering design services for the Champlain Parkway project, increasing the total contract amount by \$824,940.96 and the local match obligation by \$16,498.82, subject to review and approval by the City Attorney's Office.

DISCUSSION:

- City Engineer Baldwin noted consultants are currently working, but the Department of Public Works (DPW) anticipates that previously-authorized funding will be exhausted by May, and that consultants will need to cease work at that time, putting the project at risk of losing federal and state funding. He added that staff and departments support referring the project to the TEUC for further consideration, but also stated that this contract amendment must be executed in a timely manner.
- Councilor Mason asked how much of the current work around NEPA compliance is being driven by the environmental justice review and study. Mr. Baldwin replied that this work is critical, and that these public and NEPA processes require a significant amount of work.
- Councilor Pine asked whether referring this to the TEUC would create concerns for DPW in terms of timeline. Mr. Baldwin replied that there are no issues with engaging the TEUC, but that the amendment needs to be executed or risk federal and state partners potentially pulling funding from this project for not advancing the work in a timely manner.

MOTION TO AMEND by Councilor Hightower, SECONDED by Councilor Shannon, to amend the motion to adopt the



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

action and refer the issue of the Parkway to TEUC for further review and information.

DISCUSSION OF AMENDMENT:

- Councilor Hightower stated that she does not want to delay action on the amendment execution, but would like to understand the issue better and discuss further at the TEUC.
- Councilor Hanson asked how far this amendment would extend the contract, and when DPW would need to come back to City Council to ask for additional approval. Mr. Baldwin replied that the amendment would extent through the start of construction on the project, but that DPW would seek Council approval on a construction bid.
- Councilor Mason noted that amendment language would refer the "Parkway issue" to the TEUC, and asked the maker of the amendment to elaborate on that language.
- Councilor Shannon stated that there has been some confusion among Councilors and the public regarding where modifications can be made to this project, and would welcome the TEUC's perspective on where those parameters are.
- Councilor Carpenter stated that a review of potential tweaks and why or why not they are feasible in a public setting like TEUC would be extremely helpful.

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

DISCUSSION OF MOTION AS AMENDED:

- Councilor Hanson asked DPW to quantify how much of the consultant work under this proposed amendment would be for environmental justice efforts. Public Works Engineer Molzon replied that most of the consultant work will be outreach and completing environmental justice review.
- Councilor Freeman asked about the process around the environmental justice review and public engagement. Mr. Baldwin replied that DPW has done extensive public engagement, and Ms. Molzon added that DPW has been working with CEDO and their resources to assist in outreach and engagement with the community. She added that they have reached out to a number of community entities and have posted more virtual and online resources to help educate the public about the project and solicit feedback. She finally noted that a public neighborhood meeting was held in September of 2019 and that another was planned for July of 2020.
- Councilor Shannon noted her appreciation that the current administration has been proactive with bringing amendments forward in a timely manner for Council approval.

VOTING ON MOTION AS AMENDED (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

7.02 Ordinance: Streets and Sidewalks - Excavation and Obstruction Permits (Department of Public Works; Ordinance Committee) (2nd reading)

Councilor Mason noted that this ordinance incorporates minor amendments, with updates brought forth by DPW and the Public Works Commission to bring requirements and language up to current standards.

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

VOTING: unanimous; motion carries.

7.03 Public Hearing Regarding Community Development Block Grant and HOME Proposed Allocations for the 2019 and 2020 Action Plans for Housing and Community Development

CEDO Director Luke McGowan spoke about this item. He noted that the action plans detail how Community Development Block Grant (CDBG) dollars are deployed in the community. He noted that this block grant comes from the federal government through the Department of Housing and Urban Development (HUD), and is a funding source for local communities to address the roots and consequences of poverty. He additionally noted that Burlington has a nationally-recognized process for bringing community and City Council feedback together to make recommendations, and that this set of recommendations has been extensively vetted by the community. He finally noted that \$400,000 in funding has come through the CARES Act in response to the COVID-19 crisis in addition to the 2020 CDBG allocation of \$765,000.

Mr. McGowan outlined CEDO's recommended allocation approach, which would award funding for public service and development, and would use the CARES Act funding for a rental assistance program and small business support to microenterprises.

Councilor Pine noted that the administration and management of a rental assistance program takes a significant amount of staff resources, and expressed concern that CEDO would take this on.

Councilor Carpenter added that there is work being done at the state level for a rental assistance program and cautioned that Burlington should be mindful of this to ensure coordination and not duplication.

Councilor Dieng asked whether surrounding communities like Winooski, South Burlington, and Williston are receiving similar funding from HUD, and asked if CEDO had data on the number of Burlingtonians served by this funding in past years? Mr. McGowan replied that Vermont has two communities that receive this funding, grouped into Burlington and non-Burlington, and that CEDO is required to submit an annual evaluation report containing information on Burlington residents served by these funds.



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

City Council President Tracy opened a public hearing regarding the CDBG and HOME proposed allocations for 2019 and 2020.

There was no public comment at this time.

City Council President Tracy closed the public hearing.

7.04 Resolution: Cambrian Rise - Development Agreement First Amendment To Development Agreement (Community Development and Neighborhood Revitalization Committee)

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

DISCUSSION:

- Councilor Pine began by noting that the process for the amendment to the development agreement started with the CDNR Committee. He clarified that City Council is not vested with the authority to approve changes to the project with regards to parking, traffic, and stormwater, but is responsible for the development agreement, which includes amenities for transit, family housing, senior housing, and rental housing. He finally noted that the Council is being asked to allow a reconfiguration of the residential and commercial portion of the project.
- Councilor Paulino stated that his main concern is with increased traffic on North Avenue, but noted that these units won't be built immediately and increased traffic won't pose an immediate problem.
- Councilor Hightower urged other members of the City Council to come before the Neighborhood Planning Assemblies (NPAs) as soon as possible to let them know that this would both shuffle around and increase square footage for the project.

MOTION TO AMEND by Councilor Hanson, SECOND by Councilor Stromberg, to amend the development agreement to add: "For all rental housing units, the developer shall decouple the cost of a parking space from the cost of housing such that a tenant utilizing one or two parking spaces pay no less than \$50/month for each parking space they use, while tenants who do not own a car and do not utilize a parking space will not pay for parking. This requirement applies to all residential lease agreements that commence July 1, 2020 or later. It does not impact current lease agreements. While this requirement does not apply retroactively to Cathedral Square Corporation's "Juniper House" or Champlain Housing Trust's "Laurentide," we strongly encourage these entities to similarly decouple parking costs from housing costs. The developer shall, at least once per year for at least the next five years, share with the City Council the parking lot utilization data including but not limited to the number of parking spaces occupied and the number of spaces empty at various times of the week (e.g. 1pm on a weekend, 10am on a weekday, and 10pm on a weekday)."

DISCUSSION OF AMENDMENT:

- Councilor Hanson stated that this amendment would help move the City to a more sustainable transportation



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

system, by decoupling the cost of rent from the cost of parking a private car. He added that the developer is willing to accept this language into the agreement.

- Councilor Freeman noted that the proposed amendment is a good example of climate-centric design. She asked the developer (Eric Farrell) about whether this amendment would lead to a reduction in proposed parking spaces at the site. Mr. Farrell replied that alternative modalities of transportation are being encouraged, and that construction will shift from structured parking to surface parking spaces.
- Councilor Carpenter noted her support for the amendment, but had concerns about the somewhat unorthodox process around its development.
- Councilor Paulino stated that he agrees with the intent of the amendment, but that the public process needs to be followed and that this should go through the committee process.
- Councilor Paul noted that the developer is amenable to this change and that the proposed amendment does improve the project.
- Councilor Freeman disagreed with comments around bad process, noting that the agreement was not intended to go to CDNR before coming to the City Council, and that the developer had also reached out to members of the City Council for feedback on the proposed language. She added that the substance of this amendment increases protections for renters.

MOTION to CALL THE QUESTION by Councilor Paul, SECOND by Councilor Paul.

VOTING ON CALLING THE QUESTION (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (unanimous); motion carries.

VOTING ON AMENDMENT (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – aye, Councilor Paulino – nay, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, Council President Tracy – aye (9 ayes, 3 nays); motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Freeman asked whether the height of the buildings would increase. Mr. Farrell replied that several buildings are already at the maximum height and some are not, and that the developers still need to adhere to all zoning and planning requirements.
- Councilor Carpenter asked for an overview of the currently agreed-to parameters. Mr. Farrell replied that the developer is permitted to build approximately 2 million square feet and that current building plans put the total at 1.1 million square feet.
- Councilor Dieng asked about the timing of a parking study, and whether it would be better to wait until the units are occupied to conduct one. Mr. Farrell replied that commitment to the project needs to be secured now, and that current traffic study methodologies are very good at predicting future traffic and parking patterns. He added that the previously-conducted study was vetted both by DPW and VTrans.



**Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm,
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MOTION by Councilor Paul, SECOND by Councilor Paul, to suspend the rules and extend the meeting to complete the deliberative agenda.

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

MOTION TO CALL THE QUESTION by Councilor Paul, SECOND by Councilor Dieng.

VOTING ON CALLING THE QUESTION (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (unanimous); motion carries.

7.05 Resolution: Decarbonization and Electrification of Buildings (Councilors Hanson, Pine and Stromberg)

Councilor Hanson:

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

DISCUSSION:

- Councilor Hanson noted that this resolution initiates a policy process to explore options and ultimately draft an ordinance around electrification and decarbonization of buildings in Burlington. He added that the intent is to address new development first and then to address existing structures, but that the resolution does not predetermine how this would occur. He finally thanked former Councilor Bushor for initiating this resolution prior to her departure from the Council.
- Councilor Stromberg: this will open up many doors for policy discussion and addressing the climate crisis.

VOTING: unanimous; motion carries.

7.06 Resolution: COVID -19 Emergency Order - Wearing Face Coverings Required In Retail Stores (Councilors Shannon, Hightower, Pine, Stromberg, Hanson)



**Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm,
Remote and Virtual Access: The Regular City Council Meeting will
be entirely remote and virtual. There are several ways to tune in:
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MOTION by Councilor Shannon, SECOND by Councilor Stromberg, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Shannon noted that this resolution would ensure that both retailers and customers are protected while in establishments and in public. She added that the resolution has been well-received by the retail community and that it would allow customers to more safely support downtown businesses.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Hightower, to add to line 46 "additionally, members of the public are required to wear cloth face coverings or face shields over their nose and mouth while in City buildings. City staff are required to wear face coverings as provided in the City's face covering policy."

MOTION TO AMEND THE AMENDMENT by Councilor Dieng, SECOND by Councilor Carpenter, to add "and the Burlington Farmers Market" after line 49.

DISCUSSION OF AMENDMENT TO THE AMENDMENT:

- Councilor Hanson expressed concern that the proposed amendment to the amendment may encourage more gathering at the Farmer's Market.
- Councilor Shannon noted that many outdoor markets will occur this summer, adding that most of Church Street would become an outdoor market during the warmer months. She added that requiring masking in an outdoor setting may not be consistent with the parameters given in the Governor's orders and was unsure whether Burlington had the authority to make that a requirement.
- Councilor Dieng noted that this proposed amendment has already been vetted by vendors at the Farmer's Market.
- Councilor Freeman stated her support for the amendment, noting that the Farmer's Market will be a high traffic area with many people in close proximity.

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

VOTING ON AMENDMENT: unanimous; motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Stromberg, to insert "WHEREAS, some members of the community, such as people with health concerns, and people of color-- especially young men of color, may be made unsafe by wearing a face covering, businesses should have an understanding of cultural competency and consider how to accommodate customers who may not feel safe wearing masks."

DISCUSSION OF AMENDMENT:





Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

- Councilor Hightower noted that this amendment would take into consideration the risks that some members of the community may have if wearing a mask, and flags these risks for community members and retail business owners.
- Councilor Hanson noted that members of the community may feel more at risk for being racially profiled if they are wearing a mask, and that this is a good way to ask businesses to be sensitive to that.
- Councilor Dieng stated that a policy should apply to everyone and not treat certain subsets of people differently.

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

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Dieng questioned the value of a resolution that has no enforcement mechanism or means of requiring compliance, adding that some businesses have stated that masking requirement decisions should be left to the discretion of individual businesses.
- Councilor Shannon replied that this resolution creates a level playing field and takes the decision to require masking out of the purview of individual businesses, which a number of businesses support.

MOTION TO CALL THE QUESTION by Councilor Paulino, SECOND by Councilor Hightower.

VOTING ON CALLING THE QUESTION (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (10 ayes, 2 nays); motion carries.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.

7.07 Resolution: Removal Of "Everyone Loves A Parade" Mural (Councilors Pine, Dieng, Carpenter, Stromberg, Hanson, Tracy)

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

DISCUSSION:

- Councilor Pine noted that removing the Everyone Loves a Parade mural is more a symbolic gesture than anything, adding that the mural has divided the community, is exclusionary, and does not reflect the rich



Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm, Remote and Virtual Access: The Regular City Council Meeting will be entirely remote and virtual. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel

history of the City. He added that removing the mural is one small step of many towards addressing structural and systemic racism.

- Councilor Hightower stated that the mural is misguided, but that the response to it has also been misguided. She noted that there are many more difficult and systemic issues around race in the Burlington community that need to be dealt with, and that the mural issue is more cosmetic and symbolic than substantial. She added that she does not see its removal as a concrete step toward bringing forward the voices of marginalized people. She further expressed hope that the activists who have lobbied for the mural's removal will now work with the marginalized communities in Burlington on the issues that are close to these communities.
- Councilor Carpenter stated that this resolution will help the community move past the mural issue, and suggested that the mural could be covered instead of removed entirely.

MOTION TO AMEND by Councilor Carpenter, **SECOND** by Councilor Stromberg, to add the words "cover or" to line 15 after the word 2020.

DISCUSSION OF AMENDMENT:

- Councilor Paulino stated that constituents just want to move past this issue, but are concerned about tax implications of mural's removal. He stated that these concerns decrease if the cost of removal could be mitigated by instead covering the mural.
- Councilor Dieng expressed concern that covering the mural as it is would subject it to more vandalism and graffiti.

VOTING ON AMENDMENT (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – nay (8 ayes, 4 nays); motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Shannon noted the importance of removing the mural and replacing it with something that is more inclusive and welcoming, but that the mural's removal is a symbolic, though costly effort. She stated that if the City has the funds to address racial issues and inequities, then they should be spent in ways that meet more pressing needs in the community beyond symbolic feel-good gestures.
- Councilor Hanson expressed hope that the mural issue will spur the Council to have deeper conversations and address more systemic racial issues in the community. He noted positive first steps that the City has taken to do so, such as the hiring of a diversity, equity, and inclusion senior positive in the administration and new committees, and suggested utilizing this structure in City government to address racial justice issues.
- Councilor Freeman stated that the community should proactively take up the other existing issues around systemic inequity and racism, adding that the conversation around removing the mural is a conversation about white guilt.
- Councilor Dieng acknowledged the work of former Councilor Bushor on this issue and asked about the cost of removing the mural. City Arts Director Kraft replied that one estimate was between \$15,000 and \$20,000,



**Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm,
Remote and Virtual Access: The Regular City Council Meeting will
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1. CCTV YouTube Channel or on Burlington Telecom Channel**

but did not factor in the cost of repairing the damaged masonry once the mural panels were removed.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports –

No discussion at this time.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports –

No discussion at this time.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports -

No discussion at this time.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports –

No discussion at this time.

12. ADJOURNMENT

12.01 Motion to Adjourn –

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 11:56 PM.





**Regular City Council Meeting - Monday, May 18, 2020, 6:00 pm,
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