



Regular City Council Meeting - Monday, April 25, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM 4/25/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

April 25, 2022

MEMBERS PRESENT: Karen Paul

Joan Shannon

Jack Hanson

Ali Dieng

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

Gene Bergman

Ben Traverse

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Lori Olberg

Sarah Montgomery

Meagan Tuttle

Nancy Stetson



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Darren Springer

Laura Wheelock

Michele Boomhower

Chapin Spencer

Corey Mims

Norm Baldwin

Madeleine Suender

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 6:15 PM.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to amend/adopt the agenda as follows:

- **add to the consent agenda item 6.30 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Inspection Services Contract;**
- **remove from the agenda item 7.05 Communication: Acting Chief of Police Jon Murad, Kerin Durfee, Director of Human Resources, re: Creation of Public Information and Community Engagement Coordinator (per COS Redell).**

VOTING: unanimous; motion carries.

2. WORK SESSION ON REDISTRICTING PRIORITIES

2.01 Work Session on Redistricting Priorities: Dan Richardson, City Attorney, Meagan Tuttle, Director, Office of City Planning and Nancy Stetson, Senior Data Analyst**start time: 6:00 pm - 7:00 pm**

Director Tuttle began by following up on previous discussions regarding redistricting. She reminded the Council of its resolution last summer that kicked off the redistricting process and stipulated that the City work with community residents in an ad hoc committee to obtain feedback about redistricting.



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Director Tuttle began by briefly explaining the traditional factors involved in redistricting. These include that one person/one vote is required by the 14th Amendment and that each district's population must be as equal to every other district as possible (with a deviation of less than 10%), that districts must be contiguous and not detached from themselves, and that districts cannot be separate on the basis of race, ethnicity, or religion.

Director Tuttle gave a brief summary of the ad hoc committee's report. She noted three themes: Ward 8 isn't working in its current configuration, participants aren't in favor of the district system, and wards should preserve neighborhoods, keep wards compact, and provide equal representation. She also noted that there was not a clear consensus on the number of wards and configurations the committee wanted, but that there was a strong interest in simplicity. She also noted mixed opinions about at-large Councilors as well as strong feelings about the character of wards and the neighborhoods included in them.

Director Tuttle briefly listed a number of potential ward configurations, which would provide the foundation for developing maps. Some of those configurations included having the existing system with minor tweaks to balance population change and some changes to Ward 8, returning to 7 wards and 14 Councilors, maintaining 8 wards, moving to 16 Councilors or maintain 8 wards with 1 Councilor each and three at large Councilors, maintaining 12 Councilors, moving to 12 wards or maintaining 12 Councilors with fewer but larger wards, moving to 11 Councilors, consistent with new Vermont House Districts (with a combination of 1 and 2 seats), or moving to 11 one-seat wards consistent with new Vermont House Districts.

City Attorney Richardson noted that each configuration is a potential, and that there are policy or political reasons behind deciding which option to choose.

Mayor Weinberger said that his goal is that tonight's discussion will lead to concrete next steps. He said that coming out of tonight, they could attempt to see if a resolution could be written that would give clarity to the administration and staff to begin the map-making process. City Attorney Richardson added that the Secretary of State would need language for the ballot on which redistricting would appear by mid-September, and that public hearings would need to be warned and held according to the timeline laid out in State statute (17 V.S.A. Section 2645). He said that these hearings would need to occur in August/September. He said that the City Council should use the April-June timeframe to develop and approve of a plan for redistricting.

Councilor Hightower said that she strongly dislikes the 2 and 1 combination seats option, as well as the option that would maintain 8 wards with 3 at-large Councilors. She said that her preference is to return to 7 wards with 14 Councilors, but also likes the option that would move to 11 one-seat wards consistent with new Vermont House Districts.

Councilor Hanson agreed with Councilor Hightower and voiced support for eliminating the existing system of districts and wards. He also does not support the 12 Councilors with fewer but larger wards. He expressed support for 7 wards and 14 Councilors, 12 wards for 12 Councilors, and 11 Councilors.



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Councilor Bergman asked if the timing of the ballot language is driven by the Secretary of State's timeline, or whether the City could have a special ballot. City Attorney Richardson replied that it is a special election and the City could run it themselves, though the State strongly discouraged this option. He said that other options include a separate mailing and separate ballot or that the City could follow the Secretary of State's timeline, which is driven by federal/state election requirements. He said that if there is room on the existing ballot, then the State will place the item on free of charge, but if they need extra paper for this item, they will charge the City for that extra cost. Councilor Bergman said that he would be interested to learn more about the cost details. He also asked whether the 10% guideline is a hard and fast rule, or whether there could be a deviation that is slightly greater or less than that. City Attorney Richardson said that the 10% is the threshold, but anything above 5% warrants some investigation. Councilor Bergman said that he would like to explore whether more deviation from 5% would have a defensible rationale.

Councilor Bergman said he would be supportive of the smallest practical wards. He said that he would also not be supportive of fewer City Councilors. He expressed support for the 8 wards and 16 Councilor configuration.

Councilor Barlow said that one way to get to consensus most quickly is to determine the number of Councilors they want first, and then working from there. He expressed a preference for having two representatives for each ward with alternating year terms, so that wards wouldn't have two new representatives at the same time. He said that he would be supportive of the district model if it were the least bad choice. He said that he would not be supportive of a smaller Council than 12.

Councilor Traverse asked for clarity around the timing of the ballot and putting this question on the November ballot rather than the March ballot. City Attorney Richardson replied that this process could be pushed back to the March 2023 Town Meeting Day, if needed. He said that an advantage of having this on the November 2022 ballot would mean that it would be ready for legislative approval at the beginning of the legislative session in January 2023. Councilor Traverse said that it would be important to keep boundaries where they are. He said that he would be supportive of having two Councilors per ward.

Councilor Shannon spoke about her experience with being redistricted from Ward 2 to Ward 3 and feeling a sense of loss and disenfranchisement. She said that it is important to keep the perspective of voters in mind when deliberating about this topic. She agreed that having two Councilors per ward/district helps Councilors manage the workload. She noted that constituents have expressed confusion about district Councilors. She said that adding more Councilors to the Council might be too unwieldy. She said that one test for drawing maps is to determine whether someone living on the periphery of a ward can get elected, as that would demonstrate whether the ward is cohesive. She said that she would support the creation of a downtown ward. She said that she would support a range of 8-12 Councilors, and that she would be supportive of at-large Councilors, saying that it would be a way for everyone in the City to have more representation. She said that she could be supportive of the current system.

Councilor Dieng expressed support for 7 wards and 14 Councilors or 8 wards and 16 Councilors.



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Councilor Hightower said that it sounds as though most Councilors want to maintain at least 12 Councilors. She also said that it sounds as though the majority of Councilors are not in support of at-large Council seats.

Councilor Magee said that he agrees with Councilor Hightower, expressing a strong preference for maintaining boundaries similar to those that are in place today, and said that it is important for constituents to have multiple representatives. He also expressed a strong preference for keeping neighborhoods intact.

Councilor Carpenter said that bigger boards might not necessarily be better. She said that she likes the concept of 14 or 16 Councilors. She said that there are tradeoffs between maintaining existing neighborhoods and being mindful of the constitutional requirement of a deviation between districts of less than 10%. She expressed support for maintaining 12 Councilors. She also said that there is a potential to move the vote to March of 2023.

Councilor Hanson said that having 7 wards and 14 Councilors seems like it has the most agreement. He pushed back against delaying this further.

Mayor Weinberger said that the current system was no one's first choice during the last redistricting session, though it ultimately became the option that was chosen. He said that the most achievable path may be to make modest changes. He spoke against having a larger Council, though he would be supportive of an additional Councilor so that tied votes don't occur. He said that he would not be supportive of expending more staff time to develop maps prior to having a clearer picture of Councilor consensus in terms of potential configurations.

Councilor Shannon said that in terms of map drawing, they only need to know how many wards they want. She proposed starting with working out the possible boundaries of the New North End.

MOTION by Councilor Hightower, SECOND by Councilor Bergman, that the City Council respectfully requests that the City team produce three City maps: one with 7 wards, one with 8 wards, and one with 12 wards, keeping the New North End is distinct from the Old North End.

DISCUSSION:

- **Councilor Bergman said that the City staff should also pay attention to current wards and neighborhood boundaries when drawing maps.**
- **Councilor Carpenter noted that Ward 8 is not supported as an option.**
- **Councilor Barlow asked whether they would be constraining themselves to these 3 maps, or whether they could develop further maps in the course of this process. Councilor Hightower replied that these 3 maps would form the basis for discussion.**
- **Councilor Hanson asked if there is an opportunity over the next two weeks to narrow the options down to 1, in order to devote more focus to fewer options.**
- **Councilor Shannon said that it could be difficult to know which options to pursue until some initial maps are**



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produced.

MOTION by Councilor Hanson, SECOND by Councilor Hightower, to table the motion until after Deliberative Agenda Item 7.06.

VOTING: unanimous; motion carries.

MOTION by Councilor Magee, SECOND by Councilor Traverse, to accept the communication and place it on file.

VOTING: unanimous; motion carries.

3. PRESENTATION REGARDING NET ZERO ENERGY ROADMAP

3.01 Presentation Regarding Net Zero Energy Roadmap

General Manager Springer began presenting the annual Net Zero Energy (NZE) Roadmap update. He noted that the vision for the net zero energy plan is to become a net zero energy city by 2030, through the use of fossil fuel alternatives in various sectors, strategically electrifying, managing demand, realizing efficiency gains, and expanding local renewable generation. He provided updated data from 2021, noting a significant decline in fossil fuel usage between 2018-2020. He noted that there was a rebound in 2021, though it was modest. He noted that gasoline/diesel usage are below the NZE targets, though natural gas usage is still above the targets set by the NZE Roadmap. He spoke about other key takeaways from the roadmap update, including a rebound in 2021 of vehicle miles traveled (though also lower than 2018 levels), that recent initiatives such as weatherization in rental properties and new construction renewable heating are in place, but have yet to impact the data, and that relative to national trends, Burlington has made more progress in mitigating emissions rebound coming out of the pandemic on many fronts. He spoke briefly about the City energy innovation projects that are currently underway. He also noted a number of new and expanded initiatives for 2022. He highlighted the increase in heat pump incentives, noting that they increased over 15-fold after the passage of the Green Stimulus. He finally spoke about next steps for reaching NZE, as well as potential challenges that lay ahead.

Councilor Barlow asked about the effects of Covid and people staying home on the use of natural gas. General Manager Springer replied that when they looked at the data, there had been a decrease in residential natural gas usage in 2021, and that the increase was driven by the commercial sector. He said that the commercial sector requires some large-scale solutions. Councilor Barlow asked what BED will do in terms of trying to increase adoption of fossil fuel alternatives. General Manager Springer replied that as a utility company, they try and offer the most attractive incentives that they can.

Councilor Hanson said that the City needs to move as aggressively as possible, and that policy can help achieve the goals if incentives fall short. He said that the City has the opportunity to implement strong policy to continue to make progress on decarbonizing buildings. He said that having weather-normalized data from natural gas usage would be helpful to measure



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Burlington's progress and demonstrate how it's reducing emissions. General Manager Springer replied that it is possible to infer results from the non-weather-normalized data and agreed that conclusions could be drawn from an analysis of weather-normalized data. He said that metrics such as the number of heat pumps that are being installed is also a good metric to use.

Mayor Weinberger said that the City is moving the needle on electrification and is making progress.

Councilor Shannon asked if there is a viable commercial charging business. General Manager Springer replied that in Europe, some gas stations are moving into that model. He said that there is nothing preventing fast chargers from being installed at gas stations.

Councilor Dieng asked about the feasibility of wireless EV charging in Burlington. General Manager Springer replied that they are exploring the possibility of wireless charging whereby someone drives into a parking space and it charges their vehicle. He said that he is not aware of any companies that are interested in wireless EV charging yet, but that BED is willing to partner with willing collaborators. Councilor Dieng asked what it will take for the State to try and mirror what Burlington is doing. General Manager Springer replied that there is legislation pending that would be similar to what Burlington is doing, such as weatherization and heat pumps.

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

VOTING: unanimous; motion carries.

4.0 PUBLIC FORUM

4.01 Verbal Comments

Forum opened at 7:35 PM.

COMMENTS:

Burlington residents (in person):

- Christopher Haesley spoke about the redistricting process. He said that if the City were to move to a 7 Ward map, it would be around 6,700 people per ward. Would need to have wards that extend down below the railroad tracks on North Avenue. He said that in scenarios he has explored, risks also folding ONE into NNE ward. He said that the current 8 ward system seems to fit the best for Burlington. Average ward size has been 5,300 people.
- Todd Lacroix expressed concern for the safety of children in the City and lamented the lack of journalism in the



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community.

- Christopher Aaron Felker spoke briefly about redistricting, saying that he supports a downtown ward, because people in the Church Street area feel that they are underrepresented. He also spoke about the increased budget for DPW on the Champlain Parkway; he also spoke about the homeless pods, saying that he is disappointed in the choice of Elmwood Avenue as the location for this project.
- Echer spoke against the Champlain Parkway project, saying that building infrastructure that continues to rely on fossil fuel is absurd and irresponsible.
- Jeffrey DeSenna spoke against the Champlain Parkway project.

Burlington residents (in person):

- Robert Bristow-Johnson spoke about redistricting and the current 8-ward map, noting that when it was adopted, 80% of the City's residents remained in their current district.
- Jess Hyman spoke about the declaration that April is Fair Housing Month, which is on the consent agenda. She spoke about the Fair Housing Act, saying that despite the laws that are in place, people are still being discriminated against in housing. She said that everyone deserves safe, affordable, accessible, and stable homes.

Non-Burlington residents (in person):

- Eric Bernstrom spoke on behalf of Burton Snowboards. He spoke in support of Phase 1 of the Champlain Parkway project, saying that it will benefit the customers and employees of Burton.

Forum closed at 7:56 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

None at this time.

6. CONSENT AGENDA

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

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

6.03 Communication: Brian Pine, CEDO Director, re: Outreach for Elmwood Ave. Shelter Community and Community Resources Center Projects - waive the reading, accept the communication and place it on file.

6.04 Communication: Barry and Kathryn Trutor, re: KUDOS - waive the reading, accept the communication and place it on file.

6.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 115 Saint Paul Street - American



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Flatbread - approve the Encumbrance Application for 115 Saint Paul Street requesting use of the sidewalk 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.

6.06 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 133 Bank Street - A Single Pebble - approve the Encumbrance Application for 133 Bank Street requesting use of the greenbelt 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.

6.07 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: EIV Technical Services - 157 South Champlain Street - Encumbrance Permit Request - approve the Encumbrance Application for 157 South Champlain Street requesting use of the sidewalk, greenbelt, and parking spaces for construction activities and vehicle staging, 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.

6.08 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 161 Church Street - Red Panda - approve the Encumbrance Application for 161 Church Street requesting use of the sidewalk 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.

6.09 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 131 Main Street - The Gryphon - approve the Encumbrance Application for 131 Main Street requesting use of the metered parking stall 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.

6.10 Communication: Diane Carlisle, re: STR - waive the reading, accept the communication and place it on file.

6.11 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase - approve and authorize the increased fee structure for ambulance services effective upon passage as described in the memo by Chief Locke dated April 13, 2022.

6.12 Communication: Steven A. Locke, Fire Chief, re: Fire Truck Purchase - approve and authorize Chief Locke to sign a contract to purchase three fire trucks manufactured by E-One and sold by Desorcie Emergency Products as described in the memo from Chief Locke dated April 14, 2022, subject to the prior review and approval by the Chief Administrative Officer and the City Attorney's Office.

6.13 Communication: Brian Pine, Director of CEDO, Rachel Jolly, Assistant Director, CJC, Kerin Durfee, Director of Human Resources, Tony Berry, Human Resources Manager, re: Reclassification of one (1) role in the Community Justice Center - approve the reclassification and retitling of the DLS Case Manager and Program Assistant, a Regular, Full-time, NonExempt, AFSCME, Grade 15, role to Court Diversion Case Coordinator and Program Assistant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Community Justice Center (CJC).

Please note this request also includes retroactive pay of approximately \$967 due to the employee performing these new, higher level job duties since January 1, 2022.

6.14 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources, Tony Berry, Human Resources Manager, re: Reclassification of one (1) Clerk/Treasurer position - approve the reclassification and retitling of the Senior Grants Manager, a Limited Service, Full-time, Exempt, NonUnion, Grade 20, position to Grants Director, a Regular, Full-time, Exempt, Non-Union, Grade 22, position in the Clerk/Treasurer's Office.

6.15 Communication: Cindi Wight, Parks, Recreation & Waterfront Director, re: Red Stone Cottage Restoration - approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a contract and any related documents needed to



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carry out the project with Farrington Construction., for a price not to exceed \$596,191 and a project contingency of \$59,619, subject to the review of the City Attorney's Office, and to approve and authorize moving \$65,150 from 101-23-100-240.6600 – Maintenance Contracts to 101-23-100-240.9500_110 Capital Outlay.

6.16 Communication: Jake Clark, Encore Renewable Energy, re: UVM Solar Research and Testing Facility Certificate of Public Good Petition, Docket #22-1142-NM - Notice of Complete Petition - waive the reading, accept the communication and place it on file.

6.17 2022-2023 Indoor and Outdoor Entertainment Permit Renewals: see attached list - approve the 2022-2023 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.

6.18 Special Event Outdoor Entertainment Permit Application (May 27, 2022 - September 2, 2022): Orleans Events, LLC, d/b/a Arts Riot Truck Stop, May 27, 2022 - September 2, 2022, 4:30 pm - 10:00 pm, 377 Pine Street, Parking Lot, Dancing by Patrons: YES, Amplified Music: YES - approve the special event outdoor entertainment permit application (May 27, 2022 - September 2, 2022) for Orleans Events, LLC, d/b/a Arts Riot Truck Stop, 4:30 pm - 10:00 pm, 377 Pine Street, Parking Lot, Dancing by Patrons: YES, Amplified Music: YES.

6.19 Communication: Katherine Schad, CAO, re: Approval of policy for board and commission compensation - approve and adopt the attached City Boards and Commissions Compensation Policy, effective retroactive to July 1, 2021.

6.20 Communication: Darren Springer, General Manager, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, Erica Ferland, Director of Information Technology, re: BED Backup Software/Hardware systems - authorize the General Manager of Burlington Electric Department to execute with Rubrik a contract for business system backup and disaster recovery hardware and software services in substantial conformance with the attached, for an amount up to \$181,000 subject to final review and approval by the City Attorney's Office.

6.21 Communication: Emily Byrne, Director of Finance, Burlington Electric Department, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, Burlington Electric Department, Rich Goodwin, Director of Financial Operations, Clerk/Treasurer's Office, re: Electric Department Revenue Anticipation Note Renewal - approve: (1) The City's authorization to borrow an amount not to exceed \$5,000,000 from Key Bank National Association, or such other reputable bank or commercial lender as the Chief Administrative Officer may approve (the "Loan"), and to issue its revenue anticipation note and pledge the credit of the City for the repayment thereof (the "Note"), for the purpose of providing working capital for the Electric Department. The Loan shall be payable from the receipt of revenues of the Electric Department. The Note shall be a general obligation of the City and shall mature within two years from the date it is extended to the City. The Loan may be made on a draw-down basis, repaid and re-borrowed during such two-year period. The Loan may be renewed so long as the Note for such Loan matures within two years of the date it is renewed and issued; and (2) The Mayor, the Chief Administrative Officer, and the Director of Financial Operations are authorized and empowered to execute and deliver (i) a loan agreement with the lender to evidence the Loan and the repayment thereof, (ii) the Note in the maximum principal amount of the Loan, together with any renewal notes, as and when the Loan is renewed, if applicable, (iii) such documents and instruments as the lender may request in connection with the Loan, in such form and with such terms as they deem necessary and in the City's best interest, and (iv) such other documents and instruments necessary or convenient in connection with the Loan, subject to prior review by the City Attorney or bond counsel to the City.

6.22 Communication: Darren Springer, General Manager, James Gibbons, Director of Policy & Planning, re: BED Low-Income Pilot Rate and ARPA extension - 1. "To approve Burlington Electric Department filing a Low-income Pilot Rate with the Public Utility Commission as described in this memo;" and 2. "To approve an extension of Burlington Electric Department's deadline for use of \$1.3 million in ARPA funds provided to the Burlington Electric Department in FY22 through the end of FY23, to support implementation of the Low-Income Pilot Rate."





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- 6.23 Communication: Todd Rawlings, Housing Program Manager, CEDO, re: U.S. Department of Housing and Urban Development HOME-ARP Allocation Plan and Substantial Amendment to the 2021 Action Plan - approve the Final HOME-ARP Allocation Plan dated April 13, 2022 ("Plan") and authorizes and directs the Community & Economic Development Office to submit the Plan dated April 13, 2022 to HUD as a substantial amendment to the 2021 Action Plan.
- 6.24 Communication: Caleb Manna, Excavation Inspector, Phillip Peterson E.I., Public Works Engineer, Laura Wheelock, P.E., Senior Public Works Engineer, re: Undergrounding Designation of University Place - waive the reading, accept the communication and place it on file.
- 6.25 Communication: Chapin Spencer, Director, Lee Perry, Division Director DPW Maintenance, re: Additional Eight-Month Extension of Second Memorandum of Understanding re: 195-201 Flynn Avenue Lease Purchase Agreement and Drop Off Center - authorize an additional eight-month extension of the Second Memorandum of Understanding between the City and Chittenden Solid Waste District regarding a lease purchase agreement for the parcel located at 195-201 Flynn Avenue and the operation of a solid waste drop off center, extending the term of the memorandum to December 31, 2022, and to authorize the Mayor to sign an addendum to said memorandum effecting such, subject to final review and approval by the City Attorney's Office.
- 6.26 Communication: Max Madalinski, Parks Project Coordinator, re: Calahan Park Playground Replacement Contract with Kompan, Inc. - approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a contract amendment and any related documents needed to carry out the project with Kompan, Inc., for a price not to exceed \$127,095.33 and a project contingency of \$10,000, subject to the review of the City Attorney's Office.
- 6.27 Proclamation: Mayor Miro Weinberger, re: Fair Housing Month - waive the reading, accept the communication and place it on file.
- 6.28 FIO Documents – for information only.
- 6.29 Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Barlow, Bergman) - waive the reading and adopt the resolution.
- 6.30 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Inspection Services Contract - 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$2,854,497.25 for the projected construction and inspection costs to complete the CY22 Street Reconstruction Program; and 2. To authorize the Director of Public Works to execute a construction inspection contract with Greenman-Pedersen, Inc. for inspection services for the Calendar Year 2022 Street Reconstruction Program in the amount of \$112,700.00, with an additional \$11,270.00 in contingency funds, totaling up to \$123,970.00, subject to the final review and approval by the Office of the City Attorney.

MOTION by Councilor Magee, SECOND by Councilor Traverse, to amend/adopt the consent agenda and take the actions as indicated for items 6.01-6.30.

VOTING: unanimous; motion carries.



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7. DELIBERATIVE AGENDA

7.01 Outdoor Entertainment Permit Application (2022-2023): Butter, 1127 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Hanson, to approve the 2022-2023 Outdoor Entertainment Permit Application for Butter, 1127 North Avenue with all standard conditions.

DISCUSSION:

- Councilor Shannon noted that this is a permit application that came to the subcommittee but the Applicant was not present. Carina Driscoll apologized for not being available at the subcommittee meeting. She said that they would like to have live music on their patio. She said that they have been having music indoors on Thursdays, but would like to be able to offer live music on their patio during dinner service.
- Councilor Dieng asked if the Applicant has outreached to other neighboring business owners. Ms. Driscoll replied that generally the hours of her business do not conflict with those of other businesses in the shopping plaza, most of which are open more during the day than at night. She also noted that the owner of the plaza is very supportive of this permit request.

VOTING: unanimous; motion carries.

7.02 Outdoor Entertainment Permit Application (2022-2023): Dedalus Wine Group, 388 Pine Street

MOTION by Councilor Shannon, SECOND by Councilor Hanson, to approve the 2022-2023 Outdoor Entertainment Permit Application for Dedalus Wine Group, 388 Pine Street with all standard conditions.

VOTING: unanimous; motion carries.

7.03 Communication: Corey Mims, P.E., Senior Public Works Engineer, Norman Baldwin, P.E., Assistant Director/City Engineer, re: Champlain Parkway Project Initial Construction Contract - Award Authorization

MOTION by Councilor Traverse, SECOND by Councilor Barlow to authorize the Director of Public Works to execute a contract with S.D. Ireland Kubricky Joint Venture LLC in an amount up to \$40,980,143.40 with \$4,098,014 (10%) in contingency funds, totaling up to \$45,078,157.40, for the Champlain Parkway Initial Construction Contract, subject to the final review and approval by the Office of the City Attorney.

DISCUSSION:

- Director Spencer began by noting that that DPW is seeking approval for the initial construction contract for the Champlain Parkway project. He noted that this project has been brought a long way since its inception



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more than 30 years ago. He said that in large part, this is being coordinated with the South End Construction Coordination Plan. He also noted that they have a Future Flexibility Letter to modify the project in future if needed.

- Ms. Boomhower from AOT: she said that the State is happy to be a partner at the table for this project.
- City Engineer Baldwin noted additional costs for the project related to development soils, landscaping, and lighting, as well as a 15% match obligation. He said that their proposal to address some of these raised costs are to go forward with the current plan as proposed for the first several years of the project, but potentially seek alternative additional funding in future years.
- Councilor Bergman said that he reviewed the traffic impact data and believes that this first phase of the project will not detrimentally impact the neighborhoods affected. He also expressed appreciation for the state's support and cooperation. He said that the proposed infrastructure and upgrades are greatly needed. He also stressed the importance of the Railyard Enterprise Project.
- Councilor Barlow asked about covering the local match, and what impact that match obligation will have on street paving efforts. City Engineer Baldwin replied that it will have some impact, but this project will include substantial infrastructure improvements (including sidewalk repaving on Pine Street).
- Councilor Hanson said he will support this authorization but expressed concern about the expense related to the local match. He said that more funding should be put toward decarbonization of transportation.
- Councilor Shannon noted her historic opposition to this project, but said that she is supportive of this iteration of the project. She said that the upgrades to the infrastructure will be a significant enhancement to Pine Street.
- Mayor Weinberger thanked staff and federal and state partners for their cooperation with this project.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (10 ayes, 2 absent); motion carries.

7.04 Communication: Madeline Suender, Associate Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract

MOTION by Councilor Carpenter, SECOND by Councilor Magee, 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$900,000 for the projected construction costs to complete the CY22 Sidewalk Reconstruction Program; 2. To authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$810,000, with an additional \$90,000 in contingency funds, totaling up to \$900,000 subject to the final review and approval by the Office of the City Attorney.; and 3. To invite Department of Public Works staff to the May 2022 Transportation, Energy, and Utilities Committee to present on an updated Sidewalk Methodology and this update's impact on the Calendar Year 2022 Sidewalk Reconstruction Program for their review and consideration.

DISCUSSION:

- Director Spencer noted that this item has to do with pedestrian access and amenities. He noted that Burlington has 130 miles of sidewalk, and that it currently has a backlog of repairs.
- Senior Engineer Wheelock noted that 15.82 miles of sidewalk have been repaired since 2016 and that the





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current trajectory keeps the City on the 40-year replacement cycle. She noted that concrete rates have increased by about 10% since FY21. She noted the development of a methodology for sidewalk inventory scoring, comprised of a barrier score (ex: heaving, cross slope, running slope, and puddling) plus an activity/equity score (ex: transit stops, school and park proximity, pedestrian generator, mobility challenges, high minority, low income, and no vehicle populations). She said that average barrier scores in 2021 have improved from 2014, but that they still have much progress to make. She noted that next steps will involve a presentation of their in-house work plan to the Transportation, Energy, and Utilities (TEUC) Committee in May, and then to commence with construction.

- Councilor Barlow asked how sidewalks with only small portions of deterioration are prioritized. Senior Engineer Wheelock replied that data is collected in 10-foot increments, which allows the City to focus on those spot fixes if it needs to. She added that the plan is in draft form and they are engaging stakeholders to ensure that the inputs and current prioritization are accurate and appropriate.
- Councilor Bergman commended the expanding list of activity/equity score categories, but expressed concern that the City is not addressing the neediest areas. He suggested that constituent feedback be a criteria or data source that the City uses.
- Councilor Hanson asked whether this contract has the flexibility to pivot or adjust which sidewalks are being repaired, if an urgent need arises that wasn't on the original plan. Senior Engineer Wheelock replied that there is a measure of flexibility built into the contract.

VOTING: unanimous; motion carries.

7.05 Communication: Acting Chief of Police Jon Murad, Kerin Durfee, Director of Human Resources, re: Creation of Public Information and Community Engagement Coordinator **AGENDA ITEM REMOVED**

No discussion at this time.

7.06 Communication: Kerin Durfee, Director of Human Resources, AFSCME Local #1343, re: Memorandum of Understanding between AFSCME Emergency Communications Specialists and the City of Burlington

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to approve the execution of the Memorandum of Understanding between AFSCME Local #1343 and the City of Burlington for additional hourly compensation for Emergency Communication Specialists in the Burlington Police Department.

DISCUSSION:

- City Attorney Richardson said that the MOU strikes a deal to address a staffing issue that dispatch is currently facing. He said that this would provide extra incentives if staffing falls below a certain level. Chief Administration Officer Schad added that the maximum financial impact of this agreement is within the capacity of the FY22 BPD budget.

VOTING: unanimous; motion carries.



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7.07 Work Session on Redistricting Priorities: Dan Richardson, City Attorney, Meagan Tuttle, Director, Office of City Planning and Nancy Stetson, Senior Data Analyst**start time: 6:00 pm - 7:00 pm** (CONT'D FROM WORK SESSION IN AGENDA ITEM #2 ABOVE)

MOTION by Councilor Hanson, SECOND by Councilor Magee, to take the motion regarding redistricting off the table.

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Hanson, that the Council supports a ward-only system, with one or two Councilors representing each ward, and a Council size of no less than 12 and no more than 16. The Council requests City staff to start by drafting maps that would divide the City into 7 wards and 8 wards.

DISCUSSION OF AMENDMENT:

- Councilor Shannon said that this motion goes further than the previous motion and that she is not willing to support it.
- Councilor Bergman said that the numbers won't work for some of the situations above.
- Councilor Carpenter said that it would be more helpful to see some of this visualized on a map.
- Councilor Hanson said that there is a desire to be able to move forward with developing maps, but said that once draft maps are developed there will be many debates around each of them. He expressed concern that if some parameters are not laid out prior to mapmaking, it could lead to a more protracted and messier process.
- Councilor Barlow expressed support for drawing 7-and-8-ward maps, but is not ready to presuppose that there will be a ward-only system.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Barlow, that the Council respectfully requests that City staff draft maps that would divide the City into 7 wards and 8 wards that respect the integrity and cohesion of neighborhoods to the extent possible.

DISCUSSION OF AMENDMENT TO THE AMENDMENT:

- - Mayor Weinberger said that City staff will be able to return to the Council with maps at its May 23rd meeting.
 - Councilor Dieng asked about the language around "to the extent possible". City Attorney Richardson replied that the language states a priority for integrity and cohesion of the neighborhood, but that it does not need to be followed to the detriment of other considerations.
 - Councilor Hanson expressed concern that the methodical approach that has been taken up to this point



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MOTION TO WITHDRAW THE AMENDMENT TO THE AMENDMENT by Councilor Shannon.

Amendment to the amendment withdrawn without objection.

MOTION TO WITHDRAW THE AMENDMENT by Councilor Hightower.

Amendment withdrawn without objection.

DISCUSSION OF ORIGINAL MOTION:

- Mayor Weinberger said that with an 8-ward map, they will look at the current map and see if it needs to be rebalanced. He said that it will not be possible to have a 7-ward map that has 2 wards only in the New North End.
- Councilor Bergman asked about splitting census blocks. City Attorney Richardson replied that there is general instruction not to split census blocks, but said that he will explore that issue further.
- Councilor Shannon noted that Ward 8 has been identified as problematic and asked that staff recognize that in this exercise.

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

8. COMMITTEE REPORTS

8.01 Verbal Reports

Councilor Bergman noted that the Charter Change Committee will meet this week.

Councilor Magee noted that the Public Safety Committee will meet tomorrow at 5:30 PM.

Councilor Hanson noted that the Transportation, Energy, and Utilities Committee will meet tomorrow at 5:00 PM and will discuss Main Street redesign and public transit issues.



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Councilor Traverse noted that the Ordinance Committee meeting will meet on Wednesday, April 27 at 4:00 PM and will discuss the short-term rental issue.

Councilor Carpenter said that the Human Resources Committee will meet tomorrow morning and will discuss recruitment.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

Councilor Traverse noted that former Councilor Adam Roof and other Vermonters recently returned from a trip to the Poland/Ukraine border, where he volunteered and donated socks, food supplies, and medical supplies. He expressed thanks to former Councilor Roof.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

City Council President Paul noted that on May 3 there will be a City Council Retreat at BCA at 6:00 PM. She said that they will discuss Council process. She additionally noted that board and commission vacancies will be posted later this month.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

None at this time.

12. ADJOURNMENT

12.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 10:30 PM.



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RScty: AACoonrad

