



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

March 21, 2022

MEMBERS PRESENT: Chip Mason

Karen Paul

Max Tracy

Joan Shannon

Ali Dieng

Perri Freeman

Jack Hanson

Zoraya Hightower

Jane Stromberg

Sarah E Carpenter

Mark Barlow

Joe Magee

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Lori Olberg

Sarah Montgomery





Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

Meaghan Tuttle

Nicole Losch

Chapin Spencer

Norm Baldwin

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Tracy at 6:35 PM.

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

- **remove from the consent agenda item 5.40 Resolution: Investment of Unassigned Fund Balance To Improve City Services and Drive Operational Efficiencies (Mayor Weinberger; Board of Finance)(per CAO Schad)(per Councilor Paul);**
- **add to the consent agenda item 5.41 Communication: Jean Bessette, re: N. Winooski Parking Management -- re: TEUC and PMP Committee Resolutions with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.42 Communication: Julie Marks, Executive Director, VSTRA, Inc., re: Encouraging the Mayor to VETO the Short-Term Rental Ordinance with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.43 Communication: Ron Jacobs, AFSCME 1343 President, re: Current Staffing at the Temporary Library Branch in the NNE with the action to "waive the reading, accept the communication and place it on file"**
- **add to the consent agenda item 5.44 Communication: Diana Carlisle, re: Council action on Mayor veto STR with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.45 Communication: Michael Monte, CEO, CHT, re: North Winooski Avenue Parking Management Plan and Bike Lane Installation with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.46 Communication: Kirsten Merriman Shapiro, City-Council Stakeholder Committee, re: North Winooski Avenue Parking Management Plan and Bike Lane Installation with the action to "waive the reading, accept the communication and place it on file";**
- **note proposed amendment for agenda item 6.02 Resolution: North Winooski Avenue Parking Management Plan and Bike Lane Installation (TEUC)(per Councilor Barlow)**

VOTING: unanimous; motion carries.





Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

2. COMMUNICATION: DANIEL RICHARDSON, CITY ATTORNEY, RE: UPDATE ON BARGAINING (VERBAL)

****EXPECTED EXECUTIVE SESSION****

2.01 Communication: Daniel Richardson, City Attorney, re: Update on Bargaining (verbal)**expected executive session**
Start time: 6:30 pm.

City Attorney Richardson said that as the City enters into collective bargaining, he may need to update Council from time to time, as Council ultimately signs off on these contract. He said that this would be an update on events occurring within the collective bargaining process. He said that this topic is protected under the confidentiality of open meeting law as well as statutes related to confidentiality due to negotiations.

MOTION by Councilor Magee, SECOND by Councilor Barlow, that the Council find that premature general public knowledge of information concerning the City's position and legal advice concerning such a position in regard to labor relations agreements with employees would clearly place the City at a substantial disadvantage when entering such negotiations.

VOTING: unanimous; motion carries.

MOTION by Councilor Magee, SECOND by Councilor Paul, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a labor relation agreement with employees matter, 1 VSA §313(a)(1)(B).

VOTING: unanimous; motion carries.

The City Council entered into executive session at 6:40 PM.

The City Council exited executive session at 7:22 PM.

3.0 PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:25 PM.

COMMENTS:

Burlington residents (in person):

- Amy Magyar spoke about the short-term rental ordinance, expressing support for amendments made by Councilor



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

Carpenter. She additionally thanked Councilor Mason for his years of service on the Council.

- Charles D. Megeso spoke about the resolution around building relationships and trust between the City and the Abenaki Governments, saying that it is a framework for a relationship between people, and that the tribes look forward to a working relationship with the City of Burlington. He said that they appreciate the time and effort that this resolution has taken.
- David Call spoke in support of the resolution on temporary emergency housing for those experiencing homelessness. He said that this is an important measure, given that the unhoused deserve to live in dignity and that other emergency housing programs are expiring.
- Christopher Aaron Felker spoke about the resolution on temporary emergency housing, noting that he does not support the selection of 51 Elmwood Avenue as the appropriate site for this. He noted that unintended consequences of locating the pods there include the proximity to Joseph's House, which has a finite number of resources and that an influx of people will exceed their ability to provide services, and concerns about the parking lot at 51 Elmwood Avenue already being used for overflow parking. He said he supports the measure but at a different location.
- Jade Le spoke about the resolution regarding the North Winooski Avenue Parking Management Plan and bike parking plan; she expressed concern for the lack of parking spaces if the plan is implemented as written, and asked that the parking spaces not be removed.
- Robert Bristow Johnson spoke about ward redistricting initiatives and the implications of having seven wards versus eight wards.
- Diana Carlisle spoke about the short-term rental ordinance and she suggested spending more time looking at impacts of a number of their characteristics prior to attempting to pass it again.
- Dave King urged the City Council to override the Mayor's veto of the short-term rental ordinance. He spoke about his experience with short-term renting (both as a host and as a guest).
- Eveleen Crady-King recommended that the Council override the Mayor's veto of the short-term rental ordinance. She said that young people are leaving Vermont because there is not enough housing, especially affordable housing. She said that there must be a way to find a solution to open up more housing.
- Jodi Whalen expressed concern at the lack of stakeholder engagement, especially with the vulnerable and most marginalized in the community, regarding the North Winooski Avenue Parking Management Plan. She urged that the Council cease the project.
- Joanne Jaslatt spoke as a building owner in the City, noting that Airbnbs have helped her keep rents low for longer-term tenants. She noted the ordinance's requirement for a Section 8 voucher unit in order to have a short-term rental unit.
- Abbott Stark spoke about the short-term rental ordinance, saying that the City needs both young people living in it as well as affordable housing. He expressed support of Councilor Carpenter's amendments to the ordinance. He said that the only way he has been able to afford a home is to have one of his units rented out as a short-term rental.
- Jason Van Driesche spoke about North Winooski Avenue and bike lanes, expressing support for making North Winooski Avenue safer for pedestrians and cyclists. He expressed frustration at the delay of the project. He said that there is an imbalance in the decision-making process when developing these initiatives. He suggested a process where DPW presents a single slate of all projects each year that would change conditions of walking and biking in the City.
- Scotia Jordan expressed concern about locating emergency housing at 51 Elmwood Avenue, given its proximity to elderly housing, as well as the removal of already-scarce parking spaces. She suggested Pine Street or Institute Road as alternative locations.
- Todd LaCroix spoke about personal experiences with police brutality, noting that the military has been training police officers in methods of torture. He expressed concern about the welfare of children in the future.
- Deb Ward Lyons spoke about short-term rentals. She additionally spoke against removing parking spaces on North Winooski Avenue.



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

Burlington residents (via Zoom):

- Aaron Magianaro asked the Council not to override the Mayor's veto on the short-term rental ordinance. He said that the ordinance as written puts the onus on homeowners and strips them of flexibility in the way that they use their homes.
- Beth Citeler expressed concern for the North Winooski Avenue Parking Management Plan as written, and said that Councilor Barlow's amendment to the resolution provides the City time to make the plan work. She said that the needs of businesses and residents need to be balanced for any plan to be successful.
- Mark Hughes spoke about the activities of the Richard Kemp Center on North Winooski Avenue. He expressed concern that the North Winooski Avenue Parking Management Plan might negatively impact the Center's programming. He advised delaying the plan.
- Rabbi Jan Saltzman spoke about the difficulty finding parking in the Old North End. She spoke against removing additional parking spaces from her neighborhood, saying that they are already scarce. She said that she supports protecting pedestrians and cyclists, but not taking away parking space from this neighborhood.
- Dan Beedo expressed support for the emergency housing pods as short-term approaches for ameliorating homelessness. He spoke about spates of crime in the neighborhood, but said that police solutions aren't the answer. He said that the City needs to not criminalize poverty. He also spoke in support of the North Winooski Avenue Parking Management Plan, especially in support of public transportation.
- Kirsten Merriman Shapiro said she participated as a stakeholder in engagement activities for the North Winooski Avenue Parking Management Plan, saying that the plan failed to meet the essential parking needs for residents, businesses, and service providers, and that she and the committee offered recommendations to improve it. She said that as proposed, it will lead to barriers to some of the services on the Avenue.
- Alex Twombly spoke as a resident of Elmwood Avenue, and brought up that there wasn't any community outreach conducted prior to site selection for the pod encampment (for the temporary housing shelter).
- Joshua Katz spoke as a representative from CATMA as well as a cyclist, saying that the North Winooski Avenue Parking Management Plan and associated bike plan would be great for the City and cyclists.
- Melissa urged the City Council to consider the unintended consequences of removing parking from North Winooski Avenue. She said that the avenue is lined with small shops, restaurants, and non-profits, and it would be detrimental to those businesses and the clients they serve to remove existing parking.
- Sharon Bushor thanked the Councilors for whom tonight's meeting is their last on the Council.
- Kara Greenblatt noted that she is required to have a car for her job, and that she lives in the Old North End. She said that removing current parking from North Winooski Avenue would put unnecessary hardship on residents.
- Jean Bisette spoke against removal of parking on North Winooski Avenue, saying that it will negatively impact community members.
- Graham Turk said that it is the role of government to look beyond the immediate impacts of a policy (in this case, in the context of climate change). He said that it is important not to delay this plan. He urged the Council to take action and pass this plan tonight.
- Eliana Fox expressed support for the North Winooski Avenue Parking Management Plan resolution, saying that support should also be provided to businesses along the corridor who may be impacted by it. She said that biking and walking are both necessary modes of transportation for Burlington residents.
- Connor Smith spoke in support of the North Winooski Avenue Parking Management Plan, saying that the Council should move forward with the plan that has been proposed, which is supported by the study that was conducted several years ago.
- Rick Bragg spoke about the North Winooski Avenue parking study, expressing support for alternate modes of transportation, such as biking. He said that he is against the North Winooski Avenue Parking Management Plan, saying that the plan is more appropriate for North Avenue, Route 15, and Shelburne Road, but not North Winooski Avenue. He said that the plan will lead to safety issues.
- Jonathan Weber spoke in support for the North Winooski Avenue Parking Management Plan, which provides



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

resources to help businesses through the transition to less on-street parking. He said that the plan, as passed by the TEUC, represents a good compromise and is affordable and safe.

- Jack Tirano spoke in support of the North Winooski Avenue Parking Management Plan, saying that the City must rapidly shift to less carbon-fueled transportation.
- Cooper Siegel spoke as a resident of Elmwood Avenue, noting that there was no outreach to residents regarding the proposal to locate emergency housing at 51 Elmwood Avenue. She said that there needs to be a public forum on this issue prior to passing any resolution.
- Ally Kenney expressed strong support for the Mayor's veto of the short-term rental ordinance. She said that the restrictions the ordinance would place on homeowners are the opposite of progressive. She said that Burlingtonians deserve the opportunity to use short-term rentals to supplement their income in order to meet steep tax burdens imposed by the City.
- Ben Traverse thanked the City Councilors who will be departing the Council after this meeting.

Non-Burlington residents (in person):

- Charles Megeso spoke on behalf of Chief Richard Menard about the resolution on addressing past and present injustices and building relationships with the Abenaki government and people. He said that this resolution would establish a framework for a better relationship between the Missisquoi tribe and the City.
- Donna Toneatti spoke in support of the resolution around diversity, equity, and inclusion. She thanked the Council for the resolution, which opens the door for better communication between the Missisquoi tribe and Burlington.
- Kim Anderson of the Community Health Centers of Burlington (CHCB) spoke about the Health Center's initiatives to support the Burlington community around refugee health, the opioid crisis, and Covid-19, saying that the North Winooski Avenue Parking Management Plan would be extremely detrimental to it. She said that CHCB's voice has been ignored throughout the process. She said that the resolution would burden residents, patients, and businesses in the Old North End.
- Chol Dhoor spoke with concern about the negative impacts of the North Winooski Avenue Parking Management Plan and removing parking spaces on patients at CHCB.
- Eric Hanley spoke in support of the Mayor's veto on the short-term rental ordinance. He also spoke about housing coming online.
- Robert Richard spoke as a member of the Missisquoi tribe, noting that the term BIPOC minimizes the groups contained within it and should not be used as much as it is. He also expressed concern about adding new rental units to the City prior to upgrading its current sewer infrastructure, which is polluting the lake.
- Julie Marks spoke in support of the Mayor's veto of the short-term rental ordinance, and that the City needs a more long-term solution. She additionally noted that parking on North Winooski Avenue is already very tight.

Non-Burlington residents (via Zoom):

- Sybil spoke in support of the Mayor's veto of the short-term rental ordinance.

Forum closed at 9:03 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Mayor Weinberger noted that there will be two Town Hall-style meetings with two experts on the climate emergency. He said that they will be with Saul Griffith, the co-founder of Rewiring America, and then with experts from MIT who have



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

developed an interactive model on keeping temperature increases below 2 degrees Celsius.

5. CONSENT AGENDA

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

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

5.03 Communication: C/T Office, re: December 13, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.04 Communication: C/T Office, re: December 20, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.05 Communication: C/T Office, re: December 20, 2021 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.06 Communication: C/T Office, re: December 20, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.07 Communication: C/T Office, re: January 10, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.08 Communication: C/T Office, re: January 18, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.09 Communication: C/T Office, re: January 24, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.10 Communication: C/T Office, re: January 28, 2022 Special Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.11 Communication: C/T Office, re: January 31, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.12 Communication: C/T Office, re: February 7, 2022 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.13 Communication: C/T Office, re: February 7, 2022 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

Meeting.

5.14 Communication: C/T Office, re: February 7, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.15 Communication: C/T Office, re: February 22, 2022 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.16 Communication: C/T Office, re: February 22, 2022 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.17 Communication: C/T Office, re: February 22, 2022 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.18 Communication: C/T Office, re: February 22, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.19 Communication: C/T Office, re: February 23, 2022 Public Information Hearing on the Public Questions re March 1, 2022 Annual City Election Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 7, 2022 Regular City Council Meeting.

5.20 Communication: Mayor Miro Weinberger, re: Reappointment of Cheryl Fatnassi to the BHA Board of Commissioners - waive the reading, accept the communication and place it on file.

5.21 Communication: Sarah L. Montgomery, Presiding Officer - March 1, 2022 Annual City Election, re: Declaration Of Elected Candidates Annual City Election - March 1, 2022 - waive the reading, accept the communication and place it on file.

5.22 Communication: Sarah L. Montgomery, Presiding Officer - March 1, 2022 Annual City Election, re: Declaration Of Election Results Questions On The Ballot Annual City Election - March 1, 2022 - waive the reading, accept the communication and place it on file.

5.23 Communication: Jim Lockridge, re: ARPA/Local Arts Support - waive the reading, accept the communication and place it on file.

5.24 Communication: Jim Lockridge, re: Fwd: A request for engagement re: equity - waive the reading, accept the communication and place it on file.

5.25 Communication: Benjamin Traverse, Member, Parks and Recreation Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Ben Traverse thanking him for his time served as a Member of the Parks and Recreation Commission.

5.26 Communication: Laura Wheelock, PE, Senior Public Works Engineer, Olivia Darisse, PE, Public Works Engineer, re: Mansfield Avenue Sidepath and Traffic Calming Project - Authorization to Amend Project Budget and Award Construction Contract - 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources as needed to increase the project budget in the amount of \$128,705.05, from \$323,000.00, to a new total of \$451,705.05, in accordance with the Amended Project Budget



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

(Attachment 1), for the additional projected construction costs to complete the Mansfield Avenue Sidepath and Traffic Calming Project; and 2. To authorize the Director of Public Works to execute a construction contract with Desroches Construction Services, Inc. for \$392,787.00 to complete the Mansfield Avenue Sidepath and Traffic Calming Project, and to further authorize the use of an additional \$58,918.05 in contingency funds (15%), for a total of \$451,705.05, all of which is included in the amended project budget and proposed FY22 budget, subject to review and approval of the City Attorney's Office.

5.27 Communication: Brian Pine, CEDO Director, Kerin Durfee, Human Resources Director, Tony Berry, Human Resources Manager, re: Reclassification of one (1) role within CEDO - approve the: · Reclassification of the Office Assistant II – Community Engagement, a Regular, Full-time, NonExempt, AFSCME, Grade 12 role to Office Coordinator II – Community Engagement, a Regular, Full-time, Non-Exempt, AFSCME, Grade 14 position in the Community and Economic Development Office (CEDO). Please note this request also includes Retroactive pay of approximately \$626 due to being effective January 14, 2022.

5.28 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources, Tony Berry, Human Resources Manager, re: Creation of one (1) Clerk/Treasurer position - approve the: · Creation of the Senior Capital Project Accountant, a Regular, Full-Time, Non Exempt, AFSCME, Grade 18, role in the Clerk/Treasurer Office.

5.29 Communication: Darren Springer, General Manager, David MacDonnell, Director of Generation, re: New England Central Railroad sidetrack agreement - authorize the General Manager of the Burlington Electric Department to execute a sidetrack lease with the New England Central Railroad to facilitate the delivery of wood chips to the McNeil Generating Station, subject to review and approval of the City Attorney's Office.

5.30 Communication: Chapin Spencer, Director, Public Works, Robert Goulding, Public Information Manager, Public Works, Nicole Losch, Senior Planner, Public Works, re: Amendment of E-Bikeshare Operating Agreement with Bolt Mobility to Extend Term - authorize the Director of Public Works to execute an amendment in substantial conformance with the attached amendment to the agreement between Bolt Mobility Corporation, the City of South Burlington, the City of Winooski, the University of Vermont, Champlain College, the Chittenden Area Transportation Management Association, the Chittenden County Regional Planning Commission, and the City of Burlington for ebikeshare operation, to extend the original operating agreement by up to two years and add partner-specific performance conditions, subject to review and approval of the Burlington City Attorney's Office.

5.31 Communication: Laura Wheelock, PE, Senior Public Works Engineer, re: VTrans Bicycle & Pedestrian Program Grant Cooperative Agreement (CA0687) for the Intervale Road Shared-Use Path - 1. To authorize the Director of Public Works to execute the Cooperative Agreement from the Vermont Agency of Transportation to accept a grant amount of \$1,162,000, with project costs to be paid upfront by the City of Burlington and then reimbursed by the Vermont Agency of Transportation, with a local match of \$290,500 in City funds (20%), for a total project budget of \$1,452,500, subject to approval by the City Attorney's Office; 2. To approve necessary amendments to the Intervale Road Sidepath Project Fiscal Year 2022 Budget by adjusting the accounts as described in the affiliated memorandum and attachments.
3. To approve the use of the VTrans At-the-Ready process for Professional Design Consultant Procurement.

5.32 Communication: Cindi Wight, Director of Parks, Recreation & Waterfront and Erin Moreau, Waterfront Superintendent and Harbormaster, re: Approval of Parking Fees - approve the 2022 parking fees as set forth in the above table.

5.33 Communication: Brian Pine, CEDO Director, re: Project Management Services Contract Amendment - White+Burke – 1. Approve, subject to prior approval of the City Attorney's Office, the authorization of Brian Pine, CEDO Director, to execute a contract amendment for the provision of project management services relating to the administration and advancement of projects serving the City's Waterfront and Downtown TIF Districts, to include CityPlace Burlington work and Great Streets project work on behalf of the City, with David G. White, White+Burke Real Estate Advisors, with the maximum limiting amount of \$200,000 for an initial term, July 21, 2021 through December 31, 2022; and 2. Approve an increase in



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

expenditures for related TIF project costs by \$100,000 and increase revenue by \$100,000, as per voter approved Downtown TIF in 2021.

5.34 FIO Document – for information only.

5.35 Resolution: Approving Obtaining Standby Letter(s) Of Credit For The City's Workers' Compensation Program (Board of Finance) - waive the reading and adopt the resolution.

5.36 Resolution: Authorization For Reimbursement From Public Improvement Bonds For City's Capital Projects (Board of Finance) - waive the reading and adopt the resolution.

5.37 Resolution: Authorization For Reimbursement From Public Improvement Bonds For The City's Downtown TIF District (Board of Finance) - waive the reading and adopt the resolution.

5.38 Resolution: Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of The City Of Burlington Perpetual Lease Land Interests List (Councilor Mason) - waive the reading and adopt the resolution.

5.39 Resolution: Acceptance And Approval Of The FY 2021 Audit (Board of Finance) - waive the reading and adopt the resolution.

5.40 Resolution: Investment Of Unassigned Fund Balance To Improve City Services And Drive Operational Efficiencies (Mayor Weinberger; Board of Finance) - **AGENDA ITEM REMOVED**

5.41 Communication: Jean Bessette, re: N. Winooski Parking Management -- re: TEUC and PMP Committee Resolutions - waive the reading, accept the communication and place it on file.

5.42 Communication: Julie Marks, Executive Director, VSTRA, Inc., re: Encouraging the Mayor to VETO the Short-Term Rental Ordinance - waive the reading, accept the communication and place it on file.

5.43 Communication: Ron Jacobs, AFSCME 1343 President, re: Staffing at the Temporary Library Branch in the NNE -

5.43 Communication: Ron Jacobs, AFSCME 1343 President, re: Staffing at the Temporary Library Branch in the NNE -

5.43 Communication: Ron Jacobs, AFSCME 1343 President, re: Staffing at the Temporary Library Branch in the NNE - waive the reading, accept the communication and place it on file.

5.44 Communication: Diana Carlisle, re: Council action on Mayor veto STR - waive the reading, accept the communication and place it on file.

5.45 Communication: Michael Monte, CEO, CHT, re: North Winooski Avenue Parking Management Plan and Bike Lane Installation - waive the reading, accept the communication and place it on file.

5.46 Communication: Kirsten Merriman Shapiro, City Council-Stakeholder Committee, re: North Winooski Avenue Parking Management Plan and Bike Lane Installation - waive the reading, accept the communication and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Mason, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.46.

VOTING: unanimous; motion carries.



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

6. DELIBERATIVE AGENDA

MOTION by Councilor Hanson, SECOND by Councilor Hightower, to amend the agenda to move item 6.05 to item 6.01.

VOTING: unanimous; motion carries.

6.05 Resolution: Addressing Past and Present Injustices and Building Relationships with Abenaki Governments and People (Councilors Hanson, Tracy, Stromberg and Magee)

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

DISCUSSION:

- Councilor Hanson noted that this is the result of several years of communication between City Councilors and tribal members; he said that the resolution is to understand the impacts of colonization and how the tribes have been treated in the time since colonization, as well as provide for a study to reverse the course of the colonization and oppression of the Vermont Abenaki community. He said that this resolution attempts to rebuild trust and move forward. He noted that the Missisquoi tribal council would oversee the study. He thanked the Mayor and the administration for including funding in the budget for the resolution.
- Charlie Megeso, Chair of the Vermont Commission on Native American Affairs, said that this resolution would help to include all points of view when discussing Vermont history and cultures in Vermont today. He said that this is an opportunity to find ways to move forward together as one overarching community and for the tribes to have a better relationship with the City government.
- Donna Toneatti expressed hope that this would help improve communication and the relationships between the City and the tribe for future generations.
- Councilor Mason asked why this resolution was not referred from a committee and what the work product would be and who would own it. He additionally asked for clarification on the budget included in the resolution. Councilor Hanson replied that the study would be overseen by an advisory committee, which would also be charged with requesting funding from the budget. He noted that the advisory committee members would not be selected by the City. He noted that the report drafted would belong to the Abenaki, and that they would inform continued conversation about reparation and partnerships.

MOTION TO AMEND by Councilor Mason, SECOND by Councilor Shannon, to modify line 40 to strike "that" and delete lines 41-42 except for "and" at end of line 42.

DISCUSSION OF AMENDMENT:

- Councilor Freeman said that the intent of the resolution is to empower people who have historically experienced a lack of power and agency.
- Councilor Paul noted that the study would be the property of the Abenaki nation, and that the City is giving



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

funding to the tribes. She said that the intent of the amendment is to ensure that the City can access the report and remain collaborative with the tribe, but only if the tribe is comfortable with that clarification.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – absent for vote, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – nay, Councilor Magee – nay, Councilor Mason – aye, Councilor Paul – nay, Councilor Shannon – aye, Councilor Stromberg – nay, City Council President Tracy – nay (4 ayes, 7 nays, 1 absent); motion fails.

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Magee – aye, Councilor Mason – nay, Councilor Paul – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council president Tracy – aye (11 ayes, 1 nay); motion carries.

6.01 Declaration Of Inclusion A Vermont Diversity, Equity and Inclusion Initiative

MOTION by Councilor Dieng, SECOND by Councilor Shannon, to adopt the declaration.

DISCUSSION:

- Councilor Dieng noted that 30 municipalities have adopted some form of declaration of inclusion. He noted that there is no cost associated with this, but would mean that Burlington would simply join other towns in this declaration.

VOTING: unanimous; motion carries.

6.02 Resolution: North Winooski Avenue Parking Management Plan and Bike Lane Installation (Transportation, Energy, and Utilities Committee)

City Council President Tracy passed the gavel to Councilor Hightower for discussion of this item.

MOTION by Councilor Hanson, SECOND by City Council President Tracy, to waive the reading and adopt the resolution.

DISCUSSION:

- Senior Planner Losch provided background for the Parking Management Plan, noting that it originated in a resolution from 2020 on the Winooski Avenue Corridor Study which asked to identify practical strategies for balancing parking supply and demand, while also freeing up space for bike lanes. She noted that the City Council/Stakeholder Committee met six times over the course of 2021. She noted that one of their tasks was



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

to identify essential parking needs and demands, including demands for parking south of North Street, for visitors to CHCB, and for visitors to businesses along the corridor. She noted a web-based survey for gathering stakeholder input, which received 766 responses. She shared pertinent facts from parking studies conducted on the corridor, noting that the study area has the region's lowest rates of vehicle ownership and that parking is most heavily occupied mid-morning to mid-evening.

- Director Spencer noted that the Stakeholder Committee met six times, and that DPW proposed a phased implementation of the plan, which would begin north of Union Street, reduce parking impacts from 82 to 40 spaces, and would achieve the goal of continuous bike lanes. He spoke about more recent work conducted by DPW since the last meeting of the Stakeholder Committee (which was in February, 2022), which include buying more time for the project by requesting that VTTrans delay paving until 2023, and a proposed phased implementation of the project, beginning north of Union Street. He provided further specifics for Phase 1, which would retain 63 of 103 on-street spaces in sections from Riverside Avenue to Archibald Street, and then from Archibald Street to Union Street. He noted that the resolution would include \$15,000 for adjacent businesses and non-profits to implement transportation demand management services, as well as allocate \$52,000 of Traffic Fund monies to make the GMT City Loop free by July 1, 2023.
- Councilor Dieng asked why the paving couldn't occur for this year. Engineer Baldwin replied that the State's specifications call for a more durable, permanent kind of street marking, and they would like to coordinate that paving and marking with this plan and its phases. Councilor Dieng asked what assurances the City has that removing parking will not negatively impact adjacent businesses. Director Spencer replied that the effort to work with adjacent businesses and property-owners is still ongoing, and that the City hopes to keep facilitating those conversations.
- Councilor Hanson noted that data and survey responsive reflected that the majority of lowest-income residents in that area use bicycles rather than drive. He also spoke about the funding that would go to support transportation demand management.
- Councilor Carpenter asked if patients from the Community Health Centers of Burlington were surveyed. Councilor Hanson replied that there were customers of many of the area businesses that were surveyed.
- Mayor Weinberger spoke in support of this resolution, saying that it makes good on the City's commitment to a network of dedicated bike lanes throughout Burlington. He said that this also moves toward the City's goals for net zero energy transportation corridors. He noted several compromises within the resolution, such as working with the State to push back paving of the streets until 2023 in order to prepare for this change. He thanked the City team for their hard work.
- Councilor Shannon noted that the Stakeholder Committee voted no on this because it doesn't meet the goal of providing essential parking needs. She noted that it harms businesses, residents, workers, and patients.
- City Council President Tracy said that this initiative is an essential piece of connecting Burlington to Winooski and to connecting essential neighborhoods with downtown. He said that this would create a direct route for a bicycle network. He also said that it is important to place this initiative in the broader context of climate change and carbon-related transportation.

MOTION by Councilor Mason, SECOND by Councilor Hanson, to suspend the rules and complete the remainder of the agenda.

VOTING: unanimous; motion carries.



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

DISCUSSION (CONT'D):

- Councilor Barlow voiced opposition to the resolution and the plan. He expressed appreciation for the input that has been gathered from stakeholders and the community, but said that the plan doesn't do enough to address parking concerns.
- Councilor Dieng said that the City needs to find a balance, and that this current proposal does not strike a balance that meets the City's needs. He said that the City needs to find a way to do this work with its partners, the businesses, service providers, and residents in the Old North End.
- Councilor Magee asked if DPW is interacting with and collaborating with Green Mountain Transit to expand service to the Old North End area. Director Spencer said that there is an effort to maintain state support to continue to offer free fare services. He said that they are looking at a connection down Shelburne Road, and the other is a service line on North Avenue. He said that they are trying to provide high-level transit service while keeping it fare free for FY2023.

MOTION to AMEND by Councilor Mason, SECOND by Councilor Paul, to 1. Strike lines 56-58 and replace with: "BE IT FURTHER RESOLVED that the City Council respectfully requests that the DPW staff actively work with North Winooski Avenue businesses and non-profit organizations, most notably those whose clientele represent historically vulnerable populations, north of Union Street to attempt to identify off-street parking options prior to removing on-street parking; and"; and 2. Add new resolve clause after line 86: "BE IT FURTHER RESOLVED that the City Council respectfully requests that the DPW staff update the City Council in October 2022 and in April 2023 on the progress of efforts to reduce on-street parking demand along the blocks of North Winooski Avenue north of Union Street."

DISCUSSION OF AMENDMENT:

- Councilor Hanson said that he supports the second resolved clause but not the first. He said that the City should be focused on Transportation Demand Management and move away from a car-centric transportation system. He said that finding parking undermines that goal.
- Councilor Mason said that moving away from car-centric transportation and helping current businesses and residents identify alternative parking are not mutually exclusive.
- Councilor Shannon noted that DPW intends to help whoever needs help, but expressed concern that this amendment does not offer a substantive solution.
- Councilor Paul said that through this amendment, the onus should be on the City to help identify solutions and alternatives for off-street parking options.
- Councilor Carpenter said that the City and Council should be proactive in helping to identify alternative parking for the affected streets.
- City Council President Tracy said that the amendment is already covered within the resolution, and asked what would happen if the attempts at outreach fail.
- Councilor Dieng said he would not support the amendment.
- Councilor Barlow expressed confidence that DPW will make its best efforts to try to help stakeholders along the identified blocks of North Winooski Avenue.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Acting City Council President Hightower – aye, Councilor Magee



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

– aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – nay, Councilor Stromberg –aye, Councilor Tracy – aye (9 ayes, 3 nays); motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Shannon said that this would harm more than help the City.
- Councilor Paul said that this resolution as amended would help businesses and non-profits in the area to both work on transportation demand management as well as locate off-street parking for them.

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Acting City Council President Hightower – aye, Councilor Magee – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – nay, Councilor Stromberg –aye, Councilor Tracy – aye (8 ayes, 4 nays); motion carries.

6.03 Veto of Comprehensive Development Ordinance - Short Term Rentals ZA #20-05

MOTION by Councilor Shannon, SECOND by Councilor Hanson, to override the veto of the short-term rental ordinance.

DISCUSSION:

- Councilor Shannon noted the Mayor's concern that the ordinance would have a negative impact on the housing supply. She refuted that, saying that any ADUs that would come online would remain ADUs and not be converted into long-term housing, so they would not affect the supply of long-term rental units. She noted a number of the Mayor's other concerns and refuted them as well. She expressed concern that the vote on this ordinance would be divided by whether Councilors live in dense, multi-family home neighborhoods or in single-family home neighborhoods. She said that this veto would bring the City back to where it was during the Mayor's Housing Summit several years ago.
- Councilor Hightower said that she would be supportive of the resolution with the Carpenter amendments that the Mayor has also expressed support for, but expressed frustration about the lengthy process. She said that she would prefer to pass this ordinance and amend it in the future.
- Councilor Hanson said that they have been discussing these policies related to short-term rentals since 2019 and that they must act on something, rather than do nothing and allow the negative impacts the City is currently experiencing to continue.
- Councilor Paul said that Councilor Carpenter's amendments struck an elegant balance and were a good compromise, but that the current ordinance is not balanced and does not meet the needs called out in the Housing Summit. She also noted that 74 STRs are rented for the majority of the year, and that only around half of them would be converted into long-term rentals. She said she is not opposed to capping the number of STRs as a percentage of rental units.
- Councilor Mason said that he would not support overriding the veto.
- Mayor Weinberger said that the only way to solve the housing crisis is to build through it, not solve it through strict regulations that could end up being barriers. He said that duplexes, ADUs, triplexes and quads



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

will be key to help build the City out of its current housing crisis.

- Councilor Shannon said that current regulations have not been enforced, which is how entire buildings have been lost to short-term rentals.
- Councilor Carpenter said that if this veto is sustained, they can begin the process again in two weeks, to put together another ordinance.

VOTING (by roll call): Councilor Barlow – nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Magee – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Shannon – aye, Councilor Stromberg –aye, City Council President Tracy – aye (7 ayes, 5 nays); motion fails.

6.04 Ordinance: C.D.O - Parking Minimum and Maximum Parking Requirements and Transportation Demand Management (2nd reading)(Councilor Hanson, Ordinance Committee)

MOTION by Councilor Mason, SECOND by Councilor Hanson, to consider this a second reading and refer the amendment to the Planning Commission to correct any technical deficiencies and make any recommendation or opinion it considers appropriate and, thereafter, promptly submit the amendment to the City Council.

DISCUSSION:

- Councilor Mason noted that the proposed amendments seek to expand the removal of parking minimums from the multi-modal use parking district to Citywide. He said that this seeks to remove a barrier to the construction of new housing units, since requiring excessive parking is an impediment to that. He noted that the Planning Commission held three public hearings on these amendments and resulting changes were discussed at the Ordinance Committee shortly thereafter. He noted that if this passes the Council tonight, it will go back to the Planning Commission for another public hearing, and will return to the Council once the Planning Commission approves it.

VOTING: 10-1-1 (Councilor Shannon voted in opposition; Councilor Freeman not present for vote); motion carries.

6.06 Resolution: Designation Of 51 Elmwood Avenue As A sanctioned Site For Temporary Emergency Housing In The City of Burlington (Councilor Magee)

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

DISCUSSION:

- Councilor Magee said that this is a crucial step for the City to take, given the State's potential modifications



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

or decrease in support for current Emergency Housing measures at the State level. He said that these shelter pods could be in place by July 1 as a temporary measure while longer-term solutions are developed.

- Director Pine said that the Council's action to allocate \$3 million in ARPA funds to end homelessness was followed by looking at a range of different sites for this temporary housing. He noted the criteria used to look at sites in the City, which included using City-owned sites, sites with easy access to infrastructure, it is a cost-effective approach to providing emergency housing, and there is access to core services that allow people to maintain dignity and self-sufficiency. He detailed outreach to various City committees and Neighborhood Planning Assemblies (NPAs) for different wards. He said that they reached to all Councilors and Councilors-elect for that ward/district, abutting property owners that they were able to reach, and are planning two community neighborhood meetings. He noted that it is envisioned to be a 3-year plan.
- Councilor Shannon said that some of the challenges that were experienced at Sears Lane are being addressed here. She asked how the City will assure that resources that are necessary (such as a mental health clinician being available) will be available. She also suggested having a quarterly review for the first year. Director Pine replied that they will strive to have access to clinical social workers on the site.
- Councilor Dieng said that the timeline seems very ambitious. He should that they should be implementing this more cautiously and in collaboration with other City and community partners.
- Councilor Hightower asked about cost per person and what the funding entails. Director Pine replied that it would cost about \$1.4 million to purchase and construct the pods and a central building and get the infrastructure in place. He noted that the pods themselves are durable and will be able to be used elsewhere if a need arises.
- Councilor Barlow expressed concern about making a siting decision prior to a more rigorous public process. He also expressed concern that the Church Street Marketplace voted unanimously against the current proposed site. He said he would like a more robust public process prior to making a decision.
- Mayor Weinberger said that the City has needed a facility like this for years. He said that in terms of the location, the City has a long record of succeeding with facilities like this in downtown locations. He said that the creation of this facility is occurring in the broader context of creating more investments in the City's coordinated entry system to ensure that the unhoused can become permanently housed.
- Councilor Carpenter noted that this is an emergency solution and should be kept in that context.

VOTING: 11-1 (Councilor Barlow voted in opposition); motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Paul said that the Public Safety Committee is continuing its review of the CNA report and will meet tomorrow night at 5:30 PM. She noted that the meeting will be held completely remotely. She said that the last meeting to review the CNA report will occur on Tuesday, March 28th.

Councilor Hanson noted that the Transportation, Energy, and Utilities Commission will meet tomorrow night at 6:00 PM.

8. CITY COUNCIL – GENERAL AFFAIRS



Regular City Council Meeting - Monday, March 21, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 3/21/2022

8.01 Verbal Reports

Councilor Paul acknowledged the service of the three Councilors who are departing (Councilors Stromberg, Tracy, and Mason) and thanked them for their service to the City. Other Councilors and the Mayor also thanked them for their service. Each departing Councilor expressed gratitude to the Council and spoke briefly about their time on the Council.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

None at this time.

11. ADJOURNMENT

11.01 Motion to Adjourn

The City Council meeting adjourned without objection at 1:16 AM.

RScty: AACoonrad