

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 25, 2024
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon (at 5:40 PM)
Ali Dieng
Zoraya Hightower
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom, then in person at 6:23 PM)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Lori Olberg
Colin Hilliard
Peter Lynch
Adama Ndiaye
Elhadji Mamadou Ba
Chapin Spencer
Clayton Clark
Brian Pine
Nic Longo
Larry Lackey
Marie Friedman
Jeff Bartley
Meagan Tuttle
Sarah Morgan

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:34 PM.

MOTION by Councilor Magee, SECOND by Councilor King, to amend and adopt the agenda as follows:

- **add to the consent agenda item 6.51. Communication: Mary Gade, re: Neighborhood Code;**
- **add to the consent agenda item 6.52. Communication: Michael Long, re: Neighborhood Code: Send It Back to the Drawing Board;**
- **add to the consent agenda item 6.53. Communication: Kason Hudman, re: Support for Neighborhood Code Change;**
- **add to the consent agenda item 6.54. Communication: Evan Gould, re: Neighborhood Code Support Petition;**
- **add to the consent agenda item 6.55. Communication: Ry Sherman, re: Please Pass the Neighborhood Code on Monday!;**
- **add to the consent agenda item 6.56. Communication: Jak Tiano, re: Assessment of and Support for the Neighborhood Code;**
- **add to the consent agenda item 6.57. Communication: Jake Twarog, re; Fwd: Neighborhood Code Must Pass!;**
- **add to the consent agenda item 6.58. Communication: Colin Larsen, re; 3/25 Comments: Support the Neighborhood Code;**
- **add to the consent agenda item 6.59. Communication: Midori Little, re: Please pass the Neighborhood Code for a sustainable future in Vermont;**
- **add to the consent agenda item 6.60. Communication: Benjamin Cooley, re: Please pass Neighborhood Code;**
- **add to the consent agenda item 6.61. Communication: Ashley Dembinski, re: Support for Neighborhood Code;**
- **add to the consent agenda item 6.62. Communication: Chris Yuen, re: In support of Neighborhood Code;**
- **add to the consent agenda item 6.63. Communication: Tim Stevens, re: Support for Neighborhood Code;**
- **add to the consent agenda item 6.64. Communication: Evan Gould, re: Support for the Neighborhood Code (Responses) - Form Responses 1-2.pdf;**
- **add to the consent agenda item 6.65. Communication: Paul Bierman, re: Petition with 303 signatures to send Neighborhood Code back to Committee for refinement;**
- **remove on 7.7. Ordinance: Comprehensive Development Ordinance ZA-24-02 Neighborhood Code, Part 1 ZA-24-02 Amendment 1,2,5 V 2_for CCPH 2 on 032524 (per Councilor Traverse, per Council President Paul).**

VOTING: unanimous; motion carries (Councilor Shannon absent for vote).

2. PRESENTATION: SISTER CITY RELATIONSHIPS

2.1. Creation Of A Sister City Relationship Between The City Of Burlington Vermont And Thies East Senegal
Councilor Dieng began by noting that Senegal is a stable country and many Senegalese families are living in Burlington and surrounding communities. He noted that the Vermont National Guard has had an active partnership with Senegal since 2008, and have assisted them with security, medical responsiveness, and climate change. He noted that several Senegalese presidents have visited Burlington as a result of this partnerships. He said that in 2023, he traveled to Senegal to begin the establishment of the sister city relationship between Thies East and Burlington, noting that Thies East is his hometown. He said that there is potential for continued development of educational, cultural, environmental, and economic opportunities between the two municipalities. He said that Burlington has never had any sister city relationship with a country in Africa.

Peter Lynch, of Green Across the World, spoke about Senegal, as well as his experience assisting in cultural exchanges with students from Vermont to places such as Senegal. He noted that Senegal is one of the safest and most stable countries in Africa and that its electoral

system is functioning well, given last night's election of a young opposition leader as the country's newest president. He spoke about a Vermont senate bill to establish 5 sister states, of which Senegal will certainly be one, noting that this could lead to funding opportunities at the state level.

Mayor Gene Enriquez, the Director of International Affairs with the Vermont National Guard, spoke further about Senegal's partnership with the Vermont National Guard through the State Partnership Program. He noted that over 8,900 National Guard men and women have had the opportunity to travel to Senegal and provide military assistance and security cooperation. He said that with the election of a new president yesterday, there will likely be opportunities for Burlington to contribute to change, especially around governance, development, and peace in the region.

2.2 Establishing A Sister City Relationship With The Kuyalnick Community Of Ukraine

Mayor Weinberger noted that as part of his State of the City address last spring, he charged Colin Hilliard and Adam Roof with exploring a sister city relationship with a city in Ukraine. He said that creating such a relationship is more important than ever, given the continuation of the war in the Ukraine and the federal government struggling to play a role in supporting the people of Ukraine. He said that the City is in a position to take meaningful action on a local level in that vacuum. He said that Mr. Hilliard and Mr. Roof have established a relationship with USAID and identified a community in the Odessa region that is comparable to the size of Burlington and has many similarities in terms of the way in which society functions, and he expressed hope that this is the beginning of a long relationship that will be important for the people of both communities.

Mr. Hilliard noted that this sister city is Kuyalnick Village in Odessa, in southwestern Ukraine. He noted that the village has a population of about 20,000 and is a county seat for the region, and that major industries include agriculture and green tourism. He said that they have expressed a strong interest in opportunities for educational and professional exchanges and partnerships in the areas of agriculture, solar infrastructure, energy efficiency and energy independent projects. He said that they have also recently opened a rehabilitation hospital for the treatment of soldiers. He said that in terms of cultural opportunities for exchange, this village has one of Ukraine's largest borscht festivals, as well as strong pride in its choral traditions.

Adama Ndiaye, International Outreach Director at Green Across the World (and Senegalese resident of Winooski), urged the Council to support this resolution and spoke about the importance of establishing connections to solve problems within communities. She noted that there are a number of Senegalese living in the greater Burlington area who would be very willing to help with this work.

Elhadji Mamadou Ba spoke about his experience living in the Burlington community as an immigrant from Senegal. He said that this sister city relationship is an excellent opportunity for both Thies East and Burlington.

Mayor Weinberger thanked Councilor Dieng for his hard work and effort to establish this sister city relationship, and said that a sister relationship with a city in Africa is long overdue and important.

3. PUBLIC FORUM: TIME CERTAIN: 6:30 PM

3.1. Verbal Comments

Forum opened at 6:27 PM.

COMMENTS:

Burlington residents (in person):

- Jennifer Ely spoke about Burlington's biodiversity, saying that contributing factors include its varied topography of streams and ravines. She said that it is important to preserve wildlife habitat, even at the expense of certain housing development, since the wildlife is providing redeeming qualities to human residents, and she used the example of medium-sized mammals such as foxes keeping the skunk and Lyme-carrying mouse populations in check. She asked that language be included in the new Neighborhood Code that calls out the importance of ravines for wildlife habitats and corridors.
- David Cauley spoke in favor of the Neighborhood Code proposed ordinance. He said that the Neighborhood Code removes significant barriers to "missing middle" housing and he is not afraid that it will result in runaway development. He said that the City will be able to blend the missing middle into the existing neighborhood fabric and that there are still many development and permitting process controls that will remain in place. He said that as a Ward 1 resident, he supports the amendments proposed by Councilor Hightower.
- Joanne Tetla spoke about the Neighborhood Code proposed ordinance, saying she is supportive of it. She said that as a recruiter, it is difficult to recruit top talent to this area when there is a housing crisis, and commended the City Council for starting the conversation about it. She said that the Council should continue to work on this, with a new Council and Administration coming in, as well as refer it to the Ordinance Committee again for further review.
- Michelle Everleth said that she has lived in Burlington for 30 years and that she agrees with the process of ordinance change with the Neighborhood Code proposal, but said that the process should be slowed and does not need to be finished tonight. She said that housing is a priority for Burlington, but said that the City needs to do it in a meaningful way now that its residents are aware of it.
- Janet Kilburn urged the Council to slow down the process for the Neighborhood Code and said that they shouldn't have to go back and fix things where there were unintended consequences. She said that this has been pushed through very quickly and that her neighborhood only became aware of it several weeks ago and that it hasn't been vetted with a lot of diverse public input. She said that they need legislation that ensures that housing will be equitable and affordable, and that the wealthiest areas in Burlington are not allowed to remain low-density. She said that UVM also needs to be part of the solution.
- Romeo van Hermann thanked the outgoing City Councilors (including City Council President Paul) and the Mayor for their contributions to the City.
- Marianne Davis spoke as a resident of the Lakeside neighborhood, expressing concern that new zoning and neighborhood code will change the historic designation of the Lakeside neighborhood. She urged the Council to continue to review the proposed ordinance and its impact on historic neighborhoods prior to passing any changes.
- Laura Hallowell said that the Neighborhood Code is not about gentle infill and incremental change, but represents a massive rezoning of the City, and hands the keys to developers and removes the guardrails that protect its neighborhoods from speculation and overdevelopment. She spoke about the parts of Burlington where density would increase, which are the very parts of Burlington that are so important and hard to find. She said that these small lots with green spaces absorb stormwater, protect the lake, and create beautiful streets and sustainable communities. She urged the Council to support a new neighborhood code that protects these neighborhoods.
- Eric Farrell urged the Council to pass Neighborhood Code without delay, saying that City needs all the housing it can get. He said that though he is a developer and has developed a number of projects in Burlington that aren't the most affordable, the Neighborhood Code is a serious opportunity to provide affordable housing at scale in the City. He said it will also likely roll out more slowly than most people think, that it will evolve, and that there will be plenty of opportunities to tweak the ordinance as needed.
- Kathleen Donahue commended City staff for attempting to address the housing crisis, but said that they need to pause now and work to incorporate feedback from the public in order to make the proposed ordinance stronger, more enduring, and to gain wider support from the public by ensuring that the ordinance meets the needs and addresses the pressures and characters of different neighborhoods. She said that improvements can be made to create better opportunities for affordable homeownership, stable neighborhoods, and that values permanent residents and the green spaces within the City. She asked that the code be sent back to the committee to be modified and strengthened. As a compromise, she asked that Councilor Doherty's amendment #4 be adopted.

- Solveig Overby asked that the Council not approve the current neighborhood code and that they give it to the incoming Council and Ordinance Committee for their consideration. She expressed concern about the potential for predatory real estate and private equity companies buying properties, if property taxes increase this summer. She encouraged the Council to consider this, given that this code will make properties in Burlington much more valuable if density increases are allowed.
- Annie Hallow said that the City needs to study the larger City systems, such as the housing needs, water, parking, and green spaces, as well as the specifics of the proposed Neighborhood Code at the ground level, including the developers and landlords, and loopholes that are taken advantage of. She said that the language should represent the ideal, but also the specifics, so that the City can ensure that whatever passes doesn't have unintended consequences.
- Todd Schlossberg spoke about how two thirds of the population growth in the City since 1990 is accounted for by UVM student growth, without concurrent construction by UVM. He said he is supportive of Neighborhood Code that is equitable and responsible, and that the code cannot leave the largest, wealthiest lots exempt from increased density and expansion. He said that the code cannot place the greatest burdens on the neighborhoods in Wards 1 and 5 that are closest to the campuses that have already borne so much without an effort made by UVM to make up for student increases. He said that this should be sent back to the Planning Commission and Ordinance Committee for further work.
- Andrew LeSturgeon thanked the outgoing Councilors and Mayor for their hard work over the last number of years and Council session.
- Julie Springer said she is supportive of modifying zoning regulation to allow for increased density throughout the City, but urged caution to the Council and Mayor not to move forward with the proposed code as written. She echoed earlier concerns and said that her most pressing concern is keeping green spaces in the City. She spoke about the myriad positive impacts of green spaces in the City, and urged adding a minimum green space requirement to the code.
- Kathy Neilsen said that the push to pass the Neighborhood Code has been a flawed process, saying that it will have a lasting impact for decades to come, and that she and many other residents are only just hearing about it now. She said that what started as moderate upzoning proposal in October has turned into a more radical and far-reaching document by the end of January. She said that this process has resulted in a significant amount of confusion and distress. She urged that the Neighborhood Code be sent back to committee for further work and improvement.
- Nick Persampieri urged the Council to pass the Neighborhood Code tonight without weakening amendments, saying that this is a needed first step to allow for more housing and more affordable housing with increased density. He said that increased density will increase affordability and reduce the emissions of greenhouse gases through reduced transportation emissions.
- Robert Bristow Johnson expressed concern about the loss of institutional memory with the high turnover on City Council next week.
- Lauren Twobey said that affordability and lack of supply are massive barriers to starting a family in Burlington. She said that passing the code is a huge step in making the City more vibrant and affordable, and urged the Council to pass the code tonight.
- Phillip Kieffer urged the Council to pass the Neighborhood Code as written without amendments, except for the wildlife corridor amendments up for consideration tonight. He said that he and others are tired of constant delays in passing meaningful code reforms, citing concerns about misinformation campaigns that are essentially NIMBYism. He said that there have been months of outreach about the code, refuting the claims about lack of public outreach. He said that this isn't a valid reason not to take this first step at reforming discriminatory neighborhood code.
- Lisa Lax said that she supports increasing density in Burlington but that the proposed plan needs to be reconsidered and studied further, given that there has been no study of how this plan would affect the infrastructure in Burlington, or how it would contribute to much-needed affordable housing. She said she hopes the next Council and Mayor engage more with the public to develop a vision for what they want Burlington to look like for the next 10, 20, and 30 years.
- Matthew Premessler expressed support for the Neighborhood Code, saying that though there are concerns with it, there are urgent needs for housing in the City.

- Sam Blackman spoke in support of the Neighborhood Code and passing it without amendments or sending it back to committee. He spoke about how housing prices in Burlington and across the state are extreme, and said that it is an untenable situation. He said that passing the Neighborhood Code tonight is the best way to remedy that situation.
- Ry Sherman urged the Council to pass the Neighborhood Code tonight. He said that Burlington needs new zoning policies to replace outdated policies that have exacerbated the current housing crisis. He said that new policies are needed to build more residential units, which is crucial to provide housing to the City's growing population and reduce reliance on dangerous and environmentally-unfriendly transportation. He said that this is a small but critical step to create more housing in the City.
- Jason Van Dreische spoke about his love for the City and said that he wants people who have arrived after him to be able to live here and enjoy the City, which is what the Neighborhood Code is ultimately about. He said that people who are urging that this process move more slowly are essentially trying to prevent people from moving here. He said that the Council should pass this without amendments.
- Martin Gillies spoke in support for the Neighborhood Code as written, and that it is one of the tools in the City's arsenal to help address the housing crisis. He said that calls for delaying the passage of the ordinance or sending it back to committee bear the mark of privilege.
- Kathy Owell expressed support for more housing, and said that she is supportive of Neighborhood Code. However, she noted that Neighborhood Code is silent on affordability, and affordable housing is ultimately what is needed. She said she would like to see Councilor Doherty's amendments and Councilor Hightower's' amendments passed prior to adoption.
- Caryn Long said that she has stayed informed about the Neighborhood Code since October, but finds it troubling that the January proposal was so different than what was originally proposed in October. She spoke about a petition from residents who are supportive of housing, affordability, and protecting the lake. She said that UVM should provide their own housing, and that more housing needs to be protected for the City's residents. She said that one-size-fits-all is not good zoning, and expressed concern about increased density on very tiny lots.
- Michael Long spoke about Plan BTV's statements to increase density through small, incremental changes. He said that Neighborhood Code increases density 8-to-10-fold, and that this is not small or subtle. He said that Neighborhood Code is illegal under Vermont law. He said that the community is unified in its desire for more housing, but that it is deeply divided over this ordinance.
- Jim Podrasky spoke about the proposed meter increase, and asked how it will be set up, given that there is a lot of public confusion and lack of understanding around it.
- William Morris encouraged the Council to pass the Neighborhood Code without amendments. He said that this type of reform should have been passed 20 years ago to address the evolving and growing City.
- Amy Menten urged the Council to revisit the proposed Neighborhood Code, saying that the City should start small with infill.
- Ron Wanamaker expressed support for more housing, but that the solution to the problem isn't more development. He said that he is also a preservationist, and that the City needs to increase density in a way that doesn't impact the character of the neighborhoods and City that its residents love. He said that sending the proposed code back to committee for revisions is part of the process, saying that there is a lot of room for improvement.
- Janet McDougal spoke about the sidewalk on Cherry Street next to the courthouse, saying that isn't finished and needs to be replaced. She also spoke about an apartment complex on Cherry Street that is being built by SD Ireland.
- Susan Muncrest spoke about the Neighborhood Code and urged the Council to pass it tonight without amendments. She spoke about how projects, such as community gardens, bike lanes and other bicycle infrastructure, is consistently delayed for more review and planning and input from people who are not skilled or understand infrastructure and its development. She said that she trusts that the Council has done its research and encouraged the Council to have confidence in what they have learned and to proceed with this process for updating the Neighborhood Code.

- Doug Viehmann spoke as a resident and architect who has worked with developers, noting that he has studied the Neighborhood Code proposal and determined that it does not make affordable housing, only expensive housing. He said that he submitted written comment that includes proposals for how to make affordable housing through this ordinance. He said that the cost of building new housing in Burlington is such that there is no way to construct new housing that is affordable without some kind of subsidy. He said one of his suggestions is to allow people to build modular housing somewhere within City limits and charge a no-profit rent to use that space. He said that just adding units doesn't bring the cost of housing down, since other costs increase (such as labor and infrastructure).
- Mark Stephenson spoke about the heart and soul of this area as the architecture and space of this place. He said that Burlingtonians live in a tight-knit community, and this community isn't characterized by the cookie-cutter architecture and development that one sees in surrounding communities. He urged the Council to protect the integrity of the City. He said that 40 years ago, the City was dealing with similar issues on vacancy rates, affordability, and tax issues.

Burlington residents (via Zoom):

- Julia Randall spoke as a member of the Planning Commission and a resident of the City. She focused her comments on the fabric of Burlington's neighborhoods. She noted that some have claimed that this neighborhood code proposal will destroy the fabric of Burlington's neighborhoods, and spoke about what makes Burlington's neighborhoods strong, which is its people, and that the City is very quickly losing people. She said that Burlington's intergenerational community fabric is unravelling because there are not enough places for people to live. She said that the Neighborhood Code would be a small step in the right direction, and urged the Council to pass the ordinance.
- Paul Bierman said that the City can protect both housing and the environment, and that they are not mutually exclusive. He spoke a petition from Burlington citizens, which urges the Council to not pass the Neighborhood Code as is and send it back to committee for more public input and improvements. He said that this is not about delay, but about doing this right. He said that improvements could be made to increase affordability, equity, diverse housing options, and the protection of green spaces. He asked the Council to put pressure on UVM, which has created some of the pressures related to the housing crisis.
- Ana Drummond urged the Council to pause on Neighborhood Code and send it back to committee for further consideration and improvements, saying that as written, there will be unintended consequences in that the new code will only benefit developers and investors who can then rent to students at high prices.
- Richard Single asked that the Council postpone voting on the Neighborhood Code until a strong MOU is negotiated with UVM. He said that he supports the underlying ideas of the Neighborhood Code, but that the City needs to first negotiate a strong MOU with UVM, which has contributed to much of the current housing crisis. He expressed concern that as written, the Neighborhood Code would add more housing but have little positive impact for non-student residents. He said that the code could include strong disincentives for adding in housing in the areas around UVM for students, and that the code could also limit infill to only owner-occupied houses.
- Karen Dawson urged the Council to delay the vote on the Neighborhood Code and refer it back to committee for further improvements. She spoke with concern about the proposed development in the Lakeside neighborhood, saying that many residents hadn't heard about it until about three weeks ago.

Non-Burlington residents (in person):

- Keren Sita spoke about the solar eclipse and the presence of God. She also spoke about how people need to treat each other respectfully and allow them to speak the truth.

Forum closed at 7:59 PM.

Mayor Weinberger spoke briefly about his tenure serving the City over the last 12 years. He also acknowledged the work and contributions of the five departing members of the City Council (Councilors Magee, Dieng, Hightower, King, and Paul), as this is their and his last City Council meeting. He thanked them all for their service. Councilors Hightower, King, Magee, Dieng, and Paul also made remarks about their service on the Council, thanking each other, the Mayor, City staff, and their constituents, friends, and families for their work and support during their tenure.

4. CLIMATE EMERGENCY REPORTS

4.1 Verbal Reports

Mayor Weinberger noted that it has been five years since the City adopted the most ambitious climate policy in the country (its net zero energy policy), and he spoke about the number of climate events that have occurred since then. He spoke about the number of activities that Burlington has undertaken and continues to complete in order to attempt to meet its net zero energy goals, including the installation of 2,300 heat pumps and the use of heat pump rebates, hybrid or electric vehicle assistance for qualifying families, and the electrification of the City fleet. He noted that the City is 18% below its 2018 emission levels. He said that with pioneering policy and collective action across the community, it is possible to end our reliance on fossil fuels and save Vermont families and businesses money at the same time. He said that the City announced a new slate of programs and incentives last week, and encouraged the community to look into them.

5. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

5.1 Verbal Reports

Councilor Doherty spoke about the last Public Safety Committee meeting, at which they received the monthly report-out from Police Chief Murad and Fire Chief LaChance. He noted that Chief LaChance's report showed that the monthly overdose response has decreased dramatically from August through February. While a definitive cause has not been identified, Chief Murad and Chief LaChance both spoke about a number of law enforcement activities against out-of-state drug dealers who were supplying the community with xylazine, which is more resistant to Narcan and other overdose prevention drugs. He said that there is speculation that there might be some connection between those enforcement activities and the decline in overdose rates in the community.

Mayor Weinberger spoke about the operations of the Cherry Street shelter, noting that it was open for a total of 10 days. He said that there was very little communication with local communities before the opening of the shelter, and that the City only had about 72 hours of notice prior to its opening. He said that it remained open and was well-used during the winter storm that hit the City this past weekend. He noted that the City had previously advocated for the establishment of a permanent additional shelter at that location in the spring of 2023, and said that he believes it is still needed. He said that without an additional facility, he is concerned about the possibility of a difficult summer with unprecedented levels of unsheltered homelessness. He said that Burlington has been a good local partner in finding alternative shelter options, but said that the burden of this cannot all fall to the City to take action and that the City needs state support.

Mayor Weinberger additionally noted that the Opioid Settlement Advisory Committee also met today, saying that it decided to issue a letter to the legislature endorsed by the Committee to recommend the funding of overdose prevention sites and the use of settlement dollars to fund those sites. He spoke about the importance of using settlement dollars in this way, rather than funding overdose prevention sites through a new or increased tax. He said that the public would likely be more comfortable funding these controversial sites through the use of targeted, restricted funding from opioid settlements than through tax dollars. He also said that the Governor is likely to veto legislation related to overdose prevention sites, as he is not supportive of increased taxes, and funding them through settlement dollars would decrease the likelihood of a veto on those grounds.

Mayor Weinberger finally noted that the City has not heard back yet on whether the state will make funding available for the methadone dosing unit that the City would like to open in downtown Burlington in partnership with the Howard Center. He urged the next Administration and City Council to continue to advocate for this.

Councilor Grant noted that she attended last Thursday's Ward 5 NPA meeting along with a resident of Decker Towers and a community member who has been involved in helping the residents of Decker Tower. She said that they had a discussion about mutual aid in the community and that once the security issues are under control, there could be some improvements made to the building itself. She said that the residents would like to do most of the work themselves, but that they could use donations of art or sweat equity. She said that the Council and community need to look deeper at these issues and ensure it is doing all it can to help both the Police Department and the Fire Department.

6. CONSENT AGENDA

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

6.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

6.3 Communication: R. Marcus West, re: "Smart Enough" Women In Politics And A Test Of Cognitive Function – waive the reading and place the communication on file.

6.4 Communication: Solveig Overby, Burlington, Ward 2, re: Public Forum, City Council Meeting, 3/11/2024 – waive the reading and place the communication on file.

6.5 Communication: Caryn Long, re: Neighborhood Code in Action – waive the reading and place the communication on file.

6.6 Communication: Lakeside Neighborhood Letter – waive the reading and place the communication on file.

6.7 Communication: Kathleen, re: Abusive surveillance cameras – waive the reading and place the communication on file.

6.8 Communication: Kathy & Bill Neilsen; Amy Demarest & Fred Magdoff, re: Please add to your records - Neighborhood Code document – waive the reading and place the communication on file.

6.9 Parking Facilities Fund FY'24 Budget Amendment for Credit Card Service Charges – DPW – approve the attached FY24 Parking Facilities Fund budget amendment dated March 18, 2024.

6.10 Request to execute a Lease Agreement with the Burlington School District for the use of the "South Hangar" as the new home of aviation-oriented education at the Burlington Technical Center – Airport - approve and authorize the leasing of certain identified space, the so-called South Hangar building located at 200 Da Vinci Drive, at the Patrick Leahy Burlington International Airport to the Burlington School District, and to authorize the Mayor of Burlington to execute the lease agreement, subject to final review and approval by the City Attorney's Office.

6.11 CY24 Paving Contract – DPW - 1. Approve and authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds from the above-referenced funding sources, as further detailed in the attached CY24 paving project budget, as needed to a total of \$1,027,573.00 for the projected construction costs to complete the CY24 Paving Project; 2. Approve and authorize the Director of Public Works, or their designee, to execute a construction contract with Engineers Construction Inc. for the CY24 Paving Project in the amount of \$1,027,573.00, with an additional \$289,628.00 in contingency funds, equaling a total authorized expenditure of \$1,317,201.00, subject to the final review and approval by the Office of the City Attorney.

6.12 Contract Renewal for Continuing Engagement with Burlington Telecom – I&T – approve and authorize the Chief Innovation Officer to execute a five-year contract with Burlington Telecom to provide high-speed internet and phone services in an amount not to exceed a total contract value of \$4,000,000, subject to review and approval by the City Attorney's Office.

6.13 Contract for UKG Payroll and Human Resources Software – HR/I&T - approve and authorize the Director of Human Resources and/or the Chief Innovation Officer to execute a three-year contract with UKG to provide payroll and human resources information technology services

for a total contract value not to exceed \$550,000 (including \$38,000 for implementation and system migration services), subject to review and approval by the City Attorney's Office.

6.14 Contract for TylerTech FireCAD Cloud Migration – Fire/I&T - approve and authorize the Fire Chief and/or the Chief Innovation Officer to execute a three-year contract with TylerTech to provide cloud based FireCAD services for a total contract value not to exceed \$385,000 (including \$75,000 for implementation and system migration services and three years of an annual software and hosting cost of \$89,500), subject to review and approval by the City Attorney's Office.

6.15 Conservation Legacy Fund Request – Open Space Plan Re-Write – DPI - approve up to \$100,000 in Conservation Legacy Fund monies for a comprehensive rewrite of the Open Space Plan as recommended by the Conservation Board and Parks Commission.

6.16 Authorization for a Budget Amendment for Emergency Phase of Sewer Siphon Break Response – DPW – Water Resources - 1. To approve a budget amendment totaling \$50,331.51 of expenses and revenues to the Wastewater Capital Fund 862 by increasing the accounts as described in Table 2 of this memo; and 2. To authorize the use of Fund 480 fund balance and approve an expense budget amendment of \$259,194.44 to the Wastewater Fund 480 by increasing the accounts described in Table 3 of this memo.

6.17 Champlain Street Park Renovations, Contract Amendments – BPRW - approve and authorize the execution of a contract amendment in the additional amount of \$19,950.00 with Waterman Siteworks, LLC, for a contract value not to exceed \$183,794.00 for the Champlain Street Park Renovations Construction project, plus a contingency of \$15,481.09, for a total authorized expenditure not to exceed \$199,275.09; and, to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract amendment and any related documents needed to carry out the project, subject to review by the City Attorney's Office

6.18 Conservation Legacy Fund Discussion – Arms Park Connection to Greenway – BPRW - take the following actions with respect to the Department of Parks and Recreation: To approve and authorize City Council the use of the Conservation Legacy Fund, in the amount of \$101,975, towards improved access, connectivity and amenities in Arms Park from the Burlington Greenway through the newly acquired Elks Property.

6.19 Request to Execute a Contract and Property Use Agreement with Friends of the FRAME – CEDO - approve and authorize the Director of the Community & Economic Development Office to enter into a Property Use Agreement and Contract with Friends of the FRAME for the purposes of ongoing collaboration, activation of the site and development of a Phase 2 capital strategy, with a maximum limiting amount of \$105,000, subject to final review and approval of the City Attorney's Office.

6.20 Indoor and Outdoor Entertainment Permit Renewals (2024-2025): see attached list – approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.

6.21 Special Event Outdoor Entertainment Permit Application (three days only): BCA, City's eclipse event, April 6 - 8, 2024, Various Hours and Locations - approve the three day only special event outdoor entertainment permit application for BCA, City's eclipse event, April 6 -- 8, 2024, Various Hours and Locations.

6.22 Special Event Indoor and Outdoor Entertainment Permit Application (two days only): Zero Gravity, 716 Pine Street, May 25-26, 2024 - approve the two day only special event indoor and outdoor entertainment permit application for Zero Gravity, 716 Pine Street, May 25 - 26, 2024.

6.23 Tobacco License and Tobacco Substitute Endorsement Renewals (2024-2025): see attached list - approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.

6.24 Assessor's office final grand list reports – City Assessor – approve the corrections as presented.

6.25 Communication: Richard Single, re: Neighborhood Code & UVM-MOU need to be considered jointly - waive the reading and place the communication on file.

6.26 Communication: Sharon Bushor, re: Neighborhood Code - waive the reading and place the communication on file.

6.27 Communication: Michael Long, re: Neighborhood Code: Please Return to Committee for Necessary Revisions - waive the reading and place the communication on file.

6.28 Communication: Tom & Diane Freiheit, re: Neighborhood Code to be sent back to committee - waive the reading and place the communication on file.

6.29 Communication: Ashton MacKenzie, re: In support of the Neighborhood Code - waive the reading and place the communication on file.

6.30 Communication: Jason Van Driesche, re: support the Neighborhood Code - waive the reading and place the communication on file.

6.31 Communication: Caryn Long, re: Save Our Neighborhoods - waive the reading and place the communication on file.

6.32 Communication: Kate Kruesi, re: Please support the Neighborhood Code as proposed - waive the reading and place the communication on file.

6.33 Communication: Lorinda Button, re: Neighborhood Code – vote yes! - waive the reading and place the communication on file.

6.34 Communication: Paul Bierman, re: Petition – waive the reading and place the communication on file.

6.35 CityPlace Burlington – Encumbrance Application – Bank and Cherry Street Right-of-Way – DPW - approve and authorize the Second Amendment to the Construction Encumbrance License Agreement between the City and CityPlace Partners, dated October 2022, requesting to extend the term date to expire April 1, 2025, and to further recommend that the City Council authorize the Mayor to enter into a Second Amendment of the License Agreement with the Applicant for use of the right-of-way outlined in Attachment E, subject to review by the City Attorney's Office.

6.36 Request to Execute a Contract with Utile for the South End Coordinated Redevelopment Public Realm Design – CEDO - approve and authorize the Director of the Community & Economic Development Office to execute the contract with Utile for the design of the public realm elements of the South End Coordinated Redevelopment, with a cost up to \$133,000 subject to final review and approval by the City Attorney's Office.

6.37 Department of Public Works – Main Street and Winooski Ave Parking Lot – Encumbrance Permit Request – DPW - approve the Encumbrance Application for the parking lot located at the intersection of Main Street and S. Winooski Ave requesting use of the lot and parking spaces for construction activities and equipment staging, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

6.38 Communication: C/T Office, re: February 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.39 Communication: C/T Office, re: February 12, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.40 Communication: C/T Office, re: February 12, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.41 Communication: C/T Office, re: February 12, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.42 Communication: C/T Office, re: February 26, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.43 Communication: C/T Office, re: February 26, 2024 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.44 Communication: C/T Office, re: February 26, 2024 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 15, 2024 Regular City Council Meeting.

6.45 Communication: Douglas R. Viehmann, re: Proposed Neighborhood Code – waive the reading and place the communication on file.

6.46 Communication: Evan Litwin, Housing Board of Review, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Evan Litwin thanking him for his time served as a member of the Housing Board of Review.

6.47 FIO Documents – for information only.

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

6.49 Resolution: Creation Of A Sister City Relationship Between The City Of Burlington And Thies East Senegal (Councilors Dieng, Traverse, Bergman, Paul, Shannon, Barlow, Carpenter, Grant, Doherty, King) – waive the reading and adopt the resolution.

6.50 Resolution: Establishing A Sister City Relationship With The Kuyalnick Community Of Ukraine (Councilors Traverse, Paul, Doherty, Barlow, Carpenter, King, Shannon) – waive the reading and adopt the resolution.

6.51. Communication: Mary Gade, re: Neighborhood Code - waive the reading and place the communication on file.

6.52 Communication: Michael Long, re: Neighborhood Code: Send It Back to the Drawing Board - waive the reading and place the communication on file.

6.53 Communication: Kason Hudman, re: Support for Neighborhood Code Change - waive the reading and place the communication on file.

6.54 Communication: Evan Gould, re: Neighborhood Code Support Petition - waive the reading and place the communication on file.

6.55 Communication: Ry Sherman, re: Please Pass the Neighborhood Code on Monday! - waive the reading and place the communication on file.

6.56 Communication: Jak Tiano, re: Assessment of and Support for the Neighborhood Code - waive the reading and place the communication on file.

6.57 Communication: Jake Twarog, re: Fwd: Neighborhood Code Must Pass! - waive the reading and place the communication on file.

6.58 Communication: Colin Larsen, re: 3/25 Comments: Support the Neighborhood Code - waive the reading and place the communication on file.

6.59 Communication: Midori Little, re: Please pass the Neighborhood Code for a sustainable future in Vermont - waive the reading and place the communication on file.

6.60 Communication: Benjamin Cooley, re: Please pass Neighborhood Code - waive the reading and place the communication on file.

6.61 Communication: Ashley Dembinski, re: Support for Neighborhood Code - waive the reading and place the communication on file.

6.62 Communication: Chris Yuen, re: In support of Neighborhood Code - waive the reading and place the communication on file.

6.63 Communication: Tim Stevens, re: Support for Neighborhood Code - waive the reading and place the communication on file.

6.64 Communication: Evan Gould, re: Support for the Neighborhood Code (Responses) - Form Responses 1-2.pdf - waive the reading and place the communication on file.

6.65 Communication: Paul Bierman, re: Petition with 303 signatures to send Neighborhood Code back to Committee for refinement - waive the reading and place the communication on file.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.65.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Indoor Entertainment Permit Application (2024-2025): Taco Gordo, 208 North Winooski Avenue

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2024-2025 Indoor Entertainment Permit Application for Taco Gordo, 208 North Winooski Avenue with all standard conditions.

VOTING: unanimous; motion carries.

7.2 Indoor Entertainment Permit Application (2024-2025): Tank Studio, Inc. (Tank Recording Studio), 322 North Winooski Avenue

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2024-2025 Indoor Entertainment Permit Application for Tank Studio, Inc. (Tank Recording Studio), 322 North Winooski Avenue with all standard conditions.

VOTING: unanimous; motion carries.

7.3 Resolution: Green Mountain Transit Funding (TEUC)

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

DISCUSSION:

- Councilor Barlow said that this a topic that the TEUC has taken up for two years in a row, and that sustainable funding for GMT is particularly significant now that GMT is facing a fiscal cliff. He said that in Fiscal Year 2026, GMT will have a significant shortfall and that the only way they have to address it without securing additional funding is to cut 29% of their service. He said that the TEUC has been working with the legislative delegation to support ideas on how to make funding more sustainable.
- Clayton Clark, the General Manager of GMT, noted that urban transit and public transit systems across the country are struggling, and cost pressures have been amplified by the pandemic. He said that costs have increased by 34%, despite a 10% reduction in service and a 19% reduction in administrative staffing. He noted that COVID relief funding will sunset in Fiscal Year 2026, and that with an already-lean budget, GMT doesn't have the room to cut anything other than service. He noted that the 20% match rate that Burlington provides to GMT shows its commitment to public transit and the social and climate equity that it provides.
- Director Spencer said that it is incumbent on the Burlington community to lead in this action, as other municipalities have signaled that they will follow suit.
- Councilor Bergman said that said he is proud of the work that the TEUC and this Council to bring awareness of GMT's plight to Montpelier. He said that with Neighborhood Code and increased density, the City must have a vibrant and healthy public transit system.
- Councilor Hightower spoke about the high level of service and consistent schedules of the bus system, and said that she is supportive of the Council taking strong action to support GMT.
- Councilor Carpenter spoke in support of this resolution, saying that there are some potential solutions on the table, such as a tax on a driver's license, or increased rental car fees. She said she hopes that all potential viable solutions are considered, as Chittenden County needs public transit and to find a solution to this funding issue.

VOTING: unanimous; motion carries.

7.4 Resolution: Housing Trust Fund (HTF) Administrative Updates (Councilors Carpenter, Magee)

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

DISCUSSION:

- Councilor Magee said that this resolution acknowledges both the housing crisis and the depleted federal resources that had previously been used to continue to support the City's housing initiatives, and that the City needs to adapt and

figure out how to support some of these initiatives moving forward. He said that with additional revenue sources going toward the City's Housing Trust Fund, this is an appropriate time to explore this change.

- Director Pine said that this seeks the Council's approve to do two things: firstly, to approve the ability for CEDO to use the administrative component of the Housing Trust Fund (i.e., staff) for services related to those experiencing homelessness, and secondly, to refer an item to the Ordinance Committee for the ability to use trust fund dollars more flexibly, since they are currently restricted to be put toward permanent, affordable housing (and shelters are not permanent).
- Mayor Weinberger said that he is sympathetic to the ideal of using the Housing Trust Fund to support permanent affordable housing, but that the City is completely overwhelmed in terms of its housing needs. He noted that the vacancy rate has been under 1% for years and that the City does not have adequate shelter capacity, despite having opened three new shelters in the community. He said that in the short term, the City needs to put staff and funding resources into shelter in a way that is not currently allowed under the Housing Trust Fund Ordinance. He said that the Special Assistant to End Homelessness position was created and funded through federal dollars, which are sunseting, and that the Housing Trust Fund is well-funded and will be for years to come, in part due to the short-term rental revenue that is now being generated, through action taken by this Council.
- Councilor Carpenter said that as an advocate of the Housing Trust Fund, this is a change that is needed at this point in time and is absolutely critical. She agreed that further administrative support for human services is also something that constituents have cited as a continued need in the City, to better coordinate with the State's Agency of Human Services.
- Councilor Hightower expressed support for this, and for diverting a higher proportion of Housing Trust Fund specifically toward supporting people who are experiencing homelessness and prioritizing permanent shelter for those who are experiencing homelessness.
- Councilor Dieng asked about feedback from the recipients of this funding. Director Pine replied that they receive applicants for this funding for brick and mortar construction costs, as well as request for operating funds to provide capacity grants. He said that the administrative component of this would ensure that the City can bolster its capacity to continue administer grants through this program.

VOTING: unanimous; motion carries.

7.5 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant for design, construction manager at risk coordination and selection, pricing, construction, inspection, and construction of the North Concourse Replacement Project "Project NEXT" – Airport

MOTION by Councilor Carpenter, SECOND by Councilor King, to approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration to accept an amount up to \$34,000,000.00, with a 15% contingency, totaling up to \$39,100,000.00, as allowed under the grant, for design, construction manager at risk coordination and selection, pricing, construction inspection and construction of the North Concourse Replacement Project "Project Next", subject to review and approval by the City Attorney's Office.

DISCUSSION:

- Aviation Director Longo began by saying that this is a request to accept a large Federal Aviation Administration grant to accomplish a number of things. He said that first and foremost, this includes the safety of the airport, given that the airport needs to accommodate larger aircraft landing and approaching the gates, and that they need more space adjacent to gates and more room inside the terminals to handle this increased volume of passengers.
- Councilor Barlow expressed support for this, saying that it is a good addition to BTV.

- **Councilor Bergman said that Airport staff are attending tomorrow night's TEUC meeting and presenting their airport emissions report, noting the importance of considerations on getting a handle on airport emissions as an important component of combating the climate crisis.**
- **Councilor Dieng expressed thanks to the airport and its staff for their continued ability to secure federal dollars for the Burlington International Airport, as well as their ability to run the airport with an eye to climate change and climate change innovation and technology.**
- **Mayor Weinberger noted that this grant would not have been possible without the support of former Senator Leahy, given that this is a Congressionally directed spending item.**

VOTING: unanimous; motion carries.

7.6 Public Hearing Regarding ZA-24-02 Neighborhood Code/ZA-24-02 Neighborhood Code Amendments 1-6
City Council President Paul opened the public hearing.

COMMENTS:

- Colin Hilliard spoke as the Deputy Director of the Burlington Business Association, saying that the BBA supports the Neighborhood Code proposal. He said that his organization represents businesses across Burlington, the majority of which will say that affordable housing and diverse housing types are critical to moving Burlington forward. He urged the Council to pass the zoning amendment as is tonight. He spoke about the number of public engagement opportunities on this proposal that he has attended since 2022, and said that this zoning amendment is critical to retaining younger residents and renters in the City. He noted that when Minneapolis passed zoning amendments to target missing middle housing, it allowed the City to evolve.
- Peter Lachowski said that the City needs affordable housing, and that to get that, a policy intervention at the State and City level are needed. He said that this amendment will allow a great deal of money to be made, and that the City can get a much better deal out of that if it uses its leverage now to negotiate a situation where more affordable housing is made. He said that if the proposal passes tonight, the negotiating power of the next administration and City Council will be significantly weakened.
- Jean Heller urged the Council to send this proposal back to committee to be worked on further. She pointed out that upzoning creates value for developers and landowners, and that it is the City's job and right to get the best deal out of it for its residents. She said that the City can make a better deal than the deal currently on the table, and that one of the problems with the current proposal is that there is nothing specific in it to link it to some kind of inclusionary zoning. She said that UVM is also likely eagerly awaiting the passage of this, because it wants the City to house its students, and the City simply cannot do that anymore.
- Evan Gould noted others' comments that the current proposal does not include affordability, but he pointed out that the City's Comprehensive Development Ordinance includes provisions for inclusionary zoning, noting that inclusionary zoning is triggered in aggregate and across developments by a single developer, if they build five or more units. He spoke about the Wright Avenue proposal as the type of housing that the Neighborhood Code is supposed to enable. He urged the Council to pass the proposal tonight.
- Colin Larson said that there is a misconception about existing lot coverage in the City, saying that if the City were razed and built to today's current code standards, the City would have significantly less housing than it does now, particularly in the Old North End. He said that in some neighborhoods, over 55% of the buildings already exceed lot coverage limits according to current standards. He said that it isn't accurate to say that this is a huge departure from what has historically been built in Burlington. He said that downzoning in both 1973 and 1994 created the single-family housing that the City has today and reduced flexibility to account for future growth, which is why the City is in its current predicament. He urged the Council to pass the Neighborhood Code tonight.
- Gordon Dagoon spoke about a number of articles in the late 1970s that were critical of the creation of a pedestrian Church Street Marketplace, saying that the current critics of the Neighborhood Code seem similar. He said that sending the proposal back to

committee would only allow the housing crisis to fester for another 6 to 12 months and then result in a proposal very much like the current proposal. He urged the Council to have confidence in the City's Planning Department and to support the proposal on the table tonight.

- Mary Kehoe urged the Council to follow process as much as possible. She noted that many community members have felt as though there hasn't been enough public process, and that it is important to give people this process and the confidence that things have been done correctly. She urged the Council to refer this back to the committee for further input.
- Ryan Frink spoke about his neighborhood in the New North End, saying that many of the affordable units and developments wouldn't be allowed to be built under current regulations. He said that the City needs to roll back some of these very tight zoning restrictions to allow for more affordable housing development. He urged the City to pass the Neighborhood Code tonight, as the first of many steps to strengthen social housing.
- Dan Castrigano urged the Council to pass the Neighborhood Code, given the urgency of the housing crisis. He said that though it is not equitable, the current regulations are even less equitable.
- Tim Stevens said that the City needs to do as much as it can to improve housing availability in the City. He said that though affordable housing isn't within the scope of this proposal, by increasing supply of housing and relying on the City's inclusionary zoning requirements, the City will realize more affordable housing over time. He noted that Champlain Housing Trust and other nonprofit developers will be able to take advantage of this amendment just as well as for-profit developers.
- Marek Broderick spoke in support of passing the Neighborhood Code. He said that he supports making residential medium the floor for density in the City, as well as Councilor Traverse's amendments. He also agreed with arguments around equity concerns, and urged the Council not to carve neighborhoods out of the ordinance, because that sets dangerous and inequitable precedents.
- Jak Tiano said that sending the code back to committee would be a mistake for two reasons: one, that most of the objections raised are external to the code itself and are rooted in falsehoods, and many of the biggest oversights are already mitigated by existing ordinances and are mitigated well; the second, that slowing down the process to hear every objection and try to anticipate them all will only lead to unfocused, watered-down policy.
- Erhard Mahnke urged the Council to refer this back to committee, or, barring that, to pass it with amendments as presented tonight and postpone portions of it for six months so that it can be further worked on and improved. He said that upzoning is a good solution, but that this proposal goes too far too quickly.
- Michael Monte said that the Neighborhood Code embraces economic development, social equity, and environmental justice. He said that this proposal won't solve the housing crisis or create affordable housing automatically, but it will create the opportunity to create a variety of housing that is currently missing. He urged the Council to pass the proposal tonight and make adjustments down the road as needed.
- Andy Montroll said that over the last 30 years, housing has not worked for so many people in the community. He said that what has struck him during this conversation about the Neighborhood Code is the difference in voices and the difference in the generational voices that have been heard, noting that younger residents have said that Burlington housing doesn't meet their needs. He said that the Neighborhood Code is intended to ensure housing that works in Burlington for the generations to come.
- Lee Morrigan spoke in support of the Neighborhood Code, saying that Burlington is the first city they have lived in that people who grew up here can't afford to live here. They said that the City is at the convergence of multiple crises, and one of the solutions is more housing. They said that the type of building that needs to occur will require a cultural shift on how the City examines its systems as a whole, and particularly how it looks at sociological changes.
- Sharon Bushor (via Zoom) said that spoke about the missing middle housing, saying that what is still missing is the inclusion of affordable units, as well as an incentive to create family housing. She said that the Neighborhood Code should also include a commitment to the lake and to the environment, as well as a validation of the data that was compiled for this proposal. She said that

there was also not adequate time for public input. She urged the Council to postpone action on this but to still take action on it during 2024.

- Ashley Adams (via Zoom) expressed support for the Neighborhood Code proposal, saying that it is the most viable path for solving the City's housing crisis and homelessness problems. She said it is important to also recognize this as an important piece of climate legislation, as it increases density within City limits and would reduce greenhouse gas emissions from cars as fewer people would need to commute within the City. She expressed support for amendment 3, which would support and preserve the wildlife habitat.
- Carlos Esquivel (via Zoom) spoke in favor of the Neighborhood Code, saying that the City needs more density to be more environmentally friendly.
- Michael Arnold urged the Council to vote in support of the Neighborhood Code proposal. He noted that exclusionary zoning plays an exacerbating role in almost every crisis the State is facing, such as the housing shortage, homelessness rate, climate crisis, and racial wealth gap. He also noted that UVM Medical Center paid \$120 million in unexpected costs last year due to wage premiums for travel nurses, in part because current housing codes have made it impossible for them to fill full-time nursing positions.

City Council President Paul closed the public hearing.

7.7 Ordinance: Comprehensive Development Ordinance ZA-24-02 Neighborhood Code, Part 2 (Office of City Planning, Planning Commission, Council Ordinance Committee)(3rd reading)

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, to waive the reading and adopt the ordinance.

DISCUSSION:

- **Councilor Traverse began by acknowledging the housing crisis in Burlington and noting that the Mayor-elect reached out to the Council over the weekend and encouraged the Council to take action tonight on this proposal. He then briefly outlined the various joint meetings between the Planning Commission and Ordinance Committee where this proposal was developed and discussed, and noted that the Office of City Planning held multiple public engagement sessions on this over the last number of months. He noted that this proposal has come to the Council with unanimous support from the Planning Commission, as well as support from affordable housing developers, such as Champlain Housing Trust and Habitat for Humanity. He said that it will allow for new neighborhood-oriented housing opportunities and smaller multi-unit buildings. He said that changes that come from the Neighborhood Code should be incremental, and is designed to preserve the existing characteristics of neighborhoods. He spoke about how regulations would still be in place to allow for development to conform to requirements. He spoke about how people have turned down job opportunities in Burlington due to the housing crunch. He said that he will be supporting amendments that address concerns, and will be introducing an amendment to delay the effective date provisions that would allow for secondary buildings on lots.**

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Doherty, to move the proposed amendments #1 and #2 as listed on the CEDO website.

DISCUSSION OF AMENDMENTS:

- **Councilor Hightower noted that the two amendments are to reduce the lot coverage proposed in RM from 60% to 55% and to reduce the maximum number of units in RM per building from 6 to 4, to allow 8 units instead of 12 units. She acknowledged that the City could have engaged the public better when this proposal was in the Ordinance Committee, but that she thinks that the right balance was struck was this ordinance with these compromise amendments. She said that she supports continued strengthening of the City's inclusionary zoning requirements. She said that allowing smaller**

units is a move forward affordability, and that this proposal allows for smaller units. She also spoke about how increased infill will increase the tax base and decrease everyone's taxes.

- Councilor Bergman expressed support for these amendments, saying that they help improve the RM zones. He said that even with these two amendments, the RM zone is being upzoned (and he is in favor of that), but that in light of the community tension that exists, these amendments are a good compromise.
- Mayor Weinberger said that Burlington is a great small city, but it has problems with high rent, unaffordable housing, and homelessness. He said that tonight represents a chance to fix the broken land use policies of the 70s and 90s. He noted that he included this as part of his Housing Action Plan, and is heartened by the work done on this over the last 2 years. He said that if passed tonight, this represents the first time in 70 years that zoning regulations will make it easier to build housing in Burlington, not more difficult. He urged the Council to pass the Neighborhood Code tonight.

VOTING ON AMENDMENT: 11-1 (Councilor Grant dissenting); motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Doherty, to move proposed amendment #3 as posted on the CEDO website.

DISCUSSION OF AMENDMENT:

- Councilor Hightower said that this is in response to public comments about concerns around fauna hot spots. She said that this would connect the Intervale and Salmon Run to Centennial Woods. She said that this would ensure that that wildlife hot spot and corridor is protected while the City's Planning Office works on a more detailed plan for the protection of wildlife corridors in conjunction with the Parks Department. She said that this amendment would change a section of Colchester Avenue's zoning to include this as a wildlife corridor. She said that she supports the creation and preservation of public green space in the City.
- Councilor Shannon asked if this area is a documented wildlife corridor that is being actively protected in other ways. Director Tuttle replied that this is an interim solution while the City works to more accurately and precisely document wildlife corridors rather than relying on public-reported wildlife sightings.

VOTING ON AMENDMENT: 11-1 (Councilor Grant dissenting); motion carries.

MOTION TO AMEND by Councilor Doherty, SECOND by Councilor Hightower, to move proposed amendment #4 as posted on the CEDO website.

DISCUSSION:

- Councilor Doherty said that this would amend the proposed zoning maps to apply the newly-defined residential low district to the area bounded by North Willard Street, Mansfield Avenue, Archibald Street, and Pearl Street, except for the first 200 feet of depth on properties with frontage on Pearl Street between North Willard and North Prospect Streets, because these are in the proposed residential corridor district. He said that a 1% vacancy rate is unacceptable and has a negative and perverse impact on every point of the socioeconomic spectrum in Burlington. He said that the Neighborhood Code is a much-needed effort to address the City's housing crisis, though he does not agree with the end results of this process tonight. He said that many members of the community have raised concerns about the process by which this proposal was developed, and features of the code, such as parking, water, wildlife, and affordability, which he thinks all warrant more consideration. He said that the most significant issue that isn't addressed in this code is the incredible pressure this community faces from undergraduate student housing needs. He said that the crisis has been

exacerbated by the failure of UVM to build student housing commensurate with its enrollment increases. He said that this amendment was made to address that some neighborhoods bear this burden more than others.

- Councilor Hightower said she would be supporting this amendment, though she does not normally agree with carving certain neighborhoods out of zoning regulations. She said that this section of the City in question currently has some of the highest numbers of students and that it deserves special treatment until the City figures out a better relationship with UVM.
- Councilor Grant said that amendments 1 and 2 eliminate the need for amendment 4. She said she understands the stresses that her Ward 1 neighbors are under, because the concerns of the Old North End are also very similar to the concerns that Ward 1 has. She said that there is a mass exodus of people in their late twenties and early thirties leaving Burlington, and that the generational disagreements in how this code is being looked at is interesting to her. She said that there are pressures on the Old North End, Ward 5, and Ward 8, because these include neighborhoods closest to UVM and UVMMC, which are the biggest employers in the state. She said that while this code can't control capitalism, it can help improve the supply side of the housing market. She spoke about the misperception that UVM students are all wealthy, and shared statistics about wealth levels of off-campus students. She said that she cannot support carve-outs in the Neighborhood Code.
- Councilor Traverse expressed support for this amendment, though reluctantly. He said that 68% of the lots in these neighborhoods already exceed RL density, so they wouldn't qualify for any further buildout.
- Councilor Dieng said that this carve-out issue is what will water down this amendment, and he cannot support it.
- Councilor Shannon said she identified this neighborhood as one she is concerned about, knowing the pressures especially around absentee landlords. She said there are misperceptions about what the change from RM to RL really means. She said that people think this means that there won't be dramatic changes allowed in an RL neighborhood, but in fact Neighborhood Code dramatically changes RL. She said that in this neighborhood, one would still be able to take a single-family home and turn it into a four-plex, and, if the lot is big enough, be able to have more accessory lot coverage. She said that this amendment doesn't make a big change, and she will support it.
- Councilor King expressed support for this amendment.
- Councilor Grant said that these neighborhoods would further benefit from an executed MOU with UVM, but that the City does not have that and doesn't know when it will.

VOTING ON AMENDMENT: 8-4 (Councilors Bergman, Dieng, Grant, and Magee dissenting); motion carries.

MOTION by Councilor Magee, SECOND by Councilor Bergman, to suspend the rules and complete the remainder of the deliberative agenda.

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Grant, SECOND by Councilor Bergman, to move the amendment #5 as listed.

DISCUSSION:

- Councilor Grant said that this amendment relates to addressing equity issues. She said that there are sections of the South End and New North End that are being exempt from the RM density within the Neighborhood Code. She said that these are areas that have the most potential for growth, but would be carved out from this increased density classification. She said that this amendment would make RM density the floor or minimum for the entire City.

- Councilor Bergman said that he has been pushing for the removal of RL as a density classification in the City for the last two years. He said that RM should be the standard for the City, and upzoning the entire City is the most equitable thing to do.
- Councilor Shannon said that this proposal would upzone the entire City without a doubt, with or without this amendment. She said that these zoning changes could be windfalls for those who live in RL zones.
- Councilor Doherty disagreed that equity equates to treating all neighborhoods the same. He said that one goal of the Neighborhood Code was to recognize the unique situations and pressures for each diverse neighborhood.
- Councilor Traverse said that now that action has been taken to amend the code to allow up to 8 units in RM and RL, the largest difference between the two is their maximum lot coverage requirements.
- Councilor Grant said that though this upzoning could result in windfalls for property owners, there are no windfalls for renters, and that is an equity issue.

VOTING: 5-7 (Councilors Barlow, Carpenter, Doherty, King, Shannon, Traverse, and Paul dissenting); motion fails.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Magee, to move amendment #6 as listed.

DISCUSSION:

- Councilor Traverse said that this amendment would add language to the City's Development Ordinance to allow the City the right to deny a property owner a building permit if they have outstanding unresolved minimum housing violations.

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Shannon, to move amendment #7, which would take the amendments of the Neighborhood Code that allow for a secondary structure within the RL and RM zones to be effective on October 1, 2024.

DISCUSSION:

- Councilor Traverse said that this addresses concerns by constituents about some of the current Neighborhood Code language around secondary buildings, and will allow the Planning Commission to work on improving the language around this in the ordinance prior to this component going into effect.
- Councilor Shannon said that she has been opposed to the process around developing this Neighborhood Code and fast-tracking its development and approval, given that she feels that further public input and support are warranted. She said that this compromise amendment allows her to support this full package, and allows the City to continue to review a number of the issues that have come up tonight and at other public forums around this proposal.
- Councilor Doherty expressed support for this amendment, as a compromise between passing the Neighborhood Code tonight and sending the entire proposal back to Committee.
- Councilor Hightower said that she will gladly support this compromise amendment.

VOTING: 10-2 (Councilors Grant, and Magee dissenting); motion carries.

DISCUSSION ON ORDINANCE AS AMENDED:

- Councilor Bergman noted that there are still a number of areas identified for further work by the Ordinance Committee, including around affordability, wildlife corridors, parking, green space, infrastructure impacts, and solar orientation. He asked the Planning Office what the process will look like for continued work on these areas in the context of the

Neighborhood Code. Planning Director Tuttle replied that there are likely to be several different processes that will follow this work. She noted that this is currently Part 1 of the Neighborhood Code proposal, and Part 2 will include work on the cottage courts and other issues identified, such as above. She said that she will be happy to work with the Planning Commission and Ordinance Committee on an approach for next steps on this work.

- Councilor Dieng expressed support for this package of amendments.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (12 ayes, 0 nays); motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports
None.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. MAYOR – GENERAL AFFAIRS

11.1. Verbal reports
None.

12. ADJOURNMENT

12.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:07 PM.

RScty: AACoonradt