Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall
2/18/2020

BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

February 18, 2020

MEMBERS PRESENT:

OTHERS PRESENT:

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1. CALL TO ORDER and AGENDA

The meeting was called to order by Council President Wright at 7:11 PM.

MOTION by Councilor Bushor, SECOND by Councilor Pine, to approve the agenda with the following amendments:

- **Remove from the consent agenda item 3.21 Communication: Mayor's Office and Human Resources, re: Changes to the Equity, Inclusion, and Belonging Director Position (per COS Redell);**
- **Remove Leslyn Hall's name from consent agenda item 3.25 Resolution: Appointment of Acting Inspectors of Election for Wards One, Two, Three, Four, Five, Six, Seven and Eight and Appointment of Acting Ward Clerks in Wards Four, Six and Eight (Councilor Wright);**
- **Add to the consent agenda item 3.28 Communication: Lea Terhune, re: FOR THE RECORD with the action to "waive the reading, accept the communication and place it on file";**
- **Add to the consent agenda item 3.29 Communication: Solveig Overby, re: Recommendation against City investment in Schurz with the action to "waive the reading, accept the communication and place it on file;"**
- **Add to the consent agenda item 3.30 Communication: Kelly Stoddard Poor, AARP VT, re: Accessory Dwelling Unit Ordinance with the action to "waive the reading, accept the communication and place it on file";**
- **Note additional written material for agenda item 4.07 Burlington Telecom Investment (verbal)(per COS Redell);**

- **Note written material for agenda item 4.08 Moran Frame Update (per COS Redell);**
- **Note final version and amended action for this agenda item (per Grace Ciffo);**
- **Note written material for agenda item 4.09 NetZero Energy Report (per COS Redell).**

VOTING: unanimous; motion carries.

Council President Wright recessed the City Council meeting at 7:16 PM to convene the Local Control Commission, followed by the Board of Civil Authority and the Full Board of Abatement of Taxes. The City Council meeting reconvened at 7:23 PM.

2. PUBLIC FORUM

Public forum was opened at 7:23 PM.

COMMENTS:

- Mr. Hume expressed concern about the delay and removal of the parade mural and expressed opposition to proposal that would develop more multicultural art for placement in the Marketplace Parking Garage. She also cautioned that private foundations shouldn't be able to apply for grants that obligate city staff, funds, and property without approval before City Council.
- Karen Long expressed frustration over statements that the current state of the City Place project leaves Burlington better off than when the mall was present, citing loss of sidewalks, parking spaces, and loss of revenue from the City Place property taxes and parking garages. She also stated that Burlington supports appropriate development.
- Lauren Glen Davidian urged City Council not to vote against investing in Burlington Telecom to retain a board seat, citing work done by Bernie Sanders during his tenure as mayor to recommend City ownership of the cable system, as well as strong public support for publicly controlled infrastructure.
- Stephanie Saguino encouraged City Council to approve the reinvestment of Burlington Telecom sale proceeds back into Burlington Telecom, noting that having a stake will lower municipal tax rate, which is badly needed relief for working families.
- Alan Matson urged City Council to remain involved in Burlington Telecom, and cited recommendations from the Burlington Telecom Advisory Board to City Council in 2016 which supported maintaining a long-term investment Burlington Telecom.
- Carolyn Bates encouraged retaining investment in Burlington Telecom. She also stated that the city should welcome and promote Airbnbs in Burlington keep more tourist money in town.
- Jane Knodell stated that City Council should consider both the risk and the return of reinvesting in Burlington Telecom. She noted that many councilors are concerned about the risks associated with reinvesting, but also noted that Burlington Telecom has a strong track record of organic and sustained growth over the past five years and that the real risk is in not reinvesting in the company.
- Dave Hartnett is in favor of reinvesting in Burlington Telecom, stating that when other companies invested in Burlington Telecom they were able to cash out for substantial profits. He noted that failure to reinvest would result in significant loss of money to taxpayers. He urged that if City Council chooses not to reinvest, then the taxpayers should benefit from that decision.
- Solveig Overby advocated against City Council paying Schurz Communications to buy 7.5% of Burlington Telecom.
- Milo Grant stated that as a member of the committee to review policing policies, she was concerned that the committee had not had enough time to do its work. She felt that additional work needs to be done by that committee, especially around bias training for officers and stronger engagement with the community.

- Brian Cina noted his solidarity for migrant and undocumented workers and stated that Burlington should set an example for other communities, specifically by closing loopholes that allow the Burlington Police to report to Immigration and Customs Enforcement.
- Ashley Smith expressed grave concern for current federal immigration policies and their impact on Vermont communities, urging City Council to take a stand
- Kason Hudman urged City Council to adopt fair and impartial policing policies, citing its condemnation of neo-Nazism, white supremacy, and fascism.
- Paul Fleckenstein thanked Burlington public for its turnout. He also expressed support for protecting the lives of immigrant workers and their families in Vermont, and expressed concern for lack of accountability for Immigration and Customs Enforcement and its effects on communities in Vermont.
- Tia Maria Bradley expressed support and solidarity for the plight of immigrants, and urged the community and City Council to do the same.
- Kenzie Hines expressed disappointment and concern about City Council postponing tonight's vote on fair and impartial policing policies.
- Taig Christiana recalled an instance where a friend of hers was accosted by law enforcement in Burlington
- Scarlet Moore urged City Council to schedule a vote for the No Más Polimigra resolution.
- Simon urged City Council to support No Más Polimigra resolution.
- Erica Victoria strongly urged City Council to adopt the No Más Polimigra resolution.
- Emil Paicil lent his support to the fair and impartial policing policy, giving his perspective as an exchange student.
- Alexander Smith spoke in favor of the fair and impartial policing policy, citing frustration that City Council moved it from the current meeting's agenda.
- Ben B wanted to know the position of City Council-members on the topic of the fair and impartial policing policy.
- Zhureva commented that postponing the fair and impartial policing policy vote is not respectful to the immigrant community.
- Elizabeth Copper ceded her time to a migrant justice worker.
- Enrique Alcazar spoke on behalf of the immigrant dairy workers of Vermont, noting his detainment by ICE due to his activist work and urging Burlington to support the immigrant community in Vermont and set an example for the rest of the state.
- Adam Frowein noted the anxiety felt by the local community due to current immigration policies.
- Finn Potter cited concerns with loopholes in current fair and impartial policing policies and expressed support for the No Más Polimigra resolution.
- Erin Walsh ceded her time to an immigrant.
- Hugo Rojas spoke about his experience of police detainment in Vermont and expressed concern about police practices regarding immigrants and migrant workers.
- Stephanie Clark gave her perspective as a transgender citizen in Burlington, noting that the same safety and welcome she felt when she came to the community has not been given to trans migrants
- Max Van Cooper
- Asma al Houni expressed disappointment that City Council pushed back its vote on the fair and impartial policing policies agenda item, stating that closing the loophole will benefit citizens as well as immigrants.

Councilor Shannon brought up a point of order, noting that many people have made the effort to come to speak tonight. She suggested inviting members who have not had the chance to speak tonight to come and speak at the March 9, 2020 City Councilor meeting. Councilor Wright replied that the resolution would be taken up at the next meeting, and members of the public who wish to speak on the resolution will be allotted time at the next meeting.

3. CONSENT AGENDA:

3.01 PROCEDURAL: Amend/adopt consent agenda and take the following actions as indicated:

3.02 COMMUNICATION: C/T Office, re: Accountability List

3.03 COMMUNICATION: Cindi Wight, Director, BPRW, re: Burlington Bike Path Rehabilitation Phase 3b Design

3.04 COMMUNICATION: Nicole Losch, PTP, Senior Planner, re: Pavement Marking Contract - Authorization to Increase Contract Amount

3.05 COMMUNICATION: Elizabeth Gohringer, Associate Planner, Department of Public Works, re: Street Seat/Parklet-Pilot Follow-up & 2020 Draft Program Guide

3.06 COMMUNICATION: Caleb Manna, Excavation Inspector, Department of Public Works, re: VTrans Highway Mileage Certificate Accpetance

3.07 COMMUNICATION: Laura Wheelock, P.E., Senior Public Works Engineer and Phillip Peterson, Associate Engineer, re: Authorization to Amend University Place UVM-City Agreement and Award Contract for Calendar Year 2020 Engineering Services

3.08 COMMUNICATION: Phillip Peterson, Associate Public Works Engineer, re: Red Maple Lane & Franklin Square Street Acceptance

3.09 COMMUNICATION: Rich Goodwin, Director of Financial Operations, Deanna Paluba, Director of Human Resources and Tony Berry, Human Resource Director, re: Reclassification and Recategorization of Retirement and Insurance Administrator to Retirement Administrator in the Clerk Treasurer's Office

3.10 COMMUNICATION: John Vickery, City Assessor, re: Final Grand List summary, Tax Book Report, TIF Reports, and error and Omissions List

3.11 COMMUNICATION: Caleb Manna, Excavation Inspector, Department of Public Works, re: 167 Main Street - Encumbrance Application - Outdoor Seating

3.12 COMMUNICATION: Caleb Manna, Excavation Inspector, Department of Public Works, re: 125 College Street - Encumbrance Application - Projecting Signs

3.13 PERMIT: Indoor and Outdoor Entertainment Permit Renewals (2020-2021): see attached list

3.14 PERMIT: Indoor Entertainment Permit Renewal - extension of hours - (2020-2021): Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10

3.15 PERMIT: Outdoor Entertainment Permit Renewal - extension of hours - (2020-2021): Foam Brewers, 112 Lake Street

3.16 COMMUNICATION: Deb and Tom Miller, re: Winooski Avenue Renovation

3.17 COMMUNICATION: Dan Kirk, re: North Winooski Avenue Corridor Plans

3.18 COMMUNICATION: Lea Terhune, re: 2/10/20 PF

3.19 COMMUNICATION: Mark Porter, re: 2/10/20 PF

3.20 COMMUNICATION: Rich Goodwin, Director Financial Operations, re: Agreement, Work Plan, & Deliberative for capital project accounting services

3.21 COMMUNICATION: Mayor's Office and Human Resources, re: Changes to the Equity, Inclusion, and Belonging Director position **AGENDA ITEM REMOVED**

3.22 FIO Documents

3.23 ORDINANCE: Burlington Code of Ordinances - Signs--In Public Ways and Projections over Sidewalks (Office of City Planning, Ordinance Committee)

3.24 ORDINANCE: Streets and Sidewalks--E911 - Building Numbering & Street Naming (Office of City Planning, Ordinance Committee)

3.25 RESOLUTION: Appointment Of Acting Inspectors Of Election For Wards One, Two, Three, Four, Five, Six, Seven And Eight And Appointment Of Acting Ward Clerks In Wards Four, Six And Eight (Councilor Wright)

3.26 RESOLUTION: Reclassification And Title Change To Positions Within Water Division (Board of Finance)

3.27 RESOLUTION: Authorization For Execution Of First Amendment To The Agreement Between The University Of Vermont And The City Of Burlington Regarding Participation In The City's Ten Year Capital Plan (Board of Finance)

3.28 COMMUNICATION: Lea Terhune, re: FOR THE RECORD

3.29 COMMUNICATION: Solveig Overby, re: Recommendation against City investment in Schurz

3.30 COMMUNICATION: Kelly Stoddard Poor, AARP VT, re: Accessory Dwelling Unit Ordinance

MOTION by Councilor Bushor, SECOND by Councilor Pine, to adopt the Consent Agenda and take the actions indicated for Items 3.01 through 3.30.

VOTING: unanimous; motion carries.

4. DELIBERATIVE AGENDA:

4.01 Indoor Entertainment Permit Application (2019-2020): Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth, 115 St. Paul Street

MOTION by Councilor Roof, SECOND by Councilor Pine, to approve the 2019-2020 Indoor Entertainment Permit Application for Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth with all standard conditions.

VOTING: unanimous; motion carries.

4.02 Outdoor Entertainment Permit Application (2019-2020): Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth, 115 St. Paul Street

MOTION by Councilor Roof, SECOND by Councilor Pine, to approve the 2019-2020 Outdoor Entertainment Permit Application for Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth with all standard conditions.

VOTING: unanimous; motion carries.

4.03 Outdoor Entertainment Permit Application (2020-2021): Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10

MOTION by Councilor Roof, SECOND by Councilor Pine, to approve the 2020-2021 Outdoor Entertainment Permit Application for Orlando’s Bar and Lounge with all standard conditions.

VOTING: unanimous; motion carries.

4.04 Report by the Special Committee to Review Community Policing Practices, to the Burlington City Council

Randall Harp, chair of the Special Committee to Review Policing Practices was present to give an overview of the report produced by the Committee and answer questions from City Councilors. He summarized the main recommendations from the report. These included an updated use of force policy, recommendations on community oversight, and recommendations that the Police Commission have some oversight capacity over the Chief of Police.

Councilor Roof thanked Commissioner Harp for his and others’ work with the Special Committee and the complex issues with which it dealt, and urged other Councilors to move the report forward.

Councilor Shannon also thanked Commissioner Harp and noted that the report provides the Police Commission with valuable guidance and a clear set of recommendations.

Councilor Bushor asked whether the Special Committee drafted an updated use of force policy and Commissioner Harp replied that the policy was updated to reflect the discussion of the Committee, and that the drafting process is ongoing. Councilor Bushor noted that many of the recommendations will be relevant to the hiring of a new Chief of Police.

Councilor Tracy asked about the models considered when developing oversight recommendations and Commissioner Harp replied that there was not enough time to review the breadth of community models, but referred Councilor Tracy to the minutes of meetings to review details on discussions.

Councilor Freeman asked about Commissioner Harp's perception of the task force model and process and Commissioner Harp responded that it took some time for committee members to familiarize themselves with policing practices, oversight, and training, and that the mandate for the committee was very broad, but that it was valuable to hear all perspectives.

Councilor Pine noted that the Special Committee required a supermajority vote on issues before they were put forth as recommendations and is interested in reviewing a minority report of these items. Councilor Roof noted that he could work with the Special Committee to put together a minority report from the minutes.

Councilor Dieng asked Police Chief Murad and Deputy Chief Morrison to give the historical context for the Special Committee and asked them to outline the process for becoming a police officer. Deputy Chief Morrison gave background information on the public concerns that led to the formation of the Special Committee, and Chief Murad outlined the steps of the hiring process for police officers.

Councilor Hanson asked about communication and coordination between the Special Committee and the Police Commission, and Commissioner Harp replied that two members of the Police Commission participated on the Special Committee and would report out to the Police Commission about the Special Committee's work. Councilor Hanson noted his support for producing a minority report and stated that the Public Safety Commission should receive and review this report with strong collaboration from the Police Commission.

MOTION by Councilor Pine and SECOND by Councilor Freeman to accept the communication and refer it to the Public Safety Committee for the purpose of developing and action plan that includes deadlines and responsible parties for each recommendation contained in this report and that the Committee report back to the Council at the March 23, 2020 City Council meeting; and

The Council acknowledges that the super-majority required for recommendations to be advanced prevented many ideas from making the report, so respectfully request that members of the Special Policing Committee who advocated such opinions prepare a set of recommendations that were raised at the meetings but that failed to receive a 2/3 majority vote.

DISCUSSION:

- **Councilor Shannon was concerned that not referring the report to the Police Commission could delay actions based on recommendations in the report and concerned about taking the minority report into account.**
- **Councilor Bushor had concerns about the feasibility of a March 23 report back date and would also support recommending that the Public Safety Committee work in collaboration with the Police Commission on reviewing this report.**

MOTION TO AMEND by Councilor Bushor, SECOND by Councilor Hanson, to add to the first line "working in collaboration with the Police Commission"

VOTING ON AMENDMENT: 11-1 (Councilor Shannon); motion carries.

MOTION to AMEND by Councilor Roof, SECOND by Councilor Pine, to strike language after the word "request" in second paragraph and replace with "those items that failed to meet the 2/3 standard are forwarded onto the Public Safety Committee for consideration"

<u>DISCUSSION OF RESOLUTION AS AMENDED:</u>

- **Councilor Paulino cited concerns with tight timeframe for this work.**
- **Councilor Roof stated his belief that requesting an action plan and deadlines based on report recommendations is feasible.**
- **Councilor Dieng asked why the minority report would be sent to the Public Safety Committee and not City Council. Councilor Pine clarified that the report would be generated by the Public Safety Committee but would come back to City Council.**

VOTING ON AMENDMENT: 10-2 (Councilor Shannon, Councilor Dieng); motion carries.

MOTION TO AMEND by Councilor Dieng, SECOND by none, to amend the motion to have the minority report go to the City Council instead of the Public Safety Committee. Motion fails.

VOTE ON RESOLUTION AS AMENDED: 10-2 (Councilor Shannon, Councilor Dieng); motion carries.

4.05 Public Hearing Regarding Comprehensive Development Ordinance (CDO) ZA-20-03 Accessory Dwelling Units

Council President Wright opened a public hearing on this item at 10:00 PM.

- Kirby Dunn spoke in favor of the Ordinance and noted that HomeShare Vermont has put together a guidebook for homeowners on Accessory Dwelling Units (ADUs) and will also conduct educational workshops for homeowners to learn more about ADUs.
- Alex Lavine spoke in favor of the Ordinance, but cautioned that ADUs could be used as Airbnbs and that Airbnb property owners are not subject to the same regulation as traditional bed and breakfasts or inns.
- Amy Magyar spoke in favor of the Ordinance, noting that it will help with current housing needs and will also create flexible housing within Burlington.

Council President Wright closed the public hearing portion of the agenda item at 10:07 PM.

4.06 Ordinance: Comprehensive Development Ordinance - Accessory Dwelling Units, ZA-20-03 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

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

DISCUSSION:

- **Councilor Mason outlined the changes to the existing ordinance, stating that the changes are intended to encourage ageing in place, housing affordability, and the addition of affordable housing units within neighborhoods.**
- **Councilor Bushor thanked the Planning Commission and staff for their work on the ordinance, and thanked the community for their input in shaping the policy.**
- **Mayor Weinberger noted that this is a high-priority item for the City, and thanked staff and the Planning Commission for their work.**
- **Councilor Hanson asked whether there are current vulnerabilities that would allow ADUs to become Airbnbs, and the response was that nothing currently prevents ADUs from becoming Airbnbs, but this will be dealt with along with other short-term rental issues at the Joint Committee meeting.**
- **Councilor Pine thanked Ms. Kirby and noted that this is a big achievement for the City, as its original position had been one of caution about ADUs.**

VOTING: unanimous; motion carries.

4.07 Burlington Telecom Investment (verbal)

MOTION by Councilor Mason, SECOND by Councilor Pine, to suspend the rules at 10:32 PM and complete the agenda. VOTING: unanimous; motion carries.

MOTION by Councilor Pine, SECOND by Councilor Bushor, to (1)Enter into a Membership Interest Purchase Agreement and Operating Agreement with Schurz Communications for a 7.5% interest in Champlain Broadband, LLC that

- Includes ownership consistent with Scenario C (Burlington, downtown Winooski and Airport network);

- Is consistent with the terms of the Asset Purchase Agreement;

- Is consistent with the terms of the Certificate of Public Good with respect to any obligation related to the City's interest;

- Includes confidentiality terms consistent with the City's obligations under the Vermont Public Records Act and Open Meeting Law; and

(2) Authorize the Mayor to enter into this MIPA, the Operating Agreement, and any related documents, substantially in conformance with the draft documents provided to the Council and subject to the approval of the city's attorneys, necessary to complete this purchase and consistent with the above terms

DISCUSSION:

- **Councilor Roof recused himself from discussion and voting on this agenda item.**
- **Councilor Pine noted that Burlington Telecom has exceeded expectations in a market that is viewed as very competitive, is a resilient piece of infrastructure, and that it would not be a speculative investment were the City Council to vote to reinvest in it.**
- **Councilor Bushor noted that many constituents have been supportive of reinvestment.**
- **Councilor Shannon thanked Todd Schurz for being forthright throughout this process. She noted that a 7.5% ownership stake is not a meaningful ownership and would not have meaningful influence on a corporate board as it could be easily out-voted.**
- **Councilor Tracy noted that this investment decision is predicated on fiber retaining its position as the technology of the future, and is not comfortable with making that assumption. He further stated that one seat on the board would not allow enough influence for the City to steer the company, and ownership would also be a conflict of interest for the City. He finally noted that these funds could be put to use for other priorities, such as combatting climate change.**
- **Councilor Freeman agreed with Councilor Tracy, stating that investments would be better made in combating greenhouse gases and climate change.**
- **Councilor Mason spoke against reinvestment, stating that it would not be a prudent decision for the City.**
- **Councilor Dieng noted wanting closure on this issue, and that reinvesting would be a risky decision.**
- **Councilor Paul spoke against reinvesting, citing high risk.**
- **Councilor Pine read into the record a slight amendment to the motion to add "accept the proposed uses of the BT funds described by the Mayor in his January 3, 2020 memo including as to #2 of that memo." He further noted that the City Council makes other equally risky decisions on a regular basis, such as decisions around the pension fund, which is invested in stocks (though spread among a diverse portfolio).**
- **Councilor Bushor stated that a board seat can do a lot to effectuate change and stood by her support of reinvestment.**
- **Mayor Weinberger stated that he will stand by the City Council's decision, but noted that having a seat on the board would help ease the transition from a public utility to a private company.**
- **Councilor Wright stated that Burlington Telecom has been a success story and that the best way to ensure money back to taxpayers is to invest in the new company.**

VOTING (by roll call): Councilor Bushor – aye, Councilor Hanson – nay, Councilor Dieng – nay, Councilor Paulino – nay, Councilor Freeman – nay, Councilor Mason – nay, Councilor Paul – nay, Councilor Pine – aye, Councilor Shannon – nay, Councilor Tracy – nay, Councilor Wright – aye (3 ayes, 8 nays, 1 recusal [Councilor Roof]); motion fails.

MOTION by Councilor Shannon, SECOND by Councilor Paul, to make public the documents received regarding risk, including the general assessment of investment, CTC technology and energy report from Oct 2019 and recent City Attorney's assessment of risk received last week with any redactions that City Attorney deems necessary.

VOTING: unanimous; motion carries.

4.08 Moran Frame Update

Mayor Weinberger introduced this agenda item, noting the opportunity to bring resolution on terms consistent with unanimous decision made by City Council last year about frame concept and also noting that approval would lead to immediate action and commencement of construction, weather allowing. He finally noted that approval would also ensure the preservation of a historic waterfront landmark, as well as the potential for future expansion and public use of waterfront.

City Consultant Kurt Muller, Vermont Director of Site Investigation & Remediation at VHB stated that approvals have been secured from the Development Review Board, that construction bids have been sourced, that assumptions in project budget have been tested. Additionally, a deep analysis was conducted to ensure thorough understanding of site contaminants, which revealed higher levels of contaminants than previously known, which subsequently led to an increase in project cost of around $1 million. Based on this, the project was restructured to account for the increased cost, leading to a simplified and phased approach to the frame concept that City Council had previously approved and a financing solution for the $1 million gap that does not have impact on tax-or-rate payers.

Councilor Bushor noted that the Board of Finance reviewed this proposal and was confident that the work could be completed within the proposed budget, and unanimously voted in support of moving forward with the motions currently before the City Council.

Councilor Mason noted that a constituent reached out expressing concerns that the frame would be an attractive nuisance. Grace Ciffo replied that this is envisioned as a community space and a place for the public to convene. She further stated that there is ongoing monitoring of waterfront district including the Moran site

Councilor Hanson asked how the remediation funds would not impact rate payers. Mayor Weinberger replied that remediation funds will be paid by Burlington Electric Department (BED), that there is no anticipated rate change flowing from the settlement agreement as proposed, and it would not be a driver of future rate changes.

Councilor Dieng asked about alternative options to the current proposal. Luke McGowan replied that this is the option currently before City Council for consideration and that it is structured such that it can inform future options with the addition of small or large amenities. He added that complete demolition would be another option

Councilor Dieng noted that the current proposal’s cost is more than the $5.6 million that was originally presented. He asked how much the frame as proposed will cost. Mayor Weinberger replied that the price has increased to $6.5 million. Councilor Dieng also asked how much it would cost to tear down the current building. Mayor Weinberger replied that It would be within the TIFF financing for this project. Ms. Ciffo added that it would cost $3.6 million and would be contained within the TIFF funds, potentially using Section 108 money. Mayor Weinberger added that demolition would leave the waterfront with a bare patch, but that the City could then potentially spend $800,000-$900,000 to create a new park. He added that the $2 million savings differential between Moran frame and demolition would be of some value to taxpayers, but that constituents would benefit only in modest ways, stating that the savings can't be repurposed for any other TIFF use.

MOTION by Councilor Paulino, SECOND by Councilor Shannon, to approve CEDO's acceptance of the DEW Construction Corporation bid for completion of the proposed scope of work for Moran Frame Phase 1A and execution of the corresponding contract and all other documents necessary to advance same, subject to the review and approval of the City Attorney; and to authorize Mayor Miro Weinberger, on behalf of the City of Burlington, to execute a settlement agreement between the City of Burlington and the Burlington Electric Department ("BED"), in which BED pays to the City an amount not less than $950,000 to compensate the City for the costs of abating/remediating contaminants which fall within the parameters of BED's legal financial responsibility as set forth in the 1990 Memorandum of Understanding and the 2009 Letter of Agreement executed by the parties, all subject to the review and approval of the City Attorney, and with the understanding that such settlement amount will go to the environmental abatement/remediation costs required for the project.

DISCUSSION:

- **Councilor Tracy asked where the $800,000 is coming from to making the site into a useable public space, in context of demolition. Mayor Weinberger replied that any parks amenities would need to fit into the definition of stabilization requirements in order to use TIFF funds. A proposal around this has not been fully fleshed out. Councilor Tracy asked where the state share of the funds would go that would be returned to the state. Mayor Weinberger replied that they would be returned to the education fund, which is not specific to Burlington.**
- **Councilor Hanson felt that not enough time or opportunity was given to engage with the public on this new proposal. He stated that another option included demolishing the building and building a new park on the site, which could cost up to $1 million less than the TIFF financing available. He suggested using the remaining TIFF funds to cover the environmental remediation costs and not have BED remediate and potentially creating something lower-cost with the frame.**
- **Councilor Wright asked about the implications of this motion being defeated. Mayor Weinberger replied that the frame option has fully gone out to bid and construction pricing is guaranteed to deliver that option within the current budget and that it would be a major setback if this motion is defeated.**
- **Councilor Dieng asked the BED director, Darren Springer, about rate increases. Mr. Springer replied that BED has not had a rate increase in 11 years, due to careful fiscal management. He noted that the remediation would not cause a rate increase because it would be financed over a period of years to smooth the financial impact to any given year, and that it would come out of BED's operating budget.**
- **Councilor Dieng asked whether it would be expensive to maintain the frame. Mr. McGowan replied that because there are lead and PCB paint on the metal structure, the paint needs to be recoated in a manner that would prevent paint chip erosion. Mayor Weinberger stated that maintenance would be around $27,000 in the years that it is deemed necessary.**

VOTING (by roll call): Councilor Bushor – aye, Councilor Hanson – nay, Councilor Dieng – nay, Councilor Paulino – aye, Councilor Freeman – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Councilor Wright – aye (9 ayes, 3 nays); motion carries.

4.09 NetZero Energy Report

5. COMMITTEE REPORTS

5.01 Verbal Reports

6. CITY COUNCIL – GENERAL AFFAIRS

6.01 Verbal Reports

7. CITY COUNTCIL PRESIDENT – COUNCIL UPDATES

7.01 Verbal Reports

8. MAYOR – GENERAL AFFAIRS

8.01 Verbal Reports

9. ADJOURNMENT

MOTION by Councilor Paulino, SECOND by Councilor Shannon, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 12:40 AM.