

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
December 11, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Zoraya Hightower
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg
Brian Pine
Samantha Dunn
Charlie Baker
Andy Montroll
Darren Springer

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:08 PM.

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

- **Add to the consent agenda item 7.22. Communication: Selena Kunkel, re: Ceasefire Resolution;**
- **Add to the consent agenda item 7.23. Communication: Jay Strauss, re: wood stoves in Burlington Vermont;**
- **Add to the consent agenda item 7.24. FY2023 Annual Report – Burlington – CCRPC;**
- **Add to the consent agenda item 7.25. Communication: Natalie Talbott, re: I DEMAND A CEASEFIRE;**

- **Add to the consent agenda item 7.26. Communication: Mark Leopold, re: Burlington City Council Meeting December 11, 2023;**
- **Add to the Deliberative Agenda Item 7.28. Resolution: A Community Statement Of Solidarity In Response To The Shooting Of November 25, 2023 (Councilor Traverse);**
- **Note proposed amendments for agenda item 8.5 (per Councilor Barlow).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: CEDO, RE: CITY PLACE, POST APARTMENTS, AND CAMBRIAN RISE UPDATE (EXPECTED EXECUTIVE SESSION)

2.1. Communication: CEDO, re: City Place, Post Apartments, and Cambrian Rise Update (expected executive session) 5:00 pm – 6:00 pm
Mayor Weinberger said that this pertains to three projects, that there will be no public update or action taken tonight on them, though there will be a public update and action taken on these items in the weeks to come.

MOTION by Councilor Doherty, SECOND by Councilor Traverse, to find that premature general public knowledge of real estate negotiations pertaining to the CityPlace project, The Post Apartments, and the Cambrian Rise development would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating strategy if it discusses the proposed contract terms or negotiations in public.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor Dieng, that based on the finding of substantial disadvantage, the Council enter into executive session to discuss real estate negotiations under the provisions of 1 V.S.A. Section 313(1)(1)(A) and (2), to include the Mayor's staff, Director Pine, Acting City Attorney Pellerin, Chief Administrative Officer Schad, David White, Tim Sampson, and Assistant Director Dunn.

VOTING: unanimous; motion carries.

3. FY 2023 ANNUAL REPORT – BURLINGTON – CCRPC

3.1 FY2023 Annual Report – Burlington – CCRPC

Director Baker provided an overview of the FY2023 CCRPC annual report for Burlington. He noted that it included background on the CCRPC, how the CCRPC leverages Burlington's local funds to bring state and federal dollars into the region, information about Burlington's representatives on CCRPC's boards and committees, current projects being worked on with the City, information about CCRPC's transportation improvement program, projects the CCRPC is going to be working on in the next year with the City, and broader initiatives in the county around housing, economic development, energy, emergency management, and transportation. Mr. Montroll, Burlington's representative on the CCRPC, spoke in more depth about the Shelburne Rotary project, which included collaboration with the CCRPC.

4. PUBLIC FORUM: **TIME CERTAIN – 6:30 PM**

4.1 Verbal Comments

Forum opened at 6:17 PM.

COMMENTS:

Burlington residents (in person):

- Ashley Smith spoke about Israel committing genocide in Gaza, saying that the City must pass a ceasefire resolution. He noted that the majority of humanity agrees and supports a ceasefire. He noted that a racist shot three Palestinians
- Haim Losch said that the City must focus on collaboration and healing in the community. He said that it is contradictory to bring forth a resolution that aims to bring the community together while simultaneously excluding a large proportion of the Jewish community. He said that the resolution against Israel is a distraction from the more local issues that need work.
- Valerie Losch spoke about how harmful the item 8.1 ceasefire resolution is, saying that it and similar resolutions will be divisive and cause harm to the 90% of American Jews who stand with Israel. She spoke in support of item 8.2
- Greg Needle encouraged support of resolution 8.2, as it addresses the horrors and atrocities that have occurred over the last several weeks related to the shooting.
- Leah Sule spoke in support of the resolution related to a ceasefire in Gaza, as it is the peoples' duty to do everything in their power to stop the genocide that is occurring. She said that the U.S. should divest from Israel until the genocide stops. She said that the three young Palestinian men who were shot here would not have been shot if Israel were not shooting Palestinians with American support.
- Sara Sarnoff spoke about the experiences of Palestinian children and the trauma they are facing. She said that when we support a government that creates trauma for children and families, we become hypocrites, liars, and killers.
- Austin Allen spoke about the horrific events occurring in Palestine, urging the Council to support item 8.1.
- Maggie Chadwell spoke about the humanity of the leadership of the Palestinian and Jewish community in Burlington, who are leading the community through its grief. She urged the Council to support a ceasefire, as well as end apartheid in the City and ground the F-35s.
- Kimberly Chadwell spoke about the gifting of Israel to the Jews, noting that the Palestinians were not given a choice when their land became occupied by them. She noted that the Israeli army has no respect for human life or dignity. She said that the City must speak up and pass the resolution calling for a ceasefire, as well as supporting the constituent-led ballot initiative to declare Burlington an anti-apartheid City.
- Taylor O'Connor spoke about working to try and get her elected officials to do something both about the situation in Gaza as well as the shooting that occurred in Burlington several weeks ago, expressing her frustration that nothing has been done.
- David Massell spoke in horror about the shooting of Palestinians in Burlington and the unrestrained bombing occurring in Gaza, especially as they are supported by his tax dollars and are in the name of Jewish people and Jewish safety. He said he is ashamed of Israel's two-tiered citizenship system. He said that as a Jew, he supports a ceasefire.
- Abby Massell read an excerpt from an essay by one of the Palestinian men who was shot on North Prospect Street. She said that this resolution (8.1) and the ceasefire are the bare minimum of what should be occurring.
- Annabelle Lee spoke about how Israel is motivated by anger, noting that Israel's safety is not dependent on a settler colonial state. She urged the Council to pass the resolution on a ceasefire.
- Wafik Faoud spoke as a Palestinian resident of the City, saying that the resolution is the least that the Council can do as residents and citizens to make its voice heard in the midst of the genocide against Palestinians in Gaza. He noted the City, State, and federal support of ending apartheid in South Africa, saying that they should also support the end of this apartheid in Palestine.
- Logan Roots spoke in graphic detail about the horrors experienced in Gaza's hospitals dealing with injuries and casualties from Israel's bombing of Gaza. He said that this resolution is a bare minimum first step, saying that the elected officials need to use their political capital to do the right thing.
- Adam Franz said that the most insidious excuse to not support the ceasefire is anti-Semitism, and this excuse should be rejected as a farce. He said that the City should pass the resolution calling for a ceasefire.

- Michelle Sekalczic said that a ceasefire is a bare minimum first step in the Israeli/Palestinian situation, saying that it is within the City's power to do.
- Romeo von Hermann spoke briefly about the City's democratic caucus, saying that it is a great example of local democracy. He then spoke about the resolution calling for a ceasefire, saying that while it is important, he believes the City should be focusing on matters that directly impact the City. He expressed support for item 8.2.
- Sarah Brooks noted the resolution regarding Israel and Palestine the City debated in September of 2021, noting that support for Palestinians has grown since then. She said that the status quo is untenable and that Zionism cannot be separated from imperialism and colonialism, and that it is not about religion but about power.
- Colin Parkton said that there is no justification for a violent occupation of a people's land. He noted that the vast majority of support for Zionism comes from supporters of apartheid in South Africa and Rhodesia. He said that this resolution is the bare minimum for supporting a ceasefire.
- Will Keaton spoke about how Israel is seeking to annihilate Palestinian self-determination but its constant targeting of civilians and civilian institutions.
- Colin Palmer said that the violence perpetrated by the Israeli Defense Force (IDF) is identical to that of Nazi torture employed during the Holocaust and war crimes committed in Abu Ghraib. He said that Vermont's taxes, weapons, and F-35s are being sent to the apartheid state of Israel, which has already murdered tens of thousands of Palestinians in the last two months. He urged the Council to support a ceasefire.
- Paul Fleckenstein spoke about how Vermont officials at the State and City level have attended pro-Israeli rallies, which were preludes to the genocide being carried out in Gaza. He said that there needs to be a permanent ceasefire, as well as a stop to funding for Israel.
- Henry Bartok said that it is because of silence and complicity on the part of white Vermonters that genocide, racism, and oppressive values can continue to occur, as well as causing harm to the community. He said that the City must pass a ceasefire resolution and work on an apartheid referendum.
- Dylan Pilcher spoke in support of the ceasefire, also noting that this issue is indicative of the zeitgeist of our times and larger questions on whether collective activism can help influence and shape outcomes. He said that this is a question of right and wrong and of life and death, noting the displacement of millions of people as a result of this series of events.
- Dalia Debella said that the Council should pass a ceasefire resolution tonight on behalf of the immigrants of the community. She expressed dismay that the Council remained silent while three Palestinians were shot in what is considered the safest state in the country. She urged the Council to support a permanent ceasefire, divestment and sanctions against Israeli commerce, and the end of genocide and ethnic cleansing.
- Crystal C spoke about prior efforts to divest in order to end apartheid in South Africa, saying that the same need for divestment and comprehensive change are still needed. She urged the City to pass a resolution calling for the permanent ceasefire in Gaza.
- Nick Rudderman said that Israel was built by the United Nations, not by Jews, and was built to make sure that Jews are killed off by Muslims. He called for an end to violence. He said that most Jews do not live in Israel and do not support it.
- Leonardo Barber spoke on behalf of his family as Jews, calling for a ceasefire and saying that it is the least that can be done.
- Mark Leopold spoke about how most of the time, the Council is focused on the City's urgent needs and problems. He asked the Council to demonstrate that focus again tonight, saying that item 8.1 is outside the purview of this Council and will only be divisive. He said that item 8.2 as amended by Councilor Traverse should be passed.
- Rabbi Aaron Filmiss spoke about the effects of the shooting of the three Palestinian youths several weeks ago. He spoke about collaboration between the synagogue and the Islamic Society of Vermont to end both Islamophobia and anti-Semitism. He urged the Council not to pass item 8.1, saying that item 8.2 focuses more on the real issues in the community.

- April Fisher read an excerpt from an essay by one of the Palestinian men who was shot in Burlington. She said that this resolution (8.1) and the ceasefire are the bare minimum of what should be occurring, and is not a resolution that is out of context for the City.
- Carmen Darling urged the Council to pass a resolution for a ceasefire, saying that it is the bare minimum that the City can do.
- Antonio Golan spoke in support of the resolution calling for a ceasefire, saying that Israel is committing a genocide and that we have the responsibility to stand against it. He noted that other municipalities are passing similar resolutions, and that it would send a powerful message.
- Lina Greenberg spoke about the resolution relating to expanding the carbon impact fee, expressing support for it. She further urged the Council to pass the resolution calling for a ceasefire in Palestine.
- Grace Palmer urged the Council to pass the ceasefire resolution.
- Alex Cobb said that the Council can choose to be courageous and stand with the majority of Americans who are calling for a ceasefire in Gaza. She said that the Council can also go further than this by ceasing to send aid to Israel.
- Hannah Lawrence said that it is the Council's moral responsibility to pass a ceasefire resolution, saying that institutional silence has dehumanized Palestinians in this room, in the City, and around the State. She noted that Muslims in the community do not feel safe.
- Milzak Karajic spoke as a Bosnian who has experienced genocide, and said that he has never felt more ashamed to be a Burlington resident, a Vermonter, or a U.S. citizen, due to the silence of the Council regarding Palestine. He urged the Council to pass resolution 8.1 regarding a ceasefire.
- Andy Simon spoke in support of the decarbonization resolution and the ceasefire resolution.
- Catherine Bock said that too many lives have been lost and that the community needs nuanced, civil conversations about the current conflict between Hamas and Israel. She asked whether this resolution will impact the war or whether the dialogue around it will only cause harm in the Burlington community.
- Jennifer Forest urged the Council to sign onto this resolution as a beginning to demand a ceasefire and stop the genocide in Palestine. She said that climate justice depends on the liberation of Palestine.
- Steven Margolin said that the number of people who have died in Gaza is greater than the student population of Burlington.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to suspend the rules and complete public forum for the Burlington residents in-person in Contois Auditorium.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Magee, to additionally allow all non-Burlington in-person, as well as all online members of the public who have signed up, to speak public forum but to limit their time to one minute per person.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – nay, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – nay (2 ayes, 10 nays); motion fails.

MOTION TO AMEND by Councilor Bergman, SECOND by Councilor Magee, to allow all individuals who have signed up for public forum to speak for the full two minutes, regardless of residence and whether they are in-person or online.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, 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 (6 ayes, 6 nays); motion fails.

VOTING ON ORIGINAL MOTION (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, 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.

Burlington residents (in person, cont'd):

- Emma Redden said that this issue is about the liberation of people, which cannot occur under apartheid. She challenged the idea that proximity is required for caring about genocide. She said that it is racist to frame Jewish security as antithetical to Palestinian liberation, when Israel has colonized and stolen and killed for decades. She urged the Council to support a ceasefire and apartheid-free Burlington.
- Rory Cronin urged the Council to pass the ceasefire resolution despite several shortcomings, each of which she spoke about briefly. She said that the resolution does not name Israel's actions as genocide, which it is. She said that it fails to name the occupation of the West Bank.
- Damien Taylor said that the crisis in Palestine is a moral crisis and demands immediate action. He said that a ceasefire resolution is the absolute bare minimum that the City can do.
- George Howard said that it is impossible to reconcile the political and financial enabling of this genocide with any hope that the country's elected officials have the humanity necessary for this moment. She said that support should be withheld for any elected official who does not demand a ceasefire. She spoke about continued violence against Black members of the community and how it is linked to the inaction on the part of the Council related to the Israel/Gaza conflict.
- Zane Baker spoke in support of the ceasefire, saying that we must keep humanity in our hearts.
- Allison Adams spoke about the emergency crises in Palestine, saying that a ceasefire is the bare minimum that needs to occur to stop the horrific acts of violence currently being perpetrated. She spoke about her research on the lasting effects of genocide on indigenous cultural well-being. She said that Palestinians deserve to thrive.
- C. Green spoke on behalf of another Burlington resident, who is Palestinian. She spoke about how she had not felt unsafe as a Palestinian in Burlington until now. She urged the Council to call for an immediate ceasefire in Gaza.
- Trey Cook spoke about the two years that have passed since the last Israeli/Palestinian resolution on the City Council's agenda, and asked how much more research needs to be done before the Council actually does something to stand up to an apartheid state.
- Sue Getty spoke about her experience living in war-torn Colombia, saying that many officials do not understand the atrocities that are occurring because they have not experienced them. She said that officials need to take the time to see what is happening and to stop seeing these humans as just numbers.
- Dee Graham said that Councilors should think about the thousands of Palestinians murdered and those who are dying of lack of food and water and medical supplies as they consider passing this resolution. She said that the U.S. cannot turn away from Palestine and the Council should vote to support item 8.1.
- Peter Lackowski spoke about the U.N. resolution calling for a ceasefire in Gaza, and that the U.S. was the only country out of 15 that voted against a ceasefire.
- Theo spoke about other cities in the country that have passed their own ceasefire resolutions for Gaza, saying that the Council should unanimously pass the resolution under item 8.1. He noted that 68% of workers want a ceasefire.
- Ferene Paris spoke in solidarity with the Palestinian community, and spoke about the similar plight of Black people in the community. She said that the 2-minute limitation isn't working for the community and that these limitations are part of white supremacy culture.
- Charlotte Dennett spoke about the broader Middle Eastern conflict, noting that one of the primary drivers is oil and oil companies. She said that Israel protects the trans-Arabian pipeline and that this is one of the hidden contexts of the conflict.

- Jack Hanson urged the Council to support a ceasefire resolution. He also urged the Council to take action on climate-related topics and support Councilor Bergman's resolution to continue the City's progress on decarbonizing buildings. He said that the Council should go back to the voters and ask for a broader scope for this initiative.
- Eric Girschmann spoke in opposition to items 8.1 and 8.2, saying that they are divisive. He said a full ceasefire that leaves Hamas in power would be a mistake.
- David Kerman spoke about item 8.1, saying that providing financial support for the families of the victims of the shooting is laudable, but said he opposed the item, because some of it is not objective and that sentiments are presented as fact in some instances. He said that a resolution including inflammatory language is not productive. He said he supports the alternative resolution proposed by Councilor Traverse (item 8.2).
- Andrew Schoenbeck spoke as a descendent of Holocaust survivors. He asked why sentiments similar to tonight's were not voiced when the Assad regime in Syria murdered hundreds of thousands of its own people. He said he condemns the shooting of the Palestinian men, but does not support the resolution, as it seeks to link a divisive international issue to a very relevant local matter on which there is near complete unanimity.
- Joe Kane expressed support of the resolution related to 8.1. He said he would like a parallel resolution condemning Zionism in the community.
- Nick Persampieri urged the Council to support the ceasefire resolution. He also asked the City to improve its climate policy by passing Councilor Bergman's proposed resolution.
- Britta Fisher spoke about holding Israel accountable for genocide, saying that proximity should not preclude holding Israel accountable. She urged the Council to support a ceasefire resolution, saying that it is significantly past due.
- Elisa Chen spoke about the inextricable connection between Zionism and violence, and said that calling for a ceasefire is not divisive, nor is calling for an end to apartheid anti-Semitic. She urged the Council to support the ceasefire resolution.
- Todd Lacroix said that anti-Zionism is not anti-Semitism. He also spoke about being personally persecuted for Occupy Wall Street as well as his views on Israel, Palestine, and the climate.
- Mohamed Syam spoke as a Palestinian from Gaza, and spoke about the devastation occurring in Gaza right now. He said that they are demanding a ceasefire.
- Faried Wynasha spoke about how Ben and Jerry divested from Israel and how significant it was. He said that we must divest from Israel and not use our tax dollars this way. He thanked the Jewish people for their collaboration for social justice. He also spoke about overthrowing the corrupt Saudi regime.
- Bill Ogen said that he believed that Hamas and Hezbollah were social movements, but has since learned that their agendas include annihilating Israel. He said that the ceasefire resolution is not the right one.
- Christopher Aaron Felker said that this resolution is unnecessarily divisive and that the language is deeply ideological. He urged the Council to support the alternative resolution proposed in item 8.2. He also noted that increasing taxes impacts affordability, and that the City should not increase taxes.
- Sharon Bayhar said that the resolution related to item 8.1 seems like a first draft, and said that she agrees with parts of it but that other parts of it are problematic. She said that there should be two separate resolutions that deal with the local and international issues separately. She also expressed concern about the divisiveness of the resolution.
- Rabbi Eliyahu spoke about how the four synagogues in the area oppose this resolution (item 8.1), saying that it contains factual errors, biased perspectives, and that it goes beyond this body's mandate. He said that this resolution creates a bigger divide in this community.
- Jeff Schulman spoke about the resolution, which diverts attention from where it should be, which should be on supporting the three students who were shot and how they community came together to support them. He said that this resolution uses biased, inflammatory language to further divide the community.

- David Gettys spoke in opposition to the ceasefire resolution and expressed support for the amended resolution offered by Councilor Traverse.
- Rachel Jolly expressed support for the sentiments in the ceasefire resolution (8.1) around supporting the three Palestinian students who were shot in the community, as well as expressed support for a ceasefire. She said that this resolution does not capture the complexity of the situation, and seems to place the blame solely on the side of Israel.
- Joanne Just said that a ceasefire resolution should also demand the release of hostages, also saying that she would rather see efforts put into cracking down in illegal handgun use that made the shooting of the Palestinian students possible.
- Sarah Kliansky expressed concern about this resolution sowing anti-Jewish sentiments in the community and expressed worry for herself and other Jews in the community on a personal level.
- ____ spoke about the suffering due to the ongoing conflict in Gaza, and said that a permanent ceasefire needs to be implemented, as it will break the cycle of violence and provide an opportunity to engage in meaningful conversations and negotiations.

Forum closed at 9:20 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 spoke about the public safety community forums that will occur this Thursday evening and next Tuesday evening. She noted that members of the public can submit questions ahead of the event online. She said that one topic she hopes will be discussed will be information on how victims of crime can determine if their case has been submitted to the State's attorney's office.

7. CONSENT AGENDA

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

7.2 Authorization for Contract with Matrix Consulting Group for City of Burlington Operational Efficiency Study and Approval for Budget Amendment to Affect Contract – Mayor/CAO - approve and authorize the Chief Administrative Officer to reassign \$100,000 within the Assigned Fund Balance from the Jobs & People Study to Opportunities to Increase Revenues or Efficiencies.

7.3 VT Center for Crime Victim Services "Victims of Crime Act" (VOCA) grant (Grant #02100-FY24/25-CN) – CEDO – CJC – approve the acceptance of Grant #02100-FY24/25-CN, in the amount of \$140,164 for FY24 and to authorize CEDO Director Pine or his designee to sign and grant acceptance and any necessary related documents after review and approval by the City Attorney's Office.

7.4 Request to Execute a Contract with Studio RENZ+OEI for the design and construction of the kiosk at City Hall Park – CEDO - approve and authorize the Director of the Community & Economic Development Office to enter into a contract with Studio RENZ+OEI for the purposes of designing and constructing the kiosk at City Hall Park, with a cost of up to \$213,000 and a 15% contingency, for a total authorization and maximum limiting amount of \$244,950 subject to the final review and approval of the City Attorney's Office.

7.5 Community Partnership for Neighborhood Development Grant Acceptance – CEDO – approve and authorize the Director of the Community & Economic Development Office to execute the Grant Award Conditions and Acknowledgements Form from the Agency of Commerce and Community Development (ACCD) for the conceptual design of the public realm elements of the South End Coordinated Redevelopment area and to accept and execute a reimbursable grant with ACCD, in an amount up to \$133,000 and further authorize the upfront expenditure of

such grant funds on the condition that such grant funds are reimbursed pursuant to the grant terms, subject to final review and approval by the City Attorney's Office.

7.6 Request for Approval of Contract for the Long-Term Climate Resilient Evaluation for North Plant Sewer Siphon – DPW – Water Resources – Approve and authorize the Director of Public Works' execution of a contract with Stantec Consulting Services, Inc. for the long term climate resilient siphon repair, for a Maximum Limiting Amount of \$182,793.62 with authorization for contingency funding of an additional \$8,000.00, for a total authorized expenditure not to exceed \$190,793.62, subject to the review and approval of the City Attorney's Office.

7.7 Request for Acceptance of American Rescue Plan Act (ARPA) 2023 Pretreatment Grant Funds for Businesses and Municipalities – DPW – Water Resources - 1. Authorize the Director of Public Works to execute a grant agreement for \$342,125 with the Vermont Department of Conservation for ARPA Pretreatment Grant pass-through funds to be used for pretreatment equipment replacement at the Edlund facility located at 319 Queen City Park Road, subject to the prior approval of the City Attorney's Office; and 2. Authorize the Director of Public Works to execute a sub-award agreement with Edlund Company, LLC for ARPA Pretreatment Grant pass-through funds in amount not to exceed \$342,125 to be used for pretreatment equipment replacement at the Edlund facility located at 319 Queen City Park Road, subject to the prior review and approval of the City Attorney's Office.

7.8 Authorization to Execute Contracts with On-Call Water Resources Sewer Collection System Filming and Cleaning Contractors – DPW – Water Resources - authorize the Director of Public Works to execute Main On-Call Agreements with two (2) water resources CCTV contractors (BP Wastewater Services LLC and P&P Septic), each with a maximum limiting amount of \$150,000, for a total authorized expenditure not to exceed \$300,000, subject to review and approval by the City Attorney.

7.9 Re-classification/retitling of one position – BPRW/HR - approve the retitling and reclassification of the Land Steward, a regular, full-time, exempt, non-union, Grade 18 position to the City Land Steward, a regular, full-time, exempt, non-union, Grade 20 position in the Department of Parks, Recreation & Waterfront, and further authorize back pay in the amount of \$6,807.82 to the incumbent retroactive to 7/1/22.

7.10 Update to the 2019 Investment Policy Statement – Retirement Board – approve and ratify the attached Investment Policy Statement for the Burlington Employees' Retirement System.

7.11 Communication: Kim Hornung-Mercy, re: 11/20/23 CC PF – waive the reading and place it on file.

7.12 Communication: Nora Thomas, re: City Council Meeting Agenda – waive the reading and place it on file.

7.13 Communication: County Assistant Judges, re: Pre-Budget Meeting – waive the reading, accept the communication, and place it on file.

7.14 Communication: John Day, re: Downtown is becoming more like Portland; it should be becoming more like Milwaukee – waive the reading and place it on file.

7.15 Communication: Ian Drury, re: Genderless bathroom option – waive the reading and place it on file.

7.16 Communication: Anthony Sini, re: the use of hard drugs on the streets of Burlington – waive the reading and place it on file.

7.17 FIO Documents – for information only.

7.18 Resolution: Authorization For Up To \$95,000 Step 1 Loan From Vermont Clean Water State Revolving Fund For Preliminary Engineering Of Stormwater Outfalls (TO-0104 and TO-0022) Repair (Board of Finance) – waive the reading and adopt the resolution.

7.19 Resolution: Authorization For Up To \$105,000 Step 1 Loan From Vermont Clean Water State Revolving Fund For Preliminary Engineering Of Stormwater Outfalls (TO-0097) Repair (Board of Finance) – waive the reading and adopt the resolution.

7.20 Resolution: Authorization For Up To \$315,000 Step 1 Loan From Vermont Water State Revolving Fund For Planning Of Future Stormwater Outfall Repairs (Board of Finance) – waive the reading and adopt the resolution.

7.21 Resolution: Release Of Certain Glebe And Perpetual Lease-Land Interests And Revisions Of The City Of Burlington Perpetual Land-Lease Interests List (Councilor Traverse) – waive the reading and adopt the resolution.

7.22 Communication: Selena Kunkel, re: Ceasefire Resolution - waive the reading and place the communication on file.

7.23 Communication: Jay Strauss, re: wood stoves in Burlington Vermont - waive the reading and place the communication on file.

7.24 Communication: FY2023 Annual Report – Burlington – CCRPC – waive the reading, accept the report, and place it on file.

7.25 Communication: Natalie Talbott, re: I DEMAND A CEASEFIRE - waive the reading and place the communication on file.

7.26 Communication: Mark Leopold, re: Burlington City Council Meeting December 11, 2023 – waive the reading and place the communication on file.

MOTION by Councilor Shannon, SECOND by Councilor Doherty, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.26.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Resolution: Support Of The Three Young Men Of Palestinian Descent Victimized By A Senseless Act Of Hate And Honoring The Burlingtonians Who Helped Them – And Calling For A Permanent Ceasefire Between Israel And Palestine (Councilors Dieng, Magee, Bergman)

MOTION by Councilor Dieng, SECOND by Councilor Magee, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Dieng began by noting that the resolution calls out the October 7, 2023 attack and subsequent killing and hostage-taking perpetrated by Hamas against Israel. He then noted that since then, Israel has engaged in a war against Hamas, which has resulted in the collective punishment of Palestinians in Gaza and the West Bank. He then spoke about the shooting on November 20, 2023 of three Palestinian students in Burlington. He said that the City must stand together to ensure that it is a safe and welcoming place for those of all faiths. He said that Burlington has the right to advocate for a ceasefire because it is one of the first municipalities to have sister cities in Palestine and Israel (Bethlehem and Arad).
- Councilor Magee said that it is imperative to stand for human rights unequivocally, and that is why he stands with those in Gaza and the West Bank. He also spoke about the horror of the local shooting of Palestinians. He said that they City cannot stand by while tax dollars are used to fund Israel brutality in Palestine. He said that this resolution should not be controversial, and that it calls on Vermont's congressional delegation to also support a ceasefire. He then read a quote from one of the victims of the local shooting.
- Councilor Bergman spoke about the difficulty of taking a stance in this current Israel/Palestine conflict. He said that he feels the weight caused by anti-Semitism, colonialism, pogroms, the Nakba and the Holocaust. He spoke about his Jewish heritage, saying that Hannukah is not incongruous with this resolution. He said that he supports this resolution because it stands against violence and Islamophobia, kidnapping, bombing of civilians, harassment of people due to their religion or nationality, the use of violence in the name of the Jewish people, and finally, that it stands against retaliation for the sake of retaliation. He noted that the statistics and statements within the resolution are factual and accurate.
- Councilor Traverse said he understands the reasoning for bringing this resolution forward, and agrees with many of its points. He said he does not agree with some of the language, which some feel maligns the Israeli people, as well as language that may not accurately characterize the positions of Vermont's congressional delegation. He said it seems to run against the grain of unity. He said that the Council should make a strong statement for peace and a ceasefire and against the local shooting that occurred, but not through this resolution.
- Councilor Hightower noted two important points in this resolution that are not included in the resolution for item 8.2, which include joining Senator Sanders and calling for the end to U.S. military aid to Israel, and calling for a ceasefire. She acknowledged that the resolution did not condemn the actions of Hamas as much as it could have.

- Councilor Hightower made a friendly amendment to lines 24-25 to add “terrorist” between “an” and “attack” and to add “largely civilians” between “people” and “with.”
- Councilor Grant said that though there was a terrorist attack on October 7, Hamas did not start the war. She said that as Vermont’s Queen City, Burlington must make a stand and say no to violence and no to the funding of violence.
- Councilor Doherty said that resolutions need to capture consensus for Burlingtonians as much as possible. He said that in public forum, the nuance and complexity being grappled with are not captured in this resolution.
- Mayor Weinberger spoke about the collaboration between Muslim and Jewish community members against hate and discrimination and violence in the community. He said that the shooting of Palestinian students in this community was appalling and unacceptable, though it was been heartwarming to see so many Burlingtonians come together to support the victims and their families. He said that though he agrees that humanitarian aid must get to Gaza and that the violence being experienced is horrific, he does not believe that a ceasefire is the path to secure lasting peace in the region, though the U.S. can exert pressure to get the parties to pursue a two-state solution. He said he believes that the alternative resolution under item 8.2 is more in line with what the City can support.
- Councilor Dieng said that the war cannot be stopped without a ceasefire first, and said that he does not think that calling for a ceasefire is divisive.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (6 ayes, 6 nays); motion fails.

8.2 Resolution: A Community Statement Of Solidarity In Response To The Shooting Of November 25, 2023 (Councilor Traverse)

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

DISCUSSION:

- Councilor Traverse includes statements of solidarity for victims of the shooting from several weeks ago, as well as statements with respect to the ongoing conflict in Gaza. He spoke about the local shooting and about how local law enforcement and federal partners worked to apprehend the alleged shooter, and how local first responders and medical personnel provided care for the victims. He said that the resolution allows the City to extend its outrage for the shooting, support for the victims, and condemnation of Islamophobia, anti-Semitism, and other acts of hate.
- Councilor Bergman said that this resolution is not the unifier that the sponsor of the resolution desires it to be, and does not feel that it is less divisive than the now defeated prior resolution.
- Councilor Grant said that this Council operates out of fear, and that this resolution is significantly watered down and does not do what it purports to do.
- Councilor Dieng said that the shooting several weeks ago was an urgent matter and should have been addressed by a special meeting. He further noted that this resolution does not call for a ceasefire, which is needed.
- Councilor Hightower noted that this resolution asks Burlington’s congressional delegation to call for peace, but noted that all three of them have done something more specific than that, and asked why that wasn’t included in the resolution. Councilor Traverse replied that the wording of the resolution is not as strong as many would like to see, and that there is significant sensitivity among the Congressional delegation around whether to call for a ceasefire or a humanitarian pause. Councilor Hightower said that calling for peace without defining what that looks like is meaningless.

- **Councilor Hightower made a friendly amendment to insert after “innocent civilians” on line 32, “the vast majority of whom are Palestinians killed by Israeli military action.”**

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to suspend the rules and complete the agenda through item 8.5.

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Councilor Magee said that he is troubled by the Council’s failure to take a stand or action on this and a number of other items.
- Councilor Dieng noted that the BDS resolution from September 2021 was not killed but can still be taken up by committee, and he believes the time is right to do so.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (6 ayes, 6 nays); motion fails.

8.3 Resolution: March 5, 2024 Annual City Meeting—Proposed Charter Change Re: Policing (Joint Charter and Ordinance Committee)

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to adopt the resolution and warn the proposed charter change for 2 public hearings pursuant to 17. V.S.A. Sec. 2645.

DISCUSSION:

- Councilor Traverse began by noting that the joint committee that drafted this resolution was formed after voters elected against standing up a community control board of policing last March. He noted that they have held 14 meetings since being formed. He said that he believes that formally articulating the relationship between the Police Department and Police Commission in a comprehensive way and through a charter change will be valuable for future oversight activities. He said that it provides paths for conflict resolution between the Police Commission and the Police Department. He noted that they are still waiting to obtain certain feedback from the Police Department and union prior to determining whether the item should be placed on the ballot for a Town Meeting Day vote.
- Councilor Bergman thanked members of the joint committee for their diligence and hard work.
- Councilor Shannon expressed concern that this will have a detrimental effect on hiring lateral police officers, as it will add to the length of time of an investigation of officer conduct. She said she looks forward to hearing feedback from the Police Department and union.
- Acting City Attorney Pellerin outlined the process moving forward, saying that the Council can warn the language as proposed for two public hearings, at which it can gather feedback from the public and other parts of City government and make further amendments accordingly. He noted that the Council will need to take action to place it on the ballot by January 29, 2024.
- Councilor Hightower agreed with Councilor Shannon that this adds a layer of bureaucracy, and said that the ultimate outcome with this new layer will likely be the same.
- Councilor Grant expressed frustration during this process about the lack of baseline education of some individuals regarding police oversight and accountability. She noted that Article 7 appeared on the ballot last year because many residents felt that their concerns weren’t being heard, and they acted accordingly. She emphasized the importance of

focusing on what types of officers the City wants to attract, not lower the standards. She noted that feedback provided by certain people, including former commissioners, was ignored.

- Mayor Weinberger said that this improves the system that the City currently has and that he is supportive of moving this forward.

VOTING: 9 ayes, 3 nays; motion carries (Councilors Grant, Hightower, Magee dissenting).

8.4 Resolution: March 5, 2024 Annual City Meeting Charter Change Re: Electric Department (Board of Finance)

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

VOTING: unanimous; motion carries.

8.5 Resolution: Implementation Of A Carbon Pollution Impact Fee For New Construction And Large Existing Commercial And Industrial Buildings 25,000 Square Feet Or Larger (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor King, to refer the resolution to the Transportation, Energy, and Utilities Committee (TEUC) in time for the TEUC to report back to the full Council so that the proposal can be considered and placed on the March 2024 Town Meeting Day ballot.

DISCUSSION:

- Councilor Bergman noted that CO2 levels are at their highest level in 14 million years. He said that they must act like this is an emergency. He said that this item seeks to obtain the authority to raise the carbon impact fee in line with the trend in other cities and raise a significant amount of money for weatherization and clean energy installations. He said that the ballot item does not adopt any fee, ordinance, or regulations, but would ask voters to give the Council the authority to do.
- Councilor Barlow said that he supports building on the carbon impact fee language that was previously passed. He said that he has concerns about this resolution, which include a lack of public process and stakeholder engagement, and said that they should allow the recently passed carbon impact fee ordinance be in effect for some period of time prior to reviewing its effectiveness, rather than extending this ordinance to buildings between 25,000 and 49,999 square feet.

MOTION TO AMEND by Councilor Barlow, SECOND by Councilor Traverse, to amend the resolution with "Proposed Amendments Per Councilor Barlow Agenda Item 8.4" as posted on CivicClerk.

DISCUSSION ON AMENDMENT:

- Councilor Barlow that his amendments would put a potential item on the ballot in November 2024 rather than March 2024, and would allow for time to study the current (recently implemented) ordinance as well as solicit stakeholder input.
- Councilor Traverse said that this amendment would give the Council enough time to study the proposal prior to sending it to the TEUC, and that voters will have ample opportunity to vote on this as a ballot item in 2024.
- Councilor Bergman said that his resolution would seek the authority to take action, rather than take any specific action.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (6 ayes, 6 nays); motion fails.

DISCUSSION ON RESOLUTION (CONT'D):

- **General Manager Springer spoke about several concerns with the proposed language for the resolution. He noted that the carbon impact fee is at the level used in New York City and is not consistent with the State of Vermont Climate Council's social cost of carbon, which is between \$126-\$148. He also said that for some of the buildings between 25,000 and 49,999 square feet in Burlington, this may not be the right tool in the toolbox to incentivize cleaner energy. He also expressed concern that they just finished a process for implementing a carbon fee for large buildings and new construction very recently.**
- **Councilor Traverse said that because this would simply send this to the TEUC, he is supportive of it.**
- **Councilor Carpenter said that to get this on the ballot for March, this needs to be explained to the voters thoroughly. She expressed concern that this education cannot take place prior to March.**

VOTING ON RESOLUTION (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.

9. COMMITTEE REPORTS

9.1. Verbal reports

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee will meet on Tuesday, December 19 at the Fletcher Free Library at 4:30.

Councilor Bergman noted that the Tax Abatement Committee has an appeal that has been filed, and that the committee must schedule a meeting to take up that appeal.

Councilor Magee said that the Parks, Arts, and Culture Committee will meet on December 13 and will be discussing the final report from the Dog Task Force, as well as a report on data related to the recreation programming in the City. He noted that at the last meeting, the Committee heard updates for the New Year's Eve Highlight event.

Councilor Traverse noted that the Ordinance Committee has met six times with the Planning Commission to jointly review the Neighborhood Code proposal, which would expand housing development opportunities across the City if passed. He noted that they will be meeting jointly tomorrow and December 19th.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will be meeting on Tuesday, December 19 at 5:30 to discuss a report from the Vermont New American Advisory Council around gun violence affecting new Americans in the City of Burlington as well as the Reparations Task Force.

City Council President Paul noted that the Public Safety Committee will meet tomorrow at 5:30 to discuss the community forums that will occur on December 14 and December 19.

Councilor Grant noted that the next regular Public Safety Committee meeting is December 21.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports

None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports

City Council President Paul spoke about the public safety-related community forums that will occur on December 14th and 19th.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports

Mayor Weinberger noted that there is another Opioid Settlement Advisory Committee meeting in December. He noted his concern about the pace and focus of these funds, which are available to the State to impact the suffering in the drug crisis that they are currently experiencing and to improve conditions on the streets. He said he will continue to advocate for more vigorous and urgent action from the State.

Mayor Weinberger noted that the 45th annual Parks, Recreation, and Waterfront holiday party will occur at the Hilton this weekend, saying that it is open to the public.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:43 PM.

RScty: AACoonrad