



# Regular City Council Meeting - Monday, January 23, 2023, 5:30 pm, Contois Auditorium OR REMOTELY via ZOOM 1/23/2023

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM \*OR\*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

January 23, 2023

DRAFT

**MEMBERS PRESENT:** Karen Paul

Joan Shannon

Ali Dieng

Perri Freeman (via Zoom)

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

Gene Bergman

Ben Traverse

Maea Brandt

**OTHERS PRESENT:** Miro Weinberger

Katherine Schad

Kim Sturtevant

Jordan Redell

Lori Olberg

Meghan Tuttle

Brian Pine



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David G White

## 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 5:40 PM.

MOTION by Councilor Carpenter, SECOND by Councilor Magee, to amend and adopt the agenda as follows:

· add to the consent agenda item 6.19 Communication: Nicholas Persampieri, re: FW: City Council Meeting 1/9/23 - Agenda Item 8.09 - Resolution: Implementation of a Carbon Pollution Impact Fee

VOTING: unanimous; motion carries (Councilors Dieng, Hightower, and Shannon absent for vote).

## 2. SECOND PUBLIC HEARING REGARDING CHARTER CHANGES FOR MARCH 7, 2023 \*\*5:30 PM – 6:00 PM\*\*

2.01 Second Public Hearing Regarding Charter Changes for March 7, 2023 \*\*5:30 pm - 6:00 pm\*\*

City Council President Paul noted that this public hearing is required by 17 V.S.A. Section 2645, which calls for holding at least two public hearings if charter changes are proposed by its legislative body or voter petition, prior to holding that vote. She said that this is the second of two public hearing regarding six proposed charter changes that would appear on the March 7, 2023 ballot for Town Meeting Day.

City Council President Paul opened the public hearing.

Sinead Murray spoke in support of ranked-choice voting and thanked the Council for the number of pro-democracy charter changes that will appear on the March 7 ballot.

Kent Cassella said that it would be prudent to have at least one sworn officer on a community oversight board for policing, noting that other professions (such as dentists) have members of the profession sitting on their boards. He said that this is not an act of trust and what the Police Department needs is an outstretched hand and offer of support and confidence in the department.



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Sharon Bushor spoke in support of all citizen voting, noting that the Vermont Supreme Court recently upheld a ruling that non-citizen voters can vote, which gives credence to that ballot item. She also spoke on the memo sent by Director Tuttle regarding redistricting. She said that it is not healthy to divide the Old North End and Wards 2 and 3, and she spoke against that.

Margaret Joyal spoke about community control of policing. She also said that many members of the community do not trust the police force, citing incidents including discriminating against people of color and those with mental health issues.

Erhard Mahnke spoke in support of the tweaks to redistricting maps.

Sam McGinty spoke as a member of VPIRG and spoke in support of ranked-choice voting. He said that VPIRG is ready to help voters understand the changes and have a number of voter education materials and resources available.

Fariad M. said that the community oversight of police ballot item does not go far enough to fix the problems of the police department and establish trust.

Robert Bristow-Johnson spoke about ranked-choice voting, saying that it will ensure more diversity of candidates and will level the playing field between independent and major party candidates. He said that ranked-choice voting needs to disincentivize tactical voting and ensure that the candidate with consistent majority support is elected.

Chris Haessly spoke about redistricting, noting that he is supportive of the V2 map that was posted for tonight, since it keeps the King/Maple neighborhood intact.

Christopher Aaron Felker said that he does not support the two maps that were put forth for tonight's redistricting discussion. He also spoke against ranked-choice voting, saying that it will be more difficult for voters who may not have as much proficiency in English.

City Council President Paul closed the public hearing.

### **3. UPDATE ON THE CRISIS RESPONSE TEAM (VERBAL)**

3.01 Update on the Crisis Response Team (verbal)



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Mayor Weinberger said that the team reached a milestone in that the City secured approximately \$660,000 through the State's Agency of Human Services (AHS) as the apparently successful bidder for setting up a crisis response team. He said that the State has also been engaged in program design and implementation.

Jackie Corbally, a consultant on crisis response for the City, provided a further update. She said that they have begun calling this the medically-enhanced crisis response team, since there is a medical component to it. She said that they are engaged with the Howard Center and the State's Department of Mental Health. She spoke about immediate next steps, which include finalizing an MOU with the Howard Center, establishing a target launch date in agreement with the Howard Center and hiring/training staff, developing a triage process around how this team will be utilized versus other outreach teams at the Howard Center, and clarifying that the triage structure will be deployed clearly and implemented as necessary, regardless of where the community accesses the Howard Center's teams.

Councilor Carpenter said it would be good to have a more detailed update so that Councilors can explain details further to constituents if they asked. Ms. Corbally replied that they will provide further detail around the triaging and deployment process once they are closer to implementation and will be happy to share them with Councilors when available.

### 4. PUBLIC FORUM

#### 4.01 Verbal Comments

Forum opened at 7:30 PM.

#### COMMENTS:

Burlington residents (in person):

- Aspen Overy spoke about rezoning, saying that they need an MOU with UVM in order to move forward and deal with overcrowding. They spoke about lies regarding Lee Morrigan and their involvement with community oversight for policing.
- Todd LaCroix spoke about how the Council and the government at the federal level does not provide enough support for its communities and children.

Burlington residents (online):

- Keith Pillsbury spoke regarding redistricting and that he would like his street to be close to their neighbors on Robinson Parkway in Ward 6.
- Sharon Bushor spoke about Council rules, saying that a proposed public forum start time between 6:00 and 7:30 may not accommodate those residents who are working. She suggested tightening that start time between 6:30 and 7:30.
- Maddy Posig spoke about redistricting, saying that the December map most fairly distributes students. She said that the maps introduced tonight put more students in Ward 8 than Ward 1 and harms Ward 8.

Forum closed at 8:53 PM.



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### **5. CLIMATE EMERGENCY REPORTS**

#### **5.01 Climate Emergency Reports**

Mayor Weinberger said that the Burlington Electric Department has announced its 2023 green incentives for a range of electric-powered products to help Burlingtonians move away from fossil fuels and toward greener options. He said that there has never been a better time to consider green alternatives, given incentives at the federal, state, and local levels to do so.

Councilor Bergman spoke about securing transit funding and that there is support for securing that funding at the State level. He urged Councilors to reach out to representatives and State senators to help further with this initiative.

Councilor Traverse spoke about a number of communities that have eliminated minimum parking requirements.

### **6. CONSENT AGENDA**

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

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

6.03 Communication: CT Office, re: December 5, 2022 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.04 Communication: CT Office, re: December 5, 2022 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.05 Communication: CT Office, re: December 5, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.06 Communication: CT Office, re: December 12, 2022 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.07 Communication: CT Office, re: December 12, 2022 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.08 Communication: CT Office, re: December 12, 2022 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.09 Communication: CT Office, re: December 12, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.10 Communication: CT Office, re: January 9, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading,



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accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.11 Communication: CT Office, re: January 9, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2023 Regular City Council Meeting.

6.12 Communication: David Cawley, re: UVM Rezoning Application - We need a UVM MOU - waive the reading and place it on file.

6.13 Communication: Mark Barlow, Chair, Tax Abatement Committee, re: Mission Statement for Tax Abatement Committee - adopt the mission statement for the Tax Abatement Committee and place it on the city website.

6.14 Communication: Shanti Energy, LLC, re: Memorial Auditorium Proposal PF 1/9/23 - waive the reading and place it on file.

6.15 Authorization to Amend Contract with On-Call Water Resources Excavation Contractors - DPW/Water Resources Division - authorize the Director of Public Works to execute an on-call contract amendment with five qualified water resources excavation contractors (Courtland Construction Company, Dirt Tech Company, Engineers Construction, Parker Excavation, and SD Ireland Companies) for emergency repair services with a maximum limiting amount of \$400,000.00 for each on-call contract, and amend the cumulative maximum limiting amount to \$750,000.00 for all five contracts in total, resulting in a total authorized expenditure not to exceed \$750,000.00, subject to review and approval by the Chief Administrative Officer and City Attorney.

6.16 Understanding Gun Violence Amongst New American Youth Project Progress Report - January 2023 - Vermont New American Advisory Council (VNAAC) - waive the reading and place it on file.

6.17 Communication: Daniel Munteanu, re: PH 1/17/23 - waive the reading and place it on file.

6.18 FIO Documents – for information only.

6.19 Communication: Nicholas Persampieri, re: FW: City Council Meeting 010923 - Agenda Item 8.09 - Resolution: Implementation of a Carbon Pollution Impact Fee - waive the reading and place it on file, noting these items relate to testimony given by Mr. Persampieri at the January 9 Council meeting.

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to adopt the consent agenda and take the actions as indicated for items 6.01-6.19.

VOTING: unanimous; motion carries.

### **7.DELIBERATIVE AGENDA**

7.01 Update On Redistricting Maps As Per City Council Action On January 17, 2023 (30 mins.)

City Council President Paul noted that at its last meeting, the City Council requested that staff review and analyze the map 8 Wards V.27 and come up with a map that joined the Maple/King neighborhood into one ward and incorporated Brooks Avenue on both sides of the street into Ward 1. She said that staff have worked on the maps and posted population totals.





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Director Tuttle provided a brief presentation on the maps. She spoke first about the validation of 8 Wards V.27, noting that staff looked at the population and student counts for each ward and came to the same conclusion that members of the public did. She said that in order to complete this, however, they needed an indication on how the Council prefers to wards to be paired in that map. She said that both the wards and districts need to meet the 10% deviation threshold, and to calculate that for the districts they needed to know what the pairings of the wards would be. She noted that V.27's approach to Ward 8 is very different from the current Ward 8, and includes portions of Wards 1, 3, 5, 6, and 8, and affects portions of the East, Central, and South districts. She said that they focused on how the proposed Ward 8 would impact the King/Maple neighborhood, and how that ward would be paired with other wards. She also noted a tradeoff in how campus areas and downtown areas were paired in a district configuration with consideration for Ward 8. She said that pairing Wards 1 and 8 would maintain most of the campus population in the East District. She said that pairing Wards 1 and 2 and then 3 and 8, the City could split more of its campus population among three wards and three districts. She said that pairing Wards 1 and 2 or Wards 1 and 8 would work from a deviation perspective.

She then spoke about minor modifications to the December map to address the King/Maple neighborhood and Brooks Avenue. She said that they took a similar approach to that of V.27, in which they maintained the boundary between Wards 1 and 2, but moves Harris-Millis into Ward 1 instead of Ward 6, to offset the changes around Brooks Avenue. She said that for the King/Maple neighborhood, they proposed either moving the boundary back to where it is today, or moving the Bobbin Mill and every north into the Downtown ward and moving a block into Ward 5 or Ward 6.

Councilor Bergman said that V.27 represents a more historic representation of Ward 2. He said that the pairing of Ward 2 and Ward 1 is a severing of the Old North End, which seems like gerrymandering. He said that he would be in favor of the new map if the districts are paired correctly (Wards 2 & 3 and Wards 1 & 8).

Councilor Shannon said that a pairing of Wards 1 and 2 and Wards 3 and 8 make sense. She said that the historic boundaries don't necessarily matter, since the Council's task is to move them as appropriate.

Councilor Hightower said that she will not object to any of these maps, but hopes that they will select at least one of the three maps before the Council tonight.

Councilor Barlow said he would be uncomfortable making significant changes to the previously-approved map. He said that he would like to keep the approved map and make slight tweaks to address the King/Maple neighborhood.

Councilor Traverse agreed with Councilor Barlow about keeping the originally-approved map.

MOTION by Councilor Bergman, SECOND by Councilor Magee, to move to amend and place on the ballot the City Council's charter change proposal regarding wards and boundaries as approved on December 12, 2022 to reflect boundaries and districts as delineated in 8 Wards V.27, with the amendment of pairing Wards 2 & 3, Wards 1 & 8, Wards 5



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& 6, and Wards 4 & 7, with the correlating resolution subject to the final approval of the technical language by the City Attorney's Office.

### **DISCUSSION:**

- Councilor Hightower expressed support for this amendment
- Councilor Magee expressed support for this map, saying that it accomplishes many of the ad hoc committee on redistricting's goals and the public's goals.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman - aye, Councilor Brandt - nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hightower – aye, Councilor Magee - aye , Councilor Shannon – nay, Councilor Traverse - nay, City Council President Paul – nay (4 ayes, 7 nays; motion fails).

MOTION by Councilor Hightower, SECOND by Councilor Shannon, to amend and place on the ballot the City Council's charter change proposal regarding ward boundaries as approved on December 12, 2022 to reflect the boundaries as delineated in the V.2. map subject to the final approval of the technical language by the City Attorney's office.

### **DISCUSSION:**

- Councilor Barlow said that V.1 and V.2 take away the stable residents in Ward 8.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman - aye, Councilor Brandt - aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hightower – aye, Councilor Magee - aye , Councilor Shannon – aye, Councilor Traverse - nay, City Council President Paul – nay (8 ayes, 3 nays; motion carries).

### **7.02 Tobacco License Application (2022-2023): Kampus Kitchen, 273 Colchester Avenue**

MOTION by Councilor Shannon, SECOND by Councilor Magee, to approve the 2022-2023 Tobacco License Application for Kampus Kitchen, 273 Colchester Avenue.

VOTING: unanimous; motion carries.

### **7.03 City Council Rules (20 mins.)**

Councilor Hightower presented the current Council rules and the proposed changes. She noted significant changes in the committee assignments section of the Council rules, including clarification of how items can be taken up by a committee and addressing the absence of members of an ad hoc or standing committee. She noted minor changes to public forum, including the time allotted and order of speaking. She noted changes in the order of business, including start times for



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working sessions, informational items, and non-actionable items as

occurring no earlier than 5:00 pm, the elimination of start time of public forum from 7:30 to allow for flexibility, and added a "councilor reflections" section to the agenda, per discussion at the Council retreat.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to refer this to the Charter Change Committee for further review.

VOTING: unanimous; motion carries.

7.04 Resolution: Determination of Need For Concise Summary Of Charter Change Amendments On Ballots And In The Warning (Councilor Paul)(10 mins.)

MOTION by Councilor Bergman, SECOND by Councilor Magee, to adopt the resolution with the amendment posted on BoardDocs as "Short Form Question Charter Change Proposals Town Meeting Day '23 v3 1.22.23 GB proposed amendment.docx".

DISCUSSION:

· Councilor Traverse made a friendly amendment to replace the concise language attachment with the amendment posted on BoardDocs as "Qs 1 to 3 – Short Form Question Charter Change Proposals Town Meeting Day 23 (BJT proposed amendment w GB Amdt).docx"

VOTING: unanimous; motion carries.

MOTION by Councilor Shannon to reconsider, SECOND by Councilor Freeman.

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

· Councilor Traverse made a friendly amendment to amend the short form language for questions 4 and 5 to reflect the language incorporated in the attachment posted on BoardDocs as "Qs 4 to 5 – Short Form Question Charter Change Proposals Town Meeting Day 23 (BJT proposed amendment).docx"

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Barlow, to amend the short form language for Question



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4 to add "To the extent possible, the Board shall include members who are Black, Indigenous, or other people of color, members who have lived experience with houselessness, mental health conditions, sex work, domestic violence, substance use disorder and/or arrest or conviction records, members who have experience working with an organization that supports Black, Indigenous, or other People of Color, and members who are affiliated with an organization in the field of civil rights, mental health, youth advocacy, LGBTQ advocacy or alcohol and other substance use. No member shall have ever been employed by a law enforcement agency."

### **DISCUSSION OF AMENDMENT:**

- Councilor Bergman expressed concern that the amendment includes more complex language than should belong on a short-form ballot question. Councilor Hightower agreed.
- Councilor Barlow said that he supports the addition of this language because it is important for voters to have this information when they consider and vote on this ballot item.
- Councilor Shannon made a friendly amendment to remove the sentence "No member shall have ever been employed by a law enforcement agency." from her original amendment.
- Councilor Dieng said he would not support the amendment because it is not binding and because these ballot items will be translated into other languages, and cited concern about expense and confusion if significant additional language is added to the short form.

VOTING ON AMENDMENT: 2-9 (Councilors Barlow and Shannon assenting); motion fails.

VOTING ON RESOLUTION AS ORIGINALLY AMENDED: unanimous; motion carries.

7.05 Public Hearing Regarding Burlington Waterfront Tax Increment Financing District: Substantial Change Request (10 mins.)

Director Pine provided an overview of the application and associated materials that will be submitted to the Vermont Economic Development Council (VEPC) by February 3, 2023 for their consideration of a substantial change request for Burlington's Waterfront Tax Increment Financing (TIF) District. He said that legislation authorized to extend the Waterfront TIF District parcels for CityPlace beyond 2025 requires the City to submit a construction contract by the developer for no less than \$50 million. He said that this substantial change request is identical to the amendment approved by the City Council for the CityPlace project late last year.

Consultant White provided an overview of the Waterfront TIF District's CityPlace project. He noted that the assessed value of Phase 1 of the CityPlace project is estimated to be around \$120 million, that the assessed value of Phase 2 is estimated to be around \$60 million, and that they anticipate requesting a \$16 million bond from the City Council in several months when final decisions must be made. He also noted that the City has obtained a \$12 million federal earmark for the reconstruction of Cherry Street, which requires a \$3 million match. He also noted that the City has applied for a Reconnecting Communities Grant and they are optimistic that they will secure it (and it will also require an approximately



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\$4 million match).

City Council President Paul opened the public hearing.

There were no public comments.

City Council President Paul closed the public hearing.

7.06 Waterfront TIF District - Application to VEPC for financing of public improvements associated with CityPlace Burlington (10 mins.)

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to approve the City's proposed substantial change request to VEPC for its Waterfront TIF District and authorize City Council President Karen Paul and Chief Administrative Officer Katherine Schadt to submit the attached formal request letter.

### DISCUSSION:

- Councilor Carpenter confirmed that the project covers the reconstruction of sidewalks on Cherry Street.
- Councilor Bergman asked about the audit around the Waterfront TIF District and how this specific project relates to the money that is going back into the Waterfront TIF District. Director Pine replied that the audit looked at past performance and that this is looking prospectively at future reimbursement to the Waterfront TIF and that putting money back into the TIF gives it more resources to meet the obligations that the City has incurred and does not have a negative effect.
- Councilor Dieng asked about the TIF consultant's scope of services. Director Pine replied that Consultant White and his firm are the development work to produce an application to VEPC and then be able to issue a bond.
- Councilor Hightower noted a disagreement by the Mayor around a portion of the audit regarding the legislators and asked if that is an ongoing dispute that is audit-related or accounting-related and how the City is adjusting for that dispute. Mayor Weinberger replied that the dispute is that the auditor characterized certain discrepancies as errors on the City's part but that the City has characterized them as discrepancies with how the State's software has interacted with the City's property tax system. He said that there may be an additional payment the City needs to make to the State's education fund, but that it should not affect the Waterfront TIF District.

VOTING: unanimous; motion carries.

## 8. COMMITTEE REPORTS

8.01 Verbal Reports



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Councilor Barlow said that the Transportation, Energy, and Utilities Committee will be meeting tomorrow, January 24th, at 5:00 PM, and will have an update on South End Transit Oriented Development and Multi-Modal Center Planning, an update on operations of Car Share Vermont, and future agenda items and meeting planning.

Councilor Magee said that the Public Safety Committee met last Wednesday to discuss moving forward with some of the CNA recommendations. He said that they have discussed a number of department directives and that staff have been working hard to update those. He said that staff are working through Q1 to have those amendments to the Police Commission for the review, as well as for public comment and review. He said that he anticipates seeing revisions to the Police Commission for February.

Councilor Bergman said that the Charter Change Committee just met and discussed several items, including Councilor compensation, redistricting, and participatory budgeting.

Councilor Traverse said that the Ordinance Committee just met with the Planning Commission where they reviewed proposed amendments to inclusionary zoning ordinance, and that they will be holding one or two additional joint meetings on the issue.

### **9. CITY COUNCIL – GENERAL AFFAIRS**

#### **9.01 Verbal Reports**

Councilor Magee noted that he will be holding a constituent coffee hour on Friday from 8:30 – 9:30.

### **10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES**

#### **10.01 Verbal Reports**

City Council President Paul noted that on February 6 they will hear a presentation from the Howard Center's Community Outreach Team.

### **11. MAYOR – GENERAL AFFAIRS**

#### **11.01 Verbal Reports**

No discussion.

### **12. ADJOURNMENT**

#### **12.01 Motion to Adjourn**



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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 10:35 PM