



Regular City Council Meeting - Monday, March 8, 2021, 7:00 pm
****VIRTUAL MEETING****
3/8/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

March 8, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Franklin Paulino

Perri Freeman

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Eileen Blackwood

Jordan Redell

Patti Wehman



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Holli Bushnell

Lori Olberg

Bill Ward

Jen Green

Chris Burns

John Vickery

Kim Sturtevant

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 7:02 PM.

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

- **note presentation slides for agenda item 5.01 Ordinance: B.C.O. Housing - Change re energy Efficiency and Weatherization in Rental Housing, Chapter 18 (Ordinance Committee, Department of Permitting & Inspections)(per Assistant City Attorney Devlin);**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM

2.01 Verbal Comments

Forum opened at 7:27 PM.

COMMENTS:

- Sharon Bushor spoke about the opening of Downtown BHS, saying that it is important for people to get back into the classroom, and that the space looks good. She expressed excitement for the students. She spoke about the ordinance on change regarding energy efficiency and weatherization in rental housing—she said she has been following it through the ordinance committee and that she supports the additional language, definitions, and new minimum energy standard. However, she expressed concern the deletion of the time of sale language, saying that the intent for was for that component to be a starting point, and that it represented a political compromise. She said that the intent was also to have it apply to all time-of-sale properties, but now it would only apply to rental properties. She said the new ordinance hasn't fully realized what energy efficiency the City could attain if it coupled time of sale and new language and asked the Council to reconsider the language as proposed.



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- Dale Tillitson expressed disappointment in the City Council for its positions on the Burlington Police Department and the Airport. He said that City Council salaries should be reduced, given the positions the City Council has taken in putting the public in a less safe position by reducing the number of sworn police officers. He also expressed dismay about some Councilors' positions regarding the airport.

Forum closed at 7:33 PM.

3. CLIMATE EMERGENCY REPORTS

3.01 Climate Emergency Reports

Councilor Pine spoke about the results on the ballot votes, noting that the voters have weighed in and said that the City needs to take action to advance its values as a community. He spoke about inclusive finance as a mechanism to bring about changes in how buildings are heated and cooled.

4. CONSENT AGENDA

4.01 Motion to adopt the consent agenda and take the actions indicated

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

4.03 Communication: C/T Office, re: February 8, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the March 22, 2021 Regular City Council Meeting.

4.04 Communication: C/T Office, re: February 8, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the March 22, 2021 Regular City Council Meeting.

4.05 Communication: C/T Office, re: February 16, 2021 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the March 22, 2021 Regular City Council Meeting.

4.06 Communication: C/T Office, re: February 16, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the March 22, 2021 Regular City Council Meeting.

4.07 Communication: C/T Office, re: February 23, 2021 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the March 22, 2021 Regular City Council Meeting.

4.08 Communication: C/T Office, re: February 24, 2021 Public Information Hearing Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the March 22, 2021 Regular City Council Meeting.

4.09 Communication: Early Learning Initiative Annual Report - February 2021 - waive the reading, accept the communication and place it on file.

4.10 Communication: Gene Richards, Director of Aviation, re: Request for Airport to Accept Two Airport Coronavirus Response Grant Program Grants Totaling \$4,004,430 and the Approval of a \$307,515 FY 2021 Budget Neutral Amendment

- 1. "To authorize the Mayor of Burlington to execute the Airport Coronavirus Response Grant Program - Primary Airport





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Grant with the Federal Aviation Administration in an amount up to \$3,857,199, subject to the final review and approval by the City Attorney's Office."; 2. "To authorize the Mayor of Burlington to execute the Airport Coronavirus Response Grant Program - Concession Relief Grant with the Federal Aviation Administration in an amount up to \$147,231, subject to the final review and approval by the City Attorney's Office."; 1. "To approve a budget neutral amendment to the Fiscal Year 2021 Burlington International Airport budget in the amount of \$307,515 by increasing the accounts as set forth above".

4.11 Communication: Burlington International Airport, Gene Richards, Director of Aviation, re: Authorization to Sign Property Lease with Passero Associates at 1252 Airport Drive, Suite 123 - authorize the leasing of certain identified space at the Burlington International Airport to Passero Associates, and to authorize the Mayor of Burlington, to execute the lease, subject to final review and approval by the City Attorney's Office.

4.12 Communication: Burlington International Airport, re: Request to Authorize Signing a Five-Year Contract with KAS Environmental Science & Engineering for Underground Injection Control Permit Management/Compliance Assistance Services - authorize the Director of Aviation, Gene Richards, to execute a contract with KAS Environmental Science & Engineering for \$311,404.50 plus a 15% Contingency of \$46,710.68 for a total of \$358,115.18 for UIC Permit Management/Compliance Assistance Services, subject to the final review and approval by the Office of the City Attorney.

4.13 Communication: Burlington International Airport, re: Request to Authorize Signing a Five-Year Contract for Stormwater Permit Management/Compliance Assistance Services with EIV Technical Services - authorize the Director of Aviation, Gene Richards, to execute a contract with EIV Technical Services for \$299,455.00, plus a 15% contingency of \$44,918.25, for a total of \$334,373.25 for stormwater permit management and compliance assistance services, subject to the final review and approval by the Office of the City Attorney.

4.14 Communication: Burlington International Airport, re: Request to Authorize the Signing of a Stormwater System Agreement and License Agreement with the City of South Burlington Enabling the Construction and Maintenance of a Stormwater Treatment System on a Parcel Owned by the Airport - authorize the Mayor of Burlington to execute agreements in substantial conformance with the attached Stormwater System Agreement and License Agreement with the City of South Burlington enabling the construction and maintenance of a stormwater treatment system on a parcel owned by the Airport, subject to the final review and approval by the Office of the City Attorney.

4.15 Communication: Burlington International Airport, re: Request to Authorize the Signing of a Contract with the American Association of Airport Executives for the Development Delivery and Maintenance of a Digital Interactive Employee Training Service Package for 5 Years in the Amount of \$113,915 - authorize the Director of Aviation to execute a contract with the American Association of Airport Executives for five years in the amount of \$76,100 for the development and delivery of a Digital Interactive Employee Training Service package, plus a 15% contingency of \$11,415, and \$26,400 for ongoing maintenance costs, for a total amount of \$113,915, subject to the final review and approval by the Office of the City Attorney.

4.16 Communication: Katherine Schad, Chief Administrative Officer, Tony Berry, Human Resources Manager and Rich Goodwin, Director Financial Operations, re: Creation of Accounting Assistant, A Regular, Part-Time position - approve the creation of an Accounting Assistant, a Regular, Part-Time, Non-Exempt, AFSCME, Grade 12, position in the Clerk Treasurer's Office.

4.17 Communication: Chapin Spencer, Director Public Works, Martha Keenan, Capital & Asset Management Program Manager, Gustave Sexauer, Asset Management Coordinator, Megan Moir, Water Resources Division Director, Brian Lowe, Chief Innovation Officer and Cindi Wight, Director of Parks, Recreation and Waterfront, re: Asset Management Program - DTS Contract - authorize the Director of Public Works to sign a contract with Data Transfer Solutions for the hosting, implementation and management of the CMMS platform system for the City of Burlington, for an amount not to exceed \$449,000, subject to final review and approval by the City Attorney's Office.





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4.18 Communication: Kelly Devine, Executive Director, Burlington Business Association, re: Comments on item 6.05 - included and attached (February 16, 2021 agenda) - waive the reading, accept the communication and place it on file.

4.19 Communication: Cindi Wight, Director of Parks, Recreation and Waterfront (BPRW), Chapin Spencer, Public Works Director (DPW), Katherine Schad, CAO, Clerk/Treasurer Office (C/T), Tony Berry, Human Resources Manager, Danielle Cota, Human Resources Manager and Lynn Reagan, Human Resources Manager, re: Central Services Reorganization - approve the: • Reclassification of the Superintendent of Parks Operations and Maintenance, Department of Parks, Recreation & Waterfront, a Regular, Full-time, Exempt, Non-union, Grade 21, position to Superintendent of Parks and Central Facilities, Department of Parks, Recreation & Waterfront, a Regular, Full-time, Exempt, Non-union, Grade 23, position; • Reclassification of the Facility Coordinator, Department of Parks, Recreation and Waterfront, a Regular, Full-time, Non-exempt, AFSCME, Grade 14, position to Central Facilities Foreman – Custodian, Department of Parks, Recreation and Waterfront, a Regular, Full-time, Non-exempt, AFSCME, Grade 16, position; • Reclassification of the Capital Projects Coordinator, Department of Public Works, a Regular, Full-time, Exempt, Non-union, Grade 17, position to Central Facilities Manager, Department of Parks, Recreation and Waterfront, a Regular, Full-time, Exempt, Non-union, Grade 20, position; • Creation of the Capital and Special Projects Director, Clerk Treasurer's Office, a Regular, Full-time, Exempt, Non-union, Grade 23, position.

4.20 FIO Documents – for information only.

4.21 Ordinance: Comprehensive Development Ordinance - R-L Boundary at 925 North Avenue ZA #21-03 (Office of City Planning, Planning Commission)(1st reading) - waive the 1st reading and refer to the Ordinance Committee.

4.22 Ordinance: Comprehensive Development Ordinance - Adaptive Reuse Definition ZA #21-04 (Office of City Planning, Planning Commission)(1st reading) - waive the 1st reading and refer to the Ordinance Committee.

4.23 Ordinance: Comprehensive Development Ordinance - Parking Garage Illumination ZA #21-05 (Office of City Planning, Planning Commission)(1st reading) - waive the 1st reading and refer to the Ordinance Committee.

4.24 Ordinance: Comprehensive Development Ordinance - Shoreline Property Setbacks & Buffer ZA #21-06 (Office of City Planning, Planning Commission)(1st reading) - waive the 1st reading and refer to the Ordinance Committee.

MOTION by Councilor Stromberg, SECOND by Councilor Pine, to adopt the consent agenda as amended, taking the actions as indicated for items 4.01-4.24.

VOTING: unanimous; motion carries.

5. DELIBERATIVE AGENDA

5.01 Ordinance: B.C.O. Housing - Change re Energy Efficiency and Weatherization in Rental Housing, Chapter 18 (Ordinance Committee, Department of Permitting & Inspections)(1st reading)

MOTION by Councilor Hanson, SECOND by Councilor Mason, to waive the 1st reading and set for 2nd reading and adopt on March 22nd.





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DISCUSSION:

- Councilor Hanson provided an overview of the proposed ordinance change, which pertains to mandatory rental weatherization in Burlington. He said that energy efficiency is a way to reduce negative environmental impacts and that weatherization is one of the most successful ways to do this. He said that for owner-occupied housing there is an economic incentive to make dwellings more energy efficient, but that for rental properties the incentives are trickier, since the owner would be making the improvements but the tenants would see the savings since they are paying for the energy. He said that the previously-implemented time-of-sale ordinance required that energy efficiencies need to be made to properties at time of sale. He said that once that was implemented, the Council asked for report-back on the ordinance and the state of energy efficiency in Burlington. He said that that report-back showed that because there is low turnover and lack of strong enforcement mechanisms, few units were compelled to weatherize through this ordinance. He said that this revision is trying to add teeth to the ordinance and that it would require all rental units to have weatherization steps taken. He noted that VT Gas and BED have incentives available to cover 75% of costs.
- Director Burns spoke about current status on some of the additional work needed around this ordinance change. He reminded that the ordinance proposes embedding time of sale weatherization requirements into the City's existing minimum housing standards. He outlined the components of weatherization and how to estimate energy usage related to heating/cooling. He said that buildings which had not previously participated in the Weatherization Program would now need to comply.
- Councilor Mason noted that this ordinance tries to make buildings more efficient without placing inordinate costs on landlords which would then be pushed onto the tenant. He spoke about the removal of the time-of-sale program, noting that it was removed due to lack of resources to both be more aggressive about pursuing the worst energy offenders while maintaining time-of-sale activities.
- Councilor Pine asked whether the proposed ordinance contains a cap. Director Burns replied that yes, there should be language around the \$2,500 per unit cap tied to the CPI index. Councilor Pine expressed concern that this would give up some of the potential benefit of the intent of the ordinance. Director Burns replied that data from Vermont Gas showed that the cap is predicated on real weatherization costs and that it should be sufficient for at least the first phase of weatherization work.
- Mayor Weinberger spoke about the cost cap, saying that it only applies to the first time in which the property falls under this regulation. He additionally said that the point-of-sale regulation was a redundancy issue, not a capacity issue. He said that every rental property is now captured by the ordinance, and that the point-of-sale mechanism is not necessary.
- Councilor Dieng asked about what is being contemplated for next steps in terms of capacity-building for this work. Director Ward replied that some of the weatherization work is not conducted by Burlington City staff.
- Councilor Hanson said that this is creating additional demand for work, which is creating jobs. He said that the City should play an active role in the effort around developing and growing a weatherization workforce in the State.
- Director Ward said that they have been working with ReSource to support a Weatherization 101 program, to help boost the number of contractors who are able to do this work.

VOTING: unanimous; motion carries.

5.02 Communication: John Vickery, Burlington City Assessor, re: Update regarding the Citywide Reappraisal Project



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

DISCUSSION:

- **City Assessor Vickery said that they are working on publishing property values for the City, and that assessment appeals will be taking place in April. He said that the tax rate will be lower when values are increased as a result of the appraisal. He noted that the online database of values will be updated on the website.**
- **Councilor Dieng asked when property-owners will receive their assessments. City Assessor Vickery said that they hope to mail the assessed valuations to homeowners by April 1, and that tax bills will remain the same until June 30th.**
- **Councilor Pine spoke about the last appraisal in 2004-2005 and that it didn't generate much citizen reaction. He said that it has been a long time since reappraisal has occurred and that citizens could be concerned about the City using it to generate revenue. He said it is important to emphasize to residents that assessment does not result an increase in revenue for the City—the exercise is revenue-neutral.**
- **Councilor Mason said that reappraisal is required by State law and that it is not a mechanism for revenue generation for the City. He asked about the appeal process. City Assessor Vickery responded that property owners have the right to an assessment and an appeal, and that after initial appeals, the Board of Tax Appeals will hold hearings for those who want to move forward. Councilor Mason asked how recent the sales data is that is being used for the reappraisal. City Assessor Vickery replied that they use sales from 2017-2020 and that they time-adjust earlier sales.**
- **Councilor Shannon asked whether there are taxes that are not revenue-neutral in the reappraisal process. City Assessor Vickery replied that municipal and educational taxes are revenue-neutral, but other minor taxes are not revenue-neutral, such as penny-for-parks. He said that there will be some shift in the tax burden. Councilor Shannon asked if the tax burden is shifting from commercial to residential and where the greatest disparities are in terms of location of properties in the City. City Assessor Vickery said that the South End has appreciated more than the North End of Burlington, and that Covid has had an effect on certain types of commercial properties.**
- **Councilor Carpenter asked that the administration supply Councilors with social-media-friendly talking points and information that they can supply to constituents. Chief Administrative Officer Schad replied that staff has been looking into this.**
- **Councilor Dieng asked about the cost of reappraisal and asked about communication activities around reappraisal. City Assessor Vickery replied that the cost is a little over \$1 million and that it is allocated to the City in increments each year. He said that he will be speaking with all of the NPAs to explain the reappraisal process and answer questions.**
- **Councilor Pine said that 68% of homeowners are income-sensitized, so that the education portion of the property tax is based on the ability to pay. He asked whether there are other progressive policies or tax credits that property owners and renters aren't taking advantage of. He also asked about whether 2020 is an anomaly in terms of housing values and whether an adjustment could be made if property values decrease in the next few years. City Assessor Vickery replied that if the level of appraisal is over 115%, the state will mandate an adjustment to bring values down.**

VOTING: unanimous; motion carries.



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5.03 Resolution: Acceptance And Approval Of The FY Audited Comprehensive Annual Financial Report (Board of Finance)

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

DISCUSSION:

- **Councilor Paul said that this resolution is to accept and approve the FY 2020 audited comprehensive annual financial report (CAFR). She said that it is up for approval and acceptance later than usual because the school's audit was delayed.**

VOTING: unanimous; motion carries.

6. COMMITTEE REPORTS

6.01 Verbal Reports

Councilor Paul said that the Park, Arts, and Culture Committee meeting has been rescheduled for March 10 at 5:30 PM, and that it will discuss an overview of the Library, Parks & Recreation, and Burlington City Arts activities for spring and summer planning.

Councilor Pine said that Community Development and Neighborhood Revitalization (CDNR) Committee has been focusing on how the community can provide support for older community members and that the next meeting will take place on March 21. He added that that meeting will also include an update on progress on the Early Learning Initiative.

Councilor Mason said that the Joint Planning Commission and City Ordinance Committee is meeting tomorrow at 6:30 PM on Zoom to discuss the short term rental policy debate.

Councilor Hightower noted that the Joint Committee is meeting on Monday, March 15 and will hear from consultants about how to address gaps in public safety. She also noted that they will meet with the Wards 1 & 8 NPA to discuss that topic.

Councilor Hanson said that the License and Local Control Subcommittee is meeting on Wednesday the 17th at 5:00 PM.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging (REIB) meetings occur every second Tuesday of every month. He said that they will meet on March 16 at 5:30 PM to discuss REIB strategy planning.





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7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports

Councilor Shannon spoke about the January 2020 resolution passed by the City Council regarding the education weighting study. She said that the resolution asked legislators to respond to this study, which demonstrated that Burlington is at a severe disadvantage in how it's being funded. She reiterated that the resolved clauses state that City Council firmly requests that the Vermont House and Senate bodies review the study and take immediate action to revise funding formulas during this legislative session, assuring that all Vermont students have equal opportunity in education. She added that the second resolved clause said that the City Council firmly requests that resolution shall be sent to every Burlington representative and Chittenden County senators for response and resolution. She noted that there will be a vote scheduled for this on March 22 and that the City Council has been asked to join a coalition of school boards and city councils to support this. She asked City Council President Tracy if he would be willing to remind them of this resolution. She noted that the current weighting formula is not fair nor legal. She asked City Council President Tracy to ask legislators to report back to City Council on at their March 22 meeting. Council President Tracy said he would reach out to Burlington's delegation and see if they would come and speak.

Councilor Hanson thanked the City elections team and volunteer poll-workers for holding a unique Town Meeting Day in a safe way.

Councilor Dieng noted that graffiti is on the rise in Burlington and that some federal properties are being vandalized in addition to City properties and that many people feel the City is not doing enough about it.

Councilor Paul noted that the March food distribution event will occur on March 27 at Champlain Elementary School.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports

City Council President Tracy said he would be seeking another term as City Council president.

9. MAYOR – GENERAL AFFAIRS

9.01 Verbal Reports

Mayor Weinberger spoke about new Covid variant, thanked election workers, and noted that the Burlington High School has officially begun in-person classes downtown.

10. ADJOURNMENT

10.01 Motion to adjourn



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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 8:56 PM.

RScty: AACoonrad