



Regular City Council Meeting - Monday, February 6, 2023, 5:30 pm, Contois Auditorium OR REMOTELY via ZOOM 2/6/2023

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

February 6, 2023

DRAFT

MEMBERS PRESENT: Karen Paul

Joan Shannon (via Zoom)

Ali Dieng

Perri Freeman

Sarah E Carpenter

Zoraya Hightower (via Zoom)

Mark Barlow

Joe Magee

Gene Bergman

Ben Traverse

Maea Brandt

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Kim Sturtevant

Meagan Tuttle

Charles Dillard





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1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Paul at 5:37 PM.

MOTION by Councilor Carpenter, SECOND by Councilor Magee, to adopt the agenda.

VOTING: unanimous; motion carries.

2. COMMUNICATIONS RE: TRUDO ET AL. LITIGATION AND BPD PERSONNEL/CONTRACTUAL MATTERS/LABOR RELATIONS AGREEMENTS (VERBAL) **EXPECTED EXECUTIVE SESSIONS**

2.01 Communication: Assistant City Attorney Jared Pellerin and Attorney Tom Simon, re Trudo et al. Litigation *5:30 pm - 6:15 pm*

MOTION by Councilor Carpenter, SECOND by Councilor Traverse, that the Council find that premature general public knowledge of legal advice and information concerning the details of pending litigation, Trudo et al. v. City of Burlington et al., to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, that based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending civil litigation matter, 1 VSA §313(a)(1)(E), to include Attorney Tom Symon, City Attorneys, and members of the Mayor's staff, and to receive confidential communications regarding BPD personnel/contractual matters/labor relations agreements in the form of an attorney-client communication under the provisions of 1 VSA §313(a)(1)(B) and (F), to include Attorney John Maitland, City Attorneys, and members of the Mayor's staff.

VOTING: unanimous; motion carries.

2.02 Communication: Assistant City Attorney Jared Pellerin and Attorney John Maitland, re BPD personnel/contractual





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matters/labor relations agreement (verbal) *6:30 pm - 7:15 pm*

MOTION by Councilor Carpenter, SECOND by Councilor Magee, that the Council find that premature general public knowledge of information concerning BPD personnel/contractual matters/labor relations agreements would clearly place the City at a substantial disadvantage because the discussion will involve sensitive personal and/or confidential information and the Council must receive confidential attorney-client communications regarding the matter.

VOTING: unanimous; motion carries.

3. PUBLIC FORUM

3. 01 Verbal Comments

Forum opened at 7:05 PM.

COMMENTS:

Burlington residents (in person):

- Aspen Overy spoke about the community oversight board for policing. They expressed concern about a continued pattern from the City Council of misinformation and fearmongering.
- Steven Chisa said that the Burlington Police Department should have more oversight above it.
- Amy Malinowski said that the resolution around community oversight for policing creates more support for police officers, not less.
- Jake Schumann said that the community oversight board creates accountability and would support the Police Department and its officers.
- Lydia Diamond spoke about the community oversight board for policing, saying that the police need help making better decisions. She spoke about police violence in general, saying that it is out of control.
- Colin Larson spoke about the South End Redevelopment Plan, saying that he is supportive of it, though it needs to be implemented thoughtfully and centered around residents and the City's well-being.
- Steven Goodkind spoke with concern about emissions related to burning wood at the McNeil Power Plant.
- Ryan Allen spoke about their work at an early education center and the importance of community oversight of policing.
- Miguel Figueroa spoke about how a community oversight board is an excellent way to hold the police accountable in Burlington.
- Lee Morrigan thanked staff for the opening of the Elmwood Emergency Shelter, saying that it helps ensure that residents and neighbors are looking out for each other. They spoke in support of public input and engagement.
- Chris Ghish expressed concern that the carbon impact fee ballot item will only emphasize cutting the use of fossil fuels and not other wasteful technologies, and urged the Council to amend the ordinance to not incentivize woodchips and other sources of biofuels. He additionally noted the overwhelming amount of public input and support for the community oversight of police.
- Lizzie McCullough spoke about community oversight of policing.
- Jack Tiano spoke about the South End Redevelopment Plan, saying that the Council should dream big and





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emphasize a dense zoning district for this plan.

- Faried M. expressed disappointment in the Council regarding the policing oversight board.
- Grey Barreda spoke about the housing crisis.
- Tyler Pastorak spoke in support of the community control of policing and police oversight and the extensive public input already received regarding this issue and associated petition-driven ballot item.
- Daniel Munteanu spoke about community control of policing and the amount of public input received.
- Isabella Fearin spoke in support of community control of the police.
- Miguel Lozano spoke in support of the Burlington community.
- Will Lynch spoke with disappointment at the lack of progress in the City around police accountability. He urged that the City allow this ballot item to be voted on by the community.

Burlington residents (via Zoom):

- Gordon Dagoon spoke about the South End Redevelopment Plan, decrying single-family zoning. He said that the floor-to-area ratio is too small to help alleviate the housing crisis and is not dense enough.
- Colleen Goodhue spoke about the community control of policing and that the police currently have a massive amount of power and cannot oversee themselves. She said that since this is a petition-driven ballot item, there has clearly been much public input and engagement that has already been conducted.
- Annie Lawson spoke in support of community oversight of policing.
- Margaret Joyal spoke in support of community oversight of policing.
- Trish O'Kane spoke in support of community oversight of policing, citing local incidents of police violence, misinformation, and fear-mongering, and noting that the current Police Commission is weak and does not have the authority to regulate the police department.
- Ashley Adams spoke with concern about the carbon impact fee ballot item, urging the City to rewrite the definition of renewable to not include biofuels.
- Melo Grant spoke in support of saving the 242 Main Street building. She also spoke about the ballot item about community oversight of police, disagreeing with the characterization that there has been a lack of public input.
- Joey Corcoran spoke in support of the community control of policing, and expressed dismay over the characterization that there has been a lack of public input, given that the ballot item arose due to a public petition.
- Dan Castrigano spoke in support of community oversight of the Police Department.
- Esme spoke in support of community oversight of policing, saying that the police are not able to exercise oversight of themselves.

Forum closed at 8:35 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

None.





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5. CONSENT AGENDA

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

5.02 Communication: CT Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

5.03 Communication: CT Office, re: December 5, 2022 Full Board of Abatement of Taxes Meeting Minutes, Draft – waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.04 Communication: CT Office, re: December 5, 2022 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.05 Communication: CT Office, re: December 5, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.06 Communication: CT Office, re: December 12, 2022 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.07 Communication: CT Office, re: December 12, 2022 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.08 Communication: CT Office, re: December 12, 2022 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.09 Communication: CT Office, re: December 12, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.10 Communication: CT Office, re: January 9, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.11 Communication: CT Office, re: January 9, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, and adopt the minutes as received at the January 23, 2023 Regular City Council Meeting.

5.12 Reclassification of Payroll Administrator I to Payroll Administrator II - HR/CT – approve the reclassification and retitling of the Payroll Administrator I, a Regular, Full-Time, Non Exempt, AFCSME, Grade 15, role in the Payroll office to a Payroll Administrator II, a Regular, Full Time, Non-Exempt, AFCSME, Grade 17.

5.13 Reorganization: Move of Payroll Services from CT Office to HR - CT/HR - Move to approve and authorize the reorganization of the City of Burlington Payroll Services from being an entity of the Clerk/Treasurer's Office with a direct report to the City's Director of Financial Operations, to being an entity of the City's Human Resources Department with a direct report to the Human Resources' Director, by amending the job descriptions of the following positions as necessary to reflect such change and at the discretion of the Human Resources' Director:

• Payroll and Compliance Manager, Non-Union, Grade 21; • Senior Payroll & Retirement Administrator, AFSCME, Grade 18; • Payroll Administrator II, AFSCME, Grade 17; • Payroll Administrator I, AFSCME, Grade 15.

5.14 CEDO, Community Justice Center - Reclassification of Limited Service Position, Youth and Family Restorative Liaison - CEDO – CJC - approve the reclassification of the Youth and Family Restorative Liaison, a Limited Service, full-time, Non-Exempt, Non-Union, Grade 15 position to a Limited Service, full-time, Non-Exempt, Non-Union, Grade 16 position,





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retroactive to Oct. 1, 2022.

5.15 Reclassifications and Retitling Requests - Police/HR - accept the Board of Finance recommendation and approve the following:

- The elimination of one vacant Community Service Officer, a Regular, Full-time, NonExempt, AFSCME, Grade 15 position and create a Community Service Manager, a Regular, Full-time, Exempt, Non-Union, Grade 18, position;
- The reclassification of the Criminal Identification Technician, a Regular, Full-time, NonExempt, AFSCME, Grade 15 position to Criminal Identification Technician, a Regular, Full-time, Non- Exempt, AFSCME, Grade 18 position; and
- The reclassification and retitling of the Executive Assistant to the Officer in Charge, a Regular, Full-time, Exempt, Non-union, Grade 15 position to Uniform Bureau Support & Administrative Coordinator, a Regular, Full-time, Exempt, Non Union, Grade 16, position.

5.16 Red Stone Cottage Restoration Contract Amendment – BPRW - approve and authorize Cindi Wight, Director of Parks & Recreation, to amend the contract with Farrington Construction for restoration services to Redstone Cottage to increase the maximum limiting amount by an additional \$55,109, for a price not to exceed \$694,520 and an additional project contingency of \$5,511, for a total authorized expenditure not to exceed \$729,948, and to execute any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

5.17 Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Ward 2/3 NPA Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium - waive the reading and refer the communication to the TEUC and CDNR Committees, respectively, for further review and engagement.

5.18 Assessor's office final grand list reports - City Assessor - waive the reading and place the communication on file.

5.19 FY 2022 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC) - Richard Haesler and John Vickery - waive the reading and place it on file.

5.20 FIO Documents – for information only.

5.21 Resolution: Authorization For The Sale Of 118 N Champlain Street By The Burlington Board Of School Commissioners (Councilor Paul) - waive the reading and adopt the resolution.

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

VOTING: unanimous; motion carries.

6.DELIBERATIVE AGENDA

6.01 Tobacco License Application (2023-2024): Pearl Street Pipe and Beverage, 240 Pearl Street

MOTION by Councilor Traverse, SECOND by Councilor Brandt, to approve the 2023-2024 Tobacco License Application for Pearl Street Pipe and Beverage, 240 Pearl Street.





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VOTING: unanimous; motion carries.

6.02 Tobacco Substitute Endorsement Application (2023-2024): Kampus Kitchen, 273 Colchester Avenue

MOTION by Councilor Traverse, SECOND by Councilor Brandt to approve the 2023-2024 Tobacco Substitute Endorsement Application for Kampus Kitchen, 273 Colchester Avenue.

VOTING: unanimous; motion carries.

6.03 Tobacco License Application and Tobacco Substitute Endorsement Application (2023-2024): Grass Queen, 71 South Union Street

Jahala Dudley from Grass Queen spoke briefly, noting that they are applying for this license purely to be able to sell matches and lighters.

MOTION by Councilor Traverse, SECOND by Councilor Brandt to approve the 2023-2024 Tobacco License Application and Tobacco Substitute Endorsement Application for Grass Queen, 71 South Union Street.

VOTING: unanimous; motion carries.

6.04 Tobacco License Application and Tobacco Substitute Endorsement Application (2023-2024): Artisan Vapor Company, 16-18 Pearl Street

MOTION by Councilor Traverse, SECOND by Councilor Brandt, to approve the 2023-2024 Tobacco License Application and Tobacco Substitute Endorsement Application for Artisan Vapor Company, 16-18 Pearl Street.

VOTING: unanimous; motion carries.

6.05 Ordinance: Comprehensive Development Ordinance ZA-23-01 South End Innovation District Overlay (Office of Planning, Planning Commission)(1st reading) (20 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Brandt, to consider this first reading and refer it to the





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Ordinance Committee.

DISCUSSION:

- **Principal Planner Dillard provided a brief overview of the ordinance. He began by noting that this proposes to create an innovation overlay district in the South End Enterprise District, with the goal of creating a district that enhances and preserves the identity of the South End. He said that it would create new space for makers, jobs, and homes, and increase the area's environmental and economic resilience. He spoke briefly about land use, noting the permitted uses (multi-family residential, arts/making, office, and community spaces), limited uses (convenience and service, entertainment, amenities, and hotels), and not permitted uses (heavy manufacturing, logistics and single-family residential). He spoke briefly about building height and bulk, noting areas where building height of 7-8 stories would be allowed and areas where building height of 4 stories would be allowed. He noted that there was some opposition to taller buildings received during Planning Commission discussions.**
- **Councilor Bergman said that he is concerned about the foreclosing of significant space for traditional uses and questioned whether the 51/49 ratio for secondary uses is appropriate. He expressed concern about the allowed use of dormitory housing and hotels in this area, since that does not help the housing crunch.**
- **Councilor Carpenter expressed support for the residential uses. She also expressed support for allowing hotels in the district, since there is a dearth of them in the South End.**
- **Councilor Traverse asked several clarifying technical questions.**
- **Mayor Weinberger spoke in support of this ordinance, saying that it is the first of several proposed changes that would help to alleviate the housing crisis that was identified as one of his administration's priorities.**

VOTING: unanimous; motion carries.

6.06 Resolution: Supporting More Public Input On Police Oversight And Accountability Upon Defeat Of The Ballot Initiative On A Community Control Board (Councilors Traverse, Barlow, Brandt, Carpenter, Paul, Shannon) (30 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Barlow, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Traverse noted that the City's charter allows for the placement of petition-driven charter changes on the ballot, such as the community control of policing item that would appear on the ballot on Town Meeting Day. He noted that the charter prohibits the City Council from making changes to this ballot item in response to public input and concerns. He noted that other municipalities are able to gather on Town Meeting Day as a community to discuss items such as this, but that Burlington does not have that as an option or process. He said that the intent of this resolution is to allow for feedback and the development of thoughtful proposals that are based on best practices from other communities. He said that he supports additional community oversight for policing, but not necessarily through this mechanism.**
- **Councilor Hightower said that this is one of the most democratic processes available to the City and the criticism that it is less than democratic is misguided. She suggested that if this passes, the City should provide guidance to the State legislature on what the City's minimum viable oversight authority should be.**
- **Councilor Carpenter said that she supports more oversight but that this charter change is very specific. She**





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said that it is not the State legislature's role to modify the charter change as it works through their approval process.

- Councilor Shannon said that she has concerns with how the community policing board would be appointed and regulated, given that there is no mechanism for oversight of the board through the City Council or administration. She also expressed concern about the definition of diversity for the board itself, and that it would prohibit anyone who has served in law enforcement.
- Councilor Bergman said that the premise of this resolution is anti-democratic and that people have the right to speak about their own governance. He said that this administration has also had two years to propose and put forth an oversight transformation framework and it has not done that. He also said that this resolution does not build community, trust, or consensus.
- Councilor Barlow said that a civilian oversight board with broad authority will impact Burlington's ability to attract and maintain a robust police workforce.
- Mayor Weinberger spoke in support of this resolution. He said that there have been numerous actions that have moved the City toward more police accountability.
- Councilor Dieng said that he would not support this resolution. He said that the level of community engagement around this issue is significantly high, and included gathering input, giving options, and demonstrating leadership in decision-making. He said that the Council needs to get out of the way and let the process unfold.

MOTION by Councilor Dieng, SECOND by Councilor Magee, to postpone this item until the City Council's second meeting in April, 2023.

DISCUSSION:

- Councilor Magee expressed concern that the Council is debating a resolution that assumes the defeat of a citizen ballot item. He said that at any point in the last two years, the Mayor and his administration could have made progress on this issue but they have not done so. He said he supports postponing discussion on this until after the vote on the ballot item is held.
- Councilor Traverse disagreed that this is an inappropriate resolution, since it commits to voters that there is a path forward to discuss community oversight regardless of how the vote occurs.

VOTING ON POSTPONEMENT (by roll call): Councilor Barlow – nay, Councilor Bergman - aye, Councilor Brandt - nay, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hightower – aye, Councilor Magee - aye , Councilor Shannon – nay, Councilor Traverse - nay, City Council President Paul – nay (5 ayes, 6 nays; motion fails).

DISCUSSION (CONT'D):

- Councilor Freeman said that there has been an abundance of community input already and that concern about lack of community input is a weak argument for this resolution. They also noted that the fact that this model is untested is one of its selling points and that the only other alternative being proposed right now is having the Mayor and Chief of Police provide oversight.
- Mayor Weinberger disputed the argument that real alternatives have not been offered, noting that charter changes were proposed in 2021 that would give the Police Commission more authority to override decisions





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made by the Police Chief, though they were not pursued.

- Councilor Brandt said that addressing the possible defeat of this ballot item shows foresight and responsibility. She noted that such a community control board does not exist anywhere else in the country.
- Councilor Dieng said that the police department must work for everyone in the community, including people of color, and that he will not be supporting this resolution.
- Councilor Traverse said that other communities have hired professional independent monitors, have stood up community boards to hire police chiefs, have stood up community boards with robust investigatory powers that make strong recommendations on discipline, and that he would be open to considering those types of alternatives.
- Councilor Bergman said that many communities engage in community oversight and that some best practices may not be suitable for Burlington. He emphasized the importance of implementing a proposal that works for Burlington.

MOTION by Councilor Freeman, SECOND by Councilor Traverse, to suspend the rules and complete the remainder of the deliberative agenda.

VOTING: 10-1 (Councilor Bergman dissenting); motion carries.

DISCUSSION (CONT'D):

- Councilor Shannon asked if analysis has been done to determine the cost of creating a new department, hire a director, staff, and legal counsel to advise the paid board. Councilor Freeman replied that they can look into it, since they had done this research in the past.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman - nay, Councilor Brandt - aye, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – nay, Councilor Hightower – nay, Councilor Magee - nay, Councilor Shannon – aye, Councilor Traverse - aye, City Council President Paul – aye (6 ayes, 5 nays; motion passes).

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Bergman noted that the Charter Change Committee will be taking up the proposed revisions to the City Council's rules on February 13, 2023.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Carpenter noted that she attended an open house of the Elmwood Emergency Shelter today and commended the effort and work put into making the site operational, and she thanked staff for this.





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Councilor Magee noted two resolutions from the Wards 2 and 3 NPAs on tonight's consent agenda.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul noted that the Howard Center's outreach team will give a presentation at the Council's meeting later this month (postponed from tonight, as the Howard Center needed extra time to prepare).

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger thanked the CEDO team for setting an extreme cold emergency shelter for the unhoused, which was driven by the extreme cold temperatures and great stress on and lack of capacity in the State's current cold weather shelter system. He additionally noted that the Elmwood Emergency Shelter will become operational this week and that Champlain Housing Trust anticipates that all 35 beds will be filled.

11. ADJOURNMENT

11.01 Motion to Adjourn

MOTION by Councilor Dieng, SECOND by Councilor Bergman, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 10:42 PM.

RScty: AACoonrad

