



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

January 10, 2022

MEMBERS PRESENT: Chip Mason

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

Richard Cate

Clare Wool

Tom Flanagan

Nathan Lavery



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOM**Members of the public are strongly encouraged to join remotely**

Brian Pine

Chapin Spencer

Laura Wheelock

David White

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 7:10 PM.

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

- **add to the consent agenda item 5.19 Communication: Robert Bristow Johnson, re: District Maps with the action to "waive the reading, accept the communication and place it on file";**
- **remove from the agenda item 6.03 Resolution: Creation Of General Aviation Task Force (Councilor Dieng) and place it on the January 24, 2022 Regular City Council Deliberative Agenda (per Councilor Dieng)**

VOTING: unanimous; motion carries.

2. PRESENTATION: UNIVERSITY OF VERMONT HOUSING UPDATE

2.01 Presenter: Richard Cate, Vice President for Finance & Administration, UVM

Mr. Cate began by noting that President Garimella has a public commitment to expand housing on UVM's campus. He spoke about housing goals for UVM's Trinity Campus, including building new undergraduate residence halls and graduate apartments, upgrading some existing residence halls, expanding the dining hall, and enhancing a sense of community on the campus, as well as securing zoning changes from the City in order to do the above. He said that UVM has exceeded its goals of growing the number of beds in relation to the growth in enrollment. He spoke about zoning constraints on Trinity Campus and that changing them would help increase density in existing lots. He displayed a map of the current Trinity Campus layout, noting where they would be proposing to construct additional undergraduate residence halls and graduate apartments.

Councilor Dieng asked about UVM's timeline for seeking zoning changes and pursuing some of the construction they are proposing. Mr. Cate replied that if zoning changes are feasible and in process, UVM would move forward immediately with design. Councilor Dieng asked if there are other projects being contemplated. Mr. Cate replied that there are some existing older structures on Trinity Campus that they could pursue replacing or upgrading.



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOM**Members of the public are strongly encouraged to join remotely**

Councilor Barlow asked about the two-year requirement for undergraduate student housing and whether the university unilaterally implemented that. Mr. Cate replied that it is a long-term requirement of the university. Councilor Barlow asked if there is vacancy in current student housing and whether it is spread across campuses or localized. Mr. Cate replied that student housing is about 97% occupied.

Councilor Hightower asked if UVM is planning on making other changes to policies, such as requiring undergraduates living on campus for three years instead of two. Mr. Cate replied that they are not contemplating making changes to those policies.

Councilor Shannon asked about the number of current on-campus undergraduate beds. Mr. Cate replied that they have approximately 5,700 of them. Councilor Shannon asked about the number of current freshmen and sophomores. Mr. Cate replied that there are around 5,000 of them. Councilor Shannon asked how many upperclassmen are living on campus, and Mr. Cate replied that there are around 700 of them living on campus.

Councilor Mason asked if the setback is the only zoning impediment for the new space on Trinity Campus. He also asked if UVM is moving ahead with other improvements to existing halls on Trinity Campus. Mr. Cate replied that the setback and lot coverage requirements are the primary issues, and that they would also be seeking increases in height allowances for increased flexibility. He said that they have not pursued improvements to existing halls yet.

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:31 PM.

COMMENTS:

Burlington residents – in person:

- Chris Ainsley spoke about the redistricting issue, saying that the King/Maple neighborhood should be put in one ward rather than being split between two. He also spoke about the topic of City Councilor salaries, saying that a livable wage should be paid to Councilors in order to increase participation by an economically diverse population.

Burlington residents – via Zoom:

- Gene Bergman spoke about the General Aviation Task Force item, saying that as written, it puts the affordable housing and working class in surrounding neighborhoods in jeopardy. He said he hopes that the Council will come back with an improved resolution that addresses some of these concerns.
- Paul Fleckenstein spoke about the aviation task force, saying that commercial development puts businesses in conflict with each other, but also said there are larger issues with the Burlington Airport expansion. He said that the City's approach to the environmental and community impacts of the airport are generally to turn a blind eye. He



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

said that the needs of the community and of the climate need to be put first.

- Robert Bristow-Johnson spoke both about local and statewide redistricting.
- Eric Chase said that all businesses at the airport should have the same opportunity to thrive and grow. He said that if the airport had been transparent and truthful, they would have been up front about cancelling some businesses' leases.

Non-Burlington residents (via Zoom):

- Joshua Reap spoke about the proposed changes to the responsible bidder ordinance, saying that he still opposes some of the penalty measures. He asked for more flexibility. He said allowances should be made for non-willful debarment.
- Christopher Weinberg spoke about the resolution around the General Aviation Task Force. He said that the Airport is being coercive with current tenants and that the Council should challenge the Airport to be more transparent, ethical, and accountable for their actions.
- Liz Medina spoke about the responsible contractor ordinance, which will help equitably and sustainably build Vermont's workforce for the future.
- Larry Moquin spoke about the responsible contractor ordinance, saying that it will create a level playing field for contractors. He said that the language should not be weakened further.
- Jim Richards spoke as a representative of Aerodyme Corporation, a tenant at the Airport. He said that his business is being negatively impacted by a single newcomer private entity. He said that they should explore equity requirements for businesses at the Airport.
- Alex Potvin spoke about the importance of the responsible contractor ordinance, which will uplift everyone in the community and could bring in more local contractors.

Forum closed at 8:00 PM.

4. CLIMATE EMERGENCY REPORTS

3.01 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: Randall Sightler, re: Comments from 12/20/21 city council re NWA PMP - waive the reading, accept the communication and place it on file.

5.04 Communication: Marshall Millwood, re: Morons running states - waive the reading, accept the communication and place it on file.

5.05 Communication: Jeff McKee, CEO, Community Health Centers of Burlington and Burlington resident, re: Community



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

Health Center of Burlington Public Forum Comment to City Council 12/20/21 - waive the reading, accept the communication and place it on file.

5.06 Communication: Chris Rivers, re: 12/20 City Council Public Comments - waive the reading, accept the communication and place it on file.

5.07 Communication: Kara Greenblott, re: my comments at last night's city council meeting - waive the reading, accept the communication and place it on file.

5.08 Communication: Beth Sightler, re: Resolution to reconfigure the planned parking removal and second bike lane addition on my street - waive the reading, accept the communication and place it on file.

5.09 Communication: James Michael Kruck, re: Defund and refund police - waive the reading, accept the communication and place it on file.

5.10 Communication: John Moore, re: Anti-Police Council - waive the reading, accept the communication and place it on file.

5.11 Communication: Christopher-Aaron Felker, Chairman, Burlington Republican Party, re: Restoring Civility: Part 2 - waive the reading, accept the communication and place it on file.

5.12 Communication: Harry Short, re: Defunding Your Police Dept. - waive the reading, accept the communication and place it on file.

5.13 Communication: Anne Williams, Chittenden County Clerk, re: Chittenden County Annual Budget Meeting - waive the reading, accept the communication and place it on file.

5.14 Communication: Chapin Spencer, Director and Lee Perry, Division Director DPW Maintenance, re: Notification of Sale or Trade of FY22 Replaced City Vehicles/Equipment - waive the reading, accept the communication and place it on file.

5.15 Communication: Cindi Wight, Director, Department of Parks, Recreation & Waterfront and Alec Kaeding, Campground & Beach Manager, re: Lease of Vendor Space at North Beach for three seasons, 2022 – 2024 - approve and authorize the execution of a lease agreement with AS Concessions, LLC, to perform food and beverage sales at North Beach for the 2022 - 2024 seasons, and to authorize Mayor Miro Weinberger, to execute the lease and any related documents, subject to the review of the City Attorney's Office.

5.16 Communication: Megan Moir and Ashley Walenty, DPW-Water Resources, re: Engineering Amendment #2 for the Flynn - Fletcher Pump Station Improvements Project - authorize the Director of the Department of Public Works to execute a second amendment to the Engineering Service Agreement with Hoyle, Tanner & Associates, Inc., increasing the maximum limiting amount of \$178,483 by \$35,000 to a new total of \$213,483, for additional construction administration and resident project representative work on the Fletcher Place pump station project, subject to the final review and approval of the City Attorney's Office.

5.17 Communication: Corey Mims, P.E., Senior Public Works Engineer, re: FM0421 VTrans Finance and Maintenance Agreement Burlington NH PC22(1) Resurfacing along U.S. 7, U.S. 2 and Alt U.S. 7 - authorize the Director of Public Works to execute the Finance and Maintenance Agreement between the State of Vermont and City of Burlington for Burlington NH PC22(1) Contract Number: FM0421.

5.18 Resolution: Selection Of Newspapers For Publication Of 2022 Election Warnings And Notices (Councilor Tracy) - waive the reading and adopt the resolution.

5.19 Communication: Robert Bristow Johnson, re: District Maps - waive the reading, accept the communication and place it



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

on file.

MOTION by Councilor Stromberg, SECOND by Councilor Magee, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.19.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Presentation: Tom Flanagan, Superintendent, Nathan Lavery, Executive Director of Finance and Operations and Clare Wool, School Board Chair, re: City Council School Budget Presentation

Executive Director Lavery reviewed the Burlington School District budget presentation. He noted the budgetary assumptions, including \$2.5 million increase in wages, benefits, and other cost increases, \$1.7 million in Downtown BHS rent and utilities, and ESSER Funds that are not included in budget estimates. He spoke about school-based equity-oriented investments, which allows schools to make equity-oriented investments on a school-by-school basis. He spoke briefly about the tax variables and their estimates, which include education spending, equalized pupil count, homestead dollar yield, and common level of appraisal. He noted that the homestead dollar yield and the common level of appraisal have both increased substantially. He spoke about how fund balance of \$3.6 million could be used, which include supporting ongoing operations, enhancing the Downtown BHS space, and funding toward the new BHS/BTC project. He spoke about the budget development timeline, ending on March 1 (Town Meeting Day budget vote).

Councilor Shannon asked what the average homestead taxpayer looked like last year as compared to this year. She also asked what a taxpayer at \$300,000, \$400,000, \$500,000, and \$600,000 would be paying based on the proposed budget. She finally asked when the Common Level of Appraisal (CLA) is determined each year. Executive Director Lavery said that the CLA is distributed by the State Tax Department in late December. He also explained in further detail how he calculated the example tax payments.

Councilor Barlow asked about the decrease in equalized pupil count and what could be driving it. Executive Director Lavery replied that the equalized pupil count is a two-year average and that it had been frozen due to Covid (but is now unfrozen and that could be affecting the data point). He said that immigration policies on a federal level could have been driving some of the decrease in the prior few years. He said that enrollment has been declining, though not as rapidly as in other parts of the state.

Councilor Magee asked about how the district is building capacity for English Language Learning. Superintendent Flanagan replied that the School District has been actively building capacity in ELL programs and staff. Councilor Magee asked for an update on capital projects in the school district and whether Covid has negatively impacted them. Superintendent Flanagan said that the lack of a high school has more negatively affected the school district's capital capacity than Covid. Executive Director Lavery noted that they are anticipating capital upgrades to Integrated Arts Academy in the next year. He said that the school district's capital plan focuses on investing or reinvesting in what they currently have, rather than add



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

new space.

6.02 Public Hearing Regarding Downtown Tax Financing District (TIF) Great Streets Project

Director Pine began the presentation by saying that this is a rare opportunity to make a \$30 million investment in Burlington's downtown without impacting taxpayers. He said that this funding opportunity expires if the City is unable to bond for it by next March (of 2023). He said that the improvements would meet the needs of a diverse group of users. He said that the project's proposed stormwater investments would reduce pollution of Lake Champlain. He said that the project's proposed utilities investments would be more significant than any other upgrades in the last 50 years.

Senior Engineer Wheelock noted that the project would include 6 blocks of Main Street between Battery and Union Streets. She said that the improvements would provide amenities for all users of the streets, including pedestrians, motorists, cyclists, and businesses. She also noted that improvements would occur for water, sewer, electrical, and communications infrastructure.

Mr. White spoke about the financing of the TIF District project. He noted that Burlington has two TIF Districts—the Waterfront TIF District and the Downtown TIF District. He explained the concept of tax increment financing and how it ties public and private investments together to create value and use new taxes to pay for upgrades. He provided a brief overview of the Downtown TIF District's history, noting that the district was established in 2011, its final date for new debt is March 31, 2023, and its final year to retain the education increment is 2036. He outlined the current finances, noting that \$5,420,000 in debt has already been incurred of the previously-approved \$10 million, and \$4,580,000 in remaining debt authority still exists. He briefly outlined the private projects that would occur in the district. He noted the district's projected cash flow, saying that a positive balance is anticipated for the district.

Director Spencer spoke about the public process around the TIF and associated bond vote. He noted that there will be public engagement through March, after which the bond vote will occur. He said that concept development will occur between February and May. He noted the public bodies that will need to be engaged throughout the process.

Councilor Barlow asked if the sewer is being upgraded or replaced, and asked how the associated costs were determined. Senior Engineer Wheelock replied that they conducted an engineering estimate of the worst case scenario, but said that they need to continue investigating the condition of the pipes and sewer in the spring. Councilor Barlow asked about the education tax increment and its effect on education tax rates. Mr. White replied that the taxes generated by the district would not have been generated but for the public investments in the district (which then lead to private investments and additional tax generation).

Councilor Mason asked about the ravine sewer and whether it was always anticipated to need to be worked on significantly. Senior Engineer Wheelock said that the ravine sewer is not in active failure, but said that the TIF district has capacity to conduct work to improve it, which would make it possible to develop the surface parking lot that it sits on. Director Spencer noted that in the past there wasn't the awareness of the ravine and the risks of developing on it that there



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

are now.

Councilor Carpenter asked about how the ravine could be impacting the fire station on South Winooski Avenue. Senior Engineer Wheelock replied that part of the project would entail looking at how surrounding properties are connected to the ravine sewer. Mr. White added that that fire facility does not meet current Fire Department needs and standards and that dealing with the ravine sewer becomes an important piece of future work on the fire station facility.

City Council President Tracy opened the public hearing.

Brian Cina expressed support for the Great Streets Project. He spoke about how behavior shapes the environment and vice versa and said that the Great Streets Project would positively impact the community. He said that the current environment on Main Street negatively impacts behavior. He expressed concern that the TIF District could cause rent increases that displace local businesses. Director Pine said that the goal isn't to increase taxes but to spur private investment in certain properties that may not have otherwise had those investments in them.

Caryn Long expressed concern about parking being taken away in the Great Streets Project. She asked how many parking spaces would be removed. Mr. White replied that some studies have shown that the City actually has more parking than it needs and that it has a parking management problem, not a parking shortage. Senior Engineer Wheelock noted that the concept is not final and that there will be months of public engagement and opportunity for input prior to finalizing the concept. She said that they need to seek funding approval from voters prior to having a finalized concept.

City Council President Tracy closed the public hearing.

6.03 Resolution: Creation Of General Aviation Task Force (Councilor Dieng) **AGENDA ITEM REMOVED--will be on the January 24, 2022 Regular City Council Deliberative Agenda**

No discussion at this time.

6.04 ORDINANCE: B.C.O. Chapter 18 HOUSING--Sec. 18-130 Applicability of Minimum Energy Efficiency Standards (Ordinance Committee)(Department of Permitting and Inspections)



Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

MOTION by Councilor Mason, SECOND by Councilor Hanson, to suspend the rules and place the ordinance amendment in all stages of passage and to request the Department of Permitting and Inspections to report back to the Ordinance Committee in a year regarding the status of implementation.

DISCUSSION:

- Councilor Mason noted that the amendment reflects several modifications, including a more aggressive timeline for applying minimum energy efficiency standards.
- Councilor Hanson said that the ordinance aligns with weatherization efforts at the State level.
- Mayor Weinberger said that weatherizing housing stock will help Burlington meet its net zero energy goals.

VOTING: unanimous; motion carries.

6.05 ORDINANCE: B.C.O. - Chapter 21, Article V, Prequalification of Construction Contractors - Responsible Contractors (Councilor Tracy, Ordinance Committee)

MOTION by Councilor Mason, SECOND by Councilor Hanson, to waive the second reading and adopt the ordinance as amended (dated 1/10/22).

DISCUSSION:

- Councilor Mason said that this ordinance as amended responsibly recognizes the current competitive environment and protects contractors.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will meet on Tuesday, January 25th at 5:00 PM.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will meet on January 18th at 5:30 PM and will hear a presentation from the Racial Equity and Inclusion Director.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports





Regular City Council Meeting - Monday, January 10, 2022, 7:00 pm, Bushor Conference Room OR REMOTELY via ZOOMMembers of the public are strongly encouraged to join remotely****

None at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Tracy said that there is a need for two renters and one commercial property-holder in order to fill the positions on the ad-hoc reappraisal committee. He noted that applications for those can be found on the City's website.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger said that the administration will have the Planning Commission review UVM's housing proposal on zoning changes, and welcomed City Councilor input prior to conversations with the Planning Commission.

He noted the loss of Alan Paul, Councilor Karen Paul's father, and spoke about his life and accomplishments as well as his contributions to the City and the State.

11. ADJOURNMENT

11.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 9:58 PM.

RScty: AACoonrad