BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 23, 2023
DRAFT

MEMBERS PRESENT:

Karen Paul
Joan Shannon (via Zoom), then in person
Ali Dieng (via Zoom)
Zoraya Hightower
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse (via Zoom, then in person)
Timothy Doherty
Melo Grant (via Zoom, then in person)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Samantha Sheehan
Lori Olberg
Darren Springer
Neale Lunderville
Stephen Leffler
Michael Ahern
Zach Williamson
Joe Turner
Charles Dillard
Gregory Knight
Michael LaChance
Nic Longo

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:06 PM.

MOTION by Councilor Carpenter, SECOND by Councilor King, to divide the question with the first motion to be to adopt the agenda ending with 7.30 (Communication: John Patterson), and the second motion to adopt the amendment to item 8.8.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 3 nays); motion carries.

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

- **Add to the consent agenda item 7.28. Communication Jaeger Nedde, re: Lease Extension for the Vermont Air National Guard;**
- **Add to the consent agenda item 7.29. Communication: Josh Gerry, Member, Board of Health, re: Resignation;**
- **Add to the consent agenda item 7.30. Communication: John Patterson, re: Extension of the airport lease to VTANG;**

VOTING: unanimous; motion carries.

MOTION by Councilor Bergman, SECOND by Councilor Hightower, to amend the agenda as follows:

- **On deliberative item 8.8, the National Guard airport lease, (1) add a motion requesting the VT congressional delegation request the Sec. of the Air Force to replace the F-35 mission with another mission, flying or non-flying, that is less harmful to the communities affected, (2) switch the order of the motions to take up the mission motion first, the MOU second, and the lease motion third, and (3) to eliminate the time limitation of 45 minutes to allow for as much time as we need (per Councilor Bergman).**

DISCUSSION:

- **Councilor Bergman said that this is an essential discussion where the City's transparency and openness have been called into question. He said that the Council needs to be able to debate these questions openly and strive for some unity around this issue. Councilor Grant concurred with this.**

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (4 ayes, 8 nays); motion fails.

MOTION by Councilor Dieng, SECOND by Councilor Traverse, to adopt the agenda as amended.

VOTING: unanimous; motion carries.

2. WORK SESSION: BURLINGTON DISTRICT ENERGY PROJECT

2.1. Work Session Regarding Burlington District Energy Project: Participants: Darren Springer, General Manager, Burlington Electric Department, Neale Lunderville, CEO VGS, Stephen Leffler, MD, President, University of Vermont Medical Center, and Michael Ahern, VP, Ever-Green Energy (joining by Zoom)
Councilors Traverse and Doherty recused themselves from this item due to professional conflicts.

Mayor Weinberger noted that this is a working session to discuss the District Energy Project, the purpose of which is to determine whether it is feasible to capture waste heat from the McNeil Plant and put it to use at the University of Vermont Medical Center (UVMMC). He said that

the benefits of moving forward with this are that this would reduce commercial sector emissions by 16%, support a key partner (UVMMC) in their growth in Burlington, and would increase efficiency at the McNeil Plant. He noted he is aware of concerns in the community about the environmental benefit of this system, and said that the City has listened to these concerns and will speak to them during the presentation.

BED General Manager Springer began by outlining the Burlington Net Zero Energy road map, one of the reduction pathways is to create a district energy system. He noted that the commercial sector's natural gas use has been increasing and that a district energy plan would curb this. He provided a definition of district energy, which for Burlington would be an efficient underground distribution system to connect multiple renewable thermal sources to customer buildings.

Neale Lunderville, the CEO of Vermont Gas, then spoke about why district energy would be beneficial to Burlington. He noted that it would improve McNeil's efficiency by 10%, would use local renewable thermal resources instead of fossil fuels, would reduce the amount of natural gas used every year, and would cut the commercial sector's natural gas use by 16% in Burlington. He said that there are very few projects that would reduce natural gas use this significantly like district energy would. He noted that a steam-based system is a feasible decarbonization solution for UVMMC, though geothermal, solar, and wind were looked at but are not feasible. Dr. Leffler noted that UVMMC supports this project moving forward.

General Manager Springer noted that the current District Energy Project's collaborators include the City, UVMMC, VGS, and Ever-Green Energy, that it started in 2018 and had three phases of feasibility work conducted, has had $5.16 million secured by Senator Leahy in appropriations (which have been approved by the Council in June of 2022), and that Ever-Green was created as a 501(c)(3) to finance and operate the project.

General Manager Springer then walked through a diagram of the Medical Center's energy systems and uses, which includes inputs from wind, hydro, biomass, natural gas, and renewable natural gas, how they are used and stored, and their end uses (including sterilization, kitchen energy, hot water, and space heating and cooling). He noted that there would be no expansion of McNeil's energy generation capacity or change to how it is dispatched or its wood procurement needs, and it would not impact rate-payers. Michael Ahern of Ever-Green Energy spoke about how the waste heat would be captured and created into steam to use at UVMMC. He showed a map of where the steam would travel underground to transfer it from McNeil to UVMMC. Mr. Lunderville spoke about how the McNeil Plant's district energy would reduce greenhouse gas emissions over 95% compared to fossil gas.

General Manager Springer then spoke about the items for City Council's review, which include a draft term sheet for provision of steam and use of the McNeil site, a term sheet for incentives for the project, an easement at 99 Intervale Avenue, and a franchise agreement for the Burlington District Energy non-profit.

Councilor Hightower asked whether more wood would be burned to accommodate the district energy plan, and General Manager Springer replied that no, BED does not anticipate burning more wood to accommodate this project. Councilor Hightower asked about the timeline for this, given that there is a large capital investment that needs to occur. General Manager Springer replied that there is a 20-year commitment built into the term sheet. Councilor Hightower noted that this project includes federal funding from taxpayers and asked why this project was prioritized over other more residential projects for use of that funding. General Manager Springer replied that BED is around 75% commercial and 25% residential and that they already have many incentives for residential rate-payers already, and wanted to be able to offer carbon reduction programming for its commercial rate-payers.

Councilor Bergman asked how the City can get legally-binding commitment that the McNeil Plant will not increase its burning of biomass as a result of this project. General Manager Springer said that they could lock into a resolution that BED is not looking to run more based on this project, and that BED is striving for more efficiency. Councilor Bergman said it would be important to understand the commitments between ISO and BED and their implications for BED's commitments to rate payers and the City. Councilor Bergman asked whether BED will commit to chip dryer that would increase efficiency. General Manager Springer replied that BED could commit to producing an RFI or RFP for a wood chip dryer, to further explore feasibility. Councilor Bergman noted that the district energy proposal would make it more difficult for McNeil to move away from biomass burning at the end of the 20-year period of this project. General Manager Springer replied that the term sheet does not prevent the McNeil Plant from moving to another source of energy or technologies, since the infrastructure with the district energy plan is related to transmission, not creation of energy. General Manager Springer said that switching away from biomass burning is not feasible in the short-term, but wants to facilitate the transition to wind and solar sources of energy in the medium-to-long term.

Councilor Barlow asked whether the district energy plan would influence UVMMC's growth plans within the community. Dr. Leffler replied that the term sheet would help UVMMC grow within the community in a sustainable and cost-effective way. Councilor Barlow asked how the $665,000 in Tier 3 credits factors into this, and General Manager Springer replied that it is commensurate to the reduction of fossil fuel emissions and meets the State's goals.

Councilor Carpenter asked about the carbon intensity scores for fossil fuels and wood burning, and how those would change if the McNeil Plant steam is unbundled, and General Manager Springer replied with technical detail but summarized by saying that using wood chips has a favorable carbon profile. He noted that there are no offsets associated with the project. Councilor Carpenter asked for more specificity about other energy sources that were pursued but not deemed as feasible for this project, and the project managers said they would provide more specifics to Councilor Carpenter offline.

Councilor Dieng asked about the assumption that McNeil would be operational for 20 years for this project. General Manager Springer replied that this estimate is based on the resources that are available right now as renewable, and that McNeil's current state is in line with this availability and goals, as no other more cost-effective or viable sources of renewable energy are not in place to replace biomass at McNeil. He said that this may change in the future and BED assesses this as new technologies come online. Councilor Dieng asked what commitment the hospital can make to meet its net zero energy goals. Dr. Leffler spoke about the hospitals' net zero energy goals and commitments.

Councilor Grant asked about the draft term sheets and how final they are. General Manager Springer said that these are the parameters of the term sheets that BED would commit to, in order to inform term sheets between BED and other partners on this project. Councilor Grant asked for more information on other cities or regions that have implemented district energy plans similar to this. General Manager Springer spoke about other systems that use steam, noting that they are all contextual.

3. PRESENTATION REGARDING SOLAR ECLIPSE BUDGET AND PROGRAM – BCA

3.1 Presentation Regarding Solar Eclipse Budget and Program – BCA

Mayor Weinberger said that this relates to the solar eclipse that would occur on April 8, 2024, and this item is to ensure that the City is prepared in its public health and safety systems to host this event.

Festival and Event Director Williamson began by speaking briefly about the eclipse itself, and then spoke briefly about what other cities have experienced when they have been in the direct path of a full solar eclipse. He spoke about health and safety planning, including ensuring the availability of amenities such as bathrooms, trash and recycling, parking and shuttle buses, eclipse safety glasses, emergency services,

additional RV parking, traffic control, as well as potential modifications to the Burlington School District schedule. He also spoke about planning to have an enhanced event that includes much more than just the observation of the eclipse.

Mayor Weinberger broke down the budget into the public health, safety, and basic amenity portion ($235,195) and the event and tourism investment budget ($204,140), for a total projected budget of $439,335. He said that tonight's resolution would ask for commitment from the Council for the public health, safety, and basic amenities budget of approximately $235,000. He noted that the City has been seeking partnerships and commitments for funding from private businesses in town to help fund the event and tourism investment portion of the projected budget.

Councilor Grant asked for clarification on what parts of the budget are being committed to by the City Council, which Mayor Weinberger provided. Mayor Weinberger noted that the authorization is for the full $439,000, but that the City is obligated to spend at least the $235,000 on the basic amenity portion of the budget.

Councilor Shannon spoke about her experience traveling to another part of the country to experience the full solar eclipse in 2017. She suggested that this is a great opportunity to rent out rooms, and suggested that the City has conduct an analysis on the meals & rooms tax revenue that would come in as a result of the lodging around this event.

Councilor Carpenter noted that this event is occurring whether the City approves funding or not, and said that the City should at least secure funding and planning for ensuring the public safety and health of visitors.

Councilor Bergman said he would like corrective action to adjust the motion on the consent agenda related to this item, given that he is not comfortable with the motion as it is written. Mayor Weinberger replied that Assistant City Attorney Pellerin is crafting language for the Council's consideration prior to voting on the consent agenda.

4. PUBLIC FORUM: **TIME CERTAIN – 7:30 PM**

4.1 Verbal Comments

Forum opened at 7:31 PM.
COMMENTS:
Burlington residents (in person):

- David Maher spoke in support of the F-35 program and extension of the VTANG lease
- Colin Hilliard spoke as a representative of the Burlington Business Association in support of the VTANG lease extension
- Dean Dower Fowler spoke in support of the District Energy Project.
- Ben Fowler spoke as a mechanical engineer in support of the District Energy Project and steam use for decarbonization.
- David Cawly spoke in support of the District Energy Project, saying that it meets the City's energy goals.
- Romeo van Hermann spoke in support of the extension of the VTANG lease, as well as spoke in solidarity with Israel's right to self defense.
- Nick Filchen spoke in support of the District Energy Project, noting his expertise in decarbonizing heating systems for buildings.
- Laura Caputo spoke in support of the VTANG lease extension.
- Sandy Wynne spoke against extending the VTANG lease.
- Richard Price spoke in favor of the extension of the VTANG lease.
- Scott Baldwin spoke in support of the VTANG lease extension, noting that the extension is not connected to the F-35s.

- Dr. Peter Bingham spoke against the VTANG lease extension, noting that the F-35s are a public health crisis for Burlington's children.
- Todd Lacroix spoke about the City's lack of meaningful action in the last 20 years, to the detriment of the nation's children.
- Representative Troy Headrick spoke against the extension of the VTANG lease, saying that locking a City into the lease for another 50 years is inappropriate.
- Nick Persampieri spoke against the District Energy Project, saying that the City should instead be talking about how to shut down the McNeil Plant.
- Jim Currier spoke in support of the District Energy Project and spoke against the extension of the VTANG lease.
- Steve Goodkind spoke about the McNeil Plant.
- Laurie Larson spoke against the extension of the VTANG lease, noting lack of community input.
- Ashley Adams spoke against the VTANG lease extension, citing negative health consequences.
- Jean Kelher spoke against the VTANG lease extension, recommended that the Council review the Emergency Response Plan that is in place in the event of an F-35 crash in the community.
- Aspen Overby spoke against the VTANG lease extension.
- Sara Sciortino spoke against the VTANG lease extension.
- Trav Fryer spoke against the F-35s, saying that they are too loud for the community, and that the City should engage in more robust discussion prior to extending the VTANG lease.
- Paul Ode spoke in support of extending the VTANG lease.
- Jennifer Ealey recommended extending the VTANG lease for 1-2 years while a more permanent solution is explored with surrounding communities and the public.
- Annie Lawson said that the F-35 issue is one of racial, social, and economic justice, saying that the current lease should not be extended with VTANG.
- Antonio Govin spoke against the VTANG lease extension.
- Dan Castrigano spoke against the VTANG lease extension, citing negative health impacts on children.
- Matt Somerville spoke about the opioid crisis, saying that more needs to be done to improve the situation downtown.
- David Schein spoke against the VTANG lease extension, citing negative health impacts.
- Andrew Kranichfeld spoke in support of reforming the NPAs, saying that any governmental committees need to have enough oversight, and that Burlington needs to be a welcoming community.
- Lina Greenburg spoke in support of reforming the NPAs and ensuring community safety, and spoke against the extension of the VTANG lease.
- Lee Morrigan spoke in support of making the NPAs safe and accessible for everyone.
- Christopher Aaron Felker spoke against the resolution regarding maintaining open and accessible NPAs, as the resolution goes against the First Amendment.
- Christopher Haessley spoke with concern about the process around the resolution regarding the NPAs, saying that the discussion should be tabled until input is sought from the NPAs themselves.

Burlington residents (via Zoom):

- Stephen Garter spoke against the lease extension for VTANG.
- Liz Curry encouraged the City Council to think about District Energy as a transitional solution.
- Jonathan Scott spoke against the extension of the VTANG lease.
- Pike Porter spoke against the extension of the VTANG lease in its current state, saying that other options could be included in it to give the public more levers for interaction and accountability.

- Amy Malinowski spoke in support of reforming the NPAs to make them more accessible and safe, and spoke against the lease extension for VTANG.

MOTION by Councilor Bergman, SECOND by Councilor Magee, to suspend the rules and complete public forum for the remainder of participants who have signed up to speak.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 3 nays); motion carries.

Non-Burlington residents (in person):

- Austin Davis spoke in support of the District Energy Project and the extension of the VTANG lease.
- Lisa Ventris spoke in favor of the VTANG lease extension, since it will unlock a significant amount of federal funding.
- Frank Coffee spoke in support of the VTANG lease renewal.
- Kyle Clark spoke in support of the VTANG lease renewal.
- Lisa Gronfeld spoke in support of the VTANG lease renewal, given the importance of the airport for the local economy.
- Elizabeth Lesnikoski spoke as BED's chief forester in support of the District Energy Plan.
- Don Toby spoke as a forester with BED in support of the District Energy Plan.
- Seth Clifford spoke as a forester with BED in support of the District Energy Plan.
- Matt Cota spoke in support of the VTANG lease extension.
- Steven Whittaker spoke about the closure of bathrooms on the waterfront, expressing concern about this.
- Roseanne Greco recommended that the VTANG lease extension be tabled until more public engagement and alternatives can be explored.
- Muhat Abdulahi spoke in support of the VTANG lease extension.
- Rodney Dollar spoke in support of the District Energy Plan.
- Paul Pinkman spoke in support of the District Energy Plan.
- Kiah Sateen spoke against the VTANG lease extension, citing negative health impacts.
- Krystal spoke against the VTANG lease extension, asking whether members in the community even supports this programming.
- James Mark Lease asked that the Council table the motion to extend the VTANG lease.
- Aurora Hurd said that the Council should table the motion to extend the VTANG lease to get more input from local communities, speaking about their experience as a resident of Winooski.
- Daniel Betz Bristol spoke against the VTANG lease extension.

Non-Burlington residents (via Zoom):

- Chris Weinberg spoke in support of the VTANG lease extension.
- Peter Duval spoke against the District Energy Project.
- Bob Atkinson spoke against the VTANG lease extension.

Forum closed at 9:32 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports
None.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates
Councilor Grant recommended that the public watch Public Safety Committee meetings to bring themselves up to speed on what is being done around the opioid crisis, as well as watch the City's presentation from the BPD during its previous meeting. She also spoke briefly about the data and what data is available.

Mayor Weinberger said that the Fire Department's Community Response Team began operation of its pilot last week, which has been well-received. He said that the Opioid Advisory Settlement Committee also met last week, noting that some of the initiatives have been implemented. He said that he continues to advocate for expanded methadone access.

Councilor Hightower noted that the City has a tremendous unhoused population and that it would be a better outcome to house these people rather than deal with more of the downstream effects that come as a result of being unhoused.

City Council President Paul provided an update on the community forums that came out of the resolution passed by the Council at its last meeting, saying that the forums will likely occur in December. She also noted that members of the community have gotten together and has produced a public safety letter.

7. CONSENT AGENDA

7.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
7.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
7.3 Communication: C/T Office, re: Regular City Council Meeting Minutes, July 24, 2023, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.4 Communication: C/T Office, re: Local Control Commission Meeting Minutes, July 24, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.5 Communication: C/T Office, re: Local Cannabis Control Commission Meeting Minutes, July 24, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.6 Communication: C/T Office, re: Regular City Council Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.7 Communication: C/T Office, re: City Council With Mayor Presiding Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.8 Communication: C/T Office, re: Local Control Commission Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.9 Communication: C/T Office, re: Regular City Council Meeting Minutes, September 11, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.10 Communication: C/T Office, re: Regular City Council Meeting Minutes, September 18, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.
7.11 Request to Execute a Contract Amendment with Jacobs Engineering Group, Inc. for the completion of Design, Permitting, Construction Contractor Coordination and Construction Oversight Services for the North Concourse Replacement Project (Project NEXT) – Airport – approve and authorize the Director of Aviation to execute an amended contract with Jacobs Engineering Group Inc. for an amount up to $4,525,288.00, with a 15% contingency, totaling up to $5,204,081, as allowed under a potential FAA grant, for the final design, permitting,

CMAR coordination and construction oversight services of the North Concourse Replacement Project (Project NEXT), subject to the review and approval of the City Attorney's Office.
7.12 Request to Execute a Five Year Contract with Casella Waste Systems, Inc. for Resource Recovery Services – Waste, Recycling, and Compost Removal Services – Airport – approve and authorize the Director of Aviation to execute a five year contract with Casella Waste Systems, Inc. for Resource Recovery Services which includes Receptacle and Container Supply, Training, Waste, Recycling, and Compost Removal Services subject to the review of the City Attorney's Office.
7.13 Approval of ARPA Community Infrastructure Grant agreement with the Burlington City Arts Foundation – BCA – approve an ARPA Community Infrastructure Project Grant paid from the City of Burlington to the Burlington City Arts Foundation in the amount of $500,000, and authorize the Director of Burlington City Arts to execute a grant agreement memorializing the same, subject to review by the City Attorney's Office.
7.14 Amendment to Ground Lease Agreement between City of Burlington and Champlain Community Sailing Center, Inc. – CEDO – approve and authorize the Mayor to execute "Amendment B" to the Ground Lease Agreement between the City of Burlington and the Lake Champlain Community Sailing Center, Inc., in order to adjust the allowable amount of Community Service Credit and include provisions related to public access, upon final review by the City Attorney's Office.
7.15 March 5th, 2024 Annual City Election Calendar – C/T and City Attorney's Office – waive the reading, accept the communication, and place it on file.
7.16 Annual Report from Winooski Valley Park District – waive the reading, accept the report and place it on file.
7.17 Communication: Andrew Judge, re: Disappointment - waive the reading and place the communication on file.
7.18 Communication: Charlie Cole, Essex Fire Department, Fire Chief, re: VTANG Letter of Support - waive the reading and place the communication on file.
7.19 Communication: R. Marcus West, re: "The Principles We Have Chosen To Attack (The Drug Problem) Have Not Changed" - waive the reading and place the communication on file.
7.20 Communication: Coralyn Guidry, re: War Israel - waive the reading and place the communication on file.
7.21 Communication: Brad Wiltfong, re: Support the UVM Students Demanding Safer Crosswalks on Campus – waive the reading and place the communication on file.
7.22 Special Event Outdoor Entertainment Permit Application (one day only): Switchback Brewery, 160 Flynn Avenue, Lawn on the parking lot, Family friendly Halloween Party, October 23, 2023, 1 pm – 6 pm – approve the one day only special event outdoor entertainment permit application for Switchback Brewery, 160 Flynn Avenue, Family friendly Halloween Party, October 28, 2023, 1 pm – 6 pm.
7.23 Special Event Outdoor Entertainment Permit Application (November 18 – December 23, Fridays, Saturdays, and Sundays) for Burlington City Arts, City Hall Park, BTV Winter Market, various hours on various days – approve the special event outdoor entertainment permit application (November 18 – December 23, Fridays, Saturdays and Sundays) for Burlington City Arts, City Hall Park, BTV Winter Market, various hours on various days.
7.24– Special Event Outdoor Entertainment Permit Application (11:00 am 12/31 to 12:30 am 1/1): Burlington City Arts, Highlight 2023, various locations around the City - approve the special event outdoor entertainment permit application (11:00 am [12/31] to 12:30 am [1/1] for Burlington City Arts, Highlight 2023, various locations around the City.
7.25 Approval of Solar Eclipse Budget and Program – BCA -
7.26 For Information Only – for information only.
7.27 Resolution: Authorization For Reimbursement of Waterfront TIF District and Downtown TIF District Related Costs for FY 2023 (Board of Finance) – waive the reading and adopt the resolution.
7.28 Communication: Jaeger Nedde, re: Lease Extension for the Vermont Air National Guard - waive the reading and place the communication on file.

7.29 Communication: Josh Gerry, Member, Board of Health, 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 Josh Gerry thanking him for his time served as a Member of the Board of Health.
7.30 Communication: John Patterson, re: Extension of the airport lease to VTANG – waive the reading and place the communication on file.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.30, with the exception that the action of item 7.25 is to be amended as follows: "move to create and approve the solar eclipse public health safety amenities and events plan budget as detailed in the chart herein, with City financial contributions not to exceed an amount of $235,195 and to also approve a budgetary amount from private contributions not to exceed $204,140, contingent upon such funds being secured by the City and between all sources creating a total project budget not to exceed #439,335, while providing the Chief Administrative Officer with the authority to make any necessary budget amendments and transfers of funds to carry out this initiative."

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Appointment of City Assessor – Mayor Miro Weinberger
Mayor Weinberger spoke about Mr. Turner's experience and qualifications for the position of City Assessor. Mr. Turner spoke briefly about his goals and vision for moving forward.

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to confirm the appointment of Joe Turner as City Assessor, and grant the personal hardship extension of the Department head residency requirement per the City Council rules.
DISCUSSION:

- **Councilor Hightower asked that the Council be notified when department heads leave, as she was not aware of the previous City Assessor's departure until very recently.**
- **Councilor Grant said that the City Assessor's Office should be communicating more regularly with the public, to make them aware of reassessments and their implications for residents and businesses in the community.**

VOTING: unanimous; motion carries.

8.2 Appointment: Housing Board of Review (term expires 6/30/26)

MOTION by Councilor Magee to nominate Lisa Gerlach to the Housing Board of Review.

VOTING: unanimous; motion carries.

8.3 Public Hearing Regarding ZA-23-03 Setbacks, ZA-23-04 Temporary Structures, ZA-23-05 168 Archibald Street, and ZA-24-01 Technical Amendments
City Planner Dillard spoke about each of the proposed zoning amendments briefly.

City Council President Paul opened the public hearing.
There were no public comments.

City Council President Paul closed the public hearing.

8.4 Ordinance: CDO—Setbacks ZA-23-03 (Planning, Planning Commission)

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to waive the reading and adopt the ordinance set forth on agenda items 8.4, 8.5, and 8.6.
DISCUSSION:

- **Councilor Traverse noted that these proposed zoning amendments have been endorsed by the Planning Commission.**
- **Councilor Bergman asked about the change in uses for the old synagogue on 168 Archibald Street. City Planner Dillard replied that the zoning would change to include additional uses for the property.**

VOTING: unanimous; motion carries.

8.5 Ordinance: CDO—Structures ZA-23-04 Temporary Structures (Planning, Planning Commission)
See item 8.4 above.

8.6 Ordinance: CDO—Rezoning ZA-23-05 168 Archibald Street (Planning, Planning Commission)
See item 8.4 above.

8.7 Ordinance: CDO—Technical Amendments ZA-24-01 (Planning, Planning Commission)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to postpone this item until the November 6, 2023 City Council Meeting.

VOTING: unanimous; motion carries.

8.8 Approval of Supplemental Agreement to Lease with Vermont Air National Guard
Mayor Weinberger began by noting that Burlington has been a committed steward of the airport for over 100 years, and that this lease is the next important step in continuing this relationship. He said that this extension would provide stability for the partners that rely on VTANG. He spoke about VTANG's activities to support the community in meaningful ways. He said that the Memorandum of Understanding (MOU) that accompanies this lease extension includes new commitments to share emissions efforts and working with the City to access funding for noise mitigation efforts.

Major General Gregory Knight spoke about his experience serving with VTANG. He also spoke about the investments that have been made and noted many more green investments that would result from this lease extension.

Fire Chief LaChance spoke about VTANG's fire response, saying that it plays a prominent mutual aid response as well as services at and around the airport. He noted that a no-vote on the lease extension would have implications for the fire response team at the Airport.

Karl Finnegan, the 158th Air Guard Fighter Wing Commander, spoke briefly about his personal experience with VTANG, saying that this lease extension is about the ability to serve Vermonters and investments to reduce the carbon impact and emissions in the community.

Aviation Director Longo said that this lease extension is critical to the economy of the state and the continuity of airport operations at BTV. He noted that VTANG provides the sole firefighting services at BTV, and that without VTANG, the annual budget at the airport would increase by $3 million per year to meet federal requirements to have fire response within a certain period of time.

MOTION by Councilor Shannon, SECOND by Councilor Hightower, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

MOTION by Councilor Barlow, SECOND by Councilor Dieng, that the Honorable Mayor Miro Weinberger be and hereby is authorized and directed to execute on behalf of the City of Burlington a certain supplemental lease agreement ("Supplemental Agreement No. 8") by and between the City of Burlington and the United States of America ("the Government"), pursuant to which the Government will continue to lease land situated at the Burlington International Airport for use by the Government and/or the State of Vermont Air National Guard as per the terms and conditions of such Supplemental Lease Agreement as attached hereto; and move to approve and authorize Mayor Miro Weinberger to execute on behalf of the City of Burlington a certain Memorandum of Understanding, by and between the City of Burlington and the Vermont Air National Guard related to the reduction of greenhouse gas emissions and aircraft noise as per the terms and conditions of such Memorandum of Understanding, as attached hereto.

DISCUSSION:

- **Councilor Barlow said that renewing or not renewing the lease extension will have no bearing on whether the F-35 mission continues or not. He said that an extension is necessary in order to receive a $51 million capital investment at the airport.**
- **Councilor Shannon noted that they have tried to change the mission of the Airport in the past and had been turned down by the Air Force for that request. She expressed appreciation for the noise mitigation that has been implemented, but said that it is not enough.**
- **Councilor Bergman said that the Council was only notified of this lease extension and MOU approximately 10 days ago.**

MOTION by Councilor Bergman, SECOND by Councilor Hightower, to divide the question with the first motion to be to authorize the Mayor to execute the lease and the second motion to be to authorize the Mayor to execute the Memorandum of Understanding.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – nay (5 ayes, 7 nays); motion fails.

DISCUSSION (CONT'D):

- **Councilor Hightower said that she would have liked to obtain more public and community input prior to being asked to decide on whether to execute a lease extension and MOU for VTANG.**

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to postpone this item until the November 6, 2023 City Council meeting.

DISCUSSION (ON MOTION TO POSTPONE):

- **Councilor Grant said that it would be good to have the opportunity to review the MOU, since there is room for improvement of its deliverables and oversight.**
- **Councilor Magee said he supports this motion to postpone, since he would like to pursue missions with VTANG that don't include F-35 flights, and would like the space to have conversation around that.**

VOTING ON MOTION TO POSTPONE (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (4 ayes, 8 nays); motion fails.

DISCUSSION (CONT'D):

- **Councilor Bergman said that it is regrettable that the Council isn't taking more time to discuss the lease extension and MOU.**
- **Councilor Grant spoke about the negative health impacts of the noise related to the F-35 flight mission. She asked about any flexibility around lease length, and whether a shorter lease could be pursued. Commander Finnegan strongly advised against changing the lease term, since the National Guard's standard term for leases is 50 years.**

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Bergman, to amend the last sentence of the first paragraph of the current motion to read "terms and conditions of such Supplemental Lease Agreement as attached hereto; and amended to extend the current lease no further than 2053 or an additional 5 years."

DISCUSSION OF AMENDMENT:

- **Councilor Traverse said that based on advice and input from stakeholders and experts, he said that a lease extension of 25 years does not seem feasible without doing harm to VTANG's mission and opportunities to secure additional investments. He said that motions like this give the community false hope, given that the City does not have the authority to change VTANG's mission.**
- **Councilor Doherty expressed concern about risking grant funding due to this amendment.**
- **Councilor Grant asked why the City has only brought this to the City Council now, rather than giving the Council ample time to consider this. Mayor Weinberger replied that there were executive sessions in August related to this topic. Councilor Grant expressed frustration that the Council was not given enough time to consider this.**
- **Councilor Hightower said that it is the Council's job to escalate issues that the entire community stands behind in order to effect change.**

VOTING ON MOTION TO AMEND (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (4 ayes, 8 nays); motion fails.

DISCUSSION (CONT'D):

- **Councilor Dieng spoke about prior attempts to ask the Air Force to change the mission of BTV to not use F-35s. He spoke about active efforts to increase diversity of VTANG. He spoke about the integrity of leaders at VTANG, and said that the City needs to build a better relationship with the Guard so that it is more involved.**
- **Councilor Doherty asked for more detail on some of the proposed activities that would reduce the amount of noise emitted by the F-35s (such as flight simulator training and other non-flight training activities), including what those alternatives could look like and timeframes for implementing them. Commander Finnegan replied that VTANG is held to certain requirements related to live flights versus simulations, though they have tried to accommodate noise mitigation strategies by having fewer night flights and more simulator trainings for those night flights.**
- **Councilor Carpenter noted that if VTANG went away, the land couldn't be used for other things such as housing.**
- **Councilor Grant asked if a space on the Guard's website could be used for more community outreach and communication and information-sharing.**

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to call the question.

VOTING ON MOTION TO CALL THE QUESTION (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (11 ayes, 1 nay); motion carries.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (8 ayes, 4 nays); motion carries.

8.9 Resolution: Maintaining Open And Accessible Neighborhood Planning Assemblies (Councilors Traverse, Barlow, Carpenter, Dieng, Grant, Doherty, Bergman, and King)

MOTION by Councilor Traverse, SECOND by Councilor King, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Traverse said that given recent events at one of the NPAs several weeks ago, many of the NPAs are updating their bylaws and governance documents to ensure that they remain open and accessible. He said that this resolution is in support of those efforts. He noted that this resolution has been mischaracterized as infringing upon First Amendment rights, and clarified that this resolution does not compel anyone to engage any kinds of speech. He said that the Council has also received feedback asking for more inclusion and participation on the part of the NPAs, and said that amendments have been included in the draft resolution to accommodate this feedback.**

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to call the question.

VOTING ON MOTION TO CALL THE QUESTION (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – nay, City Council President Paul – nay (3 ayes, 9 nays); motion fails.

DISCUSSION (CONT'D):

- **Councilor Grant spoke about her own experiences with this particular NPA. She said that when issues like this aren't addressed, it empowers that bad behavior.**

VOTING (ON RESOLUTION): unanimous; motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports
None.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports
None.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 12:05 AM.

RScty: AACoonradt