



Regular City Council Meeting - Monday, February 7, 2022, 6:30 pm, REMOTELY via ZOOM 2/7/2022

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

February 7, 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

Sarah Montgomery

Lori Olberg

Brian Pine



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Kara Alnasrawi

Emma Beers

Meagan Tuttle

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 6:41 PM.

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

- **add to the consent agenda item 5.11 Communication: Sibylle Kim, re: Objection to Ch. 18 Ordinance Amendment on Short Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.12 Communication: Julie Marks, Director, Vermont Short Term Rental Alliance, re: Submission to the Burlington Public Record for the Public Hearing on Ordinance Changes Relating to Short-Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.13 Communication: VTSRA, re: Notice of Public Hearing on Burlington Code of Ordinances, Ch. 18 Short-Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.14 Communication: Amy Magyar, re: Short Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.15 Communication: Deb Ward Lyons, re: Short-Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.16 Communication: Matt and Leda, re: STR Feedback with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.17 Communication: Shanta Eastman and Ian Bleakney, re: In Support of Continuing Short Term Rentals for Seasonal Camps with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.18 Communication: Eric Zawadski, re: Burlington STR with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.19 Communication: Diana Carlisle, re: Short-Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.20 Communication: Anne Peter, re: Short-Term Rentals with the action to "waive the reading, accept the communication and place it on file";**
- **add to the consent agenda item 5.21 Communication: Laurie Kotorman, re: Short-Term Rentals (STR's) with the action to "waive the reading, accept the communication and place it on file";**
- **note proposed amendments for agenda item 6.02 Ordinance: Chapter 18. Housing-Short Term Rentals (per Assistant City Attorney per Councilor Magee);**
- **remove from the agenda item 6.02 and place it on the February 22, 2022 Deliberative Agenda (per Councilor**



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Mason);

- **note revised version, operational policy and updated motion for agenda item 6.04 Ordinance: PARKS -- Camping in Parks or Other Municipal Lands (Councilor Magee)(per Councilor Magee);**
- **add to the Deliberative Agenda item 6.05 Communication: City Redistricting and Consideration of Next Steps and timeline. The City Attorney and City Planner will address the Council on various redistricting issues, including timeline of process, and consideration of an initial, pre-mapmaking steps to gauge the Council's consensus on ward-size, configuration, number, and structure of representation. Expected Action: deliver feedback on redistricting questions and possible motion directing City staff to begin map making process. (per City Attorney Richardson).**

DISCUSSION:

- **Councilor Mason noted that deliberative item 6.02 should be delayed because amendments are being contemplated and that it would be important for those proposed amendments to be considered and reviewed by the public over the next several weeks, rather than discussing them tonight.**

VOTING: unanimous; motion carries.

2. WORK SESSION REGARDING CITY COUNCIL DECORUM

2.01 Communication: City Attorney Richardson, re: City Council Decorum

City Attorney Richardson spoke about the memo that was drafted, noting that it is comprised of three sections. He said that the first section speaks to large concepts such as civility and civil discourse, the concepts of anger and frustration, actions around conducting public business in an orderly and effective manner, and the concept of free speech. He then spoke about the legal rights and limitations, which include open meeting law, Roberts Rules of Order, and First Amendment considerations. He noted that the third section deals with recommendations and potential tools to ensure decorum. Recommendations include developing an enforcement strategy and group to ensure Council rules

and rulings by the Council President are properly enforced, revisiting and revise layout of Council chambers and develop or review existing safety protocol, developing a Council Code of Conduct for public speakers including rules and potential consequences for infractions, researching the use of a virtual meeting technology as an alternative to in-person attendance and whether the requirement of individuals to use such medium would pass constitutional scrutiny, and developing and engage in civility and civil discourse education and promoting it within the community.

Councilor Dieng noted that some constituents have taken issue with Councilors not having their cameras on at times during remote meetings, and asked about regulating Councilor camera use. City Attorney Richardson replied that the Council can set rules for itself and could include camera requirements and other participation requirements during remote meetings.

Councilor Mason asked what next steps could be, noting that it doesn't seem to fit within any existing committee. City Council President Tracy replied that when City Council rules were reviewed previously, a referral was made to the Charter Change Committee for recommendations back to the Council. He said that an ad hoc committee could also be formed.



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Councilor Shannon brought up several ideas, including allotting time for the public to speak in favor of or against certain issues, having the public sign up for specific timeslots, and exploring what to do if a member of the public is particularly disruptive at a public meeting. She also said that having a retreat-style discussion amongst Councilors would be helpful.

Councilor Freeman said that they would err on the side of being permissive and allowing freer political and civil discourse. They said they would be interested in exploring these issues further.

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:33 PM.

COMMENTS:

Burlington residents:

- Shanta Eastman asked the Council to study the short-term rental problem further prior to taking any action. She asked for a carve-out from seasonal properties that can't address the long-term housing shortage. She said that blanket restrictions will not automatically achieve the goal of providing more housing.
- Diana Carlisle spoke with concern about short-term rentals that aren't owner-occupied, speaking personally about a house in her neighborhood that was bought for use as an Airbnb.
- Laurie Kotorman said that short-term renting is an affordable housing solution for many owner-occupied properties.
- Ericka Redic spoke about how one of the units on her property is being forcibly removed from the market for what seem like arbitrary ordinance enforcement. She said that the City clearly is not concerned about the housing supply if they are taking these actions.
- Kent Cassella spoke about his proposal to license short-term rentals, saying that banning short-term rentals would send tourist dollars out of town.
- Christine Freiman spoke about the ordinance that disallows camping on public ground, saying that she does not support altering this ordinance.
- Christopher Aaron Felker spoke in support of the work session on City Council civility, spoke against using one-time ARPA funds for investments, and spoke against allowing camping on public lands.
- Lee Morrigan asked the Council to support the amendment to the policy on camping on public lands.
- Robert Bristow Johnson spoke about the House district map that is up for consideration by the Board of Civil Authority. He said that the alternate map supplied by the State would split many neighborhoods.
- Andrew Kranichfeld spoke in support of the amendment to the policy to allow camping on public land.
- Gillian Eaton spoke to her experience with short-term rentals, saying that the income from her STR helps pay her property taxes, which have increased greatly over the last several decades.
- Isela O'Brien spoke about short-term rentals, saying that they enable many property-owners to remain in Burlington. He encouraged the Council to revert to adopting the original ordinance prior to amendments.
- Kelly and Mark Kaeding spoke about short-term rentals, saying that they enable her to avoid raising rent for her long-term tenants.
- Deb Ward Lyons said that the short-term rental proposal up for consideration is very short-sighted and falls short of what is needed. She said that it is restrictive and will only gain a handful of housing, but will result in increased rents,



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increased taxes, and units being taken off the market altogether.

Non-Burlington residents:

- Dan Goossen urged the Council to consider allowing limited short-term rentals with off-site owners.
- Eric & Debby Hanley said that short-term rentals need regulation in Burlington and that it only makes up about 1% of the market in the City. They said that it would benefit the City to regulate them.
- Barbara Dietrich asked the Council to choose a redistricting map that eliminates a campus-area Ward 8, saying that making Ward 8 more compact is not a good solution.

Forum closed at 8:18 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

None at this time.

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: Bill Keogh, Member, Airport 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 Bill Keogh thanking him for his time served as a member of the Airport Commission.

5.04 Communication: Lenore Broughton, Member, Board for Registration of Voters, 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 Lenore Broughton thanking her for her time served as a member of the Board for Registration of Voters.

5.05 Communication: Caleb Manna, Excavation Inspector, DPW, re: VTRANS Highway Mileage Certificate Acceptance - accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2022 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council.

5.06 Communication: Richard Haesler, Projects & Policy Specialist, CEDO, re: FY2021 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC) - waive the reading, accept the communication and place it on file.

5.07 Communication: John Vickery, City Assessor, re: Form 411 (Final Grand List FY2022 summary, Tax Book Report Form 427, Error & Omissions List, and TIF Reports) - waive the reading, accept the communication and place it on file.

5.08 Communication: James Sherrard, Stormwater Program Coordinator, DPW-Water Resources Division, re: Amendment Request for the Previously Approved Authorization to execute a construction contract for a Continuous Monitoring Adaptive Control (CMAC) Valve System with OptiRTC, Inc - ratify the expenditure of an additional \$7,425 for the installation



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of a valve at Englesby Brook Pond and authorize the Director of Public Works to execute a construction contract amendment with OptiRTC, Inc. for the same, resulting in a total project cost of up to \$105,425, adjusted from the original total project cost of \$98,000, subject to the prior review and approval of the City Attorney's Office.

5.09 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Authorization to Pay Transaction Fees--ParkMobile Parking Payment System - authorize the Director of the Department of Public Works to execute an amendment to the previously approved and executed contract with ParkMobile for digital parking permit and payment services, for up to \$25,000 in per-year transaction fees related to managing parking digital credentials for hotel guests that park in the Lakeview/College Street Garage Complex and up to \$66,000 per year to utilize the ParkMobile Reservation system to manage monthly parkers; for a total not to exceed \$233,000 through January 30, 2025, subject to review and approval by the City Attorney's Office.

5.10 Report: CSWD, re: FY21 Annual Report - waive the reading, accept the report and place it on file.

5.11 Communication: Sibylle Kim, re: Objection to Ch. 18 Ordinance Amendment on Short Term Rentals - waive the reading, accept the communication and place it on file.

5.12 Communication: Julie Marks, Director, Vermont Short Term Rental Alliance, re: Submission to the Burlington Public Record for the Public Hearing on Ordinance Changes Relating to Short-Term Rentals - waive the reading, accept the communication and place it on file.

5.13 Communication: VTSTRA, re: Notice of Public Hearing on Burlington Code of Ordinances, Ch. 18 Short-Term Rentals - waive the reading, accept the communication and place it on file.

5.14 Communication: Amy Magyar, re: Short Term Rentals - waive the reading, accept the communication and place it on file.

5.15 Communication: Deb Ward Lyons, re: Short-Term Rentals - waive the reading, accept the communication and place it on file.

5.16 Communication: Matt and Leda, re: STR Feedback - waive the reading, accept the communication and place it on file.

5.17 Communication: Shanta Eastman and Ian Bleakney, re: In Support of Continuing Short Term Rentals for Seasonal Camps - waive the reading, accept the communication and place it on file.

5.18 Communication: Eric Zawadski, re: Burlington STR - waive the reading, accept the communication and place it on file.

5.19 Communication: Diana Carlisle, re: Short Term Rentals - waive the reading, accept the communication and place it on file.

5.20 Communication: Anne Peter, re: Short-Term Rentals - waive the reading, accept the communication and place it on file.

5.21 Communication: Laurie Kotorman, re: Short-Term Rentals (STR's) - waive the reading, accept the communication and place it on file.

MOTION by Councilor Stromberg, SECOND by Councilor Magee, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.21.



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VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Public Hearing Regarding Ch. 18 Housing - Short Term Rentals

City Council President Tracy opened the public hearing.

Julie Marks spoke against the short-term rental ordinance as proposed. She noted that 520 others have also opposed this ordinance, according to a change.org petition. She said that the ordinance as proposed would take away peoples' jobs and rights.

Lucas Jenson said that the short-term rental market is not a hot market and there has not been a influx of investors coming in to being operating short-term rentals. He said that this proposal would be one of the most restrictive policies in the country and would send the message that Burlington is not a welcoming City.

Sharon Bushor said that the ordinance as proposed is more restrictive than what would best serve the City. She said that the ordinance would be housed in Chapter 18, which would enable flexibility in the form of amendments (which she agrees with). She said that there are a number of different scenarios of short-term rental. She said that some landlords are able to keep rents reasonable because they use one unit as a short-term rental.

Abbott Stark spoke about their experience with renting, owning, and short-term renting in Burlington. They said that there are good proposals on the table, and would be supportive of having short-term rentals support low-and-middle income individuals and homeowners in Burlington.

City Council President Tracy closed the public hearing.

6.02 Ordinance: Chapter 18. Housing-Short Term Rentals (Office of City Planning, Department of Permitting and Inspections, Ordinance Committee, Councilor Shannon)(2nd reading)

No discussion at this time.

6.03 Resolution: Request For 2.975M In American Rescue Plan Funds To Address And Ameliorate Homelessness In The City Of Burlington And To Create The Position Of Special Assistant To End Homelessness. (Councilors Carpenter, Hightower, Magee)

Councilor Carpenter said that this resolution would create a special position within the CEDO office to end homelessness.



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

DISCUSSION:

- Councilor Carpenter said that CDNR reviewed and endorsed these proposals. She said that in order to tackle the issue of houselessness among individuals and families, then the coordinated re-entry program and wraparound services is crucial.
- Councilor Hanson asked about the salary for the position that would be created. Executive Director Alnasrawi said that the grade for the position would have a starting salary of approximately \$72,000 per year.
- Emma Beers, a national consultant with Community Solutions, said that a proven strategy for successful initiatives to end homelessness is to have dedicated staff capacity, since it is a demanding job.
- Councilor Magee expressed support for ensuring that the Community Resource Center is a year-round resource for members of the community who may need it, as well as bolstering the City's low-barrier option.
- Mayor Weinberger said that this will not be the last time that the City mobilizes resources to support strategies to end homelessness in the City.

VOTING: unanimous; motion carries.

6.04 Ordinance: PARKS -- Camping in Parks or Other Municipal Lands (Councilor Magee)

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to request that CDNR by March begin a community review of the proposed ordinance and operational policies related to camping on municipal lands, seeking input from a variety of stakeholders, and at the same time, the City Attorney's office shall lead a review of the proposed ordinance on Camping in Parks or Other Municipal Lands, and submit to the City Council a report on the benefits, precedents, and possible concerns about the changes in comparison to our current policies by April 15.

DISCUSSION:

- Councilor Magee said that this ordinance would codify policy to treat houseless people with dignity and respect, and that it includes input from those who have lived with houselessness, advocates, and City staff. He said that this amendment has the following main goals: it decriminalizes camping/sleeping on public lands, it requires the City to post signage in spaces where camping is specifically prohibited, it prohibits camping in highly-sensitive areas, it outlines clear procedures for City staff to follow if a campsite is determined to be in one of those areas, and it codifies protections for people who are sleeping outside. He said that low-barrier options still have barriers, and that a no barrier option is needed. He said that by referring this to the ordinance committee, it would incorporate harm reduction and trauma-informed practices and would codify protections for the most vulnerable in the City. He said that the amendment has support from the ACLU and CVOEO.
- Councilor Carpenter said that this proposal is a significant departure from current state and that they have asked City Attorney Richardson to conduct a comparison of the two. She said that there is disagreement about how binding the current policy is. She said that this proposal would start the conversation and process of gathering feedback from myriad stakeholders, and is not yet ready to be referred to the Ordinance



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Committee.

MOTION TO AMEND by Councilor Carpenter, **SECOND** by Councilor Barlow, that until such time as new policies, procedures, or ordinances are adopted by the Council, the City shall continue to abide by the current policy regarding sheltering on public lands.

DISCUSSION OF AMENDMENT:

- Councilor Magee asked what this amendment would mean for the policy. City Attorney Richardson replied that this would be the first time that the City Council has weighed in on this policy. He said that it would represent the Council on record supporting the policy.
- Councilor Mason said that the amendment would put the Council on record as supporting the policy. He said that the policy is binding on the City due to the settlement agreement made with the ACLU.
- Councilor Paul said that this was discussed at great length by the Public Safety Committee in 2018 and 2019, and has not been revisited since (in part due to Covid). She said that it would be important for the Council to be on the record as supporting a policy.

MOTION by Councilor Freeman, **SECOND** by Councilor Stromberg, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

DISCUSSION OF AMENDMENT (CONT'D):

- Councilor Hanson expressed concern that this amendment would impact ongoing litigation. City Attorney Richardson replied that the current amendment does not affect ongoing litigation, but that he would not feel comfortable going into details on how any policy or amendment impacts the ongoing Sears Lane case.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Magee – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (10 ayes, 2 nays); motion carries.

DISCUSSION OF MOTION AS AMENDED:

- Councilor Barlow said that unauthorized camping in parks is an ongoing issue and that abandoned campsites in parks create damage and obstacles for volunteer staff to clean up. He said that weakening that ordinance would only worsen this problem.
- Councilor Shannon said that she is supportive of this because it would adopt a policy that should have gone before this Council long ago.



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- **Councilor Dieng said that he worked on this policy in 2018 and 2019 in collaboration with the ACLU. Mayor Weinberger said that the policy negotiated with the ACLU that the City has been operating under never made it to the Council floor but was reviewed by the Public Safety Committee. He said that the City has been operating faithfully under that policy since it was finalized.**
- **Councilor Mason clarified that the current ordinance precludes camping in public parks, but that the policy being referred to also speaks to camping on public lands (not necessarily just parks).**
- **Councilor Dieng requested that sponsors of the resolution and amendments consult with department heads as the work moves forward.**
- **Councilor Carpenter said that CDNR would be the initial committee that reviews the policy, but that other committees will have ample opportunity to weigh in as the work progresses.**

VOTING ON MOTION AS AMENDED: unanimous; motion carries.

6.05 Communication: City Redistricting and Consideration of Next Steps and timeline. The City Attorney and City Planner will address the Council on various redistricting issues, including timeline of process, and consideration of an initial, pre-mapping steps to gauge the Council's consensus on ward-size, configuration, number, and structure of representation.

Director Tuttle said that this is related to the local redistricting process and the creation of a redistricting plan as a result of the 2020 census. She said that she and Director Pine and City Attorney Richardson have supported the ad hoc committee on redistricting for the last several months. She said that tonight's discussion would serve to collect Councilor feedback on moving forward with creating and presenting maps for its consideration.

City Attorney Richardson noted that this process is technically a charter change, and that any redistricting or reapportionment would require modification to the charter. He posed a number of questions to the City Council for their thought. He asked how many maps of alternatives the Council would like to consider. He asked if there are areas that are currently divided between wards that the Council wants to see united, and are there areas that are currently united that the Council would like to divide. He asked if the Council would like to preserve a ward that primarily accommodates students, or would the Council like to reconfigure that ward (Ward 8). He finally asked how many wards, districts, and Councilors that the Council feels should exist.

Councilor Paul noted that the original resolution stated that the current Council would vote on the redistricting map, which would need to occur by the end of March.

Councilor Hightower asked if the City redistricting maps could align with the State redistricting maps that are also being reviewed and considered. City Attorney Richardson said that alignment is certainly possible, but noted that the State has not completed its redistricting process yet and its outcome is not yet known. Councilor Hanson asked when those legislative districts will be finalized. City Attorney Richardson said that it needs to be finalized by late March/early April.

City Attorney Richardson said that he and Director Tuttle could create several maps for the Council's review and



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consideration, incorporating public input. He said these could include a version with minor revisions to the existing map, a version that would redistribute Ward 8, and a version that might take into account alignment with the district maps.

Councilor Shannon said that any changes made by this Council could be changed by the next Council (after the March elections). She suggested waiting until more information is available on the legislative districts and potentially pursuing alignment with that.

Councilors Hanson and Barlow said that they should try to get this on the November ballot.

City Attorney Richardson and Director Tuttle will return to the Council with a revised timeline to discuss in early March.

7. COMMITTEE REPORTS

7.01 Verbal Reports

No discussion at this time.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

No discussion at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

No discussion at this time.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

No discussion at this time.

11. ADJOURNMENT

11.01 Motion to Adjourn



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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 11:23 PM.

RScty: AACoonrad

