

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 6, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Zoraya Hightower
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
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
Chapin Spencer
Norman Baldwin
Laura Wheelock
Christopher Damiani
Peggy O'Neill-Vivanco
Brian Pine
Samantha Dunn
Kara Alnasrawi
Samantha McGuinness
Will Clavelle

1. CALL TO ORDER and AGENDA

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

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to amend/adopt the agenda as follows:

- **Add to the consent agenda item 7.14. Communication: Zach, re: Smoke;**
- **Add to the consent agenda item 7.15. Communication: Sharon Bushor, Ward 1 Resident, re: MOU with UVM;**
- **Add to the consent agenda item 7.16. Communication: Crystal B., re: Funding for stores impacted by crime;**
- **Add to the consent agenda item 7.17. Communication: Sharon Bushor, Ward 1 Resident, re: Gateway Block;**
- **Add to the consent agenda item 7.18. Communication: Owiso Makuku, CEO, Main Street Landing, re: BTV City Council Letter 11.6.23;**
- **Remove from the agenda item 8.1. Ordinance: CDO-ZA-24-01 Technical Amendments (per Councilor Traverse).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: UVM MOU AND MAIN STREET GREAT STREETS PROJECT (VERBAL)

****EXPECTED EXECUTIVE SESSION****

2.1. Communication: UVM MOU and Main Street Great Streets Project (verbal) ****expected executive session****

Mayor Weinberger said that with respect to the UVM MOU, he noted that this relates to negotiations that have been ongoing and that the City is making progress and looking forward to discussing the current state of a potential agreement tonight during executive session. He said that with respect to the Main Street Great Streets project, the DPW team has been engaged for many months in discussions with property owners and businesses that about the six blocks of the project, and that they have gone out to bid for the improvement and want to discuss those bids that were received with the Council in executive session.

Director Spencer and Senior Engineer Wheelock provided an additional brief update on the Great Streets Main Street project. Senior Engineer Wheelock noted that the project's concept was adopted by the Council in 2018 and reimagines the areas used for walking, biking, parking, and modes of transit, while additionally revitalizing the City's underground infrastructure. She provided a summary of the project's timeline, noting that the next large milestone is the commencement of construction on the ravine sewer in January 2024.

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, to find that premature general public knowledge of contract negotiations between the City and the University of Vermont, as well as contract negotiations related to the Main Street Great Streets project, would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating strategy if discussing the proposed contract terms or negotiations in public.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, that based on this finding of substantial disadvantage, the City Council enter into executive session to discuss contract negotiations pursuant to 1 V.S.A 313(1)(A), to include the Mayor's staff, Planning Director Meagan Tuttle, CEDO Director Brian Pine, City Attorney Jared Pellerin, and Chief Administrative Officer Katherine Schadt for the UVM MOU discussion, and the Mayor's staff, DPW Director Chapin Spencer, Chief Engineer Norm Baldwin, Senior Public Works Engineer Laura Wheelock, the City Attorney, the Chief Administrative Officer, CEDO Director Brian Pine, and Director of Business and Workforce Development Kara Alnasrawi.

VOTING: unanimous; motion carries.

3. DPW COMMISSION REPORT

3.1 DPW Commission Report

The Commission Report was presented by Chair Peggy O'Neill-Vivanco and Vice Chair Christopher Damiani. Chair O'Neill-Vivanco began by providing an overview of DPW's mission, which is to steward the City's public infrastructure and environment by delivering efficient, effective, and equitable public service. Vice Chair Damiani spoke briefly about PlanBTV, which was adopted in 2017 as the City's comprehensive plan for walking, biking, and active mobility. He noted that projects within PlanBTV have included the bikeway network development, safety upgrades for sidewalks, crosswalks, and intersections, and policy changes. He noted that around half of the projects within the plan have been initiated or completed. He spoke about several projects, such as the bike lane that was recently completed on North Winooski Avenue. Chair O'Neill-Vivanco spoke about the Main Street Great Streets project, which is underway. She noted that Burlington is trying to expand youth exposure to its boards and commissions, and noted that the DPW Commission has had attendance from several high schoolers, though it has been challenging to have attendance from students at Commission meetings. She said that to improve exposure to students, they have been working with the BSD's City and Lakes Program. Vice Chair Damiani spoke about how student feedback on the Main Street Great Streets project has helped inform the design of the project.

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

4.1 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

Burlington residents (in person):

- Keegan Lafferty spoke on behalf of Big Heavy World, which advocates for people involved in the music industry, and spoke about wanting to create a cultural space in Burlington for the youth to feel safe, as an alternative to guns, drugs, and violence, and asked for the City's support.
- Farine Paris Meyer spoke about the tragic incident in Bristol where a youth (Hussein Mohamed) accidentally shot and killed his friend in a car and is now facing serious criminal charges, and expressed concern that there is a double standard in how the law is enforced for youth, depending on race.
- Stephen Whittaker expressed frustration that he is raising public safety issues (specifically around the shutting down of bathrooms at the harbor marina) and he is not being heard, noting that he has repeatedly brought this to the attention of the Mayor and of the City Council.
- Karen Sita spoke about how racism is deeply rooted and pervasive in Vermont and that she has been interrupted, silenced, and dismissed when she raises these issues. She said that she will continue to fight for human rights in Vermont and in Burlington.
- Todd Lacroix spoke about apathy and how people in the U.S. are morally bankrupt.
- David Maher said that the City should consider resuming arrests of low level drug offenses, saying that harm reduction doesn't always work and that enforcement does. He proposed offering criminals the choice of imprisonment or rehab, and proposed utilizing the Lyndon State College facilities as a rehab center.
- Lee Morrigan spoke about the agenda item that would allocate \$50,000 of ARPA funding for a marketing campaign and lighting/security project, saying that they are generally supportive of it but that they encouraged the Council to seek more input from downtown workers. They said that downtown workers have felt unheard and that they have a number of good, creative ideas that should be considered.

- Parker Nichols proposed cleaning up taking back some of the public spaces downtown, such as painting over the graffiti on the Memorial Auditorium and former YMCA buildings.
- Joanne Margaret Brown spoke about the current conflict in the Middle East, expressing concern about the humanitarian crisis and saying that economic sanctions should be utilized instead of a military response.

Burlington residents (via Zoom):

- David Cawley spoke about the potential MOU with UVM, urging the Council and Mayor to approach it with transparency and to ensure that the agreement contributes to mitigating the housing problem in Burlington. He asked that the City Council schedule an open forum so that the public can be informed and contribute to the dialogue.
- Devopn Ayers spoke on behalf of Decatur Street residents, raising concerns about a neighbor who is going through a mental health crisis and has been disrupting the neighborhood. She noted that other neighbors have collectively tried to contact the individual's landlord (Champlain Housing Trust), the police, the Howard Center, and that nothing is being done to help.
- Kelly Devine thanked the City for the proposal to invest \$100,000 in downtown businesses, since the public safety issues in the City are greatly affecting downtown. She said that the Council should consider dedicating at least half of the funding to a downtown worker safety program.
- Robin Lloyd spoke about the ongoing crisis in the Middle East and urged the Mayor to speak out and advocate for a cease-fire.
- Sharon Bushor spoke about the potential MOU with UVM, saying that the public should be given the opportunity to learn about the MOU and give feedback prior to the Council taking action on it, so that the Council may consider feedback from residents when it makes its way onto the deliberative agenda. She additionally urged the Council to conduct more due diligence prior to engaging further in the proposal to redevelop the gateway block.

Non-Burlington residents (via Zoom):

- Peter Duval expressed concern about the financial situation at the McNeil plant.

Forum closed at 8:15 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports

Councilor Bergman noted a report that found that if greenhouse gases continue to be emitted at the current rate, then the planet may be unable to remain below the 1.5 degree threshold as soon as 2029. He emphasized being as ambitious as possible with carbon-related ordinances coming through the current process.

Mayor Weinberger noted an announcement of the opening of the UVM Solar Research and Training Facility at the McNeil Plant, which was relocated from another site. He spoke about some of the innovative solar arrays that are being tested at this facility.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates

Mayor Weinberger provided an update on the Overdose Response Team pilot within the Fire Department, noting that it began on October 16 and has made a total of 270 outreach contacts, and have been averaging 20 to 30 medical calls per week. He then spoke about how the current hub and spoke treatment model's functionality is being challenged by the fentanyl crisis and that it needs to evolve to respond. He said that one urgent need is for expanded methadone access and that the City is working with partners in Chittenden County to push for

improved transit access to the County's one methadone clinic on Sam Remo Dr in South Burlington. He finally noted that the agreement for having two officers on Church Street during the week was extended through the end of the year.

Councilor Grant spoke about the cases being submitted to the State Attorney's Office. She noted that Chittenden County has around 3,000 active cases, and she broke them out by the following categories: aggravated assault, pending assault and robbery cases, pending burglary cases, retail theft cases, and vehicle operation without owner consent (car theft) cases. She noted that if an individual has not been contacted by the State Attorney's Office about their case, then their case was not brought to that office. She noted that the response time to incidents is slow due to backlog, and echoed the public's frustration about that. She said that it is important to correct misinformation about cases being brought to the State Attorney's Office, and said that individuals who file cases should reach out to the State Attorney's Office if they have questions.

Councilor Doherty provided more details from the survey currently being fielded by the Burlington Business Association. He noted that over 80% of members of the BBA report that foot traffic is down from this time last year, that over 50% of members report that their sales are down year-over-year, that half of respondents have had staff quit in the past year, citing public safety concerns, and that over half are considering closing or relocating their business to a location outside of downtown Burlington. He emphasized the importance of maintaining a sense of urgency around this, and that law and order need to be restored and public safety needs to be improved downtown.

Councilor Magee spoke about the comment received in public forum regarding the individual in crisis on Decatur Street, noting that this points to every single conversation the City has had about public safety over the past many months, saying that the City's systems of care are broken. He said he would like to get an update on the CARES team, and said that he does not want the City to advocate for putting more people in prison as a short-term solution to making the downtown feel more comfortable, but would like to address the broken system of care.

Councilor Dieng spoke about the public comment related to the child shooting accident in Bristol, noting that the Vermont New American Advisory Council held a meeting on Friday, and that leaders from the Department of Children and Families was invited to attend and speak about issues relating to minority children being held in DCF custody. He noted that the Somali community is very appreciative of the many people trying to support the child, and he emphasized that the child is not alone and is being supported during this time.

Councilor Grant spoke about a balance between law and order and harm reduction/social services. She said that the Council needs to be careful about overpromising on certain resources.

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 Calahan Park Shared-Use Path Design Consultant Contract with Stantec, Inc. – BPRW – authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the referenced funding sources to create the project budget for FY24, for use of Capital Funds as described in this memorandum and related attachments, subject to the review and approval of the Chief Administrative Officer.

7.4 Creation of one position with CJC – CJC/HR – approve the creation of the Youth Restorative Services Coordinator—BARJ position within CEDO, a Limited Service, Full-time, Union, Grade 16, position.

7.5 Fletcher Free Library Restoration & Preservation Project Dore + Whittier Contract, First Amendment: Restoration & Preservation of Windows and Masonry to 1904 building – Library - approve and authorize the execution of a Contract Amendment and any related documents

needed to carry out said contract amendment with Dore + Whittier Architects for a contract of services for the Schematic Design - Restoration & Preservation of Windows and Masonry for the Fletcher Free Library in an amount not to exceed \$30,000.00 and amend the maximum limiting amount of the overall contract from \$183,000 to \$213,000.00, as well as authorize the, Director of the Fletcher Free Library, to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney's Office.

7.6 Request for Approval of Contract Amendment for Emergency Winooski River Siphon Repair Work – DPW – Water Resources - retroactively approve, authorize, and ratify the Director of Public Works' execution of a contract amendment with Engineers Construction Inc. for \$414,100 and to increase the maximum limiting amount of the contract to \$1,247,600, subject to the review and approval of the City Attorney's Office.

7.7 Communication: Sandy Wynne, re: 10/23/23 PF Comments – waive the reading and place the communication on file.

7.8 Communication: Selena Kunkel, re: For the Burlington City Council – waive the reading and place the communication on file.

7.9 Communication: Brad Wiltfong, re: Street Safety Around Schools Driving Start Time - waive the reading and place the communication on file.

7.10 Communication: Charlene Wallace, Vice President of the Board of Goethe Community Trust, re: Agreement with VHCB and PTV - waive the reading and place the communication on file.

7.11 Neighborhood Development Area Expansion – Planning - waive the reading, accept the communication, and place it on file.

7.12 Communication: Samuel Lincoln, re: In Support Of The District Energy Project - waive the reading and place the communication on file.

7.13 FIO Documents – for information only.

7.14 Communication: Zach, re: Smoke - waive the reading and place the communication on file.

7.15 Communication: Sharon Bushor, Ward 1 Resident, re: MOU with UVM - waive the reading and place the communication on file.

7.16 Communication: Crystal B., re: Funding for stores impacted by crime - waive the reading and place the communication on file.

7.17 Communication: Sharon Bushor, Ward 1 Resident, re: Gateway Block - waive the reading and place the communication on file.

7.18 Communication: Owiso Makuku, CEO, Main Street Landing, re: BTV City Council Letter 11.6.23 - waive the reading and place the communication on file.

MOTION by Councilor Doherty, SECOND by Councilor Barlow, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.18.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Ordinance: CDO ZA-24-01 Technical Amendments (Planning Commission) **AGENDA ITEM REMOVED**
No discussion at this time.

8.2 Support For The Redevelopment Of The Gateway Block Through Further Due Diligence Of A Public-Private Partnership (Councilor Paul)
Director Pine began a brief presentation on the Gateway Block Redevelopment proposal, noting that it is for the potential redevelopment of the block containing Memorial Auditorium, the public parking lot, the Fire Station, the library, and the church. He said that there is no foregone conclusion that anything is being knocked down or rebuilt, but simply that this is an agreement to explore redevelopment opportunities to advance the community's goals while recognizing resource constraints. He said that approval by the Council would essentially allow the Mayor to pursue a letter of intent to fully explore the different roles, responsibilities, opportunities, and structure of how they could move forward with redevelopment in a way that both protects the public and protects public assets, and ensures that the goals of redevelopment and revitalization are achieved in a cost-effective way.

Assistant Director Dunn began by providing a history of the attempts to redevelop Memorial Auditorium. She noted that it began in the 1990s, when the City was struggling to keep up with repairs on the building and a failed bond vote in 1994, followed by the closure of the building in 2016 for safety reasons. She noted several failed bond bonds and a successful bond vote in 2022 for \$1 million for stabilization and future exploration, and an RFP in 2022 for redevelopment through a public/private partnership (though the apparently successful bidder ultimately withdrew its proposal due to financial feasibility reasons). She noted that following that, over the summer, staff conducted a strategic visioning for the future redevelopment of Memorial. She then spoke about PlanBTV and how it recommended a redevelopment study for this entire block. She noted that action is now required for the block, and said that as they move through this process they are doing so with the 2018 community priorities for the space in mind, which included using the space as an entertainment space, a civic and community meeting space, a farmer's market space, an arts and craft show space, and a youth music/youth-led space. She also spoke about how the block should address key priorities for the City, which include ensuring it is an attractive and welcoming entrance to the downtown, that it provides mixed-income housing, preserves the Veterans Memorial, and includes public spaces. She spoke about barriers to previous projects for the gateway block, and then spoke about the opportunities provided by a public/private partnership. She said that the specific opportunity being discussed tonight involves a partnership with experienced developers Eric Farrell and Joe Larkin, noting that they have a vision for the gateway block that aligns with the City's goals and priorities. She spoke about what the proposed Letter of Intent (LOI) would do, which is define the roles, responsibilities, and capacities of the parties, property valuation, ownership, and redevelopment structures, development program priorities and mutual efforts to overcome potential barriers, and logistics and interrelated details. She then noted proposed next steps, which breaks the project out into an initial due diligence phase from now until March 2024, and then a subsequent comprehensive development feasibility phase from March of 2024 until January of 2025.

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

DISCUSSION:

- **Councilor Bergman said he is supportive of this proposal's intent, but has issues with the language of the vision and the process around Council approval. He said that he would like to have a further discussion as a Council about the goals, rather than feeling like a rubber stamp in the process. He said that he would like to explore the relocation of the Fire Station further, that he does not support the privatization of land under the block, that he agrees with preserving the veteran memorial, that he does not think committing to a hotel at this stage is a good idea, and that he likes the idea of rooftop green space but said that solar arrays should be explored.**
- **Councilor Hightower said that much of the public input was not captured in the goals and vision of this, such as keeping public ownership. She said that she would like the developer to articulate and frame some of those high-level visions from the community.**
- **Councilor Carpenter noted that this isn't a change of ownership but a change of partners, and spoke about how difficult it has been over the past several decades to do anything with this space, and finally spoke about the opportunity for housing within the space.**
- **Councilor Barlow said that if this developers need to include a hotel in the plan to make it economically feasible for them, then the City should allow them to explore that. He also emphasized the importance of community engagement, noting that this resolution commits the City and the developers to a robust public engagement process.**
- **Councilor Shannon agreed about preserving the memorial heritage of the block. She asked that Preservation Burlington be included in this process. She said that this is an opportunity to do something with the block and that the City needs to do something. She expressed concern about the preservation of the Firehouse. She said that the community use language inclusion is crucial. She suggested offering some flexibility on the inclusionary units and that other options be presented to the Council.**

- Councilor Magee noted the proposed date for the execution of a development agreement (March 29, 2024), which is close to the end of the Council term, and asked that any details of a development agreement be provided to the Council well in advance of that so they don't have to make a last-minute decision.
- Councilor Dieng said that the City should not rule out the possibility of the selling of the building.
- Councilor Grant said she would have liked to see more green initiatives included in the goals of the proposal. She said that she has issues with the process not being as open as it could have been. She said that the process around this needs to be as transparent as possible.
- Councilor Traverse spoke about the intensive public process around this topic. He also thanked CEDO for bringing this forward for the Council's consideration, noting that they have the authority to execute this LOI without Council approval.
- Mayor Weinberger said that the big question here for the Council's consideration are whether they are interested in exploring this partnership with these developers, but that this is a very initial step and that the details can be worked out further into the process.

MOTION TO AMEND by Councilor Bergman, **SECOND** by Councilor Magee, to amend line 21 to insert after the second word "intent" and before the phrase "to explore", the words "minus the vision/goals of the redevelopment section" and to ask for staff to come back to the City Council as soon as possible with a revised vision/goals for redevelopment based on the comments of the Council and the public to present to the developers.

DISCUSSION OF AMENDMENT:

- Councilor Shannon asked whether staff could incorporate feedback received by the Council tonight into the vision and goals section of the LOI, and also asked about the implications of signing the LOI tonight without the vision and goals included. Assistant Director Dunn replied that they could move forward with the LOI without the vision and goals articulated at this juncture. She said that she would recommend having staff amend the vision and goals with feedback from tonight without needing to then return to City Council for approval.
- Councilor Carpenter suggested having language in the LOI that staff will return to the Council periodically to obtain feedback to modify/adjust the vision and goals as the process unfolds. Assistant Director Dunn replied that this could be the most straightforward way forward.
- Councilor Hightower proposed a friendly amendment to amend line 21 to add "with the goals and visions amended by City staff given City Council feedback," so that the entire clause (lines 20-22) now reads "BE IT FURTHER RESOLVED that the City Council supports the Mayor entering into the attached Letter of Intent, with the Goals and Visions amended by City staff given Council feedback, to explore the feasibility of executing a development agreement between the parties to provide the framework for comprehensive redevelopment; and"
- Councilor Traverse said that he would be supportive of the amendment as long as it reflects that there are different viewpoints on the Council in terms of some of the goals/visions (for example, some Councilors are supportive of the pursuit of a hotel on that block, but others are not).

VOTING (ON AMENDMENT): unanimous; motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Grant proposed a friendly amendment to amend line 11 to replace "the primary" with "an important".

VOTING (ON RESOLUTION AS AMENDED): unanimous; motion carries.

8.3 Funds For Downtown Support – BWD

Mayor Weinberger said that this relates to the broader conversation about public safety and the health of Burlington's downtown. He noted that last month there was a presentation from BPD on some of their responses to the drug crisis and overdose response, and that tonight's conversation centers around the economic elements of what the downtown is currently facing. He said that it is important for tonight's conversation to keep the economic concerns separate from the public safety concerns, since separate efforts are being made in both areas.

Director Alnasrawi began by providing a verbal update on the current situation downtown. She noted challenges with unemployment (workforce shortage), high inflation, more remote workers and loss of office workers in the downtown, and high rates of retail theft and recidivism. She acknowledged that the downtown has done exceptionally well retaining businesses in the downtown area throughout COVID and the Great Recession. She noted that some of the business closures are part of national chains, which are responding to different factors and not just the local economy or situation in Burlington. She walked through data on foot traffic from 2017-2023, showing that 2023 levels are in line with pre-COVID levels, but are lower than 2021. She also walked through data on sales volume (using the meals, alcohol, and rooms tax data from the State), which is tracking closely to pre-COVID levels, as well as gross sales, which show that May 2023 is around 85% of 2017-2019 average peaks. She noted that the Burlington/South Burlington metropolitan area had some of the lowest unemployment in the country in May of 2023, and said that she believes that while some of the difficulty in retaining employees is related to safety and security concerns, it's also related to the current labor market climate. Director Alnasrawi then spoke about the Office of Business and Workforce Development and its structure and responsibilities. She noted that it is structured in three divisions (Church Street Marketplace, Business Development City-Wide, and the Early Learning Initiative/Workforce Development).

Assistant Director McGuiness spoke in further detail about marketplace management and community events/programming initiatives for the Church Street Marketplace, including street maintenance, securing donations to defray the cost of Common Area Fees, creating and supporting over 100 public events so far in 2023, receiving \$1 million in Congressionally Directed Spending for repairs and upgrades to the Marketplace, and garnering awards such as the #1 Public Square in America in 2022 and designation as a Main Street through Main Street America in 2023. She spoke about marketing campaigns for the Marketplace, and then spoke about upcoming events for the 2023 holiday season.

Director Alnasrawi spoke about the Business Support/Development division and its activities since being formed. Assistant Director Clavelle provided examples of these, which include managing the ARPA and Economic Recovery funds that flowed into the City (approximately \$27 million), engaging in interdepartmental processes to deploy these funds, the creation of two revolving loan funds, designing a \$1 million non-profit ARPA grant program, supporting small businesses through distribution of micro-grants, supporting BIPOC-owned businesses to open downtown, and working with businesses along North Winooski Avenue during the removal of parking. Director Alnasrawi spoke about marketing and outreach and business support and collaboration activities.

Director Alnasrawi then spoke about the Early Learning Initiative (ELI) and Workforce Development division and its activities since being formed. These include activities around workforce development, such as a First Steps Training Program to increase licensed childcare and home-based childcare providers, cultivating relationships with community partners for workforce development, testifying to the legislature about the ELI model, further supporting the First Steps Scholarship Program, implementing a \$103,000 capacity grant to support the ONE Arts School, and further work in ELI accessibility efforts.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

Councilor Magee asked whether sales have been down in just the retail space or across the board this year. Director Alnasrawi replied that the numbers are inflation-adjusted and that they are seeing less of a dip in the rooms & meals sales and more of a dip in retail.

Councilor Dieng commended staff for their efforts around the Early Learning Initiative, saying that it has had great success, and that the full Council should be updated on its progress.

Councilor Doherty asked how foot traffic is measured in the downtown marketplace, and also asked what is driving the dip in retail sales, if foot traffic is relatively consistent across recent years. Director Alnasrawi replied that many businesses aren't open 7 days a week now and are opened for fewer hours per day. She also noted that the internet has had impacts on brick-and-mortar store sales. She noted that the foot traffic data is based on cell phone data, though only for American citizens (Canadian cell phones can't be tracked in the same way).

Director Alnasrawi then spoke to the memo, saying that the initial proposal has been for more proactive marketing extending beyond the holidays and to improve lighting for employees that are using the City's free parking program. She said that those ideas were in response to feedback that her office has received. She said that there was a push during Covid to get people to shop more locally but that there is not a similar push at this time. She said that security was not included in this memo, since hiring security may incur costs that these funds may not be enough to cover.

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to authorize the Director of Business & Workforce Development to accept a donation of \$50,000.00 from the Pomerleau Family Foundation and to reallocate \$50,000 in ARPA funds and authorize the Chief Administrative Officer to execute budget amendments up to a full amount of \$100,000 to support public safety initiatives and economic activity in downtown Burlington and stabilize worker retention, while considering input from downtown workers and businesses, the Church Street Marketplace Commission, and the Burlington Business Association, among other stakeholders.

DISCUSSION:

- Councilor Dieng asked why something like this hasn't been implemented sooner and also asked how the connection with the Pomerleau Foundation was made. Director Alnasrawi replied that City Council President Paul helped facilitate the connection with the Pomerleau Foundation and approached Director Alnasrawi with the funds and the contingency of a match. She noted that the \$50,000 match in ARPA funding is what is left from several other contingency funds for larger projects that were not spent.
- Councilor Magee asked why this didn't go before the Board of Finance before coming to the Council. Mayor Weinberger replied that it was largely a question of timing and that the opportunity presented itself in the last week. Councilor Magee replied that it would have been better to go to the Board of Finance first and be part of a larger discussion about ARPA funding in general (in the context of what will be a tight budget year), and said that he isn't supportive of this, given those larger budgetary constraints.
- Councilor Barlow said that he appreciates that this should have been brought to the Board of Finance but said he is supportive of it.
- Councilor Shannon said she appreciates the urgency with which this was treated.
- Councilor Hightower said that the \$100,000 could be used to boost some of the more specific challenges that businesses are facing and said she hopes that there is flexibility in how the funds are used.

- Councilor Traverse said that while a marketing campaign can be extremely useful for downtown businesses, the feedback that the Council has gotten is that more resources are put toward public safety initiatives, and that the motion as amended and on the floor addresses some of that feedback. Director Alnasrawi expressed concern that pumping this amount of money out just before the holiday season isn't going to be possible, since ads have already been spent and security has already been purchased. She said that they are actively trying to get responses from local security firms and have been doing that for several days now, and said that she will follow this amendment and engage other community partners and stakeholders. She said that most businesses' main concern continues to be lack of police presence downtown. She said that \$100,000 would get some evening security, but not for long, and said that expectations should be managed in terms of what \$100,000 can buy for security.
- Councilor Grant said that other activities can be implemented to make downtown more welcoming, such as addressing concerns about garbage and needles on the streets. She said that there have also been concerns from businesses about having to clean up human waste, so looking into opening more bathrooms could be worthwhile. Director Alnasrawi said that City staff do conduct patrols of the Marketplace and City Hall Park and pick up garbage, human feces, and needles when they see them.
- Councilor Hightower acknowledged concerns about the size of the police force, but said that more officers doesn't mean more housed people and fewer addicts, saying that it's important to clarify the cause and effects of what people are seeing.

VOTING: 11-1 (Councilor Magee dissenting); motion carries.

Councilor Traverse brought up a parliamentary inquiry for the City Attorney's Office, noting that an alleged open meeting law violation was submitted to the City. He said that while it does not look to him like an open meeting law violation, if the Council takes no action on it within 10 days from submission (which would be tomorrow), then it will be considered as a denial of the violation which would allow the person who filed it to take the matter to court. Acting City Attorney Pellerin replied that his office would advise entering into executive session to discuss this, should Councilors want to better understand the issues and options before them.

MOTION by Councilor Bergman, SECOND by Councilor Traverse, to suspend the rules and amend the agenda to add an executive session for purposes of confidential attorney communications related to possible litigation involving the City.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to find that premature general public knowledge of attorney client communication regarding the City Council response to an item that may result in civil litigation would place the Council at a substantive disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse SECOND by Councilor Dieng that, based on the finding of substantial disadvantage, the Council enter into executive session under 1 V.S.A. Section 313(A)(1) to discuss probable civil litigation to which the City Council may be a party, to include the City Attorney, the Mayor, and the Mayor's staff.

VOTING: 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 Shannon, SECOND by Councilor Magee, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 11:22 PM.

RScty: AACoonrad