BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 11, 2024
DRAFT

MEMBERS PRESENT:

Karen Paul
Joan Shannon (via Zoom)
Ali Dieng (via Zoom)
Zoraya Hightower (via Zoom)
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse (via Zoom, then in person at 6:41 PM)
Tim Doherty
Melo Grant
Hannah King (via Zoom)

OTHERS PRESENT:

Miro Weinberger (via Zoom)
Katherine Schad
Joe McNeil
Lori Olberg
Doreen Kraft
Zach Williamson
Samantha McGinnis
Laura Wheelock
Julia Ursaki
Mark Bouchett
Romeo von Hermann
Becky Holt
Kara Alnasrawi
Chapin Spencer
Norm Baldwin
Brian Pine
Samantha Dunn
Jeff Glassberg
Meagan Tuttle
Charles Dillard
John Caulo

1. CALL TO ORDER and AGENDA
The meeting was called to order by City Council President Paul at 6:20 PM.

MOTION by Councilor Doherty, SECOND by Councilor Barlow, to amend and adopt the agenda as follows:
- **add to the consent agenda item 7.21. Communication: Solveig Overby, Ward 2, re; Flawed Memorial Block Pre-development Agreement is not ready for signature;**
- **add to the consent agenda item 7.22. Communication: Solveig Overby, re: 3/9/2024 FPF Discussion item posted to ONE Central FPF in 3 parts; Misleading 1: Memorial Block Pre-Development Agreement;**
- **add to the consent agenda item 7.23. Communication: Solveig Overby, re: Missing and misrepresented timeline items on CEDOs March 11, 2024 Memo re; Memorial/Gateway Block Pre-Development Agreement;**
- **add to the consent agenda item 7.24. Communication: Jak Tiano, re: Inclusionary Zoning Resolution;**
- **add to the consent agenda item 7.25. Communication: Michael Long, re: Concerns Regarding Neighborhood Code as Currently Drafted; remove from the agenda items 8.6. and 8.7. and place them on the consent agenda as agenda items 7.26. and 7.27. respectively (per City Council President Paul)**

VOTING: unanimous; motion carries.

2. SOLAR ECLIPSE UPDATE
2.1. Solar Eclipse Update: Zach Williamson, Festival and Event Director, BCA, and Samantha McGinnis, Assistant Director for Downtown and Workforce Development
Director Kraft began by noting that as the City plans this event, she and Director Alnasrawi approached this by thinking about how the City can highlight its identity and the strength and character of it, as well as the talent that exists in the community.

Festival and Event Director Williamson began by speaking about the timing of the actual eclipse event on April 8th. He noted that a partial eclipse will begin at 2:14 PM, with the full eclipse occurring at 3:26 for 3 minutes, and the partial eclipse then ending at 4:37 PM. He spoke about the total solar eclipse event itself, which was named Obscura BTV and will occur from April 5 through April 8. Assistant Director McGinnis spoke more about how BCA has been approaching the design and management of the event, which includes components related to communications, preparedness, and operations. She noted that these focus areas have regular meetings and include staff from BCA, BPRW, DPW, the Fire Department, and the Police Department. She noted that the communications team is working on the website, newsletter, social media, merchandise, and the app related to the Obscura BTV event. She noted that the preparedness team is focused on traffic, parking, emergency response, trash and recycling, and statewide coordination efforts. She noted that the operations team is focused on the viewing sites and event management for them, bathrooms, public transportation, information tents, and coordinating with the NPAs. She noted that they are also working with businesses to communicate information about the event. Event Director Williamson said that in terms of public safety, the state isn't sending the same state police team to this event that they would send to the marathon event or July 3rd, since the eclipse is occurring throughout the entire northern portion of the state and the state doesn't have the resources to dedicate to Burlington. He noted that staff have participated in the Vermont Emergency Management meetings and shared Burlington's plans with the State team, as well as coordinating with UVM Police and the sheriffs around Chittenden County. He spoke about coordinating the command structure with the Fire Department. He spoke about the road closures that will occur on the day of the eclipse, saying that the closures were designed to create a parking area and safe pedestrian corridors throughout the City. He then spoke about the eclipse viewing sites in the City, which will be located in parks throughout the City, and that the official viewing sites are at Battery Park, on Battery Street, at the Waterfront Park, Perkins Pier, Oakledge Park, City Hall Park, Roosevelt Park, and Leddy Park. Assistant Director McGinnis then spoke briefly about the event website and its content. She also noted that she has been working with NPAs to communicate information, and has supplied each NPA with an eclipse kit that includes 500 eclipse-viewing glasses for distribution in their neighborhoods, telescopes, sunspotters, and information from the Echo Center on how to safely view the eclipse. She also noted that schools in the district will have a half day on April 8th. Event Director Williamson spoke briefly about the budget, noting that they are on track with their fundraising target and are meeting their spending goal.

Councilor Bergman asked about the cost of glasses, and Director Kraft replied that they cost $3 but that BCA has underwriting for glasses for anyone who can't afford them, and that the schools are giving them out for free as well. Councilor Bergman noted the use of the Beltline for parking, and asked about capacity. Event Director Williamson replied that it can fit 500 cars, and that they are working to increase capacity to 1,000. He noted that there is not a good overflow solution. He noted that they are working with the Police and Fire Departments on traffic control. Councilor Bergman asked about bicycle logistics, and Event Director Williamson noted that they are working with Local Motion on bicycle parking for Waterfront Park, and that bicycles will be permitted to ride on the closed streets.

Councilor Dieng expressed dismay that the New North End isn't seeing any programming related to this event. He also expressed concern about the plan to close Route 127.

3. SHELBURNE STREET ROUNDABOUT EVALUATION 2023 (YEAR 1) - DPW

3.1 Shelburne Street Roundabout Evaluation 2023 (Year 1) – DPW
Senior Engineer Wheelock began by saying that when the Roundabout was selected as the preferred alternative for the project, one of the conditions that came with it was to measure and monitor the site post-construction. She said that tonight's presentation will pertain to the first data point in that evaluation, saying that best practice is to wait six months post-completion of a project like this before beginning to evaluate it. City Engineer Ursaki spoke briefly about what the Shelburne Street intersection looked like prior to construction. She noted that it was a 5-way intersection. She noted that construction began with underground utility reconstruction and that construction began on the surface street in June of 2022 and that it was completed in November 2022.

City Engineer Ursaki then spoke about the evaluation plan, saying that it consists of traffic data, crash data, and public input. She said that in terms of traffic data, they examine the average daily traffic volumes on all five approaches to the roundabout, peak hour volumes for the roundabout, and approach speeds and how they compare to the posted speed limit (25 MPH). She noted that peak hour traffic volume is lower than expected, and that approach speeds are generally consistent with what was forecast as well. She said that they also examine side street delay for the side streets nearest the roundabout, which include Adams Court and Gove Court, and that they haven't seen any issues so far. She said that they also look at queueing, or the cars waiting to enter the roundabout. She noted that one of the main reasons for conducting the evaluation was related to queueing concerns when this project was proposed and selected as the preferred alternative. She noted that the longest queue was 12 cars on the Shelburne approach, and that it only took several seconds to sit at the approach and get into the roundabout. She said that DPW is encouraged by this data so far. She then spoke in more detail about crash data, noting that this measure compares 5 years of pre-construction crash data to 5 years of post-construction crash data. She noted that it is difficult to discern patterns with only one year of data post-construction, but she noted that there were no major crashes or incidents in the year since the roundabout opened. She noted that there were 9 minor crashes, none involving pedestrians, bicycles, injuries, or fatalities. She then spoke about public feedback, noting that a survey showed an increase in the level of comfort people had with that intersection while driving or walking.

City Engineer Ursaki then spoke about next steps for the evaluation. She noted that they will continue to collect crash and traffic data annually until 2 years after the Champlain Parkway is completed. She noted that they also plan to conduct another public survey one year after the Champlain Parkway is completed.

Councilor Hightower asked if data exists on what was happening before the roundabout was put in. City Engineer Ursaki noted that there is a striking lack of data from before the completion of the roundabout, unfortunately. She said that they are comparing it to best practice thresholds. Senior Engineer Wheelock noted that one consistent data point they have had has been on crash volume, which they track and will continue to track.

Councilor Traverse noted several questions that come up regularly with his constituents. He asked about the use of the internal apron and whether vehicles that don't need to be up on the apron for their turning radius are using it when they shouldn't be. Senior Engineer Wheelock replied that the first winter season there had been some usage, but that this winter she hasn't seen much straight through movement during obscured conditions (such as recent snowfall). Councilor Traverse asked if there are ongoing discussions with respect to installing public art in the middle of the roundabout. Senior Engineer Wheelock replied that there are ongoing discussions with BCA, but that they have had capacity issues in putting out large numbers of RFPs related to public art for a number of different DPW projects. She said that there is still funding set aside for public art in the roundabout, but that BCA has had limited capacity to go through the procurement process to date.

Councilor Bergman noted that the peak volume for Locust Street is an outlier, and asked whether DPW has looked into that data point further. Senior Engineer Wheelock replied that speaking from personal experience, it is much more comfortable traveling up Locust Street than it ever used to be. She said that the roundabout has unlocked the use of Locust Street as a collector street, which is how it should be used. Councilor Bergman said that the City should monitor Locust Street and other streets if they begin to become attractive through streets, especially near the park and school.

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

4.1. Verbal Comments
Forum opened at 7:33 PM.

COMMENTS:
Burlington residents (in person):

- Marianne Davis expressed concern about development being proposed for the Lakeside neighborhood. She said that it is a historical neighborhood and the land that is being proposed for development is a historical lot. She noted that this proposal was not communicated to surrounding residents and expressed concern about the lack of transparency around development plans.
- Solveig Overby spoke against the item related to the Memorial Auditorium pre-development agreement. She said that this agreement is an unacceptable first step to transferring control of those three acres of prime downtown without a bid process. She urged the City to slow down and ensure that the public understands what is being proposed.
- Charles Messing agreed with Solveig regarding the pre-development agreement proposal for the Memorial Auditorium. He expressed concern that this could lead to the auditorium being demolished, and urged the City to replace it with an exact replica, if that occurs. He also said that the sidewalks throughout the City need to be fixed.
- Jane McDougal expressed concern about the proposal pertaining to Memorial Auditorium. She also suggested that the City repurpose empty buildings for housing.
- Robert Bristow Johnson spoke with alarm about the condition of the bike bridge. He said that erosion around it has exposed the pile of the bridge. He expressed concern about the condition of the bridge and said that it needs to be fixed.
- Kathleen Donohue spoke about the Neighborhood Code, saying that it should be sent back to the committee and that more time needs to be invested in it at the committee and public engagement level, to prevent unintended consequences down the road. She acknowledged that the City feels compelled to act quickly to create housing now, and said she would also be supportive of Councilor Doherty's proposed amendment to maintain low density in Ward 1 between North Willard and Mansfield Avenues.

- Scott Tobias spoke about his support for Councilor Doherty's amendment to prevent the upzoning of Ward 1 to RM density. He said that it is still unknown how the process has been integrated with an overall look at housing in the City, especially downtown and in higher density areas, or how this would interact with the UVM MOU. He expressed concern that this could lead to a massive increase in property taxes.
- Kathy Olwell said that the process around developing the Neighborhood Code has not been equitable and has been uninclusive, and does not look at the implications of increasing density to the degree it is proposing to do so. She said that it does not having inclusionary zoning requirements included, gets rid of parking requirements without increasing public transportation, and proposes additional apartment units without addressing the appalling lack of code enforcement.
- Romeo von Hermann wished everyone a happy beginning to Ramadan, as well as the beginning of Women's History Month. He said that the community needs to come together and heal, as well as prioritize cooperation, empathy, vigilance, and understanding.
- Steve Conant expressed concern about the potential effects of the Neighborhood Code on Ward 1, saying that it will increase the student-based monoculture that Ward 1 currently experiences. He urged the Council to support Councilor Doherty's amendment.
- Richard Hillyard urged the Council to postpone action on the Neighborhood Code until the new Council session begins in April.
- Catherine Nielsen applauded the City for addressing Burlington's housing crisis, though the current Neighborhood Code proposal is complex and needs to be understood better by the public before being voted on. She asked the Council to pay attention to several items that have not yet been addressed, which include parking, runoff, adequate green space, architectural compatibility, confirmation of virtual mapping data, and affordable housing. She asked the Council to delay a vote until these items are addressed.
- Christopher Aaron Felker expressed support for the Neighborhood Code, and expressed concern about the redevelopment of Memorial Auditorium. He spoke more specifically about concerns with agenda item 8.4 (updating inclusionary zoning and payment in lieu of taxes). He said that inclusionary zoning is partially responsible for the lack of housing in the City. He said that this proposal will make the housing situation worse in the City.
- Ron Wanamaker spoke about agenda item 8.2 (the Memorial Auditorium and Gateway Block). He expressed concern with the current pre-development agreement, noting that the current proposal does not allow the City to withdraw. He said that one of the goals of the pre-development agreement should be that it keeps Memorial Auditorium. He asked the Council to postpone their vote on this until more details are articulated in the pre-development agreement.
- Lisa Reinmann said that the pre-development agreement for agenda item 8.2 (the Gateway Block proposal) be rejected, or at least modified, prior to being voted on. She said that equal access and opportunity should be given to other development ideas and developers. She also said that the character of the block should be preserved, and that the same consideration and attention for retention should be given to Memorial Auditorium that is being given to the Central Fire Station. She said that she would also like a full accounting of the $1 million in bond money that was approved for stabilization of Memorial Auditorium.
- Matthew Viens asked that the City Council not approve the pre-development agreement related to agenda item 8.2 as written. He noted that there are two historic structures on the block in question and that the Memorial Auditorium is on the National Historic Register. He noted that both historic buildings are symbols of their time of Burlington civic pride, and both represent an architectural period in the City that is quickly disappearing. He said that any development agreement should include requirements that these two structures be retained.
- Michael Long said that the Neighborhood Code proposal as written is unfinished and should be referred back to committee for further work. He said that it pursues extreme density but does not address stormwater, parking demands, off-campus student housing pressures, flawed mapping data, or even affordability. He said that the density should accommodate duplexes, triplexes, and four-plexes, not allow 8 too 10 units on a lot, which is currently what is being proposed.
- Caryn Long urged the Council not to move forward on the Gateway Block, saying that the process has been rushed. She also spoke about the Neighborhood Code proposal, noting that her neighborhood between Mansfield and Willard was set to sustain and

experience small, incremental changes that are consistent with existing development patterns and neighborhood character. She said that 8-10 units per lot is not small, incremental change, and will not lead to safe and healthy housing.

- Tom Lampson spoke about the Gateway Block, saying that the City has an opportunity to address some of its quality of life issues in how it redevelops this block. He said that the City could be a leader in helping to solve some of the homelessness and lack of housing in the City by redeveloping this block as a sort of village to help house more people. He said that the homelessness issue is not going to go away anytime soon unless it is addressed.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the Memorial Block, agreeing with comments made regarding having a goal articulated within the pre-development agreement that the building be preserved. She said that public engagement around Memorial Block needs to be amped up, and that a public forum should be set up with the developers to allow the public to engage in this project. She also spoke about the Neighborhood Code proposal, saying that RL should have 4 units (or two duplexes) and RM should have six units. She said that Vermont needs to attract families, and this proposal does nothing to attract families and the types of housing that families need.
- Diane Freiheit spoke as a resident of the Lakeside neighborhood, saying that the proposed Neighborhood Code should be referred to the Burlington Ordinance Committee for a thorough evaluation, and asking that specific attention be paid to the Lakeside neighborhood. She said that more careful attention needs to be paid to the unique impacts of doubling lot coverage in that neighborhood, which frequently experience wet basements and flooded yards due to the clay-heavy soil. She expressed concern that doubling the lot coverage will lead to major negative impacts for drainage and stormwater runoff.
- Gordon Dragoon spoke about the Neighborhood Code proposal. He noted that the City's current housing crisis is a direct consequence of not building enough over the last 40 years, and that the only solution is to allow the City to continue to evolve. He asked that the entire City be zoned as RM, in tandem with a decrease in lot coverage requirements in order to offset issues related to stormwater. He said that the only way to ensure that young people are able to afford homes is to increase the housing stock.
- Colin Larson spoke about the Neighborhood Code, saying that there is an amendment that unifies the RM and RL zones, and reduces lot coverage to 50%, and is an attempt at a compromise amendment, and asked the City to support it. He also said that the claim that none of the projects built under the Neighborhood Code would create affordable units is not accurate. He said that stormwater management is a problem, but that it needs to be addressed through a separate proposal, given concerns raised during the development of the Neighborhood Code proposal about scope creep.
- Todd Schlossberg spoke about the Neighborhood Code proposal, saying that stormwater is an extremely important issue that needs to be paid attention to when allowing increased density in the City. He said that any Neighborhood Code proposal that is passed needs to share the burden of increased density equitably across the City and that there should be no privilege or protections for the whitest and wealthiest neighborhoods.

Forum closed at 8:30 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Verbal Reports
Councilor Bergman spoke about the most recent snowstorm, noting that transformers were shorting out in the Mad River Valley while the sky was blue for much of Sunday morning. He said that it would behoove the City to examine its net zero energy roadmap and climate action plan, particularly in the context of solar capacity for new construction, transportation, and decarbonization.

Mayor Weinberger spoke about the launch of the City's new climate emergency dashboard, which tracks current available data on a number of metrics related to climate change, such as average daily temperature, precipitation, lake ice, combined sewer overflows, and phosphorous concentration in the lake. He highlighted several striking metrics, including that Burlington's average temperature has increased by 2.9 degrees Fahrenheit over the last 20 years, which is more than the statewide average. He noted that the average winter temperature has increased by 4.4 degrees over the last 20 years. He noted that from 1850 to 1980, the lake froze over completely every year, but that since 2000, the lake has only frozen over 8 out of 23 years. He finally noted that on average, there are 25 more days each year with a high temperature over 80 degrees than there were in the 1980s. He noted that in terms of meeting net zero energy goals, the City's fleet used 19% fewer gallons of fossil fuel in FY23 compared to FY18. He spoke about the increased in electric vehicles on the fleet. He noted that Burlington emitted 11% fewer greenhouse gas emissions in 2022 than in 2018 in the ground transportation and heating sectors. He then spoke about the launch of the BED Switch & Save program, which funds the replacement of residential water heaters to higher-efficiency heat pump water heaters.

6. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

6.1 Verbal Reports

Councilor Grant spoke about time she spent several Fridays ago at Decker Towers. She spoke about a phone call she witnessed where a resident was attempting to have the Police Department assist in removing someone who was considered a trespasser but had been invited into the building by a resident. She noted that the sheriff's department will be conducting sweeps of the building, which is a new update, and that BHA is working on trying to hire security. She said that they should have more of an update to provide at the next Council meeting.

Councilor Grant also provided an update on the total cases in the Chittenden County State Attorney's Office, noting that as of March 1, there are 3,052 pending cases in the court system. She noted that the total number of cases filed by that office is 220, which includes 41 felonies. She noted that 961 cases are past the disposition goal (of being fully resolved). She said that she will continue to provide these statistics.

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: Trav Fryer, re: support for neighborhood code – waive the reading and place the communication on file.
7.4 Communication: Caryn Long, re: Neighborhood Code – waive the reading and place the communication on file.
7.5 Communication: Michael Long, re: Neighborhood Code – CDO – waive the reading and place the communication on file.
7.6 Communication: Courtney Noyes, re: Neighborhood Code updates - waive the reading and place the communication on file.
7.7 Communication: Lauren Schweppe, re: Neighborhood Code - waive the reading and place the communication on file.
7.8 Communication: Jak Tiano, re: Neighborhood Code Public Hearing Analysis - waive the reading and place the communication on file.
7.9 Communication: Jake Schumann, re: 2/26/24 Public Forum Communications to the City Council - waive the reading and place the communication on file.
7.10 City of Burlington, VT 2021-2023 Dog Task Force - refer the recommendations of the 2021-2023 Dog Task Force Report to the following Committees, Commissions, and Departments for further review, study, and recommended action, and to request that such bodies report back to the full Council with their findings by the first Council meeting of September, 2024: • Recommendation regarding updates and additions to Chapter 5 and Chapter 22 of the Burlington Code of Ordinances to the Ordinance Committee, with Council recommendation to engage the Clerk Treasurer's Office and Parks, Recreation, and Waterfront Department regarding sharing of license revenues; and • Recommendation regarding additional Animal Control staffing and improvements to include animal related concerns to the online police report system to the Public Safety Committee and Police Commission for concurrent review; and • Recommendation regarding creation of additional off-leash areas to the Parks Commission; and • Recommendation regarding standing up an Education Campaign with respect to licensing requirements to the

Clerk Treasurer's Office; and, best practices for animal ownership in the City to the Police Department and the Parks, Recreation, and Waterfront Department.

7.11 Communication: Sharon Bushor, Burlington Resident, re: Amendments to consider for discussion - waive the reading and place the communication on file.

7.12 Declaration of Elected Candidates Annual City Election – March 5, 2024 – waive the reading, accept the communication, and place it on file.

7.13 Declaration of Election Results Questions on the Ballot Annual City Election – March 5, 2024 - waive the reading, accept the communication, and place it on file.

7.14 Renewal of Main On-Call Contract for Financial Advisor and Utility Management Services with Raftelis Financial Consultants (Third and Final Renewal) - DPW - Water Resources - 1. To authorize the Director of Public Works to renew the Main On-Call Agreement with Raftelis Financial Consultants for on-call financial advisor and utility management services for the Water Resources Division through June 30, 2025 for a maximum limiting amount of $175,000 for the renewal term, subject to prior review and approval by the City Attorney's Office; and 2. To approve and authorize the Director of Public Works to execute individual Work Assignment Contracts, which in total shall not exceed the maximum limiting amount established in the Main On-Call Agreement, to complete work identified in the renewal of the Main On-Call Agreement, subject to prior review and approval by the City Attorney's Office.

7.15 BED Switch & Save Program subgrant – BED - approve and authorize the BED General Manager or his designee, to enter into and execute all necessary grant agreements with respect to accepting the Switch & Save Program subgrant in an amount not to exceed $500,000 to provide financial and technical assistance for low- and moderate-income Vermont households to install heat pump water heaters, subject to final review and approval of the City Attorney's Office.

7.16 Authorization to Execute the Design Contract for the CDS Cherry Street and RAISE Reconnecting Downtown Project – DPW - authorize the Director of Public Works to execute a contract, subject to City Attorney approval with Stantec Consulting Services, Inc. in the amount of $2,217,249, and further authorize the Director of Public Works to execute any necessary future amendments using up to $221,725 (10%) in available contingency funds, for a total authorized amount of $2,438,974, for the development of the design of the CDS Cherry Street and RAISE Reconnecting Downtown project, subject to the review and approval of the City Attorney's Office.

7.17 Church Street Marketplace Capital Improvement – Request to Accept Bid – Business & Workforce Development - authorize the acceptance of the total bid submitted by Don Weston Excavating as detailed herein to perform capital improvements to the Church Street Marketplace; and, to authorize the Director of Business Workforce and Development to execute a contract with Don Weston Excavating for such services in an amount not to exceed $905, 870, subject to the review of the City Attorney's Office and Chief Administrative Officer.

7.18 FIO Documents – for information only.

7.19 Resolution: Urging Vermont State Officials To Work With The USDA Through 2024 To Ensure Reporting And Other Capability For Compliance And Summer Grocery Benefits Program Eligibility In 2025 (Councilors Carpenter, Bergman, Shannon, Grant, Paul, Magee, King, Traverse) – waive the reading and adopt the resolution.

7.20 Ordinance: An Update To Chapter 23, Peddlers And Solicitors, To Accommodate Burlingtonians And Visitors On April 8, 2024 (Councilor Traverse) – suspend the rules and place in all stages of passage.

7.21 Communication: Solveig Overby, Ward 2, re: Flawed Memorial Block Pre- Development Agreement is not ready for signature – waive the reading and place the communication on file.

7.22 Communication: Solveig Overby, re: 3/9/2024 FPF Discussion item posted to ONE Central FPF in 3 parts: Misleading 1: Memorial Block Pre- Development Agreement – waive the reading and place the communication on file.

7.23 Communication: Solveig Overby, re: Missing and misrepresented timeline items on CEDOs March 11, 2024 Memo re: Memorial/Gateway Block Pre- Development Agreement – waive the reading and place the communication on file.

7.24 Communication: Jak Tiano, re: Inclusionary Zoning Resolution – waive the reading and place the communication on file.

7.25 Communication: Michael Long, re; Concerns Regarding Neighborhood Code as Currently Drafted – waive the reading and place the communication on file.
7.26 Authorization to Accept MS4 Community Formula ARPA Grant Funds - DPW - Water Resources ***WAS AGENDA ITEM 8.6.** - authorize the Director of the Department of Public Works to execute an MS4 Community Formula Grant Agreement with Vermont DEC for up to $762,678 of ARPA funds for the design and implementation of stormwater management practices, subject to final review and approval by the City Attorney's Office.
7.27 Authorization to Accept Combined Sewer Overflow Abatement ARPA Grant Funds - DPW - Water Resources **WAS AGENDA ITEM 8.7.** - authorize the Director of the Department of Public Works to execute a 2023 ARPA Statewide Sewer Overflow Elimination and Abatement grant agreement with the Vermont Department of Environmental Conservation for up to $3,294,440 for the design and implementation of CSO reduction practices, subject to final review and approval by the City Attorney's Office.

MOTION by Councilor Magee, SECOND by Councilor Barlow, to approve the consent agenda as amended and take the actions indicated for items 7.1-7.27.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Church Street Marketplace Commission Annual Report Fiscal Year 2023
Mark Bouchett, Chair of the Church Street Marketplace Commission, provided an overview of the FY23 report. He noted that it covers the events that were hosted by the Marketplace. He expressed appreciation for the Church Street Marketplace staff, who are the primary contact for all of the stakeholders of the street, and who do the vast majority of the work to manage and program the Marketplace. He also expressed appreciation for Jim Daley and the maintenance team.

Councilor Barlow noted the number of challenges that the Marketplace is facing and asked what the Commission has done to approach and try to remedy some of them. Mr. Bouchett noted that many issues come to the Commission from the fee payers and visitors to the Marketplace. He noted that the primary role of the Commission is programming and ensuring that the Marketplace is a great place to visit. He said that if the Marketplace is activated and well-programmed, it continues to be vibrant. He said that they pass on feedback to the City, but that enforcement of ordinances and bylaws are the role of the City and Police Department.

Councilor Grant spoke about some of the issues that have improved in the Marketplace over the last several years. She noted that signage has improved, both on the street and in the parks. She said that she had been concerned about the lack of understanding and sensitivity from business owners regarding the root causes of some of the behavior in City Hall Park, and said that this has improved as well. She agreed that increasing programming will be greatly beneficial to the Marketplace. She also said that if businesses have issues, they should bring them to the City Council and Mayor, not the media, as that could have unintended consequences and skew the public perception of the downtown.

Councilor Dieng noted that the Commission and the City were provided with some resources to look into security, and he asked about the impact that that funding and associated additional security has had. Director Alnasrawi replied that the City has spent approximately 50% of the funding on street level, private security during the holiday season, though that has been suspended now due to lower foot traffic. She said that they have set aside funding to increase private security in the spring, if needed, and that they are developing a marketing campaign to address some of the perception issues that Councilor Grant just noted. She noted that these were the top two issues identified by business owners for using that funding. Councilor Dieng asked about the plan for the spring to ensure that people feel safe around the Marketplace and City Hall Park. Director Alnasrawi replied that they are planning robust programming geared toward families and children to create a welcoming environment and that they are planning to hold a summer market in City Hall Park. She noted that the maintenance team works to immediately remove graffiti and trash and recycling from City Hall Park, as well as engaging with members of the community who spend large quantities of time in City Hall Park. Councilor Dieng asked if there has been feedback or concern from businesses regarding lack of parking during construction on Main Street. Mr. Bouchett replied that many businesses realize that the improvements being done to Main Street will be beneficial in the long run and that they recognize that lack of parking is a short-term tradeoff. He spoke about the active engagement between the Department of Public Works and the business community during this construction project.

MOTION by Councilor Dieng, SECOND by Councilor Magee, to waive the reading, accept the report, and place it on file.

VOTING: unanimous; motion carries.

8.2 Resolution: Support For The Redevelopment Of The Memorial Block Through Further Due Diligence Of a Public-Private Partnership (Councilors Paul, King)
City Council President Paul noted that the City signed a letter of intent regarding Memorial Block with the developers in November, that there have been executive sessions related to this, as well as a work session on the pre-development agreement in February.

Director Pine said that the pre-development agreement is an attempt to provide sufficient time, through a nine-month due diligence process, to assess the feasibility and desirability for redevelopment of the Gateway Block. He firmly stated that this pre-development agreement does not predetermine the outcome of that nine-month due diligence process. He read from a memo from MSK attorneys, which states that the pre-development agreement only commits the City to 1. allowing the developer to enter onto City property and conduct due diligence subject to the terms of the agreement, 2. working with the developer to select an appraiser to determine existing value of the Memorial Block and parcels, 3. directing CEDO staff to timely review the developer's submissions and work product related to their financial capacity, project program design, construction phasing, infrastructure elements, and deal structure, 4. Investigating the feasibility of relocating the Central Fire Station to a new public facility, 5. Providing the developer with specifications and requirements for the new public safety facility, 6. Coordinating the developer's planned improvements for Memorial Block with improvements for Fletcher Free Library, 7. Engaging the public to solicit feedback regarding public uses to be incorporated into the project, 8. Investigating and identifying potential funding sources that may be available for the project, and 9. Working with the developer to develop solutions to overcome municipal zoning limitations that could impact the project. He noted that at the end of the due diligence period, the City Council would ultimately decide whether to pursue a development agreement to govern future actions on this project. He said that this predevelopment agreement does not require the City to execute a ground lease or any other contract to allow development, nor does it obligate the City to repay the developers' due diligence costs or require the demolition of Memorial Auditorium or Central Fire Station. He said that this predevelopment agreement does not give anything to the developers other than the obligations and commitments listed above.

Assistant Director Dunn spoke about the $1,000,000 in voter-approved bond funding that was intended to stabilize Memorial Auditorium. She said that of that total funding, $350,000 has been budgeted to those activities and $200,000 of it has been drawn down. She said that the main costs to date are associated with reinforcing the roof structure and that the next major piece will be the fencing that goes up around Memorial Auditorium, which is scheduled for this spring. She said that other costs to date have included engineering, legal, and consulting services. She said that the remaining $650,000 will be spent on preservation and addressing critical capital needs of the building and continued pre-development work.

Councilor Bergman asked whether the pre-development agreement gives the City the right to reject a development agreement without qualifications if the City decides that a development is not in the City's interest. Assistant Director Dunn replied that the only way this will move forward is if the City and the Administration determine that the City wants to move forward. Joe Larkin, one of the developers, confirmed that this is his understanding as well, that the City is not bound to anything other than what is articulated in the pre-development document. Councilor Bergman said that this was his biggest concern regarding the pre-development agreement, and thanked City staff and the developer for clarifying. He asked for an explanation of why this is moving ahead without going through the bid process. Director Pine replied that the block has unique challenges in that the City owns some of the parcels on the block but that three parcels on the block are privately owned, and that the City cannot put out an RFP for the redevelopment of property that it does not have a controlling interest in. He said that the City has a history of seeking proposals for Memorial Auditorium, but the responses have not been adequate or feasible. He said that redevelopment of the block will be the most successful if it is done holistically and comprehensively, and that a parcel-by-parcel approach doesn’t give the City that ability. Councilor Bergman expressed support for the pre-development agreement, saying that it gives the City and developers enough time to assess whether the project meets the City’s goals and the public interest.

Councilor Hightower highlighted language within the agreement that is amenable to her. She expressed disappointment that the RFP wasn’t reopened, but said that it is comforting that the City is partnering with local developers with whom it has worked in the past. She also noted that the next Administration will be picking this work up and potentially examining it with a more objective eye, and that she trusts the next Administration to take a more transparent approach.

Councilor Doherty asked whether the 2022 procurement process was ultimately unfeasible because the City did not have site control over those three interior lots in the block. Director Pine replied that the 2022 procurement didn’t even include those properties, because the City couldn’t issue an RFP that includes parcels it does not control, and it was this lack of a more comprehensive scope for that 2022 process that was too challenging for bidders.

Councilor Grant said that though the City could do a better job in issuing RFPs and being transparent, she will support moving ahead with this pre-development agreement because having the local developers have site control is a key component to making redevelopment work. She also spoke about the dire condition the Central Firehouse is in, in terms of extremely deferred maintenance. She said she liked the idea of one public forum speaker of building a replica of the Firehouse and Memorial Auditorium, so that the City doesn’t lose that classic, historically-significant architecture. She said that this pre-development agreement isn’t a giveaway to the developers. She said that the Memorial Auditorium site is currently a blight on the community and that this potential redevelopment could be a viable path forward to solve that.

Councilor Traverse said that he has reviewed the pre-development agreement and agrees that it only commits the City to that feasibility review and that it doesn’t lock the City into any particular vision for the block. He also noted that for many residents who have moved to Burlington in the last 10-15 years, they have only really known the Memorial Auditorium building as a place with no future, and that there have been many ideas, there have not to date been concrete paths forward until now. He thanked the local developers for coming forward. He echoed suggestions made by former Councilor Bushor during public forum, which recommended a robust public engagement process if the pre-development agreement eventually turns into a development agreement.

Councilor Barlow expressed support for this pre-development agreement, as well as the additional clarification from staff. He noted that the legal memo articulated a scenario where the project is feasible but a formal development agreement is not necessary, and asked what that could look like. Director Pine replied that this scenario could look something like such good alignment between parties that a contract looks more like a ground lease agreement than a development agreement, but that a formal development agreement is the more likely outcome.

Councilor Carpenter said that this is a good opportunity for the Memorial Block. She asked whether CEDO ever conducted an analysis of what it would look like to keep Memorial Auditorium as a public auditorium. Assistant Director Dunn replied that in 2019, they estimated that it would take between $12 million and $15 million to bring the building up to code, though that would likely translate to at least $20 million in 2024. Councilor Carpenter noted that the public will has not been there for the City to spend its own funding to do something like that, and that she is excited at this prospect of potentially moving forward with redevelopment.

Councilor Dieng said that the City is taking the right steps to avoid past pitfalls with this property. He expressed support for these local developers and their coming forward on this project. He thanked staff for their work on this, as well as the clarification provided in the last several weeks about the pre-development agreement. He asked whether the Council is bound to pursue a development agreement if it is feasible. Director Pine replied that the Council will ultimately make a decision to support or reject moving forward at the end of the due diligence period. Councilor Dieng asked if it would be possible to delay this vote so that the developers can engage with the public at several NPA meetings for the remainder of March, as well as allow the new Council and Administration to weigh in in April. Director Pine replied that this Council has benefitted from multiple work sessions and executive sessions, and that it would seem justifiable to him that this Council be the one to decide on moving forward with the pre-development agreement, as it is the best informed about the issue. He said that this agreement is a first step toward reaching a future agreement that will then be shaped by the next Administration and Council.

Mayor Weinberger said that the City has seen failed attempt after failed attempt to make progress and do something with this part of the downtown, and that this current opportunity comes at a time when other impediments to development are being removed (work on the ravine sewer, for example). He expressed hope that this represents the first step toward a successful project.

Councilor Bergman noted that former Councilor Bushor had suggested a large kick-off meeting in Contois Auditorium for the developers to get input from the public on their desires for the Memorial Block, and that he supports this occurring early in the process.

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

VOTING: unanimous; motion carries.

8.3. Resolution: Support For The Predevelopment Agreement For South End Coordinated Redevelopment (Councilors Shannon, Traverse)
Councilor Bergman asked about the note in the memo regarding initial traffic analysis and asked about this in relationship to the southern connector. He asked about the relationship of the development in this area to areas further north (the Pine/Maple neighborhood). Director Spencer said that the goal of this master planning effort is to do the upfront work in partnership with the other stakeholders. He noted a transportation consultant on board who is using Champlain Parkway projections as a baseline for future projections. He said that they are looking for ways to phase this so that mitigation may not be needed until the second or third phase. Councilor Bergman expressed support for the use of transportation demand management, the preservation of maker spaces, and the orientation for solar that are all included in the agreement.

MOTION by Councilor Traverse, SECOND by Councilor Grant, to waive the reading and adopt the resolution.
<u>DISCUSSION</u>:

- **Councilor Traverse said that this is a unique opportunity to develop the most sustainable, walkable, bike-friendly, mixed-income neighborhood in the City, which places an emphasis on public open spaces and resilient green infrastructure. He noted that similarly to the Memorial Block, they cannot move forward with developing the space until they know more about the feasibility of doing so, including considerations for utilities, wastewater, stormwater capacity, and traffic and parking projections. He expressed confidence in the parties the City has selected to move forward with these next steps.**

VOTING: unanimous; motion carries.

8.4 Resolution: Updating Inclusionary Zoning Payment In Lieu (Councilors Hightower, Bergman, Magee, Dieng)

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to waive the reading and adopt the resolution.
<u>DISCUSSION:</u>

- **Councilor Hightower said that as the City sees an increase in housing proposals and developments, it is important to ensure that it is done in a way that is inclusive of inclusionary zoning. She said that currently, developers can pay in lieu of inclusionary zoning, but the fees are sometimes as little as $35,000, which doesn't pay for another unit to become affordable. She said that this resolution would ask the Planning Commission to examine current payment in lieu regulations and more broadly at inclusionary zoning, and to consider making updates to make the payment in lieu closer to what the current gap is for making a unit affordable, which is somewhere between $100,000 and $200,000 of subsidy required.**
- **Councilor Traverse expressed support for Councilor Hightower's expertise in this area and commended the critical voice she lended to making important updates to the zoning amendments related to the South End Innovation District that would require the construction of affordable housing rather than utilizing the payment in lieu option. He also noted that the existing inclusionary zoning ordinance's current payment in lieu option is insufficient in securing truly affordable housing. <u>He made a friendly amendment that provides additional contextual details on the historic of the payment in lieu option and how it has been working, and also acknowledges that the next Mayor's administration may also consider and submit additional recommendations.</u>**
- **Councilor Carpenter expressed support for examining the City's current payment in lieu structure, and that broadening this look is the right thing to do.**
- **Mayor Weinberger said that with the proposed amendments he will support the resolution. He said that this will lead to another City look at this important and ambitious aspect of its zoning ordinance. He noted that a 2017 study found that while inclusionary zoning had ensured a significant percentage of affordable units in all new development, it was one of the factors contributing to why the City is not keeping up with housing demand. He said that this resolution would have just undone one of the few significant changes that was made in 2017 following that study, and he wasn't supportive of it, but that with these amendments, the Planning Commission and next administration will be directed to think critically about other adjustments, rather than just changing the in lieu payment option.**
- **Councilor Hightower said that this resolution with amendments would review the payment in lieu by the end of this year, and would also look at more sweeping IZ changes in future, which would be a longer process. She also spoke about affordability, noting that the income limit for an individual to qualify for IZ is $79,600, and that this isn't about low-income housing. She said that it shouldn't be looked at as a burden for the City to meet its inclusionary zoning requirements.**

VOTING: unanimous; motion carries.

8.5 Champlain Parkway - FY24 Project Budget Amendment & Consultant Contract Amendments – DPW
Director Spencer said that this item pertains to four actions related to the Champlain Parkway. He began by noting that this project has evolved over multiple administrations and City Council sessions from a four-lane high speed highway to a 25 mile-per-hour two-lane City street. He said that this would also involve the City returning to the Council in May or June to seek approval for the construction contract for

the final phase of the project. He noted that the initial phase of the project is expected to be complete this July, and that the section of the Parkway between Home and Lakeside Avenues would be open to the public for travel at that time as well. He noted that there are concerns in how the traffic will impact the King and Maple neighborhood, and noted that they have included proposed traffic calming efforts to manage the anticipated 9% increase in traffic in that neighborhood as a result of this project. He noted that this project totals $86 million in construction phase costs, and only $7.1 million is needed for local match. He noted the solid commitment from federal and state partners on this project.

Assistant Director Baldwin began by noting that the third construction season of the initial phase of the contract is slated to begin on April 15, and is anticipated to be completed in July. He said that this current ask is for additional budget authorization to complete the initial phase, and additional contract authorizations for design, resident engineering services, and project management. He said that this would require the City to have an additional $900,000 in bond proceeds for non-participating costs for the initial phase. He noted that for this project, the non-participating costs are largely related to soil management, landscaping, and lighting. He also noted that a 2% match of $80,000 would come from the Street Capital Fund. He noted that Clough Harbour & Associates is the designer of record for the Parkway, and that they are serving as construction administrators for the final phase of the project itself. He noted that DuBois & King are serving as the project manager for the City team.

Councilor Bergman emphasized the importance of getting traffic studies from the new development that is occurring. He encouraged staff to continue working with the King Street Center and others in that neighborhood to make sure that the traffic impacts are not adverse. He asked about getting more support for the Railyard Enterprise project, given challenges in receiving funding and support necessary. He said that it will be critical to make progress on that project as quickly as possible. Director Spencer noted that the City received the environmental assessment permit for the Railyard Enterprise project, and are moving ahead with the preferred alternative that would be the connection between Battery Street and Pine Street. He noted that the City will need to negotiate with many stakeholders, given that there is no right-of-way there. He said that they need to think about how to help stakeholders understand the importance of the project as well as participate financially. He said that the City's partners have allocated $20 million, though the current project estimate is $37 million. He said that there was a suggestion to have a work session with the Council prior to voting on the final phase of the Parkway construction contract and a potential resolution from the Council reflecting the importance of the Railyard Enterprise project that would also direct the City to work with the Congressional delegation to secure the balance of funds needed. Councilor Bergman said that his position is that he won't support the Champlain Parkway without the Enterprise project, and this sequencing puts him in a difficult position. He spoke about the equity issues and environmental racism at hand, and said that absent strong support from the Council and next administration, he will not support the final construction phase, though he is willing to pursue this next step.

MOTION by Councilor Barlow, SECOND by Councilor Traverse, 1. To authorize an increase to the Champlain Parkway FY24 project budget from $52,469,159 to $53,204,967 to continue approved project activities and for completion of the initial construction contract in FY24, and further approve and authorize the Chief Administrative Officer or designee to effectuate all necessary budget amendments and transfers of funds including an additional $80,000 of Street Capital for local match and $900,000 (with an allotment of $863,725 in FY24; and $36,275 to be budged in FY25) of Capital Bond proceeds for non-participating costs; and approve the acceptance of additional reimbursable revenue sources in furtherance of the project budget increase, in substantial conformance with Attachment A; and 2. To authorize the Director of Public Works to execute Contract Amendment Number 19 to the contract with Clough Harbour & Associates for engineering design services for the Champlain Parkway project, increasing the total contract amount by $890,450.00 and the local match obligation by $17,809.00, for a total authorized contract amount not to exceed $14,883,379.18 and a local match obligation in the amount of $297,667.58, as further detailed in Attachment D, subject to review and approval by the City Attorney's Office; and 3. To

authorize the Director of Public Works to execute Contract Amendment Number 6 to the contract with DuBois & King, Inc. for Municipal Project Management services for the Champlain Parkway project, increasing the total contract amount by $315,000 and the local match obligation by $6,300, for a total authorized contract amount not to exceed $740,485 and a local match obligation in the amount of $14,809.70, as further detailed in Attachment E, subject to review and approval by the City Attorney's Office; and 4. To authorize the Director of Public Works to execute Contract Amendment Number 2 to the contract with WSP USA Inc. for construction inspection and public engagement services for the Champlain Parkway project, increasing the total contract amount by $4,108,984 and the local match obligation by $82,179.68, for a total authorized contract amount not to exceed $7,943,260 and a total local match obligation in the amount of $158,865.20, as further detailed in Attachment F, subject to review and approval by the City Attorney's Office.

VOTING: unanimous; motion carries.

8.6 Authorization to Accept MS4 Community Formula ARPA Grant Funds – DPW - Water Resources ***NOW CONSENT AGENDA ITEM 7.26.***
Item moved to consent agenda. No discussion.

8.7 Authorization to Accept Combined Sewer Overflow Abatement ARPA Grant Funds - DPW - Water Resources ***NOW CONSENT AGENDA ITEM 7.27.***
Item moved to consent agenda. No discussion.

9. COMMITTEE REPORTS

9.1. Verbal reports
Councilor Barlow said that there is a special Transportation, Energy, and Utilities Commission meeting on Wednesday at 4:00 PM at 645 Pine Street, at which they will discuss GMT funding.

City Council President Paul said that the Public Safety Committee meeting will be on March 21 at 5:30 PM, at which time they will review the CNA matrix and update it. She also spoke about a resolution that was passed in 2023, which related to Burlington CARES and exploring CAIP becoming a department of the City, and they will also hear an update on those items on the 21st.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports
City Council President Paul urged Councilors to review the proposed amendments to the Neighborhood Code for the Council's next meeting.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports

Mayor Weinberger thanked City staff and Councilors for their work on the Champlain Parkway project, as well as advancing the Enterprise project from concept phase to the significant milestone of getting past the environmental assessment.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:36 PM.

RScty: AACoonradt