City Council Meeting

Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage

Please click the link below to join the webinar:
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To participate in Public Forum in person, sign up at the meeting.
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https://www.burlingtonvt.gov/citycouncil/publicforum
*****ONLINE closes one hour prior to the beginning of public forum*****

Do not sign up in person and via Zoom - select one only

1. Agenda

Subject	**1.1. Motion to amend/adopt agenda**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: remove from the consent agenda item 6.16. Downtown Transit Center Property Use Agreement for Flixbus Inc. - DPW (per DPW Director Spencer)

2. Public Forum: Time Certain: 6:00 pm **See above for signup instructions**

Subject	**2.1. Verbal Comments**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	2. Public Forum: Time Certain: 6:00 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

3. Working Session with Burlington School Board on BHS/BTC Update, FY26 Budget, and Public and Community Safety (90 mins.)

Subject	**3.1. Working Session with Burlington School Board on BHS/BTC Update, FY26 Budget, and Public and Community Safety (90 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	3. Working Session with Burlington School Board on BHS/BTC Update, FY26 Budget, and Public and Community Safety (90 mins.)
Department	Burlington School District
Type	Information Presentation

4. Climate Emergency Reports (5 - 10 mins.)

Subject	**4.1. Verbal reports**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	4. Climate Emergency Reports (5 - 10 mins.)
Department	Council and Board
Type	Information

5. Public Health & Safety Emergency Updates (5-10 mins.)

Subject	**5.1. Verbal reports**

Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	5. Public Health & Safety Emergency Updates (5-10 mins.)
Department	Council and Board
Type	Information

6. Consent Agenda

Subject	**6.1. Motion to adopt the consent agenda (as amended) and take the actions indicated**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda (as amended) and take the actions indicated
Subject	**6.2. Accountability List - C/T**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	**6.3. April 29, 2024 Special City Council Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Minutes Communication
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.4. April 29, 2024 Special Local Control Commission Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.5. May 6, 2024 Regular City Council Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.6. May 6, 2024 Local Control Commission Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.7. May 20, 2024 Regular City Council Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.8. May 20, 2024 Local Control Commission Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.9. June 3, 2024 Regular City Council Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.10. June 3, 2024 Local Control Commission Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.11. June 10, 2024 City Council With Mayor Presiding Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.12. June 10, 2024 Regular City Council Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.13. June 10, 2024 Local Control Commission Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.14. June 24, 2024 Regular City Council Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.15. June 24, 2024 Local Control Commission Meeting Minutes, Draft**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting
Subject	**6.16. Downtown Transit Center Property Use Agreement for Flixbus Inc. - DPW **AGENDA ITEM REMOVED****
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve and authorize Mayor Emma Mulvaney-Stanak to execute the Property Use Agreement for use of the Downtown Transit Center by Flixbus Inc., subject to the review and approval of the City Attorney's Office
Subject	**6.17. Water Treatment Plant Elevator Modernization Agreement Authorization to Execute Contract with Mack Brothers Elevator - DPW/Water Resources**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	1. To approve and authorize the Director of Public Works to execute a Construction Contract with Mack Brothers Elevator with a maximum limiting amount of $180,000, subject to review and approval by the City Attorney. 2. To approve and authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments in substantial conformance with the attached budget transfer request.
Subject	**6.18. Board of Assessors Commission Report**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Assessor's Office
Type	Action (Consent) Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	**6.19. Recommendation to the Board of Finance to Accept and Execute a contract in the amount of $94,000 dollars with a 15% contingency with ECI (Engineers Construction Inc) for the MIll & Overlay of Aviation Avenue and Eagle Drive - Airport**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney’s Office
Subject	**6.20. Special Event Outdoor Entertainment Permit Application (one day only); Switchback Brewing Company, 160 Flynn Avenue, lawn on brewery property, Saturday, July 27, 2024, 12 pm - 6 pm**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for Switchback Brewing Company, 160 Flynn Avenue, lawn on brewery property, Saturday, July 27, 2024, 12 pm - 6 pm
Subject	**6.21. 180 Battery Street - Outdoor Seating Encumbrance Permit Application - Kismet Kitchen - DPW**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda

Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Kismet Restaurant LLC at 180 Battery Street requesting use of the sidewalk for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-ofway outlined in the Application, subject to review by the City Attorney's Office
Subject	**6.22. 365 South Winooski Ave-Encumbrance Permit Application - Lewis Creek Builders - DPW**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Lewis Creek Company Inc. d/b/a Lewis Creek Builders at 365 South Winooski Ave requesting use of the requesting use of the parking stall and greenbelt for a staging area 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
Subject	**6.23. Tobacco License Renewal (2024-2025): Northern Lights, 75 Main Street**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the 2024-2025 Tobacco License Renewal for Northern Lights, 75 Main Street
Subject	**6.24. Indoor and Outdoor Entertainment Permit Renewals (2024-2025); see attached list**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent)
Recommended Action	approve the 2024-2025 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions
Subject	**6.25. Communication: Theresa, re: Non-citizens voting rights**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and aplace the communication on file
Subject	**6.26. Communication: Carolyn Hanson, re: resignation from the police commission**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Carolyn Hanson thanking her for her time served as a member of the Police Commission
Subject	**6.27. Communication: Miles Waite, Member, Conservation Board, re: Resignation**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication

Recommended Action	waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Miles Waite thanking him for his time served as a member of the Conservation Board
Subject	**6.28. Authorization to Sign Contracts for Two-Way Radio Communication Fiber Lines with Consolidated Communications, Inc. and Burlington Telecom Business Services - Police**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Police Department
Type	Action (Consent)
Recommended Action	To approve and authorize the Chief of the Burlington Police Department or the Director of Information and Technology to enter into the following agreements for radio communication fiber lines and service upgrades: a. A five-year service contract with Consolidated Communications, Inc., in an amount not to exceed $112,376.40; and b. A contract amendment to the existing Telecommunications Services Agreement with Burlington Telecom Business Services adding a scope of work and in amounts not to exceed $90,000 for a five-year term for dark fiber services and $46,800 for a three-year term for dark fiber services with First Light through BT; for combined total authorized expenditure not to exceed $249,177 over the next five years, subject to review by the City Attorney's Office.
Subject	**6.29. Authorization to Sign a Contract for Facility Repairs with Farrington Construction - Police**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Police Department
Type	Action (Consent)
Recommended Action	to approve and authorize the Chief of the Burlington Police Department to enter into a contract with Farrington Construction in an amount not to exceed $129,179.50, contingent upon the successful funding authorization from the Capital Committee and subject to review by the City Attorney's Office
Subject	**6.30. Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community - Housing Opportunity Grant Program SFY 2025 $1,290,576.00 - CEDO**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage

Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	to approve and the acceptance of SFY 2025 grant funds in the amount of $1,290,576 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all documents and contracts necessary to accept the funding through the period of July 1, 2024 – June 30, 2025, including retroactive approval for the period of July 1 – July 17, 2024, subject to the final review and approval of the City Attorney's Office
Subject	**6.31. Security Services for City Hall - HR**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Human Resources
Type	Action (Consent)
Recommended Action	to approve and authorize the contract with Chocolate Thunder Security to provide security services at City Hall for a total contract value not to exceed $120,000 and to authorize Timothy Williams, Safety Manager, to execute the contract and any related documents, subject to review by the City Attorney's Office
Subject	**6.32. Authorization to accept an amended ARPA Grant and to execute an amended MOA for a Public-Private-Partnership Stormwater Water Quality Project - DPW/Water Resources**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute an amended grant agreement with Vermont DEC for up to $2,029,673 for final design and construction of the P3 project involving the "South Meadow Apartments" and the "Shelburne Road Shopping Plaza" property, subject to final review and approval by the City Attorney's Office. 2. To authorize the execution of an amended MOA between the City and the P3 private parties:Antonio B. Pomerleau, LLC and Champlain Housing Trust, reflecting the increased grant funding,subject to final review and approval by the City Attorney's Office.
Subject	**6.33. Authorization for a $130,000 budget neutral amendment - DPW/Water Resources**

Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	to approve and authorize the Chief Administrative Officer, or their designee, to effect a $130,000 budget neutral amendment in substantial conformance with the attached budget transfer request
Subject	**6.34. Approval to accept Planning Grant Continuum of Care VT-501 & Permanent Supportive Housing Grant Agreements in SFY25: VT0030L1T012314 - $330,188 New Horizons Renewal, September 1, 2024; VT0053L1T012308 - $269,172 Beacon Renewal, September 1, 2024; VT011L1T012300 - $54,627 CoC Planning Grant VT-501, January 1, 2024 - CEDO**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	move to approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care FFY23 grants VT0030L1T012314 - VT0053L1T012308 - VT011L1T012300) to begin in SFY25 and authorize the Director of CEDO to execute all contracts and documents necessary to accept the total funding of $653,987 from HUD, subject to the review and approval of the City Attorney's Office
Subject	**6.35. Lease at Roosevelt Park - BPRW**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the lease of the building located at 57 Oak Street, Roosevelt Park to the Boys and Girls Club of Burlington for a ten-year period, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office

Subject	**6.36. Authorization to Sign Property Lease with The Jones Payne Group, Inc. at 1200 Airport Drive, South Burlington, VT - Airport**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to authorize the leasing of certain identified space at the Patrick Leahy Burlington International Airport to The Jones Payne Group, Inc. and to authorize the Mayor to execute the lease, subject to final review and approval by the City Attorney's Office
Subject	**6.37. Recommendation to Board of Finance for Approval and Recommendation to City Council for Authorization to Execute and Award the Marketing and Promotional Services Contract to Hagan Associates - Airport**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to authorize the Director of Aviation to enter into a contract, with the selected Media and Advertising concessionaire Hagan Associates for a five (5) year term, subject to final review and approval of the City Attorney's Office
Subject	**6.38. Recommendation to the Board of Finance to Accept and Execute a contract in the amount of $94,000 dollars with a 15% contingency with ECI (Engineers Construction Inc) for the Milly & Overlay of Aviation Avenue and Eagle Drive - Airport**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the

amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office

Subject **6.39. Impact Fees Budget Amendments - DPW/Parking and Traffic Division**

Meeting July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM,
BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage

Category 6. Consent Agenda

Department Public Works Department

Type Action (Consent)

Recommended Action to authorize the Chief Administrative Officer to implement FY24 budget amendments, in substantial conformance with the attached Budget Amendment Request to reallocate $120,000 in traffic impact fee revenues (Fund 264)

Subject **6.40. Approval for MuniCap, Inc., FY25-27 TIF District Administration Consultant Contract - C/T**

Meeting July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM,
BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)

Recommended Action to authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a three-year contract (FY25-27) not to exceed $60,000 per year, subject to review by the City Attorney's Office

Subject **6.41. Annual Report for 2023-24 - Cemetery Commission**

Meeting July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM,
BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage

Category 6. Consent Agenda

Department Parks, Recreation, & Waterfront

Type Action (Consent)
Report

Recommended Action waive the reading, accept the report and place it on file

Subject	**6.42. Annual Report for 2023-24 - Parks, Recreation and Waterfront Commission**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Committee - Parks
Type	Action (Consent) Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	**6.43. Lawsuit backed by conservative group challenges noncitizen voting in Burlington - vtdigger**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**6.44. AFP Vermont Launches Significant Mail, Digital Campaign Urging Lawmakers to Oppose Act 18 (the Clean Heat Standard)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**6.45. RITE Supports Burlington Citizens to Ensure the Rule of Law in Green Mountain State Elections**

Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**6.46. FIO Documents**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only
Subject	**6.47. Resolution: Appointments of Acting Ward Eight Ward Clerk, and Acting Inspectors of Election for Wards Two, Three, Four, Five, Seven, and Eight for August 13th, 2024 State Primary Election and Special Ward 3 Election (Councilor Traverse)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**6.48. Resolution: Annual Tax Assessments on the Property Grand List of the City for the Fiscal Year beginning July 1, 2024 and Ending June 30, 2025 as Amended on July 15, 2024 (Mayor Mulvaney-Stanak; Board of Finance)**

Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**6.49. Ordinance: Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares (TEUC)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	City Attorney
Type	Action (Consent) Ordinance - First Reading
Recommended Action	first reading, waive the reading, and refer to the Ordinance Committee with guidance to review feedback from Airport Commission
Subject	**6.50. Ordinance: Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport - Airport**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	6. Consent Agenda
Department	Airport
Type	Action (Consent) Ordinance - First Reading
Recommended Action	first reading, waive the reading, and refer to the Ordinance Committee with guidance to review feedback from Airport Commission

7. Deliberative Agenda

Subject	**7.1. Tobacco License Application (2024-2025): True-802 Cannabis, 132 Church Street**

Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	approve the 2024-2025 Tobacco License Application for True-802 Cannabis, 132 Church Street
Subject	**7.2. Approval of Four Resolutions for Annual Borrowing for FY25 for City and School (20 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	to approve the attached resolutions

Subject	**7.2. Resolution: Authorization for Capital Public Improvement Infrastructure Bonds - March 1, 2022 Voter Authorization (Board of Finance)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**7.2. Resolution: Authorization for Public Improvement Bonds for Fiscal Year 2025 (Board of Finance)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage

Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**7.2. Resolution: Authorization for Public Improvement Bonds for School District Capital Improvements--March 7, 2017 Voter Authorization (Board of Finance)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**7.2. Resolution: Authorization for School District Capital Improvement Bonds for Burlington High School - November 8, 2022 Voter Authorization (Board of Finance)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**7.3. Communication: Mayor Emma Mulvaney-Stanak, re: City Attorney Appointment (20 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda

Department	Mayor's Office
Type	Action
Recommended Action	"I move that the City Council confirm the appointment of Jessica Brown as City Attorney and Corporation Counsel."
Subject	**7.4. Mayor's Memorandum on Encampments (40 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Mayor's Office
Type	Action Communication
Recommended Action	accept the communication and place it on file
Subject	**7.5. Resolution: Changes To City Charter Articles 62,63, and 65 Regarding Police Oversight (Charter Change Committee)(40 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**7.6. Ambulance Fee Increase - Fire (20 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Fire Department
Type	Action (Consent)

Recommended Action	to approve and authorize the increased fee structure for ambulance services effective upon passage as described in the table herein this Ambulance Fee Increase memo by Chief LaChance dated July 7, 2024
Subject	**7.7. Reconnecting Bank & Cherry Concept Approval - DPW (30 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Public Works Department
Type	Action
Recommended Action	The City Council approves the preferred design concept for Bank Street east of Church Street, Cherry Street east of Church Street, and the new sections of Pine Street and Saint Paul Street between Bank Street and Cherry Street; and further acknowledges the concepts for Bank Street and Cherry Street west of Church Street approved by City Council on May 21, 2018.
Subject	**7.8. Resolution: Authorization to Apply to Downtown SalesTax Reallocation Program re CityPlace Project - 75 Cherry Street (Councilor Neubieser)(15 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**7.9. Great Streets Main Street Contract Amendments - DPW (20 mins.)**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	7. Deliberative Agenda
Department	Public Works Department
Type	Action

Recommended Action	1. To authorize the Director of Public Works to execute an amendment to the contract, subject to City Attorney review and approval, with S.D. Ireland Brothers Corporation in the amount of $547,386,, bringing the total contract value up to $26,509,929.26, with the previously authorized the use of an additional $2,596,254.83 in contingency funds to be available to use toward any necessary future contract amendments needed to accomplish the construction work herein contemplated, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of $29,106,184.09 for the development of the design of the Great Streets Main Street project. 2. To authorize the Director of Public Works to execute a Memorandum of Understanding,subject to City Attorney review and approval, with Burlington Electric Department in the amount of $549,810, for the lighting construction of the Great Streets Main Street project. 3. To authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY25 and Overall Project Budgets, in substantial conformance with the attached budget transfer request

8. Committee Reports

Subject	**8.1. Verbal reports**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	8. Committee Reports
Department	Council and Board
Type	Information

9. City Council - General Affairs (up to 15 mins.)

Subject	**9.1. Verbal reports**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	9. City Council - General Affairs (up to 15 mins.)
Department	Council and Board
Type	Information

10. City Council President - Council Updates (up to 5 mins.)

Subject	**10.1. Verbal reports**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	10. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board

Type	Information

11. Mayor - General Affairs (up to 10 mins.)

Subject	**11.1. Verbal reports**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	11. Mayor - General Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

12. Adjournment

Subject	**12.1. Motion to adjourn**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	12. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

13. Informational and Non-Discrimination Statements

Subject	**13.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.**
Meeting	July 15, 2024 - Regular City Council Meeting - Monday, July 15, 2024, 6:00 PM, BHS Downtown, 67 Cherry Street, entrance from 2nd Floor Parking Garage
Category	13. Informational and Non-Discrimination Statements

Department	Council and Board
Type	Information

FY25 BSD City Council Presentation

July 2024

BURLINGTON
SCHOOL DISTRICT

Our 5 Year Strategic Plan 2022-2027

Burlington School District will be student-centered and responsive to the full range of identities, abilities, cultures and languages in our community, such that every student is **challenged, empowered, and engaged** in their learning throughout their time in our schools.

PRIORITY AREAS

In order to be a district that is student-centered, we will focus on these priority areas for the next five years.

1 Belonging and Well-Being

2 Deeper Learning for Every Student

3 Reimagined High School

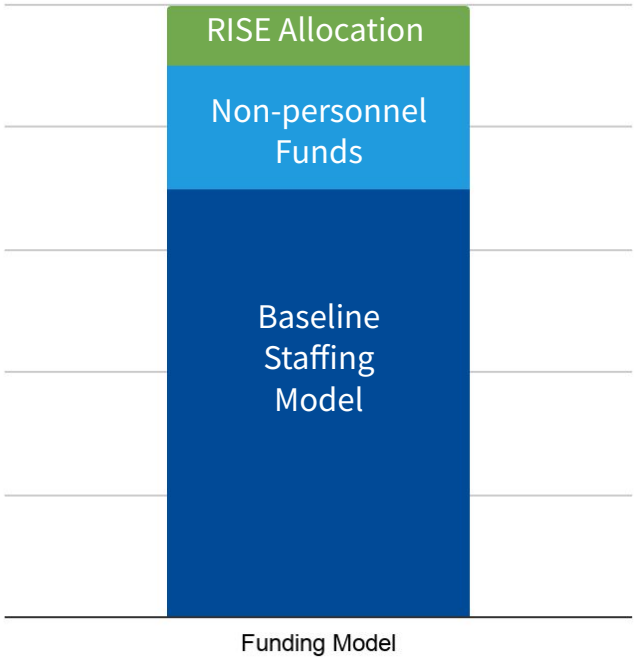
4 Educators Who Look Like Our Students

5 Relationship-Based Communities through Restorative Practices

All five of these priority areas are focused on improving outcomes for all students. By focusing on the needs of students, and responding to who they are as full people, we will support every young person to achieve their potential.

Our Equitable Budgeting Model

- A staffing model will provide each school with its core staffing, using staff:student ratios (e.g. 1 counselor staff for every 200 students).
- Non-personnel funds will be allocated based on a per-student basis.
- An Equity Allocation (RISE funding) will provide additional funding using a weighted student formula, meaning more funds in schools with greater need:
    - Schools will have discretion in how best to serve their students using these funds.
    - Intent and desired outcomes will be documented for future evaluation.



Budget Strategy

- Recognize that our staffing level must be responsive to enrollment changes.
- Limit budget growth due to increases in wages, benefits and BHS/BTC construction costs.
- Ensure funding to meet strategic plan objectives.
- Continue to offer robust programmatic offerings.

FY25 Budget Summary

Wages & Benefits

- Most bargaining agreements are settled in the range of 5% increase.
- Health insurance premiums are estimated to increase by 16.4%.

BHS/BTC Bonding

- $9.5 million increase in debt service due to bonding.

ESSER Funds

- End of ESSER funding means programs and positions funded by federal dollars can only be retained if budget is increased to support them.

Total Budget Increase	$15,460,000
Spending per Long Term Weighted Average Daily Membership (TWADM)	$13,901.83
Total Budget	**$119,604,584**

FY25 Tax Estimates

After the Governor's veto, the Yield Bill has been finalized; here are the most up to date tax estimates:

Actual Homestead Rate: 1.5985 (10.35% increase)
Non-Homestead Rate: 1.5837 (8.54% increase)
Income rate cap: 2.75%*** (12.98% increase)

****While the income cap is higher than originally projected (while the other rates are lower than we projected thanks to the final legislative action), we believe that the actual impact on income adjusted payers is less in the coming year.*

Future BHS/BTC Tax Estimates

- Majority of borrowing has occurred; BSD has borrowed $130 million of the total $165 million authorization
- Biggest tax impact of the project is in FY25 (+10% impact on taxes)
- If remaining $35 million is borrowed, it will increase tax rates by an additional 2.8% (holding all other variables constant)
- Remaining borrowing likely to occur over two years, with small impacts to FY26&27 budgets and tax rates.

Fiscal Year	Estimated Borrowing	Tax Rate		Property Tax ($370k homestead)	
		Cumulative Impact	Change from Prior Year	Cumulative Impact	Change from Prior Year
2023	$0	0.00%	0.00%	$0	$0
2024	$130 million	0.00%	0.00%	$0	$0
2025	$15 million	12.31%	12.31%	$648	$648
2026	$20 million	13.92%	1.61%	$733	$85
2027	$0	15.83%	1.91%	$834	$101
2028-2045	$0	15.83%	0.00%	$834	$0
2046	$0	3.52%	-12.31%	$186	-$648
2047	$0	1.91%	-1.61%	$101	-$85
2048	$0	0.00%	-1.91%	$0	-$101

FY26 Budget Planning Considerations

- Negotiating Contracts in FY25
- BHS/BTC Bond Impact of 1.6%
- All Bonding for Facilities is Allocated - IAA, RockPoint (Eagle Bay Academy), BTC Aviation Program at Leahy Airport
- Statewide Commission to Review School Funding
- Maintain Equitable Funding State-Wide (Act 127)

S.120	An act relating to postsecondary schools and sexual misconduct protections	Sen. Nader Hashim	114
S.124	An act relating to the creation of the School Construction Aid Task Force	Senate Committee on Education	
S.133	An act relating to miscellaneous changes to education law	Senate Committee on Education	
S.138	An act relating to school safety	Senate Committee on Education	29
H.165	An act relating to school food programs and universal school meals	Rep. Erin Brady and more	64
S.167	An act relating to miscellaneous amendments to education law	Sen. Brian Campion	
S.191	An act relating to New American educational grant opportunities	Sen. Nader Hashim	136
S.204	An act relating to supporting Vermont's young readers through evidence-based literacy instruction	Sen. Martine Larocque Gulick and more	139
S.220	An act relating to Vermont’s public libraries	Sen. Ruth Hardy and more	150
S.284	An act relating to student use of cell phones and other personal electronic devices in schools	Sen. Terry Williams and more	
S.303	An act relating to supporting Vermont's young readers	Senate Committee on Education	
S.304	An act relating to Vermont’s career and technical education programs	Senate Committee on Education	
H.461	An act relating to making miscellaneous changes in education laws	House Committee on Education	66
H.630	An act relating to improving access to high-quality education through community collaboration	Rep. Rebecca Holcombe and more	

H.871	An act relating to the development of an updated State aid to school construction program	House Committee on Education	149
H.873	An act relating to financing the testing for and remediation of the presence of polychlorinated biphenyls (PCBs) in schools	House Committee on Education	

CITY COUNCIL ACCOUNTABILITY LIST

This list is a working document. It is a record of resolutions, ordinances, communications that have come to the Council and there is an action requested.

Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator 6/25/2024

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	2/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium	refer the communication to TEUC and CDNR Committees respectively for further review and engagement	TEUC Item was taken up at the March 2023 meeting. No further action taken
2	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington	refer the communication to TEUC for further review	TEUC Item was taken up at the March 2023 meeting. No further action taken
3	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia	City Council will work in collaboration with community members and organizations and the City administration to develop a plan for ongoing activities to support and amplify the voices of the LGBTQIA+ community; City Council urges Burlington's state legislative delegation to look at current state hate crime statute to look to extend protections for schools and organizations that advocate/support LGBTQ+ (and other minoritized communities) from hate motivated targeted crimes, examine Burlington's graffiti ordinance and consider changes that address continued defacement of public property, and graffiti that spreads hateful and harmful messages.	There have been stakeholder meetings brought forward by the Administration to address the directives in the resolution. UPDATE: Work is being done in the Legislature, a former resident created a physical Burlington trans pride flag to fly in front of City Hall in recognition of Trans Day of Visibility; the flag will fly the flag from March 15 - April 15 to celebrate Trans Day of Visibility and reboot the Trans People Belong campaign.
4	6/5/2023	Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department	The City Council requests an evaluation be done to explore Burlington CAIP becoming a department of the City , an evaluation be done to review the reporting and supervisory structure needed to support three public safety departments (police, fire and CAIP), that a report come to Public Safety Committee in October 2023, approval for the Chief of Police to accept the Department of Mental Health grant for Burington CARES	A report was to come to Public Safety in late 2023. UPDATE: this was presented to the Public Safety Committee as per the resolution in March 2024, report to the full Council in April 2024.
5	7/24/2023	Resolution: The Climate Emergency and the Council Request to Count Vermont Air National Guard GHG Emissions and to Plan to Eliminate VTANG Aviation and Ground GHG Emissions in the Spirit of the City's 2030 Net Zero Goals	requests that the Vermont Air Force National Guard Adjutant General, beginning for the year 2023, calculate aviation and ground fuel usage at the VTANG base and to annually provide BTV Director and TEUC with a complete record of the calculated aviation and ground greenhouse gas emission; for VTANG to work collaboratively to draft a plan to adopt simulation and augmented reality training to substantially reduce or eliminate GHG with initial meeting on or before 12/31/23 and follow up at TUEC's March 2024 meeting	Initial meeting of the parties by 12/31/2023; UPDATE: parties met at March TEUC meeting
6	12/18/2023	Ordinance: Burlington Code of Ordinances-Sections 21-45 - 21-49 Trespass	refer the proposed to the ordinance committee for further review to include, but not be limited to, consideration of the list of parties authorized to issue no trespass orders, balancing no trespass orders with proactive harm reduction efforts and to evaluate expanding the ability to enforce the trespass ordinance on private property.	Work being done on this in the Ordinance Committee
7	1/16/2024	Proposed Charter Change: Articles 62, 63 and 65 regarding Police Oversight	Refered the proposed Charter change to the Police Commission for further consideration and a request for a report back to the Council by June 3, 2024.	Report back to the City Council in June 2024 from Police Commission
8	3/11/2024	City of Burlington, VT 2021-2023 Dog Task Force	To 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	first council meeting in September 2024
9	5/6/2024	Resolution Relating to The Relationship Between City Officials And The Neighborhood Planning Assemblies	to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Officials & the NPA to the Community Development and Neighborhood Revitalization Committee for further review and recommended action	no later than September 2024
10	5/20/2024	Resolution: A Building Emissions Reduction Ordinance	referred to TEUC	TEUC refer any working draft BERO and any related ballot language to the Ordinance Committee no later than the last City Council meeting in October of 2024
11	6/3/2024	Resolution: Review and Update To Rental Weatherization Standards	TEUC to hold one or two meetings to eaxmine implementation of the Rental Weatherization Standards and identify any reasons for delay in achieving the energy audtis and weatherization work required by Ordinance to take place	no later than October 1, 2024, TEUC shall provide the full Council an update on its findings and make any policy update recommendations to the Ordinance Committee
12	6/3/2024	Ordinance: Chapter 18 Housing, Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives	referred to Ordinance Committee	not-specified
13	6/24/2024	Ordinance: CDO--EMERGENCY SHELTERS ZA-24-03	referred to Ordinance Committee	not-specified

BURLINGTON CITY COUNCIL
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL
OR
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 29, 2024
DRAFT

MEMBERS PRESENT:
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser (via Zoom)
Joe Kane
Evan Litwin
Marek Broderick

OTHERS PRESENT:
Emma Mulvaney-Stanak
Katherine Schad
Joe McNeil
Erik Ramakrishnan

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1. CALL TO ORDER and AGENDA
The meeting was called to order by City Council President Traverse at 6:51 PM.

MOTION by Councilor Bergman, SECOND by Councilor Barlow to adopt the agenda.

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: LIMITED TO LISTED AGENDA ITEMS ONLY
2.1. Verbal Comments
None.

3. CONSENT AGENDA
3.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

3.2 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.
3.3 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.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 3.1-3.3.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 6:53 PM.

RScty: AACoonradt

BURLINGTON LOCAL CONTROL COMMISSION
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL
OR
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 29, 2024
DRAFT

MEMBERS PRESENT:
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser (via Zoom)
Joe Kane
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:
Katherine Schad
Joe McNeil
Erik Ramakrishnan

1.0 AGENDA

City Council President Traverse called the meeting to order at 6:53 PM.

MOTION by Commissioner Broderick, SECOND by Commissioner Bergman, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated.
2.2 First, Second, Third Class Liquor License Renewals and Outside Consumption Permit Renewals (2024-2025): see attached list - approve the 2024 -2025 First, Second, Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Bergman, SECOND by Commissioner Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2-2.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First, Second, Third Class Liquor License Renewals and Outside Consumption Permit Renewals: see attached list

MOTION by Commissioner Bergman, SECOND by Commissioner Barlow, to approve the 2024-2025 First, Second, Third Class Liquor License Renewals and Outside Consumption Permit Renewals as listed with the following conditions: all outstanding monies will need to be paid to the Clerk/Treasurer's Office and with all standard conditions.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:01 PM.

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 6, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin (via Zoom)
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Katherine Schad
Joe McNeil
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Brian Pine
Darren Springer
Sarah Reeves
Lee Perry
Beth Parent
Jonathan Chapple-Sokol
Meagan Tuttle
Deb Snell

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:03 PM.

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

- **Remove from the consent agenda item 5.28 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning and place it on the deliberative agenda as item 6.7, moving to 6.8 the Resolution: Negotiations Between the Vermont Federation**

of Nurses and Health Professionals And The University of Vermont Medical Center (per City Council President Traverse per Councilor Grant);
- **Add to the consent agenda item 5.36 Indoor and Outdoor Entertainment Permit Renewals (2024-2025).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:15 PM

2.1. Verbal Comments
Forum opened at HH:MM PM.

COMMENTS:
Burlington residents (in person):
- Michael Nedell spoke about the overflow activity around the shelter pods on Elmwood Avenue. He said that there has been a significant increase in suspicious activity and behavior, drug use, people passed out in the street, and people climbing into the cemetery. He spoke about witnessing individuals defecating in the cemetery, and asked that the City look into replacing the current fencing with a higher fence to discourage that and other inappropriate activity in the cemetery.
- Jacob Berkewitz spoke on behalf of the unionized support staff at the UVM Medical Center, noting that support staff working conditions, wages, and staffing deficits have improved over the last 8 months since the execution of the union contract, in part thanks to the support of the City Council. He asked for the same support for the nurse's union as they go into their own negotiations with the hospital. He spoke about continued lack of support from the UVM Health Network for its nursing staff.
- Jak Tiano spoke in favor of the Neighborhood Code proposal that was passed several months ago. He said that this proposal can help to tackle the City's housing crisis more seriously, and noted that there is significant interest in the community to be more engaged and help out in this process as it moves into Phase 2. He asked that the project look at the City holistically.
- Robin Lloyd urged the Council to support a ceasefire resolution for Palestine. She also expressed hope for further work on foreign policy and the development of relationships with sister cities around the world.
- Jane McDougal asked when the roads and sidewalks are going to be fixed, particularly around Cathedral Square, given that they are in disrepair. She said that many people have physical challenges and are unable to move around the City.

Burlington residents (via Zoom):
- Sharon Bushor spoke about the Neighborhood Code, noting that the communication from the Planning Commission gives Councilors and opportunity to make sure that the proposal is addressing everything that should be addressed in this interim period before the second structure is allowed to be built. She noted that items include structure height, historic districts, and non-conforming encroachment into setbacks. She spoke about the importance of affordability and said that there is the possibility of mandating it in some form. She also spoke about how Burlington is a Tree City and that the proposal does not protect mature trees from clear-cutting. She pointed out that the Neighborhood Code process was extremely quick and questioned whether it was thoroughly vetted.
- Liz Curry spoke as someone with background in energy efficiency in building rehabilitation in the low-income sector. She spoke about item 6.4 and Councilor Kane's comment during the Climate Emergency Report item, saying that renewables include demand management and lowering demand. She said she is generally supportive of BED's pilot program, but noted that it doesn't provide for controlling higher electricity use and cost. She said that low-income, multi-family units will be the least likely to take advantage of this program, and that weatherization should occur first for leaky buildings.

Non-Burlington residents (in person):

- Dale Walsh spoke about the nursing staff at UVM Medical Center, saying that it is a community health and public safety crisis, given the heavy reliance on traveling nurses and UVM Medical Center's inability to match traveling nurses' wages and keep nurses in the community. She said that UVM Medical Center is good at attracting new nurses, but it cannot retain them. She urged the Council to support the UVM Medical Center nursing staff and union.

Forum closed at 6:38 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports
Councilor Kane noted that California has met its energy demand over the last month from renewable energy on more than 75% of days, which includes energy from wind, hydro, solar, and geothermal. He noted this in the spirit of trying to be as ambitious in Vermont as we can be.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports
Councilor Grant noted that Decker Towers' residents continue to live in an unsafe situation. She thanked the Mayor for meeting recently with residents and hopes that this leads to further proposed solutions. She said that she will continue to provide updates at subsequent meetings. She also spoke about the latest figures from the State's Attorney's Office, which include a total of 3,000 criminal cases, comprising of 675 retail thefts, 96 burglaries, 35 assaults and robberies, 182 car thefts, and 51 grand larceny cases. She also provided information about prosecution of juvenile delinquencies, fish and game tickets, appeals, and cases involving children who need supervision or intervention, which adds an additional 1,000 cases to this workload. She noted that this information is for Chittenden County as a whole. She also spoke about the Police Chief's report to the Police Commission, which includes statistics about officers on patrol, etc.

Councilor Barlow spoke about item 5.6, which is a letter from a law firm in Burlington on George Street, regarding concerns about over 100 incidents they've documented including trespassing, drug uses, and other unauthorized activities on their property. He said that this continues to impact employees and clients of this law firm. He noted that this began with the sighting of the pod shelters in their neighborhood. He said that overdose prevention center legislation was passed at the State level, with the intent of locating a site in Burlington. He noted that it will be important to understand the implications of such as site, including collateral effects.

5. CONSENT AGENDA

5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
5.2 Communication C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
5.3 Communications: Pat Robins, Member, Retirement Board, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days (already did) and send a letter of appreciation to Pat Robins thanking him for his time served as a Member of the Retirement Board.
5.4 Communication: Lynne Clauss, re: Vandalism – waive the reading and place the communication on file.
5.5 Communication: Colin Larsen, re: Winooski Bridge replacement project - waive the reading and place the communication on file.
5.6 Communication: McCormick, Fitzpatrick, Kasper & Burchard, P.C., re: Crime and Drug Use in the Vicinity of Burlington's Homeless Pods - waive the reading and place the communication on file.
5.7 Fence Viewer Report – Shay Totten, Report From 2023-2024 - waive the reading and place the communication on file.

5.8 Communication: C/T Office, re: Openings Burlington City Commission/Boards – waive the reading, accept the communication, and place it on file.
5.9 Communication: Pike Porter, re: GREET model comments to TAG - waive the reading and place the communication on file.
5.10 Communication: C/T Office, re: March 25, 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 May 20, 2024 Regular City Council Meeting.
5.11 Communication: C/T Office, re: March 25, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.12 Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.13 Communication: C/T Office, re: April 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.14 Communication: C/T Office, re: April 15, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the May 20, 2024 Regular City Council Meeting.
5.15 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm – 12 am, Plex Art Event – approve the one day only special event indoor and outdoor entertainment permit application for Despacito LLC/Tank Studio Inc./Goldenjunk LLC, May 25, 2024, 5 pm – 12 am, Plex Art Event.
5.16 Special Event Outdoor Entertainment Permit Application (one day only): The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, Country for a Cure Benefit Concert – approve the one day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, June 1, 2024, 4 pm – 11 pm, Country for a Cure Benefit Concert.
5.17 Special Event Indoor and Outdoor Entertainment Permit Application (one day only): CannaPlanners LLC, 1 Lawson Lane, June 14, 2024, 6 pm – 10 pm, Office Party - approve the one day only special event indoor and outdoor entertainment permit application for CannaPlanners, LLC, June 14, 2024, 6 pm – 11 pm, 1 Lawson Lane, Office Party.
5.18 Special Event Outdoor Entertainment Permit Application (one day only): South End Get Down, June 29 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian’s Auto - approve the one day only special event outdoor entertainment permit application for South End Get Down, June 29, 2024, 5 pm – 10 pm, 98 North Avenue, parking lot of Brian’s Auto.
5.19 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot - approve the one day only special event outdoor entertainment permit application for the Wallflower Collective, August 25, 2024, 3 pm – 11 pm, Wallflower Fest, private parking lot.
5.20 Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, September 6 – 7, 2024, Art Hop - approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 6-7, 2024, Art Hop.
5.21 Special Event Outdoor Entertainment Permit Application (one day only): OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am – 11 pm, various locations around the City – approve the one day only special event outdoor entertainment permit application for OKAY!OKAY!/REIB, Juneteenth Celebration, June 15, 2024, 11 am – 11 pm, various locations around the City.
5.22 Umbrella Entertainment Permit Application (five days only): Flynn Center for the Performing Arts, June 5-9, 2024, Jazzfest, various locations around the City - approve the umbrella entertainment permit application for Flynn Center for Performing Arts, JazzFest, June 5-9, 2024, Various locations around the City.
5.23 Tobacco License and Tobacco Substitute Endorsement Renewals: Greenleaf Central, 191 College Street – approve the tobacco license and tobacco substitute endorsement renewals for Greenleaf Center, 191 College Street.
5.24 ONE Cleanup/Cleanout Proposal – Gene Bergman, Ward Two City Councilor – approve the expenditure of up to $5,000 from the City Council Initiative Funds to support the ONE clean-up in May 2024 and to authorize the Chief Administrative Officer to reimburse expenses up to $5,000 for this event accordingly.

5.25 Distribution and Collection System Improvements – Consultant Amendment and Contractor Budget Amendment – DPW – Water Resource - 1. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of $196,785.00 for Calendar Year 2024 administration and inspection services, for a total contract value with Dubois and King not to exceed $743,076.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer; and 2. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of $135,000.00, for a total Distribution and Collection System contract value with Inliner not to exceed $8,136,131.13 provided that all these authorizations are contingent on the contract and any amendments thereto having the prior approval of the City Attorney and Chief Administrative Officer.
5.26 BPRW Budget Neutral Amendments – BPRW - authorize the budget neutral adjustments as detailed in the attached budget amendment forms, and further authorize the Chief Administrative Officer or designee to effect all necessary transfers of funds to carry out such amendments, subject to the final review and approval of the Chief Administrative Officer.
5.27 Regular Schedule of Meetings of the Board of Finance and City Council through April 2025 – approve the regular schedule of meetings of the Board of Finance and City Council through April 2025.
5.28 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning **now agenda item 6.8**
5.29 Authorization to Execute Easements with UVM Regarding the Redstone Water Storage Tank Site – DPW – Water Resources – 1. Authorize the Mayor to execute an easement to allow the City access to UVM property for the purposes of project staging and to access its parcel located at 354 South Prospect Street for inspection and maintenance; and 2. Authorize the Mayor to execute an easement to allow UVM access to its parcels through the City site located at 354 South Prospect Street.
5.30 2024 Legislative Update, April 22, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.
5.31 2024 Legislative Update, April 29, 2024 – Jamie Feehan – waive the reading, accept the communication, and place it on file.
5.32 Annual Report of the Design Advisory Board Fiscal Year 2024: July 1, 2023-June 30, 2024 – waive the reading, accept the report, and place it on file.
5.33 Annual Report of the Burlington Development Review Board Fiscal Year 2023: July 1, 2022-June 30, 2023 - waive the reading, accept the report, and place it on file.
5.34 FIO Documents – for information only.
5.35 111 Saint Paul Street – Outdoor Seating Encumbrance Permit Application – Devil Takes a Holiday – DPW - approve the Encumbrance Application for DJINN LLC d/b/a Devil Takes A Holiday at 111 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and to further recommend that the City Council 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.
5.36 Indoor and Outdoor Entertainment Permit Renewals (2024-2025) -

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the consent agenda as amended and take the actions indicated for items 3.1-3.36.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Tobacco License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue.

VOTING: unanimous; motion carries.

6.2 Lease Agreement for the Community Justice Center at Post Apartments – CEDO/CJC
Director Pine began by noting that the Community Justice Center (CJC) has had five different homes since its inception, none of which have been completely suitable for its needs. He spoke about how the needs of the CJC space have grown as the needs for its services has grown. He spoke about the difficulty of finding a high-quality space at a reasonable enough cost to relocate the CJC, and said that partnering with the Champlain Housing Trust on its redevelopment of the former VFW building in Burlington has presented an opportunity for a suitable space to house the CJC. He said that CEDO and CHT are here now asking for a lease commitment on a building that won't be redeveloped until 2025 due to requirements of the low income housing tax credit and needing to show lenders and investors that there is a lease commitment.

MOTION by Councilor Carpenter, SECOND by Councilor McKnight, to approve and authorize the Mayor to execute the proposed 15-year lease between the City of Burlington and Post Apartments Housing Limited Partnership for office space located at 176 S. Winooski Avenue, to be used to house the Community Justice Center.
DISCUSSION:

- **Councilor Carpenter said that she is supportive of this move of the CJC. She said that it is important that the CJC is centrally located, given the need for its proximity to courts and other services. She acknowledged that this will increase CJC's rent, but noted that they are working on a number of strategies to address that increase.**
- **Councilor Shannon said that while this is an increase in annual rent, the lease is relatively low and competitive, and said that CJC's current space isn't meeting its needs. She expressed concern about the City shouldering the cost burden for the increased rent and asked about the long-term plans for meeting those funding needs. Director Pine replied that the majority of the cost for operating the CJC is provided by the State. He noted that Chittenden County currently has 4 CJCs, but that he anticipates some regionalization in the future, but that Burlington's CJC is likely to be a survivor in that process. He said that if there is regionalization, other municipalities can be expected to help bear the cost of the CJC. He noted that the City has secured a $300,000 earmark in Congressionally directed spending and an award from the Vermont sales tax reallocation to cover the public portion of the infrastructure in the right-of-way when it is rebuilt. He said that they are also hoping to capitalize rent reserve equivalent to two years of operations for rent payment.**

VOTING: unanimous; motion carries.

6.3 Potential Sale of 200 Church Street – CT/CEDO/I&T
Director Pine said that the City purchased this property in 2005 to operate and launch Burlington Telecom, and that the City has retained ownership of the property when the BT assets were transferred to a holding company in 2014. He noted that the asset purchase agreement stipulates that BT's owners have right of first refusal or an option to sell exclusively to BT by 2034 if BT chooses. He noted that two thirds of the building have been leased to Burlington Telecom, but the CJC and the City's Human Resources department occupy the other third of the space. He noted that BT's lease is around $120,000 per year. He noted that HR and CJC are both supportive of selling the building to BT's asset holder. He noted that BT's asset holder owns and operates 6 broadband subsidiaries and that their model is to own the properties from which they operate. Speaking to Councilor questions about pursuing a ground lease instead of a sale, he said that the asset purchase agreement signed in 2017 envisioned the sale of both the land and the building, and that BT doesn't have a desire to ground lease the property. He said that the current lease term is in its first renewal period of three. He said that the third renewal term in April 2034 would trigger the option that BT has to purchase the property. He spoke about the key hurdles the City faces with continued ownership of the property, which include significant capital needs (replacing an HVAC system and roof membrane). He said that the City estimates it would cost about $1.5 million to replace the entire HVAC system and $200,000 to replace the roof membrane. He said that there are no specific

funds set aside to make the capital upgrades to the property, and that the funds would need to come out of the City's capital fund. He noted that the proposed purchase agreement is for sale of the property for $1,571,000, and that if the agreement is executed, BT will commence the work at their cost, even though the closing won't occur until early 2025.

MOTION by Councilor Carpenter, SECOND by Councilor McKnight, to 1. Approve the proposed Purchase Option Exercise Agreement and License and Use Agreement with Champlain Broadband, LLC, for the sale and use of 200 Church Street; 2. Authorize the Mayor or designee to take such further actions and to execute such further instruments as may be necessary or convenient to accomplish the transactions contemplated in the Purchase Option Exercise Agreement and License and Use Agreement, subject to review and approval of the City Attorney; and 3. Authorize the Chief Administrative Officer to establish a separate fund in the Assigned Fund Balance to accept the proceeds of the sale of 200 Church Street and make any expenditures required to carry out the Purchase Option Exercise Agreement and License and Use Agreement and make all necessary budget transfers in relation thereto.

DISCUSSION:

- **Councilor Carpenter said that given the extent of the liability the City carries as a landlord if it doesn't improve or repair the building, it has significant out-of-pocket immediate liability that it would have to exercise, should components of the infrastructure fail. She said that she is supportive of the sale of this property for this reason. She noted that the City does not own the parking lot behind the building.**
- **Councilor Neubieser noted constituent concern about selling off the City's public assets, but pointed out that in this situation, the City does not have many other options, given that it's locked into selling this asset at some point. He emphasized the importance of finding progressive taxation reforms in an effort to target revenue generation for those who can afford it, in order to adequately fund basic City services.**
- **Councilor Bergman said that he will support this proposal but that he is generally against the selling of public assets. He spoke about the timing of this proposal, given that it came before the Board of Finance and City Council in March, but noted that there were investigations into this proposal as far back as 2022. He said he will continue to support the major redevelopment that is occurring downtown, and said that these will lead to appreciating values in the coming years. He said that he is unhappy about the overall lack of transparency and caretaking of City assets.**
- **Councilor Broderick said that he is also unhappy about the prospect of a sale, but said that he hopes that the sale of 200 Church Street and the potential public/private partnerships around Memorial Block is what the City needs to end its current culture of deferred maintenance.**
- **Councilor Grant echoed the concerns raised by Councilors Bergman and Broderick, though she will also support this proposed sale. She said that she would have liked to have more of her questions answered prior to being locked into this decision.**
- **Councilor Shannon asked about the appraisals conducted on the building, and Director Pine provided more detail on the appraisals and income approach that were used to determine the final sale value, which satisfied her questions.**

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

6.4 BED Heat Pump Bill Credit Program and Commercial Demand Response Program – BED

General Manager Springer said that the gist of this pilot program is to make the cost of heating with an electric heat pump cheaper than heating with natural gas or other fossil fuels. He noted that the low price of natural gas makes this challenging and that it is generally more expensive to heat with an electric heat pump than natural gas. He said that BED has had a long-standing goal of lowering the cost of heating with heat pumps. He said that BED received a grant from the federal government of $1,158,000 in competitive climate funds, with which they

would like to help customers with heat pumps participate in this pilot. He said that they would do this by providing eligible users with a sensibo, which allows users to control the thermostat using their phones, but also allows the utility to send a signal to adjust the thermostat within a set range. He said that they would also provide users with a clamp that would go on the circuit for the heat pump and give the City real-time data in terms of usage. He said that these two pieces of equipment would help participating users to reduce their usage during peak periods and could have a large impact if aggregated over a large number of heat pumps. He said that if this pilot is successful, they would like to convert it to a per kilowatt hour rate. He said that if the grant funding goes smoothly and this is approved by the Public Utility Commission, they could support 1,000 heat pumps in this program. He noted that there will be a commercial as well as a residential component to this pilot program.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to approve the General Manager of Burlington Electric Department, or his designee, to file with the Vermont Public Utility Commission a pilot rate to provide a monthly bill credit and/or a pilot rate to customers installing BED approved measurement and control devices on electric heating systems.
DISCUSSION:

- **Councilor Barlow asked how this fits more generally into the City's climate goals, and asked about the relationship of this program to weatherization and whether it may be better to offer weatherization prior to this program. General Manager Springer replied that in terms of climate benefits, 60% of the City's targets are around more efficient heating and heating technologies in the electric space, and that their focus is on heat pump uptake and usage. He said that this program is more about usage than uptake, and targets households that already have heat pumps. He noted that the City has other weatherization policies and incentives, including through CVOEO.**
- **Councilor Bergman asked if there is a difference here between a split pump and ducted systems. General Manager Springer replied that this program would be more effective for ductless mini-split systems, though both system types are eligible for the pilot. He also said that the cost of this pilot would be borne by the department and through the grant, not by rate-payers.**
- **Councilor Broderick asked about the preliminary study that included 9 trial participants. General Manager Springer replied that they took the cost to serve from an electric standpoint and looked at transmission and capacity and derived the cost to serve and credit range in different scenarios. He said that this range of savings was between $4.46 per pump and around $7 per pump, which is how they arrived at the $5 per month bill credit. Councilor Broderick asked how close this program would get to the cost of natural gas, were it to be implemented broadly across the City. General Manager Springer replied that that depends partly on the price of natural gas, but that there are some levers they could use to make heat pumps as cost-competitive as possible.**
- **Councilor Neubieser expressed support for this pilot.**
- **Councilor Grant asked how this has been communicated to the public and landlords, so that they are aware of options and incentives for improvements. General Manager Springer replied that BED is hoping to present to the Transportation, Energy, and Utilities Committee (TEUC) soon about their efforts around outreach and equity. He said that they are also working to create video content, including communicating basic information about understanding one's electric bill. He said he appreciates the focus on rental properties, as this pilot could apply to rental properties, too.**
- **Councilor Kane asked about the percentage of heat pumps in single-family homes versus rental properties, and General Manager Springer replied that a rough estimate is around 50/50 between homes and rental properties.**

VOTING: unanimous; motion carries.

6.5 Chittenden Solid Waste District Proposed FY 25 Budget – CSWD

CSWD Executive Director Reeves provided an overview of the FY25 budget for the Council's review and consideration. She began by noting the three main sources of CSWD's revenue, which are user fees, material and product sales, and solid waste management fees, adding that they do not receive revenue from local sales or property taxes. She spoke about CSWD's projected FY25 income of $15.9 million, anticipated to come from solid waste management fees, tipping fees, the sale of materials, and, to a lesser degree, from product stewardship and reimburseables, grant revenue, and interest and dividends. She spoke about CSWD's projected FY25 expenses of $16.08 million, the bulk of which are related to payroll expenses (38%) and materials management (43%), with other contributing costs associated with property management, promotion and education, community support, travel and training, administrative costs, and professional fees. She said that based on this, they are projecting a budget shortfall of approximately $287,000. She spoke about FY25 compared to FY24's budget, noting that while revenue is projected to increase by 3.6%, expenses are anticipated to increase by 11.7%. She said that much of the expense increase is related to equipment and fleet increased costs, related to CSWD's aging infrastructure. She said that this shortfall would be covered by drawing approximately $287,000 from CSWD's reserve fund. She noted that CSWD's board approved a solid waste management fee increase (the first in 12 years) from $27 per ton to $30 per ton, which will impact households by an approximately $0.28 per month increase. She noted that this charge is only on waste, not compost, recycling, or scrap. She said that they also approved an increase in the tip fee in the recycling facility to $90 per ton, which helps cover equipment expenses for the aging facility, and also budgeted $250,000 in operating expenses to cover equipment repair and replacement. She noted that there was no increase in tip fees for the organics recycling facility, nor increases in fees at drop off centers. She spoke about the drop-off center in Burlington at 339 Pine Street, noting that it will be open 5 days a week beginning in July and that it will be available for trash, "blue bin" recycling, food scraps, and scrap metal drop-off. She also spoke briefly about future capital projects and fund equity.

Councilor Grant expressed excitement about the Burlington drop-off center opening at pre-Covid levels, especially for food scrap drop-off for residents. Councilor Neubieser echoed this support, as well as excitement about the ability to pay with credit and debit cards at the drop-off center.

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the CSWD Proposed FY25 Budget.

VOTING: unanimous; motion carries.

6.6 Resolution Relating to the Relationship Between City Officials and the Neighborhood Planning Assemblies City of Burlington – passed by the Ward 1 NPA at their March 2024 meeting

MOTION by Councilor Neubieser, SECOND by Councilor Bergman, to refer the resolution from the Ward 1 Neighborhood Planning Assembly Concerning the Relationship Between City Councilors & the NPAs to the Community Development and Neighborhood Revitalization Committee for further review and recommended action.
DISCUSSION:

- **Councilor Neubieser said that the goal of this resolution is to help strengthen the role of Neighborhood Planning Assemblies (NPAs) in the public process. He expressed support for direct democracy and resident participation and engagement.**
- **Jonathan Chapple-Sokol, a member of the Ward 1 NPA Steering Committee said that the primary inspiration for this proposal comes from the City Council's decision last October to pass a resolution that prescribes specific actions required by the NPAs, which was unconventional and unprecedented and came without consultation from the NPAs themselves (though he acknowledged that the situation the Council was trying to address was serious and appreciated the action). He said that this highlighted a lack of a standard set of conditions under which the NPAs should be engaged**

in City input and City decision-making. He said that this resolution would ask the City to work with the NPAs to establish conditions under which elected officials or City administrators seek and consider approval from the NPAs as an advisory group.

- **Councilor McKnight said that the City needs to be careful not to add more burden to Councilors or NPA representatives, saying that thought needs to be given to the time requirements that this would place on them.**
- **Councilor Shannon said that the CDNR Committee should give consideration to the burden placed on City staff as well.**
- **Councilor Broderick said that the implementation of a resolution like this should also be considerate of making the NPAs more accessible and inclusive, by adjusting schedules to account for new families with young children, New Americans, students, and people with full-time jobs (for example).**
- **Councilor Grant said that the action taken last fall by the Council has shown some improvement in representation at certain NPAs. She spoke about how different NPAs have accommodated diverse backgrounds, such as holding a community dinner and having activities for children. She suggested that NPAs could hold community breakfasts instead of community dinners, to be more flexible and inclusive. She expressed support for this resolution, and said she looks forward to continued work and engagement across the NPAs.**
- **Councilor Neubieser said that this resolution can help give more resources and guidance to NPAs around some of the structural equity pieces that have been raised. He said that the City needs to give people real decision-making power in a measured and structured way to help them be more engaged.**

VOTING: unanimous; motion carries.

6.7 Proposed ZA-24-04 Neighborhood Code Part 2 Topics – Planning **was consent agenda item 5.28**
Director Tuttle began by noting that the Neighborhood Code Part 2 is following the work that the previous City Council adopted at the end of March. She said that the City chose to bifurcate some of the topics and move forward the core concepts of the Neighborhood Code to allow the joint committee enough time to focus on them and ensure that they would be supported by the City Council prior to spending time on this second phase of Neighborhood Code work. She said that the Part 2 issues cover technical details, allows for discussion of items raised during public input from the Part 1 work, and allows for time to address inquiries following the adoption of the Code. She said that they anticipate the Part 2 work to comprise four or more separate amendments and series of projects. She spoke in more detail about the other relevant topics and related planning projects, which relate to a number of questions and issues raised during the Joint Committee process that were not within the core focus of the Neighborhood Code, but which should be discussed in other upcoming planning projects and studies. These include the impact that existing historic preservation standards have on implementing infill development, opportunities for expanding mixed-use and neighborhood commercial development in the New North End (along the North Avenue Corridor and within close proximity to the Burlington Greenway), and access to quality greenspace across all neighborhoods, including corridors and greenways that provide connectivity and mobility for people and wildlife. She also spoke about other topics that require the involvement of multiple departments prior to issuing recommendations on them, such as stormwater and wastewater impacts resulting from infill development, which must be conducted in conjunction with DPW's Water Division, consideration for whether inclusionary zoning should apply to lots where multiple structures exceed 5 units but the number of units in each building individually would not have required IZ, and solutions to address implementation feasibility and homeownership opportunities.

Director Tuttle then spoke about the timeline for the next phase of the Neighborhood Code work. She said that the Planning Commission will hold discussions about the scope of the Part 2 work in April and May, and will begin discussions of the Part 2-A topics (secondary structures, Planned Unit Developments, and technical corrections) at their May 14th meeting. She said that they anticipate referring the Part 2-A topics to the Council in the summer and fall, and anticipate the portion of the Neighborhood Code regarding secondary structures to go into effect on

October 1st. She said that they will also begin discussing the Part 2-B topics in the summer and fall, and will report to the City Council on the first 6 months of the Neighborhood Code implementation on November 1st, with statistics around the number of applications submitted, the number of projects under construction, and the number of units added.

Director Tuttle then spoke about the zoning amendment process more generally. She noted that the process to amend and adopt zoning changes is governed by both state law and City rules and procedures. She noted that many amendments originate with staff at the request of an outside entity, but that rarely amendments originate directly from Councilors. She said that all amendments must go through the Planning Commission for public hearing and recommendations to Council before action. She noted that the Council also refers to the recommendation the Ordinance Committee for its own input and public input, and then will hold a public hearing and consider adoption.

Director Tuttle briefly noted that the City Planning Office's data team provides key housing metrics and an annual housing report in collaboration with other departments, which includes indicators around the creation of new homes, the cost of new homes, and an annual report that dives deeper into prominent housing topics in more detail.

Councilor Neubieser asked whether the Neighborhood Code proposal moves through the CDNR Committee and whether there is interest in including CDNR in that process overall. City Council President Traverse replied that since zoning amendments fall under the comprehensive development ordinance, the Ordinance Committee is the committee of jurisdiction. Director Tuttle added that there have been some instances where multiple Council committees worked on planning efforts that resulted in zoning changes. She specifically discussed an effort in 2018-2019 on amendments to inclusionary zoning ordinance. She said that Councilors who are on other committees are also able to participate in Ordinance Committee meetings and share input on issues.

Councilor McKnight spoke about the items that require cross-department collaboration, and asked about the plan to manage that collaboration and past examples of this type of broad collaboration. Director Tuttle spoke about the short-term rental policy, which started as a joint conversation between the Planning Commission and Ordinance Committee, which also required collaboration with the Department of Permitting and Inspections and the City Attorney's Office, as well as the Clerk's Office. Councilor McKnight asked the Mayor whether her office has plans about how to encourage or follow up on interdepartmental work such as this. Mayor Mulvaney-Stanak spoke about the operational efficiency study currently being conducted and how it should help bring bigger structural considerations into the conversation and help make interdepartmental conversations easier and more logical.

City Attorney McNeil noted that there are differences between the way laws and regulations migrate through the Vermont legislature and the City of Burlington. He said that in the legislature, a bill is typically introduced and referred to a committee and may travel to three or four committees before reporting back. He said that in the City, the initial committee of jurisdiction typically develops the questions that need to be considered and answered before a measure is determined passage-worthy, which involves significant departmental input at that committee of jurisdiction. He said that this is much more efficient than how it's done at the legislature.

Councilor Grant thanked Director Tuttle and her staff for their work and responsiveness around the Neighborhood Code process.

MOTION by Councilor Grant, SECOND by Councilor Carpenter, to waive the reading, accept the communication, and place it on file.

VOTING: unanimous; motion carries.

6.8 Resolution: Negotiations Between the Vermont Federation of Nurses and Health Professionals and the University of Vermont Medical Center (Councilors Neubieser, Bergman, Grant, Broderick, Kane)
Councilors Doherty and McKnight, and City Council President Traverse, recused themselves from discussion and consideration of this item due to a conflict of interest. City Council President Traverse passed the gavel for this item to Councilor Shannon.

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Neubieser said that the intention of introducing this resolution is to demonstrate that the City supports workers, especially working people negotiating with larger companies.**
- **Deb Snell, President of the Vermont Federation of Nurses and Health Professionals, and a long-time nurse at the UVM Medical Center (UVMMC), began by noting that the Union started bargaining with the hospital for its subsequent contract over a year ago. She said that she enjoys working at the Medical Center, but she does not feel that nurses receive the respect they deserve from that institution. She noted that there were a number of questions from the Medical Center regarding the resolution, and she walked through and responded to some of them. She noted that the Medical Center questioned whether it was one of the most expensive medical centers in the country, and she spoke about the data from the Green Mountain Care Board that supports that categorization. She also spoke about comparisons between nurses' pay in similar hospitals in Portland, Oregon (a comparable city in terms of cost of living), noting that nurses in those institution make between $7 and $12 more per hour than their Vermont counterparts. She noted that UVMMC is has claimed that the average nurse makes $83,304 or $94,000, and Ms. Snell said that she would dispute both of those numbers and that neither of them are sufficient enough for the cost of living in Burlington. She noted that UVMMC plans to hire up to 140 travel nurses to backfill positions at its outpatient surgery center. She noted that UVMMC has only gained 70 nurses since 2022 and has a high vacancy rate.**
- **Councilor Carpenter noted that this resolution is different than past resolutions around supporting the nurses' union. She said that she supports the spirit of the resolution, which is to encourage UVMMC to increases nurses' wages to be comparable to that of other similar academic medical institutions. She expressed concern about the main resolved clause, which asks the City Council to take a specific position on a negotiation of which they are not familiar. She said that the varying data between the union and hospital needs to be reconciled in some kind of forum, but said that she is unsure what kind of a role the City Council can play in this.**

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to postpone the consideration of this resolution until the City Council's May 20, 2024 meeting to allow for development of a resolution that would adequately support the nurses and articulates the role of the City Council in this negotiation.
DISCUSSION:

- **Councilor Bergman said that he is reluctant to delay this, especially given that negotiations are at an impasse. He said that he will not support postponement of this resolution, and urged other Councilors to stand with the workers.**
- **Councilor Broderick expressed similar sentiments, saying that it is within the Council's scope to support its residents and workers.**
- **Councilor Neubieser said that he appreciates Councilor Carpenter's approach, but pointed out that the union spent months researching, citing, sourcing, and diligently developing thoughtful proposals. He said that it is important to make sure that residents see that the Council values raising wages as an affordability measure.**
- **Councilor Barlow said that an important reason to postpone is to build more Council consensus on the issue.**

Councilor Litwin echoed Councilor Barlow's thoughts. He said that he is pro-labor and pro-nurses, and postponing allows the City Council to get to a place where there is unanimous support for this resolution.

- **Councilor Grant said she will not support a motion to postpone.**

VOTING (on MOTION to POSTPONE, by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – recused, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – recused, Councilor Neubieser – nay, Councilor Traverse – recused, Acting City Council President Shannon – aye (4 ayes, 5 nays, 3 recusals); motion fails.

DISCUSSION (CONT'D):

- **Councilor Bergman said this is a relatively straightforward resolution, saying that it encourages UVMMC to negotiate a fair contract, that it focuses on comparability in cities that have similar costs of living, and that it emphasizes the importance of this support for all workers in Burlington. He spoke about how he wished the City Council had joined him in standing on the picket lines for the UVMMC/nurses' union negotiation back in 2018, but he hopes that his colleagues will demonstrate that support tonight.**
- **Councilor Barlow expressed support for collective bargaining and the right to fair wages, as well as for nurses' roles in healthcare as critical, demanding, and challenging. He also recognized that UVMMC is one of the City's most important institutional partners, and that partnership is essential to respond to community health issues, such as Covid and the substance use disorder crisis. He said that he does not support the Council weighing in on this negotiation, given that the resolution supports one side over the other. He also noted that UVMMC has questioned some of the facts in the whereas clauses of this resolution, and said that it is important for the City Council to pass resolutions that are factually accurate.**
- **Councilor Kane spoke from an economics perspective about how the nursing profession is a classic example of a monopoly, especially in Vermont. He acknowledged other Councilors' sentiments about passing a resolution that is balanced between capital and labor, but said that this resolution attempts to address a market failure in the healthcare industry, and that it is a government's job to try to correct market failures.**
- **Councilor Neubieser said that he is not surprised that UVMMC issued a memo questioning this data, given that other large industries also employ counterfactual narratives as a strategy to delay or derail movements. He urged Councilors to support this resolution.**
- **Councilor Grant said that the Council can't have it both ways, and needs to either support the nurses or not support the nurses. She summarized the facts as she sees them, which include dramatic increases in workplace violence at the hospitals, wait times, and trying to ensure stability. She said that rather than pay its nurses a fair wage, UVMMC has decided to instead pay hundreds of millions of dollars to traveling nurses. She said that the resolution is not asking the Council to get involved in negotiations, but to support the workers. She emphasized the importance of a stable workforce for the health of the community.**
- **Mayor Mulvaney-Stanak expressed support for this resolution, saying that the City needs to be more proactive around bargaining awareness so that it can support the workers in the community from the beginning of the negotiating process. She said that this resolution serves as a signal that the City has a keen interest in ensuring fair bargaining. She said that she supports the language in the resolution and doesn't believe it needs more detail around negotiations at this stage in the process.**

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – recused, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – recused, Councilor Neubieser – aye, Councilor Traverse – recused, Acting City Council President Shannon – nay (6 ayes, 3 nays, 3 recusals); motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Shannon noted that the Ordinance Committee met last week and discussed three items: the Trespass Ordinance, the Graffiti Ordinance, and the recommendations of the Dog Task Force. She noted that on the ordinances, they will have another meeting on May 16th at 2:00 PM. She said that given the low bandwidth of the City Attorney's Office, the Ordinance Committee has decided to postpone further action on recommendations from the Dog Task Force until the end of August.

Councilor Bergman noted that the Charter Change Committee met on May 1st and said that it will be taking up police oversight and committee comments at meetings on June 12th and June 18th at 5:00. He noted that they also discussed Councilor compensation and the barriers that people face in the community when posed with the opportunity to serve the people in this capacity.

Councilor Grant encouraged residents to check the City's calendar of events to find out when various committees and boards are meeting. She noted that the Racial Equity, Inclusion, and Belonging Committee met on April 30th and received a thorough update of the REIB Department's various projects. She said that they are looking forward to this year's Juneteenth event and noted that construction is underway on the Embrace and Belonging sculpture that will be placed in Dewey Park in the Old North End. She noted that the City's Public Safety Committee met on April 18th and had a discussion about open and various issues in public safety including continuing to provide more public data and drug use.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

None.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Traverse noted that there are a number of vacancies posted for various Burlington boards and commissions, and encouraged residents to apply for these positions. He noted that applications are due May 15. He noted various construction projects around the City and encouraged residents to support local businesses that may be impacted by ongoing construction.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Mulvaney-Stanak noted that next Monday, May 13th, there will be another update on the Fiscal Year 2025 budget process. She expressed gratitude for staff's hard work during this process and bringing their creative thinking to bear on how to address the projected $13 million budget gap. She also noted that there will be a series of informational meetings during May for the City Council to attend and hear presentations on the budget at the Board of Finance. She spoke about the model she has employed of utilizing community advisors who are not in government to help inform a collaborative approach to budget development.

Mayor Mulvaney-Stanak then spoke about holding informational meetings around community safety, to gather input from the community and stakeholders.

She additionally provided an update on the hiring process for vacancies within the City Attorney's Office.

She then spoke about unresolved issues and harm around tough conversations within the community around issues related to Gaza and Israel. She said that she has asked the Community Justice Center to convene restorative circles and that should begin soon. She said that part of doing community leadership work is acknowledging the interconnection between these issues and local government, while also acknowledging that more work needs to occur outside of this chamber.

She spoke about work to develop a plan to address the level of unhoused individuals within the community, and said she hopes to bring that plan forward within the next ten days.

She provided broader City updates, noting that Norm Baldwin has served as a city engineer for the last 33 years. She also noted that many public parks' opening day is May 15th. She noted that Kids Weekend is occurring on May 17th. She spoke about the upcoming Juneteenth event on June 15th. She noted that CEDO is working to develop a community engagement process around the Memorial Block project. She spoke about her work to partner with spiritual leaders within the community in more creative ways, as well as with other critical leaders throughout the community. She spoke briefly about the encampment at UVM of students around the continued conflict in Gaza, and said she has been working to be clear about the role of the City versus the role of UVM in terms of authority, though she has been actively monitoring the situation. She expressed appreciation for the peaceful activist movement by the students, as well as UVM keeping her office informed on a daily basis.

11. ADJOURNMENT

11.1 Motion to Adjourn

MOTION by Councilor Neubieser, SECOND by Councilor Barlow, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 9:43 PM.

RScty: AACoonradt

BURLINGTON LOCAL CONTROL COMMISSION
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 6, 2024
DRAFT

MEMBERS PRESENT:
Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Carter Neubieser
Joe Kane
Evan Litwin (via Zoom)
Marek Broderick
Becca McKnight
Emma Mulvaney-Stanak

OTHERS PRESENT:
Katherine Schad
Joe McNeil
Erik Ramakrishnan
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:39 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated.
2.2 First and Third Class Liquor License and OCP Renewals (2024-2025): see attached list - approve the 2024 -2025 First and Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Bergman, SECOND by Commissioner Shannon, to adopt the consent agenda and take the actions indicated for items 2.1-2-2.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First and Third Class Liquor License Applications (2024-2025): Fire & Gold, LLC, 294 North Winooski Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve the 2024-2025 First and Third Class Liquor License Applications for Fire & Gold, LLC, 294 North Winooski Avenue contingent upon Fire Marshal approval and with all standard conditions.

VOTING: unanimous; motion carries.

3.2 First and Third Class Liquor License Applications (2024-2025): Majestic, 616 South Willard Street

MOTION By Commissioner Shannon, SECOND by Commissioner Mulvaney-Stanak, to approve the 2024-2025 First and Third Class Liquor License Applications for Majestic, 616 South Willard Street with the following conditions: contingent upon Fire Marshal approval, all City Permits need to be closed out and with all standard conditions.

VOTING: unanimous; motion carries.

3.3 Outside Consumption Permit Application (2024-2025): Majestic, 616 South Willard Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Majestic, 616 South Willard Street with the following condition: all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.4 Second Class Store Liquor License Application (2024-2025): Three Five 45 Community Store & Kitchen, 1563 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, to approve the 2024-2025 Second Class Store Liquor License Application for Three Five 45 Community Store & Kitchen, 1563 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 7:42 PM.

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 20, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Joe McNeil
Katherine Schad
Kim Sturtevant
Lori Olberg
Keaton Knowles

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:06 PM.

MOTION by Councilor Neubieser, SECOND by Councilor Barlow, to adopt the agenda.

VOTING: unanimous; motion carries.

2. MOMENT TO RECOGNIZE NORM BALDWIN

2.1. Moment to Recognize Norm Baldwin

Mayor Mulvaney-Stanak acknowledged Norm Baldwin for serving the City for 33 years. She spoke about how Mr. Baldwin began as a traffic field engineer in 1990 and became a City Engineer in 2000. She noted that he will become the new Director of Public Works in Colchester, which is a wonderful opportunity, though the City is saddened by his loss. She thanked him for his years of service in Burlington. She spoke about some of City Engineer Baldwin's accomplishments, including the establishing of the Skate Park at the Waterfront, efforts to improve the bike path, efforts to bring Amtrak back to Burlington, and beginning the Champlain Parkway after years of delay. She noted that City Engineer Baldwin's last day will be May 24, 2024.

3. COMMUNICATION: JOSEPH MCNIEL, ESQ., KIM STURTEVANT. ASSISTANT CITY ATTORNEY, RE: DISCUSSION OF "PENDING AND/OR POTENTIAL" LITIGATION (VERBAL) **EXPECTED EXECUTIVE SESSION** COMMUNICATION: JOSEPH MCNEIL, ESQ., KIM STURTEVANT, ASSISTANT CITY ATTORNEY, KERIN DURFEE, HUMAN RESOURCES DIRECTOR, RE: DISCUSSION OF EMPLOYMENT CONTRACT (VERBAL) **EXPECTED EXECUTIVE SESSION** 6:30 PM – 7:00 PM

3.1 Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, re: Discussion of "pending and/or potential" litigation (verbal) **expected executive session** 6:00 pm - 6:30 pm

City Attorney McNeil said that these motions pertain to three particular pending matters: a settlement agreement rating to a personnel officer, a piece of litigation that is pending with some discussion about positions to be taken with the City Council about the litigation, and the third about informational updates for a third piece of litigation with general direction from the Council, but nothing specific from the Council this evening in terms of direction.

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that the City Council find that premature general public knowledge of legal advice and information concerning the details of "pending and/or potential" litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, that, based upon that finding, the City Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending and/or proposed civil litigation matter, 1 VSA §313(a)(1)(E), to include City Attorney McNeil, Assistant City Attorney Sturtevant, Chief of Staff Jacobsen, and Deputy Chief of Staff Magee.

VOTING: unanimous; motion carries.

3.2 Communication: Joseph McNeil, Esq., Kim Sturtevant, Assistant City Attorney, Kerin Durfee, Human Resources Director, re: Discussion of employment contract (verbal)**expected executive session** 6:30 pm - 7:00 pm

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that the City Council find that premature general public knowledge of legal advice and information concerning the details of an employment contract would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor Shannon, that, based upon that finding, the City Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending civil litigation matter, 1 VSA §313(a)(1)(A), to include City Attorney McNeil, Assistant City Attorney Sturtevant, Chief of Staff Jacobsen, Deputy Chief of Staff Magee, and Human Resources Director Durfee.

VOTING: unanimous; motion carries.

4. PUBLIC FORUM: TIME CERTAIN: 7:00 PM

4.1. Verbal Comments
Forum opened at 7:03 PM.

COMMENTS:
Burlington residents (in person):

- Catherine Foley spoke as the President of the resident council of Decker Towers. She said that Decker Towers was able to obtain guards but that this program does not go far enough. She said that the agreement between the City and Burlington Housing Authority is not being followed, as there is no written procedure for visitors to Decker Towers, rendering the guards unable to protect the safety of residents. She noted that the guards did not receive training and that there is no logbook for visitors. She said it is important that the City Council know that the $38,000 that they provided is not being used adequately. She said that the building is in better shape than it was in the winter but that it is not completely improved yet.
- Jane McDougal spoke about the poor conditions of the sidewalks in certain parts of downtown, and asked when the sidewalks will be fixed. She spoke about how the residents of Cathedral Square cannot access sidewalks with wheelchairs and walkers, given their poor conditions.
- Dave Maher spoke about Burlington's plan to achieve net zero emissions in the next several years. He noted that this plan relies on a lot of green power from outside of Vermont, and that there isn't enough green power to go around. He noted that it is not feasible to to store excess solar and wind energy and batteries or as hydrogen, so that the remaining sources of renewable energy are biomass and nuclear power, which often come from out of state sources. He said that this can't serve as a model for other cities, and recommended that the City scrap its plan and revise it to only use green energy that is local.
- Jack Hansen noted that the City isn't on track to reach its net zero goals and that further policy is needed, and that what is under debate tonight has a lot to do with trust and working in good faith. He said that to amend the resolution to study the issue and decide whether to move forward is a mistake, since this would represent a delay and postponing the real issue. He expressed support for moving forward and urged the Council to not postpone further.
- Taya Mahoney spoke about having to move out of Burlington soon because she cannot afford it. She said that when the City thinks about the climate and infrastructure, they should think about the bus infrastructure and improving this, which would help people with decreased mobility to move around. She also advocated for improving the sidewalks.
- Nick Persampieri urged the Council to support the resolution that would charge TEUC with an ordinance to reduce greenhouse gas emissions for buildings of 25,000 square feet or more and would require the TEUC to present a draft of this ordinance to the City Council this October. He urged the Council to resist amendments that would turn the resolution into a call for further study, given that the City has been studying decarbonization since 2021. He said that the time for action is now. He said that the Net Zero Energy roadmap should be reformed, as well as the current carbon impact fee ordinance.
- Julie Handel spoke in support of the building emissions reductions ordinance, saying that the City needs to take action now, rather than delaying action, in order to reduce emissions now.

- Ryan Hagan spoke in support of the building emissions reduction ordinance, saying that action should not be delayed. He said that the City does not have time to wait on this anymore and that it is the most important issue facing humanity today. He said that this can also help out with all of the other issues facing Burlington today.
- Colin McDermott expressed support for the resolution related to the building emissions reduction ordinance, saying that there is a great sense of urgency to make progress now and push toward today's environmental goals. He said that buildings are a leading emission of carbon in the City and that policies need to be implemented to curb those emissions.
- Trey Cook spoke in support of the resolution related to the building emissions reduction ordinance, saying that the Council should not amend the resolution to implement any delays. He said that this is a great proposal and that it is a good measure to take action on tackling climate emissions.

Burlington residents (via Zoom):

- Lindsey Maschler spoke in support of the resolution related to the building emissions reduction ordinance, saying that buildings represent a large portion of the City's emissions. She said that large buildings are a main source of pollution, saying that it makes sense to support this resolution in order to meet the City's climate goals. She urged the City not to delay action further and to make policy rather than conduct another study.
- Sharon Bushor spoke in favor of the resolution honoring Marcel Beaudin and his efforts to make sailing affordable and available to everyone in the community. She expressed condolences to his family. She then spoke about people needing a better explanation of the use of one-time ARPA funds, and a better explanation for PILOT funds. She requested that there be a differentiation between state properties and the state's allocation for fees related to PILOT properties, as well as the PILOT fees that apply to non-profits.
- Adam Franz expressed concern about the amendment to the resolution related to building emissions reductions, saying that there should not be a delay in the ordinance. He said that further action should not be postponed and urged the Council to pass the resolution as written.
- Ashley Adams said that Burlington is one of the top five fastest warming cities in the United States. She said that the impacts worsen with every bit of greenhouse gas pollution and that the continued burning of all carbon-based fuels, which is important for a city that hosts a 50 mega-Watt wood-burning plant like the McNeil Plant. She said that McNeil should shut down and that utility companies should not be in charge of climate policies, given the inherent conflict of interest. She said that the net zero energy plan should be revised. She said that she supports the building emissions reduction ordinance, but not the amendments that would undermine the resolution.

Non-Burlington residents (in person):

- Kate Neubauer spoke about the resolution honoring Marcel Beaudin, speaking about his talent in architecture and his passion for Burlington's waterfront and Lake Champlain. She said that he was also passionate about the Lake Champlain Sailing Center, which he cofounded and helped design. She said that this has allowed thousands of Burlingtonians to enjoy the lakefront and sailing.

Non-Burlington residents (via Zoom):

- Keren Sita spoke about Mental Health Awareness Month and the suffering of Black women. She spoke about the unaffordability of Burlington.
- Quinton Zondervan spoke about the building energy reduction ordinance, speaking about his efforts to pass a similar ordinance in Cambridge, Massachusetts. He said that this type of ordinance is possible and can be done successfully.

Forum closed at 7:38 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Verbal Reports

Councilor Bergman spoke about a publication called the Green Energy Times, and noted an article about greenhouse gas levels reaching record highs in 2023. He said that this is serious and the science backs it, and that it is a slow-moving catastrophe. He encouraged everyone to read this article.

Councilor Kane urged Councilors to look more at the transportation sector when considering climate initiatives.

6. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

6.1 Verbal Reports

Councilor Barlow spoke about an international brand that had decided not to move their business into downtown Burlington at the last minute, saying that the brand's board decided that the social issues in downtown Burlington are too risky for the store at this time. He said that businesses are staying away due to the mayhem and theft in the downtown area.

Councilor Grant said that the Public Safety Committee met on May 16, and encouraged residents to view the meeting recordings and minutes. She said that the Fire Department and Police Department's budgets will be reviewed on May 29th and that these meetings can be found on CivicClerk.

Councilor Litwin spoke about an event that occurred where an elderly man in Burlington was randomly attacked. He also spoke about a homeless woman who was also attacked this weekend in the same area on Cherry Street. He also said that he met last week with the head of the Burlington Technical School and said he is deeply concerned about the safety situation for those students as they move around Cherry Street to get to and from the school. He spoke about staff being held at knife-point as they make their way to the parking garage. He spoke about staff paying out of pocket to park in metered spots closer to the school because they do not want to walk the length of Cherry Street to get to their cars. He said that the City cannot afford to have these kinds of incidents.

Councilor Shannon said that these were random acts of violence, that perpetrators were caught, but that they were also released and are still at large in the community. She said that the City's budget is contingent upon people feeling safe in Burlington and spending their dollars here. She said that she looks forward to hearing from the Mayor on this topic so that everyone knows that measures are being taken to ensure the public's safety.

Councilor Neubieser expressed thanks to other Councilors and the Mayor for their work to increase public safety. He also spoke about ensuring that the judicial system is adequately resourced and that Montpelier step up with resources.

Councilor Grant reminded people that police officers are a limited resource and said that the City needs to investigate why turnover is high if it is losing police officers to other municipalities.

7. CONSENT AGENDA

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

7.2 Accountability List – C/T Office – waive the reading, accept the communication, and place it on file.

7.3 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.

7.4 Communication: Abbey Duke, Member, Parks & Recreation Commission, 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 Abbey Duke thanking her for her time served as a Member of the Parks & Recreation Commission.
7.5 Communication: Dana R. Pierson, re: parking meters – waive the reading and place the communication on file.
7.6 Communication: C/T Office, re: March 25, 2024 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the May 6, Regular City Council Meeting.
7.7 Communication: C/T Office, re: March 25, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the May 6, Regular City Council Meeting.
7.8 Communication: C/T Office, re: April 1, 2024 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the May 6, Regular City Council Meeting.
7.9 Communication: C/T Office, re: April 15, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the May 6, Regular City Council Meeting.
7.10 Communication: C/T Office, re: April 15, 2024 Local Control Commission Meeting Minutes, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the May 6, Regular City Council Meeting.
7.11 Request for Approval to Execute a Contract with ECI for the Temporary Forcemain Removal and Restoration of Site Project – DPW – Water Resources – approve and authorize the Director of Public Works to execute a Construction Contract with Engineer's Construction, Inc., for removal of the temporary forcemain and restoration of the site for an amount up to $125,000, subject to the review and approval of the City Attorney's Office.
7.12 Request for Approval of a $1,276,829 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport – Airport - approve a budget neutral amendment in the amount of $1,276,829 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum.
7.13 Request to Accept and Execute a Contract in the Amount of $97,695.00 with Annseal Inc. for Runway (RW)15-33 Plain Cement Concrete (PCC) Concrete Joint Repair and a budget neutral amendment – Airport – 1. Approve and authorize the Director of Aviation to execute a contract with Annseal in the amount of $97,695.00 with a 15% contingency totaling up to $112,349 for the Runway (RW)15-33 PCC Concrete Joint Repair, subject to review and approval of the City Attorney's Office; and 2. Approve a budget neutral amendment in the amount of $115,000 to the Fiscal Year 2024 Airport budget by increasing the accounts as described in the affiliated memorandum.
7.14 Request to Accept and Execute a Contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of $364,844 – Airport - approve and authorize the Director of Aviation to execute a contract with PCS Specialty Contracting for FY2025 Parking Garage Repairs in the amount of $364,844, subject to review and approval of the contract by the City Attorney's Office.
7.15 Request to Execute a Contract in the Amount of $126,000 with Mikes Electric Inc. (MEI) for Terminal Fluorescent Lighting Control Replacement – Airport –approve and authorize the Director of Aviation to execute a contract with Mikes Electric Inc (MEI) in the amount of $126,000 for Terminal Fluorescent Lighting Control Replacement, subject to review and approval of the City Attorney's Office.
7.16 Extension of Lease – Waterfront Information Services Building – BPRW - approve and authorize a holdover of the existing lease terms with the Lake Champlain Chamber of Commerce for the premises located within the Pease Lot Information Building and as more particularly described in the existing lease, creating a month to month tenancy as provided for in the existing lease through October 31, 2024, for the purposes of continuity of Information Services.
7.17 ARPA Community Infrastructure Budget Amendment and Request to Execute a Contract with S.D. Ireland Brothers Corporation for the site work and utility connections required for the kiosk at City Hall Park – CEDO - approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the City Hall Park Kiosk Budget by $150,000 from the Expanded Waterworks Park Connections and Amenities budget of $600,000 and to approve and recommend the Director of the Community & Economic Development Office to enter into a contract with S.D. Ireland Brothers Corporation for the purposes of completing the site work and infrastructure

connections for the City Hall Park Kiosk, with a cost of up to $197,500 and a ~10% contingency, for a total authorization and maximum limiting amount of $220,000 subject to final review and approval of the City Attorney's Office.
7.18 May 6, 2024 Legislative Update – Jamie Feehan – waive the reading and place the communication on file.
7.19 May 13, 2024 Legislative Update – Jamie Feehan – waive the reading and place the communication on file.
7.20 FIO Documents – for information only.
7.21 Ordinance: An Update to Chapter 23, Peddlers and Solicitors, to Accommodate Burlingtonians and Visitors of June 15, 2024 (License Committee) - waive the reading, suspend the rules, and place the updates to Chapter 23 of the Burlington Code of Ordinances in all stages of passage as detailed in the attached ordinance form.
7.22 Resolution: Designation of Ward 2 Polling Place for 2024 State Primary Election, 2024 General Election, and 2025 Annual City Election (Councilor Bergman) – waive the reading and adopt the resolution.
7.23 Resolution: Adoption of Updated Local Emergency Management Plan (Councilors Grant Barlow) – waive the reading and adopt the resolution
7.24 Resolution: Appointment of Dr. Whitney Sherman to the City of Burlington's Board of Medical Examiners (Councilor Carpenter) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to approve the consent agenda as amended and take the actions indicated for items 7.1-7.24.

VOTING: unanimous; motion carries.

8. FISCAL YEAR 2025 BUDGET PRESENTATION

8.1 Fiscal Year 2025 Budget Presentation
Chief Administrative Officer Schad began by speaking about the budget principles laid out by the Mayor for the FY25 budget. These include a commitment to affordability for Burlington taxpayers, identifying sustainable financial practices that reduce the need to rely on one-time funding, working to right-size the City's government by providing what the community needs now and in the future, being fair in raising new revenue across the entire community, and reflecting the City's priorities of community safety, maintenance of services, and creating processes for the public, unions, and City employees to engage in larger questions on how to right-size the City's government.

Chief Administrative Officer Schad summarized the budget assumptions for the FY25 General Fund budget. She said that all current staff are included in the budget, they have assumed a 7.5% attrition rate for all department except for the Police and Fire Departments, that they will hold 22 positions vacant for the FY25 budget year, that they are assuming an increase in user fees based on findings from the user fee study, and that they will use the remaining unused ARPA funds, which must be obligated by the end of 2024, to help fill the budget gap. She noted that the overall budget is currently projected at $107.8 million in both revenues and expenses, and that the Administration and department heads have identified several strategies to effectively resolve the previously identified budget gap.

Chief Administrative Officer Schad then spoke about some of those proposed solutions. She noted that they are proposing to implement the voter-approved public safety tax increase to $0.2, rather than to full $0.3 authorized, which will yield $1.35 million in revenue. She noted that they are proposing to raise the non-lodging gross receipts tax from 2% to 2.5%, which will raise $700,000. She noted that they are proposing to raise the hotel tax from 2% to 4%, which would raise an additional $1 million. She noted that the gross receipts tax increase would sunset after one year. She spoke about increasing the Retirement Tax and the Debt Tax, which would raise an additional $2.73 million. She noted that these taxes do not need voter approval for any increases. She spoke about user fee increases, based on the findings from the user fee study that has just been completed. She noted that the study found that the Clerk & Treasurer's Office and the Permitting and Inspections

Department are both charging appropriate fees to cover their costs and that those fees don't need to increase. She said that for the Fire Department, Burlington Parks, Recreation, and Waterfront (BPRW) Department, and Burlington City Arts (BCA), there are opportunities to increase fees by at least the $1.3 million that was originally forecast. She spoke about the strategic use of one-time funds, noting that they are proposing to repurpose unused ARPA funds, redirect other ARPA funds, use Housing Trust Fund money to free up ARPA funds, to use opioid settlement money, and to use the assigned fund balance for the REIB department, which results in a total of $2.9 million for the use of one-time funds. She spoke about right-sizing the budget without making a significant impact on the public, noting that vacancy savings, right-sizing various programs, using enterprise funds to pick up more eligible costs, and using the capital fund to pay for capital salary work have resulted in savings of $3.1 million. She spoke about other savings line items, which also resulted in savings of $800,000. She said that in total, they have identified $13.8 million to successfully fill the budget gap and leave headroom to fund additional initiatives.

Chief Administrative Officer Schad spoke about next steps for the FY25 budget. She said that the City Council will continue to revenue each department's budget over the course of May, that the Administration will make final adjustments based on Councilor feedback and the Mayor will submit the budget to the Council for its consideration no later than June 15th, for approval by the Council no later than June 30th She also noted that the City will continue to receive operational analysis, discuss those results, and implement changes based on that analysis in FY25 and will continue its analysis of franchise fees and payments in lieu of taxes (PILOT) to ensure equitable and fair fees are borne appropriately throughout the City.

Mayor Mulvaney-Stanak said that she is proud that the work to close the $13 million budget gap did not include layoffs. She said that they even found additional funding, which was intentional and meant to help start conducting strategic investments in community safety. She emphasized the importance of making these investments as soon as possible, such as with the use of the opioid settlement funds. She spoke about how these funds will help fund the CRT program through the Fire Department. She noted that this budget does rely in some part on the use of one-time funds, and said that she wants to avoid doing this in future years, as it is not a good budgeting practice. She spoke about the studies conducted on fees and operational efficiencies, saying that these are both good tools to use for future planning for Fiscal Year 2026 and beyond. She said that due to the timing of the results of these studies, many of the changes were not possible to implement for Fiscal Year 2025, but will be used to inform future budgets.

Councilor Shannon expressed support for a consumer tax rather than burdening residents with an increased property tax, but said that unfortunately, consumer taxes are less predictable than property taxes, in terms of revenue. She asked about the assumptions used for generating revenue through the gross receipts tax and the hotel tax. She also noted that it would be important to establish benchmarks so that the City knows if it's hitting its targets in terms of revenue from this tax. She noted that these proposals will require ordinance changes and said that in order for the Ordinance Committee to begin the process of making those changes, it needs a specific request from the Mayor's Office to discuss. Councilor Bergman noted that this request was made by the City Attorney's Office and that the gross receipts tax ordinance has been drafted and will be brought to the Council's next meeting for its consideration. Mayor Mulvaney-Stanak said that she will be meeting with business community members to discuss the gross receipts tax increase proposal. She noted that this is not a permanent fix and that she has also proposed a sunset to this tax after one fiscal year. She also said that regular reporting on this budget is going to be a priority throughout the year.

Councilor McKnight said that voters stepped up this year to provide feedback on the budget and increase investments in public safety, with the understanding that there would be creative thinking and bold proposals to tackle the public safety issues. She expressed concern that this current budget doesn't go far enough to do that. She said that the Council has a mandate to effect change in Burlington. She expressed concern about the vacancy strategy, saying that some of these positions are needed to improve the quality of life and safety in Burlington. She spoke specifically about the Housing Administrator position within the Department of Permitting & Inspections, saying that this

department is responsible for ensuring that landlords don't violate regulations, that construction is in compliance, and that the Neighborhood Code is being implemented correctly. She also spoke about how the City needs more investment in public safety but that it is not increasing the number of CSOs in the City. She asked if the administration could look at certain positions with more specificity, rather than imposing a blanket vacancy.

Councilor Barlow expressed support fore the reduction in the use of one-time funds from $3.7 million to $2.9 million. He spoke about the vacancies being left open in the Police Department, including 7 sworn officers and 3 CSOs. He noted that last December, they had said that they would not reduce the Fire or Police Department staff, as they had recently had their own studies that had set employment levels. He said that each additional cent raised of the public safety tax raises an additional $675,000. He said that in not funding the last additional cent increase of the public safety tax, they are replacing it with $777,000 in gross receipts tax, and he asked about the fungibility of the gross receipts tax, versus the restricted nature of the public safety tax. He asked whether there is an assurance from the administration that the money raised from the gross receipts tax equivalent to the amount that would have been raised from the public safety tax would be restricted or used for those public safety needs that the City told the voters those funds would be used for. He noted that the City hasn't been able to hire for the positions it needs within the Police Department and that vacancy savings has gone to fund overtime for current officers, and he asked whether the proposed vacancy savings in this budget might be needed to continue to fund overtime pay for officers. He said that he would like to see both the user fee study and the operational analysis. Mayor Mulvaney-Stanak said that she would share the operational efficiency study once it's in final form (around June 4th). She said that this analysis is also the roadmap to some of Councilor McKnight's comments around bold, creative ideas. She said that the budget does include FTEs for 10 new sworn officers more than in FY24, and that if they are able to hire more, then the budget can be adjusted in future. She also noted that the proposed number of CSOs also comes from the Police Chief's determination of the right number of CSOs. She noted that the operating baseline for the Police and Fire Departments is bigger than the other departments, which were asked to level fund their operating budgets from FY24. She noted that the public safety tax is restricted to Police and Fire by charter. She said that increasing a more flexible tax would also allow the City to put public safety resources in less traditional areas, such as the Parks and Library Departments, where there is also a need for more community safety resources.

Councilor Litwin asked for more clarification about the number of sworn officers and about the use of the public safety tax. Mayor Mulvaney-Stanak noted that the restriction of the public safety tax is explicit and by charter. She said that they will also still need overtime, even with the goal of hiring ten new sworn officers. She noted that every police department in the state has the same challenges, and that this is a regional problem. She said that in terms of leaving the last cent of the public safety tax on the table, she does not want to have to tax people if she doesn't have to. Councilor Litwin asked about the potential to explore regional shared responsibility for officers at the Airport, given that there is a requirement to provide officers from BPD to the Airport. Mayor Mulvaney-Stanak replied that Aviation Director Longo has looked into other area police forces, but that they are all facing the same shortages that Burlington is facing.

Councilor Grant said that some of the issues with the CSOs are similar to that of the sworn officers. She said that the City could have up to 11 CSOs, but that they have not been able to fill those positions. She also noted that the CSO position has also served a recruiting mechanism, given that people may start as CSOs, go into the Police Academy, and end up being hired elsewhere. She also noted that there are supply lines in the Police Department budget that are important, such as the body cam footage storage and tasers. She asked for more specific information on the empowerment funds being reassigned from the REIB department, and Chief Administrative Officer Schad replied that these were FY23 funds that were unused and are being added back into the REIB department for FY25.

Councilor Kane spoke about the use of the public safety tax versus the gross receipts tax. He said that the average property owner in Burlington pays about $6,000 per year in property taxes and that this is likely to increase by another $1,000, irrespective of this particular decision about the use of the public safety tax. He noted that the use of the gross receipts tax increase is more equitable. He also spoke

about underlying issues with the property tax system, noting a presentation to the Board of Finance in January where a presenter showed that more expensive properties are taxed at a lower percentage of market value than less expensive properties, and that the tax system is flat and not progressive. He said he would like to see a higher increase in the gross receipts tax, rather than the public receipts tax. Mayor Mulvaney-Stanak replied that her Administration tried to focus on the pieces needed to address the increased budget gap. She agreed that it is time to have more structural reform conversations around aff0ordability and how local taxes are collected. She said that she has been working with department heads to present a set of measured and balance responses to the budget gap that are spread across different sectors.

Councilor Doherty thanked staff for the comparison of hotel tax rates for different places in the country, noting that they help ensure that Burlington remains competitive. He asked that as the City moves forward in this conversation, that it work to find more comparable benchmarks, such as Portland, Maine, when looking at things like the hotel tax. He also asked that the Administration and City staff ask the business community for their assessment of what this tax rate change will do.

Councilor Neubieser said that the resounding feedback he has received from constituents is to do everything the City can to slow property tax increases, and said that he is glad that this budget does just that. He said that another piece of feedback from constituents is to use a data-driven approach to public safety and set politics aside, and he said that this budget does that as well. He expressed support for the preservation of the CRT program. He noted that when considering increasing taxes for hotels and meals, these are luxury goods that have more elasticity, and he is glad that this will be evaluated throughout the year to gauge whether it is meeting revenue targets.

Councilor Carpenter asked what the City will do if its request for increased PILOT funds is not accepted, since it is voluntary. She also expressed frustration about lack of clarity around the availability of ARPA funding. She also expressed frustration at the reallocation of Housing Trust Fund money, which is desperately needed for housing. She said that given that the City is going to be reviewing its trespass ordinance and graffiti ordinance, they are going to need staff to help implement that, and she does not want the City to be short-sighted in whatever staff is needed by the Police Department to do that. She also noted a gap in the support staff system for the Police Department, given that sometimes people call and they can only get a recording. She said she would like the City to budget appropriately for customer service. She also asked about a timeline for beginning to review the operational study. She noted conversations about property taxes, saying that the majority of the taxes are with the State and that the City does not have good data on who qualifies for the homestead tax credit and needs to have good data. Mayor Mulvaney-Stanak replied that they had built a revenue buffer into the budget exactly because they were unsure about the additional revenue from the PILOT fees and fee for service. She noted that she agrees about Councilor Carpenter’s point about customer service in the Police Department, saying that the City needs to have a larger conversation around dispatch.

Councilor Bergman noted that the hotel tax increase was proposed a while ago and that he didn’t hear any of these objections to it then. He said he appreciates the flexibility of this new administration on the gross receipts tax. He said that he thinks the City is very competitive in its gross receipts tax, even by increasing it. He said that austerity is not a solution, but that the City needs to raise money from the people who can afford to pay it. He said that he hasn’t heard in his time serving the City that it is overstaffed in any of its departments. He said that he looks forward to a good look at how the City raises revenues in development of its FY26 budget.

Councilor Kane said that in terms of revenue from the hotel tax increase, he noted several developments that have hotel components that will come online within the next year, which will help with revenue generation. He also said that he wouldn’t compare Burlington to suburbs like Colchester.

Councilor Grant said that the City cannot continue to ignore the high turnover within its Police Department and that this turnover should be investigated further. She also agreed about comparing Burlington to other cities in the Northeast.

City Council President Traverse said that he appreciates the information about the General Fund budget, but said it will be helpful in the next month for taxpayers to understand what the entirety of the budget means in terms of costs for them. He said that this has been discussed piecemeal, but that laying out all of the increases and their impacts on taxpayers is important. He noted that any gap or deficit is one of the Mayor's or City Council's creation, given that they ultimately approve the budget, and that the taxpayers are ultimately burdened with needing to fill in that gap. He said that the trajectory Burlington is on is not sustainable. He expressed support for thinking creatively and big-picture about future budgets, but said that the City will also need to make some tough decisions. He said he would be supportive of a sunset on both the gross receipts tax increase for restaurants and bars, as well as on the hotel portion of the gross receipts tax, saying that they need to make a commitment to both the residents and businesses in Burlington to think boldly and creatively. He noted that Burlington and Rutland are the only two municipalities in the state that can charge a gross receipts tax, and said that this can make Burlington less competitive than surrounding municipalities. Mayor Mulvaney-Stanak said that she is committed to making sure that the budget is understandable, transparent, and easy to understand for the public, and that a summary of taxpayer implications will include utility rate increases as well as tax increases.

9. DELIBERATIVE AGENDA

9.1 Outdoor Entertainment Permit Renewal (2024-2025): Orlando's, 1 Lawson Lane, Suite 10

MOTION by Councilor Shannon, SECOND by Councilor Grant, to approve the 2024-2025 Outdoor Entertainment Permit Renewal with the following change: Friday and Saturday only: end time: 11:30 PM with all standard conditions.

DISCUSSION:

- **Councilor Shannon noted that she voted against this change in committee. She said that while she supports the City's bar and restaurants, this establishment has been problematic in the past and she is not willing to extend their hours without them demonstrating more responsiveness to community complaints (though she acknowledged that they have shown some improvement). She also noted that the Applicant did not attend the committee meeting where it was asking for extended hours. She said that the Council should demonstrate that it is holding this establishment accountable.**
- **Councilor Grant acknowledged that there were complaints against this bar and that there were issues with responsiveness to those complaints. She noted that there was a two-week suspension of this establishment's outdoor license and an attempt to shut them down completely for two weeks (which she said was unjustifiable and punitive). She spoke about her interactions with this business and their efforts to address sound remediation and issues from residents. She said that this bar is trying to be competitive with the businesses around it, which have later closing times, that it is trying to keep its business model viable, and that it needs to be treated fairly.**
- **Councilor Neubieser said he appreciates the balance between addressing the needs of residents and addressing the needs of businesses downtown. He said that it is City government's role to work in a collaborative manner across the City to address community needs, which may come with additional financial costs to businesses, such as with soundproofing.**
- **Councilor Barlow said that the City needs to have a more level playing field for outdoor entertainment permits across businesses downtown. He said that he is supportive of this extension of hours but agreed that the City needs to hold the business accountable to its commitments to be done by 11:30. He agreed with Councilor Neubieser's points.**

- **Councilor Kane suggested that the business in question come before the License Committee sometime around Labor Day to check in and provide an update on how their extended hours have been going. He also expressed concern for extending the hours of outdoor entertainment for businesses that are right next to residential buildings, especially given that this is income-stabilized public housing. He asked why there is not more uniformity in the downtown core for indoor and outdoor hours for playing music.**

VOTING: unanimous; motion carries.

9.2 Resolution: Honoring Burlingtonian Marcel Beaudin (Councilors Shannon, Carpenter, Traverse, Brown McKnight, Litwin, Barlow, Bergman, Neubieser, Doherty)
Councilor Shannon said that she was at the first meeting where Marcel Beaudin proposed launching a community sailing center. She spoke about his vision for getting people involved in sailing who had never had the opportunity to do so, about providing access equity to the shorelines and access to Lake Champlain. She said that this was a foreign concept when he proposed it, but that this concept has become a model for community sailing centers across the country.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to adopt the following resolution, which Councilor Shannon read into the record:
That WHEREAS, Marcel Beaudin was an influential Vermont architect of modern design and resident of the City of Burlington for much of his life; and
WHEREAS, Marcel was a dedicated member of the Burlington Planning Commission, helping shape the development and landscape of Burlington and its world-class publicly accessible Waterfront; and
WHEREAS, Marcel was a staunch advocate for access to and recreational opportunities on the Waterfront and Lake Champlain, with a particular passion for sailing as a medium to celebrate and experience Lake Champlain; and
WHEREAS, Marcel conceived a vision for innovative places and spaces to ensure public access to the Waterfront and Lake Champlain and inspired the community to develop and support those spaces; and
WHEREAS, Marcel designed the Waterfront Burlington Community Boathouse in 1988 as a reflection of the 1887 historic yacht club there with his "Form Follows Function" contemporary style for a public building on a floating barge; and
WHEREAS, Marcel's legacy contribution to the City of Burlington and State of Vermont is the 1993 co-founding of the Lake Champlain Community Sailing Center, a nationally award winning organization providing access, education, and recreational opportunities for everyone, regardless of age, ability, or income – Lake Access. Life Lessons. For All.; and
WHEREAS, Marcel designed the new Lake Champlain Community Sailing Center building and waterfront access infrastructure, including universal access docks, ramps, paths and amenities in the only Net Positive energy community waterfront facility in the country; and
WHEREAS, to the end of his time, Marcel incessantly sketched innovations and solved for design problems for over a thousand architectural projects, including the preservation and restoration of the "Lost Mural" from the Chai Adam/Ohavi Zedek Synagogue, an important remnant of Burlington's rich history of Eastern European settlement; and
WHEREAS, Marcel sailed off into the Lake Champlain sunset on March 29, 2024, passing away at the age of 95 years and 11 days; and

WHEREAS, the City of Burlington and State of Vermont are forever changed and improved by Marcel's innovative design contributions to the landscape and communities surrounding Lake Champlain;
NOW, THEREFORE, BE IT RESOLVED that:
1. The Burlington City Council respectfully requests the life of Marcel Beaudin and his many contributions to Burlington be celebrated in a Mayoral Proclamation that Friday, August 2, 2024, be declared Marcel Beaudin Day;
2. The Burlington City Council encourages all residents to honor Marcel Beaudin and his contributions to integrating Vermont's built-human landscape into its remarkable natural environment.
DISCUSSION:

- **Councilor Bergman spoke about the boathouse and how its design was perfect in its simplicity and honoring of Burlington's past. He spoke about how his son attended a summer camp at the Sailing Center, which exposed him to new experiences and viewpoints. He spoke about the Sailing Center's equity initiatives. He spoke about the City's efforts to create a waterfront that is accessible to all, much of which was successful due to Marcel's initiative.**
- **Councilor McKnight spoke about the special nature of the Sailing Center and access it provides to the community, and expressed appreciation for learning about the history of the Sailing Center and of Marcel.**

VOTING: unanimous; motion carries.

9.3 Resolution: A. Building Emissions Reduction Ordinance (Councilors Broderick, Bergman)

MOTION by Councilor Broderick, SECOND by Councilor Bergman, to waive the reading and adopt the proposed resolution referring a proposal for a building emission reduction ordinance to the Transportation, Energy, and Utilities Commission, and establishing a proposed timeline for adoption of the ordinance.
DISCUSSION:

- **Councilor Broderick said that this resolution aims to address gaps in the City's building decarbonization work, which builds off of rental weatherization and carbon impact fee policies and ordinances. He said that building emissions are the second highest polluter in Burlington and that through this resolution, the TEUC would be tasked with creating a building emissions reduction ordinance to apply to existing buildings of 25,000 square feet and over and exclude buildings that are already under the purview of the policies noted above. He said that the TEUC would solicit input from relevant stakeholders, such as climate advocacy groups, building owners, BED, and DPI, relevant labor unions, and that a working draft of the ordinance that would come out of TEUC would be referred to the Ordinance Committee in October 2024. He said that the City must commit to doing the work to meet its net zero energy goals. He urged the Council to pass this resolution without amendments.**
- **Councilor Neubieser spoke about the urgency with which the City must tackle these climate problems, given the amount of devastation seen even at a local level as a result of climate change. He spoke about the importance of students and young people getting involved in the political process, and thanked Councilor Broderick for his work on this resolution.**
- **Councilor Barlow**

MOTION TO AMEND by Councilor Barlow, SECOND by Councilor Litwin, to amend and replace the language in the posted document with the posted document named "2024 Resolution Relating to Building Emissions Reduction Ordinance, Final Amendment" as posted on CivicClerk.
DISCUSSION ON AMENDMENT:

- **Councilor Barlow said that this amendment does not substantively change the outcome of the resolution, which is to set up a path by which the TEUC can draft an ordinance by the end of October. He said that the argument that this amendment replaces the action with a study is false and that this amendment does not delay or undermine the work of the underlying resolution. He said that the amendment adds a step to examine what other communities are doing with respect to building emissions reductions ordinances, as well as consult with City staff who would ultimately be tasked with enforcing this ordinance, and that it also provides a path for a strong building emissions reduction ordinance and does not require exemptions for buildings already subject to the carbon pollution impact fee or rental weatherization ordinances, or require minimum size limits on buildings.**
- **Councilor Broderick said that he agrees with much of this amendment and its detailed process for soliciting more input from certain parties. He said that he is also in favor of removing the exemptions from the underlying resolution. He said that he does not support amending this from the TEUC drafting a building emissions reduction ordinance to the TEUC instead just talking about whether it should have a building emissions reduction ordinance. He said that the City needs to act now to build strong climate action. He said he does not agree with lines 49 through 52 of the amendment.**
- **Councilor Bergman said that he is not in favor of a number of the proposed changes in this amendment. He said that the amendments to the whereas clauses on lines 38 through 44 of the amendment (the 19%) is wrongheaded. He concurred with Councilor Broderick on lines 49 through 52 being problematic. He said that listing the supposed impediments without listing the imperatives (in likes 53 through 57) is also problematic. He also did not agree with the deletion of the group of buildings of 25,000 square feet or more without an alternative. He expressed support for lines 70 through 73 and lines 74 through 77.**
- **Councilor Neubieser said he does not support taking out the 25,000 square foot and above buildings without proposing an alternative for them. He said that some of the modifications to the whereas clauses also decrease the urgency around the framing of them. He said he wants to pass this resolution tonight and does not want to sacrifice urgency or mislead the public into thinking that the City is doing better on its net zero energy goals than it truly is.**
- **Councilor McKnight expressed appreciation for Councilor Broderick's work on this resolution. She said that this amendment is not about punting or delaying action, and that she is supportive of Councilor Barlow's amendments because it is important to consult with the departments that are doing the work to implement policies, and it is important to make sure that anything that is developed is feasible. She said that her expectation is that this will be worked on meaningfully and in good faith by the TEUC.**
- **Councilor Carpenter said that the amendment provides more flexibility, looks more at disclosure, to whom the ordinance might apply, and clarifies what the committee itself ought to look at. She said it allows the TEUC the time to make this a good ordinance.**
- **Councilor Neubieser said that supporters of this amendment raise good points, but that many of these points aren't reflected in the amendment itself.**

MOTION TO AMEND THE AMENDMENT by Councilor Kane, SECOND by Councilor Bergman, to revert lines 49 through 52 in the proposed amendment back to their original form.

<u>DISCUSSION ON AMENDMENT TO THE AMENDMENT:</u>

- **Councilor Kane said that removing the most objectionable single piece of the amendment would get the Council closer to a yes vote on this resolution.**
- **Councilor Barlow said that the resolution needs to do the work of the process before it can come up with a solution, and that his amendment would establish that process and not presuppose an outcome (the development of an ordinance).**

- **Councilor Bergman said that lines 32 through 36 speak about the need for reductions in greenhouse gas emissions, which would require the adoption of stronger policies to reduce emissions in the buildings sector. He said a criticism of the original resolution is unwarranted.**

VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Doherty – nay, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – nay (5 ayes, 7 nays); motion fails.

DISCUSSION (ON AMENDMENT):

- **Councilor Grant expressed concern about oversight and accountability, saying that even with promises and a sense of urgency, the City is still not where it needs to be in terms of climate policy and action.**
- **Councilor Carpenter said that this amendment would give the TEUC an opportunity to examine other BEROs (Building Emissions Reductions Ordinances) and that it allows the City to take the time it needs to do the work of developing a good ordinance.**

VOTING ON AMENDMENT TO THE AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (7 ayes, 5 nays); motion carries.

DISCUSSION (ON RESOLUTION AS AMENDED):

- **Councilor Barlow said that he is committed to making best efforts to bring forward an ordinance, though he cannot guarantee that this will be the end result.**
- **Councilor Broderick said he will support this resolution as amended because he is ready to get the work done.**

VOTING ON RESOLUTION AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (12 ayes, 0 nays); motion carries.

10. COMMITTEE REPORTS

10.1. Verbal reports

Councilor Shannon said that the Ordinance Committee will meet on Thursday, May 23, 2024 at 11:00 AM.

Councilor Barlow said that the Boards and Commissions Nominating Committee will have its first meeting on Thursday, May 23, 2024 at 6:00 in City Hall. He also noted that the Transportation, Energy, and Utilities Committee (TEUC) will have its next meeting on Tuesday, May 28, 2024 at 5:00 PM at 645 Pine Street.

Councilor Grant said that the Racial Equity, Inclusion, and Belonging (REIB) Committee will meet tomorrow at 5:30 and will be discussing the Juneteenth event that is happening on June 15th.

11. CITY COUNCIL – GENERAL AFFAIRS

11.1. Verbal reports

Councilor Bergman thanked the Council for supporting the Old North End clean-up day last Saturday. He said that there were people collecting trash, scrap metal, and tires, and there was a significant amount of public participation. He said that people were very appreciative of this event.

Councilor Litwin spoke about an issue that has come up in the Parks, Arts, and Culture (PAC) Committee, with one of the City's parks. He thanked Councilor Grant for her work to help protect this park. He said that Director Wight will be attending a meeting this Wednesday at 12:00 PM to discuss the remediation plan related to the tree removal. He said that the cost is rising and it isn't clear what it is at this point. He spoke about a lack of public conversation, which is finally starting to change. He said that there is more work to be done in terms of oversight for future projects that abut conservation land, and that it is the permit-holder's responsibilities to hold and maintain those boundaries. He added that if the same contractor that made this error is going to be recontracted with in future, he hopes to see some sort of oversight plan from the developer.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports

None.

13. MAYOR – GENERAL AFFAIRS

13.1. Verbal reports

Mayor Mulvaney-Stanak reminded people that on Wednesday, May 22 and Wednesday, May 29, the Board of Finance will hold the last two informational hearings on the budget. She said that the City received the final user fee study today and that they are working through this with the impacted departments and hopes to share an update with the Council soon. She said that she convened a meeting with department heads and community partners on community safety to get an initial read on what would be useful strategic investments in the short-term and beginning to use community advisors to help broaden the conversation about community safety. She said that they are also working to draft a camping policy that works for the City ahead of the summer season and that she would like to share this with Councilors in draft form. She spoke about one of the positions (Emma Allen) in her office transitioning to a role with a different organization. She also noted that her Transition Director was working part-time through May to help get systems up and running and that her last day was May 15th. She noted that she has been holding biweekly cross-department meetings with department heads about emergent issues, and noted that at a recent meeting the Library spoke about how they have become the epicenter about a lot of community safety issues (drug deals, discarded needles, etc). She said that they are trying to develop a proposal that is broader than just increasing the police force. She said that the Mayor's Office is also working with REIB staff on redesign of that department and new leadership opportunities. She spoke about vacancies and anticipated vacancies in various departments. She also spoke about recent community engagement activities. She noted that she met with Decker Tower residents and is focused on ensuring that the funding given to the Towers goes to improving the conditions in the building for its residents. She further noted that she urged Governor Scott not to veto H. 72, which would set up an overdose prevention center in Burlington.

14. ADJOURNMENT

14.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:45 PM.

RScty: AACoonradt

BURLINGTON LOCAL CONTROL COMMISSION
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 20, 2024
DRAFT

MEMBERS PRESENT:
Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Evan Litwin
Marek Broderick
Becca McKnight
Emma Mulvaney-Stanak

OTHERS PRESENT:
Katherine Schad
Erin Jacobsen
Joe Magee
Joe McNeil
Kim Sturtevant
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:43 PM.

MOTION by Commissioner Neubieser, SECOND by Commissioner Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated.

2.2 First, Second, and Third Class Liquor License and Outside Consumption Permit Renewals (2024-2025): see attached list - approve the 2024 -2025 First, Second, and Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2-2.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First and Third Class Liquor License Applications (2024-2025): Kismet, 180 Battery Street, Suite 130

MOTION by Commissioner Shannon, SECOND by Commissioner McKnight, to approve the 2024-2025 First and Third Class Liquor License Applications for Kismet, 180 Battery Street, Suite 130, with the following conditions: contingent upon Fire Marshal approval, all City Permits need to be closed out, and with all standard conditions.

VOTING: unanimous; motion carries.

3.2 Outside Consumption Permit Application (2024-2025): Kismet, 180 Battery Street, Suite 130

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Kismet, 180 Battery Street Suite 130 with the following condition: all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.3 First Class Liquor License Application (2024-2025): Lang House Bed & Breakfast, 360 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First Class Liquor License Application for Lang House Bed and Breakfast, 360 Main Street with the following conditions: contingent upon Fire Marshal Approval and with all standard conditions.

3.4 Outside Consumption Permit Application (2024-2025): Lang House Bed and Breakfast, 360 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Lang House Bed and Breakfast.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 7:46 PM.

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 3, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Kim Sturtevant
Joe McNeil
Lori Olberg
Brian Pine
Rebeka Lawrence-Gomez
Darren Springer
Scott Moody
Emily Stebbins-Wheelock
Bill Ward

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:42 PM. He spoke briefly about the passing of Senator Dick Mazza and Senator Dick Sears, and asked for a moment of silence on their behalf.

MOTION by Councilor Doherty, SECOND by Councilor Grant, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.12 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilor Shannon, Traverse, Brown McKnight) and place it on the Deliberative Agenda as item 6.6 (per City Council President Traverse per Councilor Grant).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:45 PM

2.1. Verbal Comments
Forum opened at 6:45 PM.

COMMENTS:
Burlington residents (in person):

- Todd Luca thanked the City for their efforts to keep the waterfront clean of trash and needles. He noted that there are still encampments in other parts of town which still need to be cleaned up and are full of trash, needles, drugs, and human waste. He also expressed support for the draft ordinance supporting affordable homeownership. He finally spoke about turning the graffiti ordinance into a hate crime ordinance, and asked that the City not criminalize disagreement.
- Dave Maher expressed support for Police Chief Jon Murad and confirming his reappointment.
- Jane McDougal asked for a status update on the sidewalks, saying that the sidewalks on Main Street and Pearl Street are in need of repair.
- Lee Morrigan spoke in support of the appointment of Chief Jon Murad. They said that Chief Murad has become more progressive in his policies (using the example of Narcan administration), and expressed hope that this continues as the Chief and Mayor Mulvaney-Stanak become more aligned in the community safety strategy and vision.
- Chris Haessly noted that the Wards 2 and 3 NPA will be having a resolution to honor Representative Kurt McCormick for his many years of service to the City and to the City of Rutland. He also noted that they will be hosting an event on overdose prevention centers at the Main Street Landing, as well as a Narcan training.

Burlington residents (via Zoom):

- Jean Hopkins spoke about the loudness of the F35s in her neighborhood. She also expressed support for more affordable housing in the City.
- Sharon Bushor spoke about the condo conversion ordinance, which was originally intended to prevent displacement of renters by condominium conversion. She said that it is good that this is being reviewed again, as it is an obstacle to homeownership for renters.
- Colin Larsen spoke about the condominium conversion ordinance. He said that home affordability and rising home values are mutually exclusive, noting that the US typically pursues policies to ensure that properties rise in value over time, which in turn makes housing less affordable for future generations by default. He said that they should think about home ownership not as a way to build wealth.

Non-Burlington residents (in person):

- Jennifer Decker spoke about the 12,300 Palestinian children who have died since October and the 17,000 unaccompanied minors. She spoke about how there was a peaceful demonstration in support of Palestine on Church Street last year and that the Burlington Police Department forcibly broke up the demonstration. She also spoke about safety concerns related to the F-35s and said that they should be grounded.

- Jake Blend asked about the sale of Burlington Telecom and the BTV Ignite money of $2.5 million set aside for innovation for community benefit. He asked for an ethics commission or a fact-finding mission to satisfy the public on this topic. He also asked for the removal of the current BTV Ignite leader, who does not currently live in the state.

Forum closed at 7:05 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

Councilor Grant noted that there was an event this weekend by the Sanders Institute called the Gathering and there were many different panels, noting that people can access this footage on YouTube, and that there was an excellent panel on taking on the fossil fuel industry to end fossil fuel subsidies.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Kane noted that heath care workers staged a rally at City Hall to protest the genocide in Gaza. He also spoke about the recent F-35 crash in Albuquerque, saying that it underscores one element of the local public health and safety implications of funding genocide. He also spoke about a ride-along he participated in this past weekend with the Police Department. He noted one concern about a lack of mechanisms to ensure that an excess number of officers don't respond to a small incident, which would deplete the number of officers available and potentially trigger the priority response plan. He cited specific examples of this occurring.

Councilor Grant noted that H.72 (overdose prevention sites) was vetoed by the Governor, and the next step is to hope that there is a veto-proof majority to override that veto. She said that overdose prevention centers are important to Burlington and it is crucial that this measure passes.

Councilor McKnight spoke about concerns from constituents about the random violent crimes that have occurred in Burlington over the last several months, and that these concerns generally focus on the lack of acknowledgement that these crimes have happened. She listed several of these crimes. She said that the public is interested to learn about the short-term action steps being taken by the Administration in relation to these specific incidents.

Councilor Neubieser expressed frustration at the Governor's vetoing of H.72, given that substance use disorder treatment capacity is already stretched and unable to meet its baseline caseloads. He also expressed frustration about the lack of movement on a bill that would have taxed the wealthiest Vermonters to better fund the State's judicial system. He also spoke about the narrative that the City is encouraging or supporting encampments, when in reality he said that providing basic amenities and treating people with dignity cannot be conflated with supporting encampments. He said that what Burlington is doing is a pragmatic approach to a problem that the State refuses to take action on.

Councilor Shannon noted that she has expressed concern about where encampments with amenities would be located in the City, having dealt with living next to an encampment herself. She noted that she has heard from other sources that encampments would be located on the waterfront by the bike path, and also that she has heard that gasoline and weed whackers would be provided in addition to the other amenities (which also concerns her). She expressed support for the additional services and supports being provided to the library in terms of

social work and security resources, but also expressed concern about how the outside of the library is being protected. She requested that the Mayor speak to this issue and to Councilor McKnight's issues raised earlier.

Councilor Litwin said that he has toured the encampment at 702 Lake Street and said that it has dumpsters, portalets, and water, and that there is already trash, needles, and graffiti around the encampment. He said that he would have appreciated more transparency from the Administration about what is occurring at 702 Lake Street, as well as camping on public land.

Councilor Grant said that what has happened at the waterfront has been occurring for at least three years and that it is getting worse due to the lack of housing. She urged people to reach out to the Governor on this. She also said that if people see trash or other unhygienic practices at encampments to report it on SeeClickFix.

City Council President Traverse said that the Council and Mayor will be having a working session regarding encampments at its next City Council meeting on June 10.

5. CONSENT AGENDA

5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
5.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
5.3 645 Pine Street Metal Siding Repair – BPRW - approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed $233,775 for the 645 Pine Street Metal Siding Repair project, plus a project contingency of $23,000 (total request including contingency not to exceed $256,775), and to authorize Cindi Wight, Director of Parks, Recreation, and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
5.4 Community Boathouse Conditions Assessment Study – BPRW – approve and authorize the execution of a contract with Freeman French Freeman, Inc., for a price not to exceed $181,175.00 for the Community Boathouse Conditions Assessment, plus a project contingency of $18,117.50, for a total authorized expenditure of $199,292.50, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
5.5 Business and Workforce Development – City Hall Park Kiosk – Authorization to Award Lease – BWD – approve and authorize the Mayor to execute a three-year concession and license agreement with Sherpa Foods, LLC for food and beverage operations in the City Hall Park kiosk, subject to final review and approval by the City Attorney's Office.
5.6 Recertification of the FY23 City of Burlington Waterfront TIF District Report to the Vermont Economic Progress Council (VEPC) – C/T – waive the reading, accept the communication, and place it on file.
5.7 Vermont Early Childhood Fund Opportunity Grant – BWD – approve and authorize the Director of Business & Workforce Development to enter into an agreement with the State of Vermont, subject to final review from the City Attorney's Office, to accept a grant award of $15,000 as part of the Early Learning Initiative Budget.
5.8 Legislative Update May 28, 2024 – Jamie Feehan – waive the reading, accept the communication, and plaice it on file.
5.9 Pilot EV Charging Tariff for Pole-Mounted Chargers – BED – approve and authorize the General Manager of the Burlington Electric Department or their designee to file a pilot rate/tariff with the Vermont Public Utility Commission (PUC) creating a Community EV Charging Rate as described in this memo.
5.10 Request for Approval of a $671,112 Budget Neutral Amendment to the FY2024 Patrick Leahy Burlington International Airport – Airport – approve a budget neutral amendment in the amount of $671,122 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by modifying the accounts as described in the affiliated memorandum.

5.11 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilors Shannon, Traverse, Brown McKnight) **NOW AGENDA ITEM 6.6**
5.12 FIO documents – for information only.
5.13 BED Demonstration of Energy-Efficiency Developments and Energy Storage Access Program Grants – BED - approve and authorize the BED General Manager or their designee, subject to final review and approval by the City Attorney's Office, to accept and execute grant agreements for Vermont DPS grants 02440-FY24-Act74G600-023.

MOTION by Councilor Doherty, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.13.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Communication: Mayor Emma Mulvaney-Stanak, re: Fiscal Year 2025 Mayor Appointments
Mayor Mulvaney-Stanak said that she would like to present her FY25 mayoral appointments as a slate. She spoke about working over the past two months to get to know the individual department heads, their past service to the City, their goals, and their professionalism to help lead the City forward. She expressed appreciation for their diligence and hard work in helping to close the FY25 budget.

She outlined known vacancies, including a two-year vacancy for the City Attorney, as well as other vacancies that the City is in the process of hiring for. She noted that they are holding interviews for the City Attorney position, and have started recruiting for a Planning Director. She said that they are preparing to announce an interim Racial Equity, Inclusion, and Belonging (REIB) Director to help with the work in the upcoming year. She said that they also are anticipating a transition in the Human Resources department as the current director moves to another job. She finally noted that the City Assessor position was a two-year appointment, which does not expire until the end of FY25.

MOTION by Councilor Carpenter, SECOND by Councilor Litwin, to confirm the FY25 Mayoral appointments as listed.
DISCUSSION:

- **Councilor Carpenter said that the Mayor is the elected Chief Executive Officer of the City and that they need to work with their team, and that it is important as part of good governance that the CEO has a team with which they can work.**
- **Councilor McKnight echoed Councilor Carpenter's sentiments, and said that it is admirable that the Mayor has chosen to elect the same department heads as the prior Administration, for the sake of consistency and stability during a time of transition.**
- **Councilor Shannon concurred with Councilors Carpenter and McKnight and commended the Mayor for recognizing this team's dedication to the City. She said that it is the Mayor's purview to appoint the team that they see fit, and she said that she supports the Mayor's decision in her appointees.**

MOTION by Councilor Carpenter to divide the question and consider the appointment of the Chief of Police separately from the slate of other Mayoral appointees.
DISCUSSION:

- **Councilor Barlow said that he enthusiastically supports the reappointment of Jon Murad as Chief of Police, saying that he has done a tremendous amount of work with limited resources.**

- **Councilor Grant said that she is supportive of the reappointment of John Murad as Chief of Police but that only if a plan is put in place to address some known issues, including goals and tracking that those goals are met. She said that some of these issues are interfering with the health of the Police Department. She agreed that there aren't enough officers and that the recruitment team is working diligently, but said that retention continues to be a problem, despite salary increases, bonuses, sign-on bonuses, and a very favorable union contract. She said that proper community engagement could help solve the retention issues. She said that there have been data request issues and numerous issues with disrespect. She said that Wards 2 and 3 are not policed in an equitable way, and that these have been chronic issues. She expressed hope that the current Administration will put forth a plan to set the Chief up for success but that at this time she cannot support his reappointment.**
- **Councilor Neubieser said that the prior Administration did not set this Administration up for success in terms of setting up clear goals and metrics for success. He said that anecdotally, he has heard from a number of social service providers in Burlington and Chittenden County that they have difficulty working with Burlington's Police Department though they work well with other police departments in the area. He said that he hopes that they can decrease political rhetoric when talking about public safety.**
- **Councilor Kane said he would like to support Jon Murad in his reappointment for the continuity of the department, but said that he is a weak liaison between the department and the public, because he is defensive and combative. He spoke about the Gaza vigil that was referenced during public forum and how the Chief acted in an antagonistic way to break up that vigil and did not take the opportunity to show leadership and use de-escalation techniques with his officers. He said he is eager to appoint someone who is not defensive and combative, who is an active listener and is eager to earn the trust of the community, who gives others the benefit of the doubt, and who is willing to make themselves vulnerable.**
- **Councilor Litwin agreed with Councilor Carpenter that the Mayor should have the ability to appoint their own team to achieve their administration's priorities and goals. He said that City employees deserve stability and not to be put in the middle of politics. He said that he would challenge the assertion that the Police Department's retention problem is due to the Chief, and that it could be related to myriad other issues, such as an aging headquarters building and difficult and exhausting work that requires overtime (which neighboring municipalities may not have), as well as an adversarial posture from this Council at times in the past.**
- **Councilor Doherty spoke about the Council's institutional role to approve Mayoral appointments, saying that though the Council does not grant rubber stamp approval, the Mayor deserves the team that they are the most comfortable working with, and that there is a high bar for him to vote against as prospective appointment by the Mayor. He spoke about retention, saying that there is no data of which he is aware that shows that the BPD's retention levels are out of line with other police departments in Vermont, nor evidence to show that Chief Murad's leadership is related to retention problems. He also said it's worth it to be reminded of the context in which Chief Murad has served, speaking about how the level of sworn officers in 2020 was cut almost in half, and said that Chief Murad has steered the department through an unprecedented diminution in the number of sworn officers but also in a rise in crime and criminal activities across arenas, and has continued to stabilize the City and solve major crimes.**
- **Councilor Broderick spoke about a fundamental mistrust and lack of faith in any sort of public safety in the City on behalf of his constituents. He spoke about lack of response from law enforcement, and the only way to rebuild trust is to rebuild the City's public infrastructure through a change in leadership.**
- **Councilor Shannon thanked the Chief for sticking with the City and City Council in the hardest of times (including this one). She said that the Chief has the support of his officers in this most critical of times. She said that Councilor Kane's**

comments about how to structure responses to events is fair, but said that the Council needs to support the Mayor and the Mayor's appointed leaders.

- **Councilor Grant said that the City has a problem where it is not policed equitably, hence why some in the community support the Chief and some don't. She said that this affects how community members feel toward the City's police officers, which in turn affects how the police feel about serving in this community. She said that the City needs to come to consensus about dealing with the retention issue.**
- **Councilor Neubieser spoke about the number of New Americans in his ward, and said that there is a lack of trust in the police from community stakeholders. He encouraged people to attend Public Safety Committee meetings to see the extent of this lack of trust. He said he wants to see some good faith issues to enforce accountability in leadership.**
- **Councilor Litwin said that the Chief needs to have the community's trust, not the Council's trust.**
- **Councilor Barlow said that the retention issues for the Police Department begin with this body, and this body's lack of support for its leadership. He said that the Chief needs to be reappointed and he needs the Council's support so that he in turn can support the officers in the police force.**

VOTING ON REAPPOINTMENT OF POLICE CHIEF (by roll call): Councilor Barlow – aye, Councilor Bergman – absent, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 3 nays, 1 absent); motion carries.

Jon Murad was confirmed as Chief of Police.

VOTING ON REAPPOINTMENT OF REMAINING MAYORAL APPOINTEES AS SLATE (by roll call): Councilor Barlow – aye, Councilor Bergman – absent, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (11 ayes, 1 absent); motion carries.

The remaining Mayoral Appointees were confirmed in their respective roles.

6.2 Resolution: Authorization To Submit 2024-2028 Burlington Five-Year Consolidated Plan 2024 Burlington One-Year Action Plan (Board of Finance)
Director Pine said that this is seeking approval for the Five-Year Consolidated Plan in addition to CEDO's annual action plan, which lays out how the City proposes to allocate federal dollars. He noted that the Consolidated Plan is a five-year plan that sets priorities for how CEDO will look at proposals in the future for allocating Community Development Block Grant (CDBG) and HOME investment partnership funding. He note that since inception, the amount of federal funding for CEDO through the CDBG grant decreased (partly due to inflation), and it has fewer dollars to spend on the City's most pressing issues, including homelessness and other public services. He made similar statements about the decline in HOME funding, saying that the needs continue to grow and far outpace the City's resources as the federal funding for these needs has declined.

Housing Manager Lawrence-Gomez provided an overview of the Consolidated Plan more specifically. She said that it is for FY25 through FY29 and that it lays out how the City would be expending its funding for that period, as well as more specifically how it would be expending funding for this upcoming fiscal year. She noted that CEDO began a community needs assessment from September 2023 through March 2024, that they sought public approval on a draft in early April, and that they are seeking City Council approval tonight for a June 6, 2024

submission to HUD. She spoke about recurrent feedback from the community around lack of affordable housing, public safety concerns such as discarded needles, approaches by strangers, graffiti, and gun violence, the visibility and intensity of needs around homelessness, open use of and lack of options around substance use disorder, as well as new and different dangerous drugs in circulation, and mental health concerns. She noted that the priority needs identified in the community needs assessment are affordable housing, addressing homelessness, community service and safety, economic development, public facilities and infrastructure improvements, and planning and administration. She provided an overview of the 2024-2025 CDBG Development Awards and Public Service Awards. She provided a summary of 2024 funding for both CDBG and HOME grants.

MOTION by Councilor Neubieser, SECOND by Councilor Litwin, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Carpenter spoke about the administrative burden around leveraging these funds, and spoke about the paltry assistance the City gets from the federal government regarding HUD funding. Director Pine noted that the City receives funding under the HUD Lead Reduction Program, which is competitive, and that the City has received 22 years of funding on this, as well as a competitive funding program around the continuum of care. He agreed that with regards to CDBG and HOME funding, it is a heavy staff lift for not much funding.**
- **Councilor Kane recommended that Councilors review the report, saying that it contains a wealth of good information. He noted statistics in the report around how in 2019 0.3% of homes are owned by Black individuals, though they make up 7% of the population, and asked CEDO to comment on the CHT shared equity program and other efforts since 2019. Director Pine replied that the sample size for this data was so small that data accuracy is challenging. He agreed that Black members of the community face significant barriers to securing both homeownership and rental housing, and said that it is an issue that needs to be addressed. Councilor Kane asked about local incentives or rebates for landlords who charge below market rental rates. Housing Manager Lawrence-Gomez replied that the City doesn't have subsidy programs that support people directly with monthly rent or housing expenses, and said that she would be happy to connect landlords with households who are eligible for subsidies. She said that the City can also look into how to support landlords and incentivize people in obtaining housing with other funds. Director Pine noted that there are between 100 and 200 households who have vouchers entitling them to rental assistance but that they are unable to find housing. Councilor Kane noted that in addition to lead, many households are concerned about bad electrical jobs in their homes, and asked if there are measures or funding that can be used to support improvement. Director Pine replied that the Healthy Homes funds are flexible enough to deal with a number of issues, but that the City does not have funding to put toward electrical upgrades, saying that this is typically dealt with through code enforcement. He noted a state improvement program (VHIP) that is available to help with those types of upgrades. Councilor Kane asked if there is data on wait list sizes, and Housing Manager Lawrence-Gomez replied that the housing authority and housing providers have a waitlist.**
- **Councilor Litwin asked how the recurring feedback in the presentation was collected. Housing Manager Lawrence-Gomez replied that CEDO outreached 39 different stakeholder organizations and community partners, as well as the public, and looked for recurring themes as a result of that outreach and feedback. She noted that housing consistently rose to the top as a priority, as well as public safety and feeling safe within the community. Councilor Litwin asked why the sub-points related to needles, approaches by strangers, graffiti, and gun violence were singled out. Housing Manager Lawrence-Gomez replied that these were the most frequently mentioned topics within the public safety domain. Councilor Litwin said that it is important to recognize that these are the topics the community is most concerned with when talking about public safety concerns.**

- **Councilor Shannon said that these grants are a big administrative lift from CEDO staff for the amount of money in question. She also said that the value to the community of this analysis is that it really lights a path to the priorities that the City needs to focus on related to public safety. She noted that the analysis shows that overcrowding in housing is not a high concern, and asked why, given the profound housing shortage. She also asked whether these funds can be used for shelters and finding year-round shelter for people. Housing Manager Lawrence-Gomez replied that in terms of overcrowding, the data comes from HUD and is from 2013-2017 and is slightly outdated. She said that one observation she has had is that landlords can be discerning about to whom they rent and that there is such a short supply of housing that they are being very selective and renting to very small households. She also spoke about how large, intergenerational families are struggling to find housing in the community. Director Pine said that the cost of operating winter shelters is incredibly high, given the level of support and services needed to achieve the safety that individuals and staff need and deserve. He said that 15% of CDBG funds could be used for shelter, but that it is a relatively small amount of funding. He noted that the State recently posted an RFP for shelters to hopefully increase shelter capacity.**
- **Councilor Grant said that in terms of overcrowding, she sees frequent lease violations in her wards, particularly among college students.**
- **Councilor Litwin noted concerns about shocking rental increases at the end of leases because the City has no protections against rent hikes, and asked whether this research discusses this. Director Pine said that this was not included in the findings, given that the City has no recourse to protect against this, other than providing assistance who are hit hard and focusing on increasing the number of units.**
- **Councilor Kane said that the definition of overcrowding is 1.5 people per room, which is a high standard. He also said that the number of people per household is kept low or pushed down in Burlington by lack of housing.**

VOTING: unanimous; motion carries.

6.3 Annual Commission Report – BED

Scott Moody, the Chair of the Electric Commission, provided the annual commission report. He began by noting the scope and mission of the commission, which is to oversee policy, power purchases, and street lighting, in addition to monitoring the department's financial condition. He spoke about the highlights of the department from the past year, which include the department's financial stability, changing lighting across neighborhoods and increasing public engagement in this area, an analysis of miscellaneous fees, translating electric bills into multiple languages for broader understanding, and focusing on affordability. He spoke about the benefits of the McNeil Plant and its predictable energy and stable rates. He said he appreciates the department's commitment to meeting its net zero energy goals.

Councilor Kane noted frustration on the part of the City Council regarding the lack of data on what programs may be driving the progress being made toward net zero energy goals, and asked if Chair Moody has further insight or perspective. Chair Moody replied that the Commission receives regular reporting from General Manager Springer on the priorities dashboard and that he is confident that the department is doing as much as possible to keep up with the goal of net zero energy by 2030. General Manager Springer also noted that BED is preparing a retrospective analysis to delve further into the drivers of emissions reductions as they relate to net zero energy goals, which they plan to present to the Council later this year.

Councilor Grant asked that the Commission give consideration to more public engagement in terms of notifying the community about what is happening related to net zero energy, emissions levels, and promoting the move toward electrification. Chair Moody replied that the department regularly updates its social media platforms and goes to various NPA meetings and that it has a significant community presence. Councilor Grant noted the importance of expanding the variety of social media platforms on which BED has presence, in order to cater to younger and more diverse demographics.

MOTION by Councilor McKnight, SECOND by Councilor Grant, to waive the reading, accept the report, and plaice it on file.

VOTING: unanimous; motion carries.

6.4 Presentation from Burlington Electric Department
General Manager Springer began by noting that BED is seeking a 5.5% rate change for FY25. He noted that there as a 5.5% increase in FY24 and a 3.95% increase the year prior to that. He noted that prior to this, there was a period of time with no rate changes at all, and a period prior to that of double-digit rate changes (decades ago). He said that the goal of BED is to have more modest rate changes year-over-year. He spoke about the drivers of the increase, which include flat customer sales, flat/declining REC revenues due to stable prices, higher purchased power costs, increased transmission costs, continued inflationary pressures, and a need that has outstripped the previous three years of rate increases. He noted that since 2021, BED has asked for rate increases that are less than the cost of service, to be conscious about affordability for rate payers. He compared residential rates in 2010-2024 for BED, other Vermont utility companies, and New England prices. He provided details on the effect of the rate change on customer bills, noting that it would result in a $4.51 monthly increase for the average residential rate-payer, and a $5.71 monthly increase for the average small general rate-payer. He noted that the rate change would take effect in September.

Chief Financial Officer Stebbins-Wheelock then spoke about the increase in BED's line of credit from $5 million to $10 million. She noted that this is to reflect that the operating budget has grown since the $5 million level was set and this is to keep access to working capital at a level that is commensurate with BED's daily cash outflows. She noted that BED has not used this line of credit since 2009, in the wake of the financial crisis. She noted that the purpose of the line is both to provide access to emergency cash and to bolster BED's Moody's credit rating. She noted that Burlington's charter establishes a provision for BED to have this line of credit, and that there is a two-year limit on this authority each time it is granted. She noted that the resolution tonight includes both the credit line increase to $10 million and that BED is switching banks (to M&T).

Chief Financial Officer Stebbins-Wheelock then spoke about proposed changes to BED's miscellaneous service fees. She began by providing background on "Miscellaneous Services", which include items such as initial service set-up, service reconnection, and removing a meter as requested by individual customers. She noted that fees are charged on a per-occurrence basis under a tariff that requires City Council and PUC approval. She said that current fees became effective July 1, 2010 based on FY2009 costs. She noted that the Electric Commission asked BED to review fees in response to public comment. She spoke in more detail on the analysis performed on the fees. She walked through the fees that would be decreasing (initial service, meter removal/replacement, and reconnection after hours), increasing (reconnection, returned checks, temporary service, and power problem investigations), eliminating (collection), and new fees (on-site disconnect and reconnect assistance). She spoke about the Electric Commission's review of this analysis as well as customer engagement, noting that the EC reviewed and discussed the proposed fee changes in Q1 of 2024, BED posted information about the proposed changes on a number of social media sites and its own website and solicited feedback, and that it made minor changes based on this feedback. She noted that the EC voted unanimously to recommend these changes on March 23, 2024. She noted that the revenue impact will be largely neutral, with a net revenue increase of $10,000. She noted that next steps include the regulatory approval processes of having the tariff updated through the PUC, and that the tariff would not go into effect until approved by the PUC.

Councilor Kane asked how equity is taken into consideration when contemplating fee adjustments. He cited an example of the returned check fee increasing to $20, which would impact lower-income people more often. Chief Financial Officer Stebbins-Wheelock replied that the

increased fees reflect BED's cost basis, and if a customer doesn't pay the fee, then costs are borne by BED and in turn all other rate payers. She said that if BED's bank does not charge them a bad check fee, then they won't in turn pass that bad check fee cost on to customers.

Councilor Neubieser expressed concern about the long-term sustainability of the REC market and the effect it will have over time, as well as the sustainability of the McNeil Plant and cutting its carbon emissions, and said he looks forward to working together to tackle those longer-term issues. He asked about the rate payer assistance program and what socioeconomic groups are being impacted. General Manager Springer said that in terms of McNeil's emissions, BED strives to look at any power resource on a lifecycle basis and look at and balance all of the inputs. He also stressed that this is one of the utilities that is doing the most work in the country on tackling the climate crisis and trying to help the community reach IPCC targets and net zero energy targets. He then spoke about the Energy Assistance Program (EAP), noting that there are currently 238 customers enrolled and that they anticipate being able to enroll between 800 and 1,500 residential customers automatically based on their enrollment in similar assistance programs. He noted that they use 185% of the federal poverty level as the eligibility criteria and that they rely on known eligibility in other programs (like Section 8 housing vouchers or 3 Squares Vermont) to reduce the administrative burden of having to independently verify eligibility.

Councilor Litwin asked for more details on the returned check fee and why it would be $18 if there were no damages incurred by BED, and Chief Financial Officer Stebbins-Wheelock replied that the $18 represents the labor time of customer care representatives and the finance team in processing or not processing that payment. Councilor Litwin said that he understands this but doesn't support it and would like to change the policy to take more of an equity approach. He also asked about the reconnection fee, and Chief Financial Officer Stebbins-Wheelock replied that the current language states that this fee can be charged only to customers who have been disconnected after not paying their bill, and that they are proposing to remove that language and charge it when a reconnection needs to be made for any reason. She also noted that they will now not charge an initial setup fee and a reconnection fee when a tenant switches over, but just the reconnection fee. General Manager Springer added that the PUC requires that fees be applied across rate payers, noting that cross-subsidization is looked upon unfavorably within the utility rate context in Vermont. Councilor Litwin asked about expanding the eligibility to the EAP so that it is more accessible, and perhaps use a standard comparable to the one used by Champlain Housing Trust. General Manager Springer replied that they use 185% of the FPL as a metric because it's used by other City programs, such as programs run by CEDO. He said that if this metric is not effective in future they can change it if needed.

Councilor McKnight expressed appreciation for the clarity around the fees and efforts to ensure that rate increases are modest. She asked what BED sees as the most effective way for rate-payers to reduce their electric use or overall utility costs. She asked whether there is a best practice and strategic communication plan in place for this. General Manager Springer replied that BED has strong programs for both energy efficiency and electrification, noting that in the FY25 budget there are over $3 million dedicated to supporting incentives for residential and commercial customers for energy efficiency savings and electrification, switching to an electric vehicle, installing a heat pump, and other cost-effective measures. He spoke about the ways that customers can learn more about BED's programming.

6.4 BED FY 25 Rate Change

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to approve and authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting an increase in Burlington Electric Department rates of 5.5 percent on bills rendered on or after September 1, 2024 as presented.

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

6.4 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Electric Department (Board of Finance)

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

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

6.4 Proposed Changes to BED Miscellaneous Service Fees

MOTION by Councilor Barlow SECOND by Councilor Carpenter, to approve and authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting changes in Burlington Electric Department's Miscellaneous Service Fees as proposed.

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

6.5 Resolution: Review and Update to Rental Weatherization Standards (Councilor Barlow)

MOTION by Councilor Barlow, SECOND by Councilor Broderick, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Barlow noted that the Council approved a rental weatherization ordinance on January 17, 2022 that established a compliance schedule for rental buildings using more than 50 BTUs per square foot per year. He noted that there has been a staged implementation beginning with higher energy users first, and that by January 1, 2025, all buildings falling under this ordinance will be required to comply. He noted that according to the Department of Permitting & Inspections (DPI), the work is moving slowly and that few properties have done the work, and many are waiting for energy audits, waiting to schedule work, or waiting for work to begin. He said that this waiting line may be a result of the energy audit and weatherization workforce (or lack thereof), but that there could be other reasons. He said that this resolution creates a process for the Transportation, Energy, and Utilities Commission (TEUC) to review current progress and make recommendations on what might be done to improve that progress, as well as creates an advisory group of content experts to help make these recommendations.**
- **Councilor Neubieser expressed concern that this ordinance has been so difficult to implement, given the importance of weatherization. He expressed support for this resolution. He also expressed concern that there is a workforce shortage in this field, and he said that he will focus his efforts on workforce development.**
- **Councilor Broderick expressed support for this resolution, saying that rental units need to be weatherized and that it will bring more benefits to the City and its residents to lower emissions and electricity bills.**

VOTING: unanimous; motion carries.

6.6 Ordinance: Chapter 18 Housing Article V. Regulation of Conversion of Rental Housing to Condominiums or Cooperatives (Councilors Shannon, Traverse, Brown McKnight) **WAS CONSENT AGENDA ITEM 5.11**

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to waive the first reading and refer to the Ordinance Committee.

DISCUSSION:

- **Councilor Shannon said that this rolls back the regulations that would discourage the creation of condominiums, saying that they were created at a time when the City's environment for creating condominiums was different than it is today. She noted that developers don't build condominiums today because they can't finance them. She said that there are very few affordable housing opportunities in the City, the vast majority of which are condominium projects. She said that this will be referred to the Ordinance Committee to look at ways to help tenants buy the unit they are renting in order to stabilize their housing costs and start building equity rather than facing increasing rents.**
- **Councilor Neubieser expressed interest in seeing where this goes, but also expressed concerns. He expressed concerns about eliminating revenue streams for the Housing Trust Fund. He also said that this is the first time he's seeing this resolution, and he would like to be able to give productive feedback. Councilor Shannon said that the Housing Trust Fund point was discussed with Director Pine and because the fees are so onerous, fees are rarely collected through this ordinance. She also noted that sometimes resolutions and ordinances are circulated in advance and sometimes they aren't, and that she will be more mindful of including all Councilors in resolution processes.**
- **Councilor Broderick said he is supportive of any measure to increase revenues for the Housing Trust Fund, and that having more affordable housing helps to solve the housing crisis. He noted that the ordinance's conversion fees would provide funds to replace low and moderate income housing lost through conversion of rental housing to condominiums and cooperatives.**
- **Councilor Carpenter said it is appropriate to revisit this ordinance. She noted the difficulty of getting financing in the secondary market for developing condominiums and that it is problematic. She said that they should broaden their perspective and even look into the provisions in the low income tax credits.**
- **Councilor Neubieser emphasized the importance for collaboration of having conversations before resolutions come to the floor.**
- **Councilor Grant agreed with Councilor Broderick's concerns and Councilor Neubieser's concerns about process. She said that the Council is not being consistent in its processes and is emphasizing politics over people.**
- **Councilors discussed several points of process.**

VOTING: 10-1; motion carries (Councilor Grant dissenting).

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Barlow noted that the TEUC will be having a virtual meeting on June 11 at 5:30 PM, and will review ordinance changes for taxis as the vehicles for hire licensing board has recommended.

Councilor Grant said that the Racial Equity, Inclusion, and Belonging Committee will not be meeting in June because the team will be working hard on the final details of the Juneteenth event, which falls on Saturday, June 15. She also noted that the monument reveal will be earlier in the week.

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee will be meeting on June 11 at 6:00 PM and will be discussing having all wards send representatives to participate in the development of a resolution regarding the relationship between NPAs and the Council.

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
Mayor Mulvaney-Stanak expressed appreciation for Councilors who have been able to attend the budget information meetings that were held through the month of May at the Board of Finance. She said that they concluded those meetings last Wednesday and that at that meeting she provided a memo that outlined recommendations for several different strategic community safety investments, which include $250,000 to continue the CRT program and $325,000 to invest in library security, use a social worker at the library, and an additional proposal around camping, and a special assistant in the Mayor's Office to decrease siloed conversations around community safety. She said that department heads and the Administration worked to find savings to close the budget gap and fund these proposals. She said that they will present the final budget to the full City Council next Monday, June 10. She said that the final proposal on camping will be available to the Councilors for their consideration tomorrow. She then talked about collaboration and the cross-departmental work that is occurring to put together the community safety plan, and that she appreciates the work session next week on this topic with the Council. She said that regarding the $50,000 to put toward services and supports for encampments, she cannot in good conscience let these growing encampments exist without access to basic sanitation and other decent, dignified minimal supports. She also noted that she receives internal briefings from the park ranger, who monitors and visits every encampment throughout the City and has reported that conditions remain stable. She said this is a different context than Sears Lane in that there are staff actively engaged with encampments and who ensure that there is follow-up and supports for people within them. She also spoke about cross-departmental convenings around community safety and said that they have been working diligently for 4 weeks to develop proposals and ensure that the right approach is taken.

She then spoke about City highlights, noting a temporary administrative hire in her office for the summer, an interim Planning Director while recruitment begins for a permanent Director, and redesign work in the REIB department as well as interviews for an interim REIB Director.

She spoke about community engagement, noting that she met with the Burlington School District to discuss downtown safety concerns and working collaboratively to strengthen coordination around Cherry Street, as well as improve communication between the Police Department and School districts when there is police activity near schools campuses. She noted that she also met with VTrans and federal highway experts to discuss next steps related to the Champlain Parkway and Railyard Enterprise project. She noted a town hall with the business community to hear their concerns about community safety. She noted that she met with the State Attorney's Office about coordination and supporting her office. She spoke about meeting with Pakistani LGBTQ elected leaders who are visiting Vermont. She noted the beginning of the District meeting schedule. She expressed disappointment about the Governor's veto of H. 72 and said she has tried to follow up with him on this, but that it has not been reciprocated.

12. ADJOURNMENT

12.1 Motion to Adjourn

MOTION by Councilor Barlow, SECOND by Councilor Broderick, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 10:28 PM.

RScty: AACoonradt

BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 3, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Evan Litwin
Marek Broderick
Becca McKnight
Emma Mulvaney-Stanak

OTHERS PRESENT:

Katherine Schad
Erin Jacobsen
Joe Magee
Joe McNeil
Kim Sturtevant
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:28 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated.

2.2 First, Third Class Liquor License and Outside Consumption Permit Renewals (2024-2025): see attached list - approve the 2024-2025 First, Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2-2.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:29 PM.

BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 10, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Katherine Schad
Kim Sturtevant
Erik Ramakrishnan
Lori Olberg

3. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Mulvaney-Stanak at 6:45 PM.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
2.2 Communication: Meghan Sweeney, Administrative and Accounting Assistant, Burlington Fire Department, re: Listing of Fire Wardens to be Appointed at the June 2024 Meeting of the City Council for July 1, 2024 and expire June 30, 2025 – approve the Fire Wardens for July 1, 2024 and expiring June 30, 2025 as listed.

MOTION by Councilor Bergman, SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. 2024 BOARD AND COMMISSIONS APPOINTMENTS

3.1 2024 Boards and Commissions Appointments

MOTION by Councilor Barlow, SECOND by Councilor Grant, to approve the 2024 Boards and Commissions Appointments as listed as a slate. The slate is as follows: Airport Commission – Tim George, Airport Commission – Robin Guillian, Board of Assessors – Rob Gutman, Cemetery Commission – Nancy Lee Kirby, Conservation Board – Zoe Richards, Design Advisory Board – Emily Morse, Development Review Board – alternate seat – Evan Gould, Development Review Board – full seat – Miles Waite, Electric Light Commission – Michelle Hobbs, Fire Commission – Jake Perkinson, Library Commission – Emily Copeland, Library Commission – Patrick Halladay, Library Commission – Amy Mellencamp, Parks and Recreation Commission – Robert Etter, Planning Commission – Michael Gaughan, Planning Commission – Julia Randall, Planning Commission – Erhard Mahnke, Planning Commission – Ryan Nick, Public Works Commission – Christopher Damiani, Public Works Commission – Daniel Munteanu, Public Works Commission – Jacob Davis, Board of Tax Appeals – Alan Bjerke, Board of Tax Appeals – Emily Eley, Vehicle for Hire Licensing Board – Paul Hines, Board for Registration of Voters – Annie Schneider.

DISCUSSION:

- **Councilor Barlow spoke about the application and reappointment process, noting that out of those conversations comes a slate for the Council's consideration. He said that the ad hoc committee on board and commission appointments met three times in May and June to develop this slate of appointees for which it had unanimous consensus. He also noted that there is an amendment to the slate related to one of the Parks & Recreations Commissioners.**
- **Miles Waite and Julia Randall spoke as Applicants regarding their interest in serving on their respective boards.**

VOTING: unanimous; motion carries.

3.2 Police Commission: Term Expires 06/30/27

MOTION by Councilor Grant to nominate Susan Comerford.

MOTION by Councilor Shannon to nominate Malik Mines.

VOTING (Susan Comerford, by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – aye, Mayor Mulvaney-Stanak – aye (10 ayes, 3 nays); motion carries.

3.3 Board for Registration of Voters: Term Expires 06/30/27

MOTION by Councilor Shannon, to nominate Patrick Burns.

MOTION by Councilor Neubieser, to nominate Jeanne Keller.

VOTING (Patrick Burns, by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – nay, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – nay (6 ayes, 7 nays); motion fails.

VOTING (Jeanne Keller, by roll call): Councilor Barlow – abstain, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – abstain, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – abstain, Councilor McKnight – abstain, Councilor Neubieser – aye, Councilor Shannon – abstain, City Council President Traverse – abstain, Mayor Mulvaney-Stanak – aye (7 ayes, 6 abstentions); motion carries.

3.4 Board for Registration of Voters: Term Expires 06/30/29

MOTION by Councilor Neubieser to nominate Colleen Montgomery.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 7:03 PM.

RScty: AACoonradt

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 10, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (Zoom, then in person at 6:21 PM)
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Erik Ramakrishnan
Kim Sturtevant
Lori Olberg
Kara Alnasrawi
Chapin Spencer
Corey Mims
Laura Wheelock
Julia Ursaki
Sarah Russell
Hayley McClenahan
Lacey Smith

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:04 PM.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 5.6. Use of Vendor Space at A-Dog Skatepark – BPRW (per BPRW);**

- **Add to the consent agenda item 5.11 Ordinance: Restaurant, hotel, amusements and admissions taxes BCO Sec. 21-31 (Councilor Shannon);**
- **Remove from the consent agenda item 5.11 (per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:15 PM

2.1. Verbal Comments
Forum opened at 6:17 PM.

COMMENTS:
Burlington residents (in person):

- Jake Schumann began with a moment of silence to recognize the suffering in Gaza and the West Bank. He said that the City has been discussing how to reform its Police Department for five years and that two articles about egregious behavior at the Police Department have come out in the last week. He said that the City does not have the luxury of time and must act with urgency to ensure that the community has speedy, reasonable, and fair justice.
- Troy Headrick spoke about the joint apology from the Burlington Police Department and Burlington School District on the events of June 5, 2024. He said that the use of passive voice in the apology shifts the ownership of the actions from the BPD to the students who witnessed the event, and was crafted in a way to blame the victims. He said that BPD designed and implemented the training event and that BPD leadership does not have the sense to understand why this sort of training was grossly inappropriate. He said that there is a crisis of trust with the Police Department and this incident is yet another example of how that mistrust developed. He said that there needs to be conversation about the lack of capacity in BPD leadership for good decision-making and repairing the harm that was caused.
- Susanne Sugar spoke about item 6.5, the encampments within the community. She said it is surprising that the City is spending $50,000 for services at encampments. She said that this feels like the opposite of making Burlington feel safer. She said that the public has lost Church Street, the parking garages, and the parks, as they no longer feel safe. She said that this would now take the waterfront away from the public. She urged the Council to relook at this proposal. She also spoke against safe injection sites, saying that they aren't proven to make a community safer.
- Colin Hilliard and Alex Umber spoke about the Burlington/Kuyalnyck Sister City Program and provided an update to the Council on the upcoming visit to Kuyalnyck, Ukraine. He said that they will be attending the City's Borsch festival and Constitution Day, as well as attend a conference on regional development in the Odessa Oblast. They asked the Mayor to sign a Burlington City flag to deliver it to Kuyalnyck as part of the delegation.
- Erhard Mahnke spoke as an Applicant for a seat on the Planning Commission about his interest in serving on that commission and his qualifications.
- Leif Taranta said that the assertion that the City is losing its public spaces to the unhoused is absurd, that those are members of the community and the fact that they are unhoused is a disgrace to the entire community. He urged the Council to support providing services to the encampments as the least the City can do. He spoke about an incident where 8 police cruisers responded to an incident where a man had a toy rifle, and spoke against the recent BPD training event where they traumatized students.
- Julie Macuga spoke about how Burlington is in the national news again, for traumatizing kids. She said that there is a long list of extremely preventable missteps by the BPD. She spoke about the last five years of personnel changes and spoke about questionable behavior on the part of BPD leadership. She said that they still have not seen positive change in the department, and asked when the City will acknowledge their incompetence and make changes.

- Cheryl Boutilier spoke about the homelessness issue that has gone on for too long and that the police have not been helpful in some circumstances. She asked why the City won't turn abandoned or empty buildings into temporary shelters.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the divided opinion on encampments. She said she is glad that Burlington is addressing this, but that houselessness is a national issue, and she hopes that one thing that comes of this discussion is a meeting attended by cities in Vermont such as Rutland, St. Albans, Burlington, Brattleboro, and Montpelier. She said that the actions taken by the Vermont legislature have exacerbated the homelessness issue, given that they are ending the motel voucher program and leaving communities to address the issue without any funding. She said that both long-term and short-term solutions are needed to support communities that are trying to help these people.

Non-Burlington residents (in person):

- Jeff Nick spoke as a long-time Church Street Marketplace Commissioner, saying that the Marketplace is in critical decline and something needs to be done. He spoke about how retail theft has skyrocketed. He noted that the City has as much at stake here as the retailers and restaurants that do business on the street, since the Marketplace is one of the City's biggest economic engines. He spoke about how tenants are looking to not renew leases or are looking at short-term renewals, about how a national tenant pulled out of a space due to security concerns, and that the Marketplace has a reputation now for retail theft. He said that there needs to be a sense of urgency, and that there needs to be more funding for police street patrols.

Forum closed at 6:42 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports
None.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports
Mayor Mulvaney-Stanak provided updates from the City staff on work related to community safety. She said that they have begun to identify hot spots or areas of increased negative behavior in the City, the first of which is the library. She said that she convened cross-departmental meetings to identify immediate actions that can be taken to decrease this negative behavior, including fully fencing in Memorial Auditorium and working with the Police Department more closely on drug tips and more targeted enforcement of that area. She said that they have temporarily removed the bus stop in front of the library, given that much of the behavior was occurring in that area. She said that there has been improvement in activity at the library, and that the City will work to better utilize CSOs during after-hours periods of time. She noted that they are turning their focus to hot spots in the City's parking garages and are developing new approaches to be proactive in the spaces, to increase visibility, and to increase safety, by holding individuals accountable who are harming the City. She also spoke about the meetings of the community safety advisors, who have identified immediate actions the City can take to improve safety, including better communication on who to call and cross-department coordination and communication. She noted that she is working to strengthen the relationship between the City and State's Attorney's Office. She noted again the Governor's vetoing of H.72, which would set up an overdose prevention pilot location in Burlington, and spoke about working with Burlington's delegation to support overriding that veto.

Councilor Doherty noted that on June 6, the U.S. Attorney's Office for the District of Vermont issued a press release detailing an example of collaboration between federal and local law enforcement, culminating in a federal search warrant being executed at an apartment on St. Paul Street and the confiscation of significant quantities of illegal controlled substances, handguns, and cash, as well as the arrest of one of the alleged suspects in South Burlington. He said that this collaboration also demonstrates accountability for those who come to the community to do harm.

Councilor Grant said that she hasn't received the statistics from the State Attorney's Office for the last month yet, but plans to provide them and review them at the Public Safety Committee meeting next week. She reminded the public that they must get an incident number for any incident reported, for tracking cases.

5. CONSENT AGENDA

5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
5.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication and place it on file.
5.3 Housing Board of Review Annual Report for 2023 – waive the reading, accept the report, and place it on file.
5.4 Communication: John Guillmette, re: trimming the trees around the Greenmount Cemetery – waive the reading and place the communication on file.
5.5 Communication: Crystal R. Lafferty, re: Tina verbally assaulted a minor – waive the reading and place the communication on file.
5.6 Use of Vendor Space at A-Dog Skatepark – BPRW - **AGENDA ITEM REMOVED**
5.7 Microsoft Licensing Agreement – BED – approve and authorize the BED General Manager or their designee to execute the three-year licensing agreement between BED and Microsoft commencing on July 15, 2024, subject to final review and approval of the City Attorney's Office.
5.8 Open Space Plan Contract – DPI - approve and authorize the DPI Director or their designee, subject to final review and approval by the City Attorney's Office, to execute the contract with Agency Landscape + Planning for a comprehensive rewrite of the Open Space Plan.
5.9 FIO Documents – for information only.
5.10 Special Event Indoor Entertainment Permit Application (three days only): Paradiso Hi-Fi, 388 Pine Street, Suite 2 – approve the three day only special event indoor entertainment permit application for Paradiso Hi-Fi, 388 Pine Street, Suite 2
5.11 Ordinance: Restaurant, hotel, amusements and admission taxes BCO Sec. 21-31 (Councilor Shannon) - **AGENDA ITEM REMOVED**

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.11.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 2024 Boards and Commissions Appointments

MOTION by Councilor Barlow, SECOND by Councilor Grant, to approve the 2024 Boards and Commissions appointments as listed. The slate is as follows: Chittenden Solid Waste District – full seat – Lee Perry, Chittenden Solid Waste District – alternate seat – Matt Kobzik, Church Street Marketplace Commission – Sarah Beal, Church Street Marketplace Commission – Cara Tobin, Fence Viewer – Shay Totten, Housing Board of Review – Don Slish, Winooski Valley Park District – Andrew Jonah Gregg

VOTING: unanimous; motion carries.

6.2 Public Hearing Regarding Setting Common Area Fees FY25
City Council President Traverse opened the public hearing.
There were no public comments.

City Council President Traverse closed the public hearing.

6.2 Resolution: Allocation Method and Standards for Common Area Fee Formula, and Establishment of Common Area Fees for the Church Street Marketplace for Fiscal Year 2025 (Board of Finance)
Executive Director Alnasrawi began by noting that the City is required by charter to review the Church Street Marketplace Common Area Fees annually, and that the Church Street Marketplace Commission makes a recommendation around fees to the Board of Finance and City Council for their consideration. She said that the recommendation for FY25 is to leave the fees unchanged from FY24 levels. She noted that the fees are $3.02 per ground floor square foot abutting the Church Street Marketplace, which totals approximately $730,000 (out of the entire $1 million Church Street Marketplace budget). She noted that the fees were raised from FY23 to FY24 by about 5%, and it was the first time the fees had been increased in five years. She noted that this was unanimously approved by the Board of Finance earlier tonight.

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

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

6.3 Champlain Parkway Project – Update and Final Construction Contract – DPW
Director Spencer said that this update is in anticipation of putting this project out to bid later this week and coming back to the Council in August to execute the construction contract for this phase of the Champlain Parkway Project. He summarized the Phase 1 construction. He said that this next phase (Phase 2) has a southern section by I-189 and a section north of Kilburn Street to Main Street. He spoke about the benefits of phasing the project into a first and second phase. He said that by splitting the project into two phases, DPW was able to get online a large portion of the project before the entire project is complete, which range from environmental benefits to reducing the amount of phosphorous entering Lake Champlain to opening new miles of shared use path and another South End city street.

Director Spencer then summarized the final construction contract (for the Phase 2 work). He said that it will occur in a southern section (I-189 to Home Avenue) and a northern section (Kilburn Street to Main Street). He noted that the cost, by the latest engineer's estimate, is $24.5 million, and the duration will be from Summer 2024 to Summer 2026.

Director Spencer spoke about reinvestment activities in the King and Maple Neighborhood that occurred in order to prepare for this project. These activities began in 2014 and were completed in 2020, and consist of more than $5 million in capital reinvestment. They include crosswalks, infrastructure improvements, traffic calming, repaving, signal upgrades, and rehabilitation of St. Paul Street to Great Street standards. He noted that while there will be a projected 9% increase in traffic in the neighborhood, there are corresponding improvements that will mitigate thee impacts and make traffic and operations safer than they are today.

Senior Engineer Mims outlined the financing of the Champlain Parkway project. He said that the total project cost is approximately $90 million across phases, with a split between pre-construction, initial construction, and final construction phases of $14 million/$40 million/$36.5 million, respectively. He noted that the federal share is 95% of participating costs, state share is 3% of participating costs, and the local

match is 2% of participating costs (around $1.7 million). He said that non-participating costs of around $6.8 million. He noted that the City's total contribution to the project is $7.2 million.

Senior Engineer Mims then spoke about the stages of public engagement from 2009 to 2021, and public meetings specifically focused on the King/Maple Neighborhood in 2019-2020.

Senior Engineer Mims then spoke about how the Champlain Parkway project fits into the South End Coordinated Redevelopment work, and how they influence traffic impacts. He said that based on traffic counts and modeling, there is an excess capacity of about 2,000 vehicle trips that could be accommodated, based on updated numbers between the 2009 and 2022 traffic analyses. He said that they are not seeing the initial phase of development causing any significant issues to the capacity of Pine Street following the completion of the Champlain Parkway project. He summarized other South End construction projects and timelines, including the Railyard Enterprise Project, Main Streets Great Streets project, and the BTC public improvements.

Director Spencer highlighted that DPW will be conducting data collection and monitoring through this project, noting that there are permit conditions that require monitoring of several intersections in the South End, as well as conducting traffic counts, speed counts, and other operational monitoring activities for the King/Maple Neighborhood.

Mayor Mulvaney-Stanak expressed support for this project and the intentionality of engaging the public, particularly in the King/Maple Neighborhood. She expressed support for the public improvements in the King/Maple Neighborhood. She also noted that the Railyard Enterprise project is a crucial piece of this and is part of the City's ongoing long view of what it needs in terms of increasing density.

Councilor Shannon asked if there is a turning lane at the Maple/Pine intersection, saying that the traffic light should be installed at that intersection prior to increasing the traffic on Pine Street. She asked about the non-participating costs and whether the contaminated soils are being covered by the Petroleum Cleanup Fund. She asked about the landscaping. She asked about the traffic calming measures and whether they will improve the flow of traffic (that area does not need calming, but needs increased flow to prevent so many idling cars at those intersections). Director Spencer said that there is no turning lane planned at the intersection of Pine and Maple Streets, noting that projections of that intersection functioning better today are based on not having a turning lane. He said that if there is undue congestion, there are other tools the City can use to improve that. He said that they will explore putting in the traffic light prior to the connection to the interstate. He said that yes, the City is on the hook for the additional soils money not covered by the Petroleum Cleanup Fund, and that this is a required cost. He said that they can provide Councilor Shannon with the landscaping plan and costs. He noted that in terms of traffic calming, there are side streets that are interested in traffic calming similar to the bump outs at intersections on King Street.

Councilor Litwin asked about the road from Home Avenue and whether residents have requested a sound buffer, given that their proximity to the street will be close. He also noted that there is a gap of time between Q3 2026 and Q3 2027 when the Railyard Enterprise project can break ground, and asked that the City to do everything in its power to reduce that time gap and break ground more quickly. He asked that the community be outreached to as productively as possible. Senior Engineer Mims noted that homeowners have mixed feelings about the traffic increase along Home Avenue, but said that they don't anticipate traffic noise being much more than on any other 25 mile-per-hour street. He said that DPW is working diligently to try and close the time gap for breaking ground on the Railyard Enterprise project.

Councilor Grant said that the situation at the King/Pine intersection has greatly improved. She noted that traffic backs up at peak commute times and that at other times drivers do tend to go through the intersection quickly, so she still sees a potential need for traffic calming in future. She said that there may be a need for a left-hand turn or arrow. She also advocated for installing a traffic light.

Councilor Bergman said he hasn't been supportive of this project for decades, and that without the Railyard Enterprise project coming online in tandem to siphon traffic, this puts him in a difficult position. He acknowledged many improvements, though. He asked for more information on whether the CityPlace development was incorporated into traffic projections. He asked about the traffic volume increases from the present on Maple/Pine and King/Pine intersections. He said he would also like to see update memos on future engagement with the public to deal with traffic congestion and bicycle and pedestrian safety. He said he would like to see a more detailed schedule of issues around the timeline for the Railyard Enterprise project. He expressed concern about bike traffic at the King/Pine and Maple/Pine intersections and asked for more information about bike lanes. Senior Engineer Mims described the proposed bike lane configuration. Councilor Bergman asked for a more detailed written description of the bicycle lane configuration, with an emphasis on safety.

Councilor Shannon asked for more information on the impact to neighbors who can no longer park on Pine Street and how they were notified of the change. She also asked for further clarification on why the City has to pay for 100% of cleaning up contamination and what the implications are of refusing to pay, and Director Spencer said that they will provide further clarification in writing.

6.4 Reconnecting Bank and Cherry Concept Presentation – DPW
Public Works Engineer Ursaki began by noting that this is an informational presentation on the concept of reconnecting Bank and Cherry Streets, which will give the Council time to take in the information and ask questions prior to DPW coming to the Council on June 24th to formally ask for concept approval. She began by providing a history of the project, beginning with voter approval in 2016 of the Tax Increment Financing (TIF) funding for the public improvements and rebuilding Bank and Cherry Streets. She said that the original concept was approved in 2018. She noted that the City was awarded $15 million of Congressionally-directed spending from Senator Leahy in 2023, and a $22 million RAISE grant, also in 2023.

Public Works Engineer Ursaki noted that the basis of the design concept for reconnecting Bank and Cherry Streets comes from two foundational documents, the Plan BTV WalkBike and the Great Streets BTV plans. She noted that the Great Streets BTV plan in particular has an extensive list of street types, how those are defined, and for what uses. She noted that the Plan BTV WalkBike identifies Main Street and Pearl Street as two major East-West bikeways through the city and Battery Street and Winooski Avenue as the North-South connectors.

Public Works Engineer Ursaki then outlined the proposed improvements for Cherry Street and Bank Street. She showed proposed configurations for Cherry Street that include 66 feet of right-of-way and 36 feet of roadway, with uses on the street, for pedestrians, for cyclists, for parking, deliveries, cars, trucks, and buses. She noted another configuration that also includes amenities such as stormwater treatment, bike parking, and public seating in some areas close to businesses. She also noted that there would be a new, 7-foot-wide sidewalk throughout the corridor. She then provided similar configurations for Bank Street, noting that the design allows for Bank Street to become a festival street for special events.

Public Works Engineer Ursaki then spoke about next steps for the concept. These include public meetings at the Church Street Commission and Public Works Commission in June, with approval from the City Council at its meeting on June 24. She noted that design development will occur in June-October 2024, an environmental review is anticipated from October 2024-April 2025, design, permitting, and right-of-way in April 2025-May 2026, and construction for Cherry Street beginning in 2026 and Bank/Pine/St. Paul Streets in 2027.

Councilor Kane asked why the travel lanes wouldn't all be ten feet given the low travel speed, and Public Works Engineer Ursaki replied that it is due to the proximity of the downtown transit center, and there was an extra foot added for bus access. Councilor Kane noted that of the three options proposed for Bank Street in 2017, this option seems less ambitious, and asked if there were considerations for raising the street

to the sidewalk level, including special pavement, and having a 10 mile-per-hour limit. Public Works Engineer Ursaki replied that speeds cannot be set below 20 miles-per-hour per state statute and that it is at sidewalk level and is designed to be a slow space with many uses. She noted that asphalt is used for paving, given that there are so many utilities under Bank Street. Councilor Kane asked about the parking being net neutral and not reduced. Public Works Engineer Ursaki replied that they are removing spaces for different amenities and adding some spaces on the new blocks of Pine and St. Paul Streets. She noted that businesses have said that parking is very important. She noted options for pedestrian plazas in the place of parking spaces. Councilor Kane asked about the feasibility of having one or more streets be pedestrian only, and Senior Engineer Wheelock replied that they looked into this but that it wasn't feasible.

Councilor Grant said she would like to see more consideration for shared use paths and bicycle lanes, particularly on Cherry Street. Director Spencer replied that DPW is interested in creating a network of bicycle lanes and said that Pearl Street will connect to Battery Street bicycle facilities. He said that PlanBTV BikeWalk helped to determine which streets are the most strategic for enhanced bicycle infrastructure.

Councilor McKnight challenged the idea that car-free streets are bad for business. She encouraged the City to think innovatively about what it means to have a downtown and move away from car-centric configurations. Senior Engineer Wheelock noted that CityPlace is required to develop their project with doors and storefronts all around their development. She also noted that St. Paul Street is a key vehicular road for Green Mountain Transit, and that these roads are vehicle driveways and significant loading dock access for CityPlace. Councilor McKnight encouraged the City to think more about Pine Street and think about how to replicate Church Street in other areas. Director Spencer noted that one advantage of having a curbless Bank Street is that it can be configured in a number of different ways (including as a pedestrian street), so they can see what works and what doesn't.

Councilor Litwin asked whether DPW had explored making one-way streets. He also noted that much of the focus is on safety as it relates to travel, but said that the current public safety situation in the downtown makes it unlikely that people will want to take advantage of the amenities in this concept. He said he would like to see a satellite or kiosk for security or police to be potentially staffed to ensure that people feel physically safe and go downtown to enjoy these amenities. Senior Engineer Wheelock said that they hadn't thought about public safety kiosks specifically, but they had thought about public restrooms and drinking fountains. She said that they can site them and can review what uses can be put into them.

Councilor Carpenter spoke about key businesses on Cherry Street, which include the elder-care facility at Cathedral Square, and that it doesn't have its own site parking but has a lot of staff and visitors, the courthouse, and old State office building on Cherry Street. She said that those businesses should be kept in mind.

Councilor Neubieser echoed Councilor McKnight's comments around the desire for a totally walkable downtown.

6.5 Seasonal Health Response to Encampments Working Session
Mayor Mulvaney-Stanak noted that this is a proactive plan that addresses the chronic issues the City has seen with encampments over the last several years, as well as a health and safety issues around the unhoused. She said that this is less of a policy change and more of a working session on how to respond to the challenges that are present. She said that the City is enforcing its parks ordinance in terms of parks and rights-of-way, and working on a public lands ordinance. She also expressed concern about what is on the horizon in terms of changes in funding and programming that the State administers, particularly because they tend to have disparately large impacts on Burlington as the largest city in the state. She said that this plan is adaptive, responsive, and temporary as part of the City's approach to the seasonal issue around camping. She noted that her staff conduct a weekly internal review and look at the conditions of the encampments at those times.

Special Assistant Russell said that this presentation and work session are an opportunity to provide the Council with an update from staff on how they are approaching and coordinating the response to the increasing unsheltered population within the City and across Chittenden County. She began by providing an update on homeless data from across Chittenden County, noting that 684 households were involved in Coordinated Entry in April, and that the May unsheltered census was 288 individuals. She noted that 260 households were housed during FY24. She noted that around 60-80 individuals were unhoused in 2022, which increased to 140-160 during 2023, and was at 192 in January 2024. She spoke about the need for expanding emergency shelter capacity and other mechanisms to address the growing population of unsheltered individuals. She provided an overview of current shelter capacity in Chittenden County for low, medium, and high-barrier shelters. She noted that out of the 11 shelters in Chittenden County, only 2 of them are outside of Burlington. She spoke about exercises to analyze the data from the Coordinated Entry program to determine what types of shelter capacity are needed for different sub-populations, in order to more adequately address needs. She noted that the total additional shelter capacity needed is 400 beds/rooms. She said that this requires additional physical space, as well as partnership and funding from the State Agency of Human Services (AHS), as well as engagement from the Designated Agencies to provide mental health and substance use disorder services.

Special Assistant Russell then spoke about proposed resources and strategies to support response efforts. These include identifying resources that could be strategically placed to help meet basic needs and mitigate health and environmental concerns, community engagement strategies with other stakeholders, and proactive planning to expand shelter capacity. She noted that with respect to identifying resources to help meet basic needs, these include the provision of portable toilets and handwashing stations, dumpsters for waste management, potable water, lighting, and sharps receptacles. She noted that this strategy is not intended to encourage encampments, but to respond to evolving challenges of unsheltered homelessness in a way that is human-centered. She spoke about the City's efforts to determine the best locations for these supports and resources, saying that they are targeted the areas with current encampments that have a lack of available sanitation resources while taking into account the health and safety of City staff, campers, and the broader community, as well as impacts to water quality and ecology. She noted that the City is not establishing sanctioned camping areas, but is providing temporary seasonal sanitation resources to mitigate negative health and environmental impacts. She spoke about the City's camping on public lands policy, saying that there is no change to enforcement or removal activities from FY24, that camps in parks and programmed areas are noticed for removal, but that the City will exercise tolerance of camps on public lands and will continuously monitor and evaluate them for safety, resources, conflict management, and may remove them as necessary. She then spoke about strategies around community engagement, which include engaging partners to coordinate outreach efforts, coordinating cross-department communication to increase collaboration, proactively mitigating conflict, and maintaining trauma-informed practices. She then spoke about strategies around proactive planning to expand shelter capacity. She said that this includes identifying necessary capacity, communicating and coordinating with partner agencies that provide shelter, monitoring the General Assistance Emergency Housing Program and its changes, engaging neighboring town and city leadership, and determining what Burlington's role is in shelter expansion. She emphasized that emergency shelter is not a solution to homelessness, and that true affordable housing is. She noted that the State has issued an RFP with significant investment in the state of up to $10 million to expand shelter capacity either for the winter season or on an ongoing basis.

Special Assistant Russell then spoke about next steps. These include finalizing and approving the FY25 Community Safety Budget of $50,000 for community resources, conducting a feasibility assessment of the City's role in expanding shelter capacity, continuing advocacy efforts for increased support and leadership from AHS and partners at the State, and ensuring clear and transparent communication with community partners, the City Council, and members of the public.

Councilor Litwin asked about the urban reserve area and how camping is prohibited there, and it is signed as such. He said that this appears to be a point of contention, given that there are some tents in that area. He asked whether there are exceptions to this rule from legacy encampments or areas that are not impeding recreational use of the waterfront. Special Assistant Russell replied that the City is exercising

tolerance and that they are trying to steer clear of allowing encampments in conservation areas of the urban reserve. Assistant City Attorney McClenahan added that even in spaces where camping is prohibited by ordinance or posting, the City's policy is an outreach approach to engaging with individuals in those public spaces, followed by enforcement if necessary. She said that although there are spaces where it is prohibited to camp, the City is focusing on outreach and then enforcement, but not a lack of enforcement.

Councilor Neubieser said that there are concerns among constituents that if the City provides resources that mitigate negative externalities and impacts on the houseless community that it will attract more unhoused individuals to come to Burlington. He asked whether there is data to support this. Special Assistant Russell replied that this is a misconception and that when they began tracking data in 2021, they found that in the motel program, only 32 households statewide had come from out-of-state, out of 2,500 that were housed in the motel program. She said that the largest population of people who are coming from out-of-state are households that are fleeing from domestic violence. Councilor Neubieser asked whether there has been a change in camping policy from last summer, and Special Assistant Russell replied that there hasn't been a change in policy or enforcement.

Councilor Doherty asked for confirmation that out of 183 year-round beds in Chittenden County, only 28 of them are outside of Burlington. Special Assistant Russell confirmed this. Councilor Doherty said that he has heard comments that Burlington isn't doing enough, but it seems like Burlington is doing almost everything. He said that this is a problem that is not reasonable or remotely possible for Burlington to address on its own. He asked how many of the 288 currently unsheltered individuals are in Burlington versus South Burlington or Essex, and what assessments have been conducted to determine whether existing policies are encouraging individuals to camp in Burlington, and further asked whether any discussions have occurred about accountability on behalf of those individuals living in encampments. Special Assistant Russell replied that because Vermont does not have county-level leadership, it has likely played a role in its lack of success with engaging neighboring towns on this issue. She said that with regards to accountability, the City needs to offer the stability of shelter and encourage individuals to work on goals that are housing focused, saying that no one wants to be unhoused. She said that it is also unfair to compare one shelter's outcomes to another, given that they are likely treating diverse populations and have various levels of barriers to access. Mayor Mulvaney-Stanak said that she is engaging with the Chittenden County Regional Planning Commission (CCRPC), given that this is the only quasi-governmental county-level structure that the State has, and is trying to build relationships and assemble a coalition of community partners on this issue.

Councilor Grant thanked Special Assistant Russell for providing clarity on this topic, given the level of misinformation in the community. She said that the Burlington community cannot ignore this issue. She thanked Special Assistant Russell for clarifying that the majority of the people in unhoused situations are from in-state. She said that Burlington sees the highest proportion of these individuals because Burlington has the most services, even though there is a lack of housing. She said that the community needs to learn from the Sears Lane experience, which involved an encampment that was established and entrenched and that the City was not proactive about it. She said that the City needs to deal with the hard reality that there is physical space needed for these people and that sanitary issues need to be addressed with dignity. She also said that there are hidden costs associated with managing the unhoused situation in Burlington, given that staff across departments (such as Parks) are spending hours dealing with various issues around this issue, rather than doing their regular jobs. She said she supports being proactive, real, and humane about this issue.

Councilor Barlow said that $50,000 seems woefully inadequate to address the problem. He asked whether there will be some detailed planning about how many resources $50,000 will buy and for how long. He said that he suspects this funding will not last very long. He also said that there will likely be costs associated with how to remediate campsites once they are abandoned. Special Assistant Russell spoke about how this is a pilot and a temporary response, and that it is also being supplemented by collaboration from other City staff, such as the Police and Fire Departments.

Councilor Bergman expressed support for providing basic health and safety supports for the unhoused individuals in the City. He requested that any changes either to the policy or the implementation of the policy (such as more involvement from the CSOs or CSLs) be documented and dated, so that the City can track that. He also asked for case studies in how the City has approached existing encampments and the efforts around them. He said that there needs to be real community engagement with the people who live in Manhattan Drive, Louis, and Walnut Streets, given that there is potentially going to be an encampment sited near there. He said that there may be unintended consequences of putting facilities down in the dump area past Manhattan Drive, if it isn't going to be patrolled regularly by the Parks Department, Fire Department, or Police Department.

Councilor Shannon spoke about the comments regarding whether the City was proactive or reactive to Sears Lane, and said that what the City is doing right now is reactive, in that it is reacting to where people are camping. She said that a similar approach was taken at Sears Lane, and is concerned that the outcome will be the same. She asked about the Elmwood Avenue Shelter and its status. She agreed about most of the unhoused being from in-state, based on her engagement with individuals in the Sears Lane encampment, but noted that she has not encountered anyone from Burlington, but that they were from other parts of Vermont. She expressed hope that the Mayor can help engage other municipalities to come to some level of shared responsibility. She asked about the City's seasonality with respect to its sheltering needs. She asked if all individuals in the urban reserve encampment have been noticed. Special Assistant Russell said that from her perspective, the City is being more proactive around these encampments than at Sears Lane, as they are providing support prior to many of these encampments being formed. She said that the goal for the Elmwood Shelter is that it transition to permanent supportive housing, but that the City is intending for it to remain a shelter for now, given the shelter capacity needed in the City.

Councilor Broderick asked how the City is helping transition individuals to housing once it shuts down an encampment. Special Assistant Russell that the sheltering on public lands policy contains provisions for outreach and connection to services and ensuring that individuals are not uprooted without doing due diligence to make sure that they're connected to resources.

Councilor Carpenter expressed frustration about the lack of engagement from other municipalities around the state. She also noted that there are individuals in line waiting to get a caseworker, which is a massive part of the systemic problem around rehousing people. She said that in terms of the policy itself, she asked about how accountability is enforced for individuals in encampments. She also spoke about the need for more CSOs, given that the City has capacity for 11 but that it only has 6.

Councilor McKnight said that encampments are going to be a reality for a number of years, given the number of individuals who have been left behind by the State. She said that encampments degrade the quality of life for everyone in the community but acknowledged that the City does not have the resources to accommodate all unsheltered individuals. She said that Burlingtonians are frustrated and feel unsafe about the encampments that are in Burlington and said that this needs to be reflected more in policies and plans. She said that a more proactive approach would be to determine where encampments are allowed and site services there, rather than bring services to already-established encampments. She also asked how long it will take for non-sanctioned areas such as the vestibule of a City business or the Library's front lawn to get cleaned up, since they are not technically parks but have been areas that have been affected by the unhoused. She also said that the City needs to provide more clear guidelines to the public on how they can report a new encampment or an issue with an encampment. She also asked how dangerous activity is being addressed in encampments.

Mayor Mulvaney-Stanak commended Special Assistant Russell, Assistant Director Smith, Assistant City Attorney McClenahan, and Deputy Chief of Staff McGee for the work they have put in for the City around this issue.

6.6 FY25 General Fund Budget Working Session
Chief Administrative Officer Schad began by briefly outlining the budget principles used as the framework for developing the FY25 budget (touched upon in numerous previous Board of Finance and City Council budget presentations). She provided an overview of the General Fund and how it has grown year-over-year, and that they are proposing a roughly $7 million increase over FY24. She spoke about the $13.1 million budget gap, which include increased expenses of $6.6 million and unsustainable revenues to replace totaling $6.5 million. She briefly summarized the major elements of the solution to close that gap, which include measures to increase tax revenue, increase user fees, strategically use one-time funding, use budget savings, and increase other revenues. She noted that previous municipal tax rate increases for FY25 included TIF parcels in the grand list, but has since learned that TIF parcels are not included in the grand list value used to set the tax rate. She said that this led to an increase in the projected FY25 municipal tax rate from 8.6% to 10.7%. She spoke about the total impact of increases from FY24 to FY25, which include the educational tax, municipal tax, electricity rate increases, water rate increases, and recycling rate increases, which result in an average monthly increase of $64.99 on a $300,000 home, $101.53 on a $500,000 home, and $138.12 on a $700,000 home.

Chief Administrative Officer Schad spoke in more detail about the correction to the grand list values. She said that this means $1.1 million less in tax revenue than previously forecast, and that the City is proposing to make up the difference by increasing the gross receipts by $525,000 from businesses that fell behind in paying in FY24, increasing financial services revenues by $50,000, increasing bond premiums by $200,000, increasing recording fees by $50,000, reducing C/T consulting expenses by $50,000, increasing the collection of deferred accounts by $198,000, and removing an ambulance payment of $115,000.

Chief Administrative Officer Schad then spoke about looking ahead to FY26. She noted that many of the budget challenges present for the FY25 budget build are likely to intensify in future years, so the City is implementing a number of measures and activities to proactively manage this. These include finalizing the operational efficiency analysis in June and beginning robust community discussions about rightsizing government to make it affordable, continuing to implement the findings of the user fee study, developing a Capital Financing Plan to meet the City’s needs in the face of nonexistent bond capacity, actively investigating non-property tax sources of revenue including franchise fees and payments in lieu of taxes and fee-for-service agreements, and strictly monitoring expenses throughout the year to ensure a balanced budget. Mayor Mulvaney-Stanak noted that there are many practices in the City that can be improved in terms of financial responsibility, in terms of tracking policies, procedures, and documentation in order to ensure continuity of government.

Councilor Doherty asked about the increase in gross receipts revenue and how businesses had fallen behind on paying. Chief Administrative Officer Schad replied that the City was aware at the beginning of this year that there were certain businesses that were delinquent on gross receipts payments, as some of them have been long-standing establishments. She noted that the City does not require businesses to register when they come online, so the C/T Office has no formal way to know that a business has started and to notify them to begin submitting gross receipts. She noted that of 341 active gross receipts accounts, 21 of them are delinquent. She said that it also takes time to work with businesses and set up a payment plan with them. She said that this is part of a larger conversation around registration of businesses and enforcement of ordinances. Councilor Doherty asked how reliable the $525,000 projection is. Chief Administrative Officer Schad replied that the projection is based on both a number of businesses who are on a payment plan, which is reliable, and a second group of businesses who weren’t paying prior to FY25, but are now caught up and the City anticipates them continuing to pay gross receipts.

Councilor Litwin asked how the City is now identifying new businesses, given this gap in process. He asked about contingencies if the revenue from a portion of the gross receipts fails to materialize. Chief Administrative Officer Schad replied that the C/T Office is working with the Business and Workforce Development Office to identify the new businesses that come online and create a database for tracking purposes. She

added that the projected numbers for the gross receipts tax and other fees associated with revenue increases only assume a portion of what is outstanding is collected.

Councilor Grant asked about the root causes of not discovering new businesses and how they fell through the cracks. Chief Administrative Officer Schad replied that the City is trying to be proactive about it without creating undue administrative burden for businesses. She said that C/T and Business and Workforce Development staff are collaborating on this. Mayor Mulvaney-Stanak also noted that it is a legal requirement that businesses register with the Vermont Secretary of State.

Councilor Neubieser said that this budget helps to set the City up to address more challenges in the long-term and puts the City on a path to solving some of these issues in a pragmatic and sustainable way. He said that this budget demonstrates the way in which City staff and the Mayor's Office are putting an emphasis on transparency, open communication, and sharing information proactively.

City Council President Traverse said that he anticipates that there will be continued discussions around the public safety funding in this budget. He said that he appreciates the fact that when the City asked voters for an increase in the public safety tax, they committed to budgeting in FY25 for 77 sworn officers, which was confirmed by the Mayor's Office today. He said that he appreciates the Mayor's Office's commitment to hiring above that budgeted number of positions if more officers are able to be hired. He noted, however, that the number of CSOs that were committed to the public are not included in this budget, and that he anticipates that there will be discussion about whether additional resources are needed. He noted that the Police Department currently has 26 officers on patrol for the entire City, with 3-5 on day shifts and 2-3 on night shifts, and that the department no longer has a street crimes unit. He also noted that the Police Department's staffing plan projects that it will not be fully staffed until June 2027, and said that while much of that is outside the City's control, it should make efforts to try and accelerate that as much as possible.

Councilor Carpenter spoke about the lack of additional CSOs, saying that there have been discussions about how to increase recruitment efforts around CSOs in addition to sworn officers. She said that the City needs to be creative in how it tries to find the funding to increase funding for CSO positions.

Councilor Shannon said that the CSOs are critically important positions that can be hired for, and are able to respond to a lot of the calls that are currently not able to be responded to at the Police Department.

Councilor Barlow asked when a draft of the operational analysis will be available for the Council's review. Chief Administrative Officer Schad replied that it should be available within the next week.

Councilor Bergman said that increasing funding in order to hire more staff is laudable, but that if there are recruitment efforts that don't yield hires because no one is applying, the blame cannot be placed on the Administration. Additionally, he said that if there are progressive alternatives to the property tax that will raise funds for positions, he would enthusiastically support them.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Bergman noted that the Charter Change Committee will meet this Wednesday at 5:00 PM to begin conversations around the police oversight proposal that was brought forward by the Joint Committee and referred to the Police Commission, which has provided comments and feedback for the Charter Change Committee's review.

Councilor Shannon said that the Ordinance Committee will meet tomorrow morning at 10:30 AM to discuss the trespass and graffiti ordinance.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee will meet tomorrow at 5:30 to discuss ordinance changes recommended by the Vehicle for Hire Licensing Board around taxis.

Councilor Grant said that the Public Safety Committee is meeting June 20th. She noted that there is no June meeting for the Racial Equity, Inclusion, and Belonging Committee, as they are working hard to put together this year's Juneteenth event (which will take place on June 15).

Councilor Neubieser said that the Community Development and Neighborhood Revitalization Committee is meeting tomorrow.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Grant thanked Councilor Bergman for his comments about disinformation and lack of understanding of current recruitment efforts in the Police Department. She said that although there is a good recruitment team in place in the department, there are tensions around retention in the department and ongoing, chronic turnover issues. She noted that the CSO positions have become a recruitment ground for sworn officers, which isn't necessarily a bad thing, but that this makes it difficult to staff up to 11 CSOs.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Mulvaney-Stanak noted that she has appointed Phet Keomanyvanh as the interim director of the Racial Equity, Inclusion, and Belonging Department. She also encouraged the community to attend this year's Juneteenth celebrations on Saturday, June 15. She noted that City offices will be closed for the actual Juneteenth day on June 19. She noted the hiring of a new administrative staff in the Mayor's Office. She noted that DPW's City Engineer, Laura Wheelock, is the first woman to hold that rule in the City. She spoke about her community engagement activities this week. She spoke about how the Burlington Police Department and Burlington School District struggled last week to serve the City's youth in its Yes Program, which included a curriculum in which a scenario was used that was not trauma-informed or age-appropriate. She said that she is holding an after-action review with the Police Department today to ensure that this does not occur again.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 10:44 PM.

RScty: AACoonradt

BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 10, 2024
DRAFT

MEMBERS PRESENT:
Joan Shannon
Sarah E Carpenter
Mark Barlow
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Evan Litwin
Marek Broderick
Becca McKnight
Emma Mulvaney-Stanak

OTHERS PRESENT:
Katherine Schad
Erin Jacobsen
Joe Magee
Kim Sturtevant
Erik Ramakrishnan
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 7:06 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 DELIBERATIVE AGENDA

2.1 First and Third Class Liquor License Applications (2024-2025): Tap House & Beer Garden, 160 Flynn Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First and Third Class Liquor License Applications for Tap House & Beer Garden with the following conditions: all City Permits need to be closed out, contingent upon Fire Marshal Approval and with all standard conditions.

VOTING: unanimous; motion carries.

2.2. Outside Consumption Permit Application (2024-2025): Tap House & Beer Garden, 160 Flynn Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve the 2024-2025 Outside Consumption Permit Application for Tap House & Beer Garden with the following condition: all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:08 PM.

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 24, 2024
DRAFT

MEMBERS PRESENT:

Joan Shannon (at 6:34 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles
Nic Longo
Marie Friedman
Larry Lackey
Jeff Bartley
Hannah Dusablon

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:34 PM.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to adopt the agenda.

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:45 PM

2.1. Verbal Comments
Forum opened at 6:43 PM.

COMMENTS:
Burlington residents (in person):

- Dave Maher showed data on the correlation between the effects of social policy (liberal versus conservative) and rates of homelessness. He said that liberal states tend to have a higher homeless rate than the conservative states in the U.S. He showed other trends that indicate that this is not due to housing availability, but said he believes this is due to generous services and lenient treatment provided by more liberal states.
- Ryan Nick said that in the last 90 minutes, a group of concerned citizens stopped two thefts and recovered about $4,000 of stolen goods from a Church Street retailer. He asked whether citizens are expected to prevent retail thefts from known, repeat offenders on a daily and hourly basis. He asked whether citizens are expected to feel unsafe in the main parking garage downtown. He asked whether citizens should expect to find human feces in the one elevator in that garage, and asked when they can expect the two stairwells of that garage to reopen. He asked whether downtown employees and business-owners should be expected to respond daily to mental health and public safety crises. He said that these issues are caused by between 50-100 repeat violent offenders.
- Jane McDougal asked for more details about the Champlain Parkway, how it will be connected and to where. She said that residents need more sidewalk improvements as well.
- Michael Nedel spoke about the spurious activity occurring regularly near the Elmwood Shelter pods, and asked that a regular patrol of that area be conducted. He also spoke about property tax increases and said it would be good to have some sort of rebate for landlords who keep their rents low to help with affordability in the city.

Burlington residents (via Zoom):

- Sharon Bushor said that tonight's actions will set the stage for the year, the services people get, and the quality of life in Burlington. She spoke about how the Mayor's budget shares the burden of revenue raising among residents and businesses. She also spoke about the focus of this budget to inclusion and equity of services. She thanked the Mayor for her collaborative efforts with each member of the City Council.

Non-Burlington residents (in person):

- Keren Sita spoke about every Vermonter's constitutional right to happiness under Article One. She spoke about Vermont's recognition of the struggles of its rural communities, the empowerment of women, and reminded people that violence hurts a community.

Forum closed at 6:55 PM.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports
None.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Grant noted that the Public Safety Committee meetings are not broadcasted by Town Meeting TV, and said that she has not pushed to have these meetings added to Town Meeting TV's contract, given the fiscal constraints for the City. She noted that the meeting recordings are available on CivicClerk, even though they are not filmed by Town Meeting TV. She said that the Committee's July meeting will focus on recruitment, retention, the lack of traffic enforcement in the City, and plans by the Fire Department to coordinate with other community partners to offer medically assisted treatment to those experiencing overdoses who do not want to be transported to the hospital.

5. CONSENT AGENDA

5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
5.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
5.3 Proposed DPW ROW Technician I & II Working Foreperson I & II Upward Tiering – DPW – approve and authorize: 1. Retitling and tiering of the Street Maintenance Worker, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position as follows: a. Right-of-Way Field Technician I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position. This will be the first of two tiers for this position; and b. Right-of-Way Field Technician II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 15 position. This will be the second of two tiers for this position; 2. Retitling and tiering of the Street Maintenance Working Foreman: a Regular, Full-time, Non-Exempt, AFCSME, Grade 16 position as follows: a. Right-of-Way Field Technician/Working Foreperson I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 16 position. This will be the first of two tiers for this position; and b. Right-of-Way Field Technician/Working Foreperson II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position. This will be the second of two tiers for this position.
5.4 Reclassification of one (1) DPW – Technical Services Position – DPW - approve the reclassification of the Public Works Project Accountant, Technical Services: a Regular, Full-Time, Non-Exempt, AFSCME, Grade 16 position to a Billing and Administrative Accountant, Technical Services; a Regular, Full-Time, Non-Exempt, AFCSME, Grade 17 position.
5.5 Vermont Gas Systems Franchise Agreement – DPW - approve the Franchise Agreement between the City and Vermont Gas Systems Inc., in order to execute a new agreement through June 30, 2029, granting use of the City right-of-way for utility infrastructure and annual payments of franchise fees as detailed in the agreement; and, to recommend the Mayor to execute the Franchise Agreement in substantial conformity with the Agreement attached—subject to approval by the City Attorney's Office—on behalf of the City of Burlington.
5.6 Authorization to Execute a Contract with BP Wastewater Services, LLC for Catch Basin Cleaning Services – DPW/Water Resources – approve and authorize Chapin Spencer, the Director of Public Works, to execute a contract with BP Wastewater Services, LLC with a maximum limiting amount of $63,875 for catch basin cleaning services in Fiscal Year 2025, with the option to renew the contract for one additional 1-year term, subject to review by the City Attorney's Office.
5.7 Water Resources Wastewater Personnel Reorganization – Various – DPW/Water Resources - approve the: 1. Reclassification of the Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position, to the tiered Wastewater Plant Operator I/II position as follows: a. Wastewater Plant Operator I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position, the first of two tiers for this position; and b. Wastewater Plant Operator II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position, the second of two tiers for this position; 2. Reclassification of the Senior Plant Operator – Main, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position, to Senior Plant Operator – Main, a Regular, Full-time, Non-Exempt, AFCSME, Grade 19 position; 3. Reclassification and retitling of one Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position to Senior Plant Operator – North and East, a Regular, Full-time, Non-Exempt, AFCSME, Grade 19 position; 4. Reclassification of the Senior Plant Mechanic, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position to Senior Plant Mechanic, a Regular, Full-time, Non-Exempt, AFCSME, Grade 19 position; 5. Creation of a Collection System Maintenance Manager, a Regular, Full-time, Non-Exempt, AFCSME, Grade 20 position; 6. Reclassification, retitling, and reorganization of one Street Maintenance Division to Senior Collection System Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position in the Maintenance Division to Senior Collection System Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position in the Water Resources Division, reporting to the Collection System Maintenance Manager; 7. Reclassification, retitling, and reorganization of two Street Maintenance Workers, Regular, Full-time, Non-Exempt, AFCSME, Grade 14 positions in the Maintenance Division to a tiered Collection System

Operator I/II position in the Water Resources Division reporting to the Collection System Maintenance Manager, as follows: a. Collection System Operator I, a Regular, Full-time, Non-Exempt, AFCSME, Grade 15 position, the first of two tiers for this position; and b. Collection System Operator II, a Regular, Full-time, Non-Exempt, AFCSME, Grade 16 position, the second of two tiers for this position; 8. Reclassification, retitling, and reorganization of one Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position reporting to the Chief of North, East, and Pump Stations to Lead Pump Station Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 18 position reporting to the Collection System Maintenance Manager; 9. Redescription, retitling, and reorganization of one Wastewater Plant Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position reporting to the Chief of North, East, and Pump Stations to Pump Station Operator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 17 position reporting to the Collection System Maintenance Manager; and further, to authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages Total Compensation Contingency lines 480-19-425-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions.
5.8 Annual Report of the Burlington Conservation Board – Fiscal Year 2023: June 30, 2022 – July 1, 2023 – waive the reading, accept the report, and place it on file.
5.9 Three FY'24 Parking-Related Budget Amendments – DPW/Parking and Traffic – authorize the Chief Administrative Officer to implement FY24 budget amendments, in substantial conformance with the following: Parking Services budget amendment dated May 31, 2024 in the amount of $66,699; Parking Facilities budget amendment dated May 31, 2024 in the amount of $61,000; Traffic Fund Budget amendment dated May 28, 2024 in the amount of $130,000.
5.10 Reclassification of one position, the Lead Urban Park Ranger, in the Department of Parks, Recreation, and Waterfront – BPRW - approve and authorize the reclassification of the Lead Urban Park Ranger, a regular, full-time, non-exempt, AFCSME, Grade 16 position, to a regular, full-time, non-exempt, AFCSME, Grade 17 position in the Department of Parks, Recreation, and Waterfront, and further authorize back pay in the amount of $9,196.86 to the incumbent retroactive to May 16, 2022.
5.11 BPRW Budget Neutral Amendments – BPRW – approve and authorize the budget neutral adjustments as detailed in the attached budget amendment forms, in furtherance of funding security needs at North Beach, and further authorize the Chief Administrative Officer to effect all necessary transfers of funds to carry out such amendments, subject to the final review and approval of the Chief Administrative Officer.
5.12 Contract Renewal for Continuing Engagement with Managed Security Services Provider – I&T – approve and authorize the Chief Innovation Officer to execute a two-year contract with a vendor identified through the 2018 RFP Process seeking MSSPs to provide managed security services in an amount up to $110,000 (paid in two annual installments), subject to contract approval by the City Attorney's Office.
5.13 Innovation & Technology Position Changes – I&T/HR - approve the: 1. Eliminate the open but unfilled IT Project Manager position, a Regular-Full-Time, Exempt, Non-Union, Market Factor position that was recently vacated by retirement; 2. Eliminate the open but unfilled Technology Support Specialist position, a Regular, Full-Time, Union, Non-Exempt, Market Factor position; and 3. Create a new Cybersecurity Analyst Position, a Regular, Full-Time, Non-Union, Grade 19, Exempt position.
5.14 Communication: Ines, Castro, Member, Board of Health, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Ines Castro thanking her for her time served as a member of the Board of Health.
5.15 Communication: Jonathan Davies, re: Visiting Burlington - waive the reading and place the communication on file.
5.16 Communication: William Coleman, re: Burlington - waive the reading and place the communication on file.
5.17 Communication: Coco Weishaar, re: homeless people – waive the reading and place the communication on file.
5.18 Special Event Outdoor Entertainment Permit Application (one day only): OSNS Entertainment, Lakeview Patio, 1 Main Street Landing, July 3rd, 4:00 pm - 11:00 pm - approve the one day only special event outdoor entertainment permit application for OSNS Entertainment, Lakeview Patio, 1 Main Street Landing, July 3rd, 4:00 pm - 11:00 pm.
5.19 FIO Documents – for information only.

5.20 Ordinance: CDO 0 Emergency Shelters ZA-24-03 (Planning, Planning Commission) – waive the reading and refer to the Ordinance Committee.
5.21 Resolution: Authorization For $12,886,920 Step II Loan From Vermont Clean Water State Revolving Fund And For $2,077,120 Amended Engineering Contract With Wright-Pierce For The Stage 0 Upgrade Of The City's Three Wastewater Treatment Plants (Board of Finance) – waive the reading and adopt the resolution.
5.22 Resolution: Approving The Issuance Of Grant Anticipation Notes For The Costs Of Certain Airport Improvement Projects (Board of Finance) - waive the reading and adopt the resolution.
5.23 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.

MOTION by Councilor Shannon, SECOND by Councilor Grant, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.23.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Request to Execute a Construction Manager at RISK (CMAR) Contract with Engelberth Construction, Inc. (ECI) for Project NexT the North Concourse Replacement Project to accept and execute a Federal Aviation Administration (FAA) Grant Application and accept and execute a Northern Borders Regional Commission (NBRC) grant for design, construction manager at risk coordination and selection, pricing, construction in section and construction of the North Concourse Replacement Project "Project NexT" – Airport
Director Longo began by noting that the purpose of this project is to accommodate the changes that are happening in the aviation industry, which entails accommodating larger aircraft, and to build for that flexibility with this new termina. He said that the project is three stories tall, is approximately 25,000 square feet on the first and second floors. He said that they will widen the hallway space that goes to two airline partners, creating more room for passengers at gates to access the aircraft. He said that the project has been designed for purpose, but also for sustainability.

Sustainability Director Lackey spoke about the construction of geothermal wells, which will heat and cool the building. He said that they analyzed using steel versus mass timber, and have determined that mass timber is more environmentally friendly. He noted that there will be solar panels on the roof of the terminal.

Jeff Bartley spoke about the third floor of the terminal, which is where the Airport will move its offices. He said that it will also have a dedicated event space and a patio for observing flight takeoffs and landings. He noted that this patio space will be available to the general public.

Director Longo noted that this is the largest contract and project the airport has had in its history, and that it is being very thoughtfully phased so as to not interfere with daily operations at the airport.

Chief Financial Officer Friedman then spoke about the financial components of the project. She noted that there are three requests before the City Council tonight for this project. She said that the first is a construction at risk managerial contract, which was secured through a competitive process, and they have had a contractor manage the project in a way that has saved the City a significant amount of funding on design, and has streamlined the remainder of the construction process. She said that this request is for the authorization to execute the construction contract with Engelberth Construction. She spoke about a second authorization for about $8 million of FAA funding. She spoke

about funding sources, which include a Congressionally-directed spending source of $34 million, Airport Terminal Project funding, and bipartisan infrastructure funding. She noted that 90% of the funding is coming from the federal level, though there are some portions of the project that are not eligible for funding, which include any spaces that don't have the public moving through them (such as relocating the offices to the third floor of the new terminal). She noted that the Airport receives about $500,000 per year from the State of Vermont toward the 6% grant match. She also noted that they can cover the remainder through the Airport's passenger facility charges. She also noted a request for City Council approval of the Northern Border Regional Commission timber grant for $1.8 million.

Councilor Kane asked why this project is occurring, given that the Airport is already the second busiest airport on the region, and why the Airport hasn't stayed current in its infrastructure. Director Longo replied that this project seeks to keep the Airport competitive with industry changes that are coming. He noted that many other airports in New England have done upgrades to their terminals. He noted that the number of operations that contribute to why BTV is the second busiest airport in New England is because of the various types of operations, such as commercial and military services. He noted that the terminal was constructed in the 1950s and has been added onto, but the section being replaced is small and was designed for very small aircraft. He said that the current terminal does not have enough hall space to service four 200-passenger planes at once, and it presents constraints related to building code, fire code, and density. He noted that he anticipates a commercial volume decrease but a seat capacity increase, given that this will allow for larger aircraft flying at a decreased frequency per day.

Councilor Bergman asked about the local share and how drawing down local funds impacts the fiscal health of the airport. Chief Financial Officer Friedman replied that the passenger facility charges are held in a restricted fund and are not allowed for use for airport operations, and must seek authority to use them for specific projects. She said that this account contains just under $9 million currently. Director Longo also noted that the Airport's days cash on hand is the highest it has ever been, and the financial health of the Airport is strong.

Councilor Litwin asked about the security review process for the public viewing patio, especially given the location at the Airport of the National Guard, and what types of security protocols are being implemented. He also asked that the Airport consider improvements in communications protocols between the Airport and the remainder of the City's administrative leadership, if larger aircrafts will start to come to the Airport. Director Longo replied that there was full TSA and Department of Homeland Security (DHS) review and approval of the public viewing platform proposal, and that there will be a check-in area for visitors. He said that related to improved communications, this is part of a larger discussion that he would like to have with the Council and Mayor's Office.

Councilor Broderick asked if the number of flights and number of people flying through BTV will increase or decrease based on these improvements, and Director Longo replied that these improvements are meant to ensure that demand is met in this area, and it currently isn't being met.

Councilor Grant said that having more people on a single plane and having fewer flights could be beneficial, from an emissions perspective.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to 1. Approve and authorize the Director of Aviation to execute a Construction Manager at Risk (CMAR) contract with Engelberth Construction Inc. (ECI) in the amount of up to $47,931,525.00 with a 15% contingency totaling up to $55,121,253.90, as allowed by the grant for the construction of Project NexT – North Concourse Replacement Project, subject to review and approval of the City Attorney's Office; 2. Approve and authorize the Director of Aviation to execute an additional grant from the FAA to accept an amount up to $6,922,436, with a 15% contingency totaling up to $7,960,801.40, as allowed under the grant, for design, construction manager at risk coordination and selection, pricing, construction in section and construction of the North Concourse Replacement Project "Project NexT" Grant Application subject to review by the City Attorney's Office; and 3. Approve and accept and execute a Northern Borders

Regional Commission (NBRC) Grant in the amount of up to $1,778,400.00 for utilization of domestic mass timber construction materials in construction of the North Concourse Replacement Project "Project NexT", subject to review by the City Attorney's Office.

VOTING: unanimous; motion carries.

6.2 Annual Appropriation And Budget For Fiscal Year Beginning July 1, 2024 And Ending June 30, 2025 (Mayor Mulvaney-Stanak; Board of Finance)
Mayor Mulvaney-Stanak began by saying that this budget begins important multi-year work to right-size the City's government in order to sustain services in an affordable and strategic way. She said that it raises revenue in a way that keeps affordability in mind. She said that it is balanced, even with the $14.2 million budget gap that needed to be addressed. She spoke positively of the collaboration with department heads on the budget and closing the budget gap. She said that she has worked in good faith with the City Council, which bodes well for a stronger local government and developing compromises. She said that this is a community-safety-focused budget, noting that it increases investments in public safety over FY24 by $4.6 million. She said that this includes $2.47 million more in operating investments in the Police Department, $1.4 million more in operating investments in the Fire Department, fully funds another year of the Community Response Team pilot in the Fire Department, $150,000 in funding for private security and a social worker for the Library, $50,000 in basic supports for the unhoused in Burlington, fully funding 11 Community Safety Officers (CSOs) positions, fully staffs firefighters, includes funding for 10 more sworn officers in the Police Department, and the creation of a position as an advisor in the Mayor's Office on public safety. She said that the budget also begins important sustainability work, including reducing reliance on one-time funds, right-size City government by reducing the growth rate of General Fund expenditures, and diversifying how to raise revenue. She said that this budget did not include a single layoff for FY25, though she acknowledged that there are going to be structural challenges to staffing in the future. She extended gratitude to staff that have worked tirelessly in putting this budget together.

Chief Administrative Officer Schad provided a final FY25 budget presentation. She began by outlining the budget principles that informed the budget. She provided an overview of General Fund growth from FY22 to FY25, noting that the year-over-year increase from FY24 to proposed FY25 is 6.9% or $7 million. She spoke about the total impact of increases from FY24 to FY25, which include the educational tax, municipal tax, electricity rate increases, water rate increases, and recycling rate increases, which result in an average monthly increase of $64.99 on a $300,000 home, $101.53 on a $500,000 home, and $138.12 on a $700,000 home. She spoke about how each of the budget principles ties into aspects of the budget. She spoke about the commitment to affordability by implementing only 2 cents of the 3 cent authorization for the public safety tax increase. She spoke about identifying sustainable financial practices, including implementing findings from the User Fee study, which entails an upward adjustment in some fees in order to cover expenses. She spoke about right-sizing the government by providing what the community needs, by holding 18 positions vacant and implementing the Operational Efficiency study. She spoke about being fair in raising new revenue across the entire community, which includes implementing a consumption tax increase in addition to the public safety tax increase. She spoke about how the budget reflects the priorities of the City, including community safety, maintenance of City services, and creating good processes for the public to engage in larger questions on right-sizing City government. She spoke about looking ahead to FY26 and beyond, given that many of the FY25 budget challenges are likely to intensify in future years.

MOTION by Councilor Kane, SECOND by Councilor Carpenter, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Kane expressed appreciation for avoidance of layoffs, as well as using gross receipts tax increases in addition to increases in the public safety tax. He said that the budget is thoughtfully crafted. He said he looks forward to beginning to work on the FY26 budget soon.**

- **Councilor Bergman thanked the Mayor and staff for their work on this budget, as well as other Councilors. He said that this is a bipartisan budget and reflects a commitment to the health and welfare of the residents of the City. He said that this increase in the gross receipts tax really represents a down payment on progressive tax relief and reform. He spoke about the funding of affordable housing and commitments to climate change. He expressed support for this budget.**
- **Councilor Litwin echoed thanks to the Mayor and staff for their work on this budget. He said that he looks forward to seeing the findings of the Efficiency Study, and said that FY26 will be a tough discussion. He asked if Chief Administrative Officer Schad can provide updates to the Board of Finance on collections and the status of the amounts collected. Chief Administrative Officer Schad replied that yes, this will be part of that monthly review at the Board of Finance.**
- **Councilor Barlow echoed thanks to the Mayor and staff for the work on this budget and collaboration. He said that he will support this budget, and expects the FY26 budget to be even more challenging. He said he looks forward to implementing any recommendations that come out of the Efficiency Study. He spoke about the characterization of the budget gap, saying that he disagreed with how it was calculated and characterized. He noted that the increase in the retirement costs shouldn't be included in the gap, given that the solution is to commensurately increase the retirement tax. He said he believes the gap is overstated by $2.73 million. He also acknowledged that simply increasing the sworn officer count is enough to address the public safety crisis in the City.**
- **Councilor Broderick said that the City needs to radically change how it generates revenue, saying that the current model is regressive and harms those at the bottom of the income bracket. He said that the City should be looking at how it can equitably increase revenue, and looks forward to working on this.**
- **Councilor Grant thanked the Mayor and Chief Administrative Officer for their transparency in communicating on this budget to the public. She said she looks forward to implementing the Efficiency Study as part of the planning for the FY26 budget. She expressed the importance of tracking how the money being put into public safety is used well and there is accountability for it.**
- **Councilor Shannon thanked the Mayor, Chief Administrative Officer, and Chief of Staff for restoring the CSO positions and funding the Housing Administrator position. She said that there has never been a budget deficit, but there has always been a budget gap. She spoke about how during Covid the City was able to access one-time ARPA funding, but that that is no longer an option. She said that the City is on good footing to begin working collaboratively on the FY26 budget. She said that in terms of increased retirement costs, it would be important to look into what is driving that increase.**
- **Councilor Carpenter spoke about the high priority of public safety in the City. She asked that the City continue to explore how to spread out the financial burden of what are truly regional issues to other surrounding municipalities. She said that other municipalities and the State need to understand this and understand what the City is financially contributing to tackle these issues.**
- **Councilor Neubieser thanked the Mayor and staff for their work on this budget. He spoke about the transparency and honest process, bipartisanship, long-term planning for sustainability, and addressing the needs of the lower and middle classes. He expressed support for the holistic investments in public safety, including increased sworn officers, increased CSOs, harm reduction, and public health, and expressed support for the affordability focus the budget takes.**
- **Mayor Mulvaney-Stanak spoke about the retirement debt service component of the budget, saying that including it as a component in budget presentations was one way for her Administration to be transparent about how the City is spending taxpayer money.**

VOTING: unanimous; motion carries.

6.3 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2024 And Ending June 30, 2025 (Mayor Mulvaney-Stanak; Board of Finance)
Chief Administrative Officer Schad said that this relates to obtaining the City Council's authority to assess taxes based on the resolution that was just approved related to the FY25 budget. She said that the tax resolution lays out the details of the 18 splinter taxes and how they are apportioned.

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

VOTING: unanimous; motion carries.

6.4 Ordinance: Restaurant, Hotel, Amusement and Admission Taxes BCO Sec. 21-31 (Councilors Shannon, Bergman, Traverse)

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to waive the reading, suspend the rules, adopt the amendments to Chapter 21, Section 31 of the Burlington Code of Ordinances as detailed in the ordinance form attached as Attachment B, which amends the version of the ordinance sponsored by the Ordinance Committee by eliminating the reporting requirements and sunset proposed by the Committee, and place the amendment in all stages of passage.
DISCUSSION:

- **Councilor Shannon said that the Ordinance Committee reviewed a version of this prior to subsequent discussion around the budget. She said that they kept portions of the public safety components out of this ordinance, given that they were added back into the budget upon collaboration with the Mayor. She said that they also made amendments to ultimately not sunset the hotel tax, as well as to not include reporting requirements on the gross receipts tax in the ordinance. She said that this amendment is consistent with current discussion with the Mayor's Office on where the FY25 budget landed. Councilor Shannon made a friendly amendment that the hotel tax would not be a temporary rate and would not sunset, that the .5% increase on the gross receipts tax would sunset next year and need review again, and that the reporting requirement is no longer in this ordinance.**
- **Councilor Bergman said that he will push for not sunsetting the increase in the gross receipts tax at the end of FY25.**
- **Chief Administrative Officer Schad made a clarifying point that this ordinance will go into effect on August 1, 2024.**
- **Councilor Kane said that he would also support not sunsetting the gross receipts tax increase.**
- **Councilor McKnight said that she is supportive of the approach of increasing the gross receipts tax, which shifts some of the burden of raising revenue away from the residents of the City. She said that the number one issue raised by constituents is the unlawfulness of conditions in downtown Burlington. She needs that the City needs to fix what is going on downtown, given that this increase in gross receipts tax is reliant on a healthy downtown economy for part of its budget.**
- **Councilor Neubieser said he will support this, but also echoed concerns with any sunsetting of increases. He noted that in 2023, foot traffic on Church Street for the first 8 months of the year was on par with the 3 years prior to Covid, which is good news. He said that while one of the issues is public safety, another one of the issues is people not having enough money to spend it on downtown businesses.**
- **Councilor Grant said that some businesses have expressed concerns that the uptick in foot traffic is a data point that is being used against them and their concerns about crime. She spoke about how the historic North End has dealt with this drug crisis and has not been able to get help for years, and that it is only coming to light because it has spread**

downtown. She thanked the new Administration for addressing some of the issues that have not been addressed before. She said that the City needs to hold the Police Department accountable for lack of creative thinking.

- **Councilor Shannon agreed that the City needs to be partnering with downtown businesses to provide support and tackle safety issues.**
- **Councilor Kane spoke about the inequities of the City's tax system, saying that the gap between the appraised value and market value of homes is almost $3,000 per property per year, which harms those in lower economic brackets.**
- **Councilor Barlow said that the City should be mindful that some businesses will have to pay both increased property taxes and gross receipts taxes.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Bergman noted that the Charter Change Committee meeting will be taking up the police oversight charter change at its June 25th meeting at 645 Pine Street, and he anticipates being able to pass that out of committee and back to the Council in time for meeting deadlines on a November ballot.

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee will meet tomorrow at 5:30 PM at 645 Pine Street, and will discuss planning for the building emissions reduction ordinance and the review of the rental weatherization ordinance, as well as discussing GMT funding and planning, as well as the recently-proposed Bank and Cherry Street design concepts.

Councilor Carpenter noted that the HR Committee has been discussing a more robust evaluation of department heads and exploring providing 360 reviews in the next year.

Councilor McKnight said that the Parks, Arts, and Culture Committee will meet this Thursday at 12:00 PM, and will discuss the clear-cutting incident at Kieslich Park, as well as discussing encampment-related data from the parks.

Councilor Shannon said that the Ordinance Committee will meet on July 1st at 11:00 AM and will discuss the graffiti ordinance and the trespass ordinance, as well as a brief introduction to the condominium conversion ordinance.

Councilor Grant said that the Public Safety Committee will meet on July 18 and the Racial Equity, Inclusion, and Belonging Committee will next meet on July 9th. She said that the ribbon-cutting ceremony for the Embrace Belonging monument in Dewey Park will be on Wednesday at 11:00 AM.

Councilor Neubieser noted that the Community Development and Neighborhood Revitalization Committee will meet on July 17 at 6:30 PM in the Sharon Bushor Conference Room.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Neubieser spoke about an organization that is trying to roll back progress the community has made around expanding the vote and strengthening democracy through all-resident voting. He said that it is important to be cognizant of organizations like these, which are funded by extreme right-wing mega-donors.

Councilor Grant noted the override of the Governor's veto around overdose prevention centers, and said that the City needs to start thinking about which organizations in the community would be best suited for this, as well as the location of the center. She also noted a community forum that occurred in St. Albans on June 18, and encouraged the public to tune into this, because St. Albans is confronting the same issues and concerns as Burlington.

Councilor Litwin said he looks forward to working on implementing the overdose prevention center resolution, and hopes that the City can have a transparent, open, and honest process from the beginning, to address concerns that people have raised around siting and zoning of the center. He spoke about looking into whether there can be advanced notice of when the F-35s are flying overhead, to allow people with auditory sensitivities more time to take precautions like putting on headphones. He said he would like to see more dialogue on the encampment response, and would like a working session around this.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Traverse noted that the elevator will not be in service on July 15, and City Council will not be able to utilize Contois Auditorium for its next meeting. He said that he is looking for input on where to hold the next City Council meeting within the community. He also noted that they will be hosting a joint meeting with the Burlington School Board on July 15 as well.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Mulvaney-Stanak suggested holding the next City Council meeting at the Old North End Community Center or the Miller Center. She then provided general updates from the Mayor's Office, City highlights, her engagement efforts in the community, and regional, state, and legislative activity updates. She spoke about the public safety community advisors bringing proposals to the Mayor and Council at their next meeting. She spoke about reviewing the extensive feedback from the Council's working session on encampments, and what pieces of that can be incorporated into working on this chronic issue. She spoke about work the CJC is doing to put together a forum for local conversations around the Israel/Palestine issue. She said that she anticipates bringing a candidate for City Attorney to the Council for its consideration on July 15th. She noted that she is appointing Lynn Reagan as the interim Human Resources director while recruitment efforts are underway. She spoke about work to identify and deal with hot spots around the City. She spoke about engaging the community around the Decker Towers situation, and said that they are working on both temporary and permanent solutions to its issues. She spoke about engaging with CATMA around public transportation. She spoke about a series of Mayor Meetups in the community. She spoke about the very successful Juneteenth event that was hosted on June 15th. She spoke about more regional coordination with Town Managers, particularly around the unhoused issue. She said that she had a debrief with the City's State delegation on legislative activities for this past session.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 9:20 PM.

RScty: AACoonradt

BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 24, 2024
DRAFT

MEMBERS PRESENT:
Joan Shannon
Sarah E Carpenter
Mark Barlow
Ben Traverse
Tim Doherty
Melo Grant
Carter Neubieser
Joe Kane
Evan Litwin
Marek Broderick
Becca McKnight
Emma Mulvaney-Stanak

OTHERS PRESENT:
Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 6:57 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 Motion to adopt the consent agenda and take the actions indicated
2.2 Third Class Liquor License Renewal (2024-2025): Muddy Waters, 184 Main Street – approve the 2024-2025 Third Class Liquor License renewal for Muddy Waters, 184 Main Street with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commission Grant, to adopt the consent agenda and take the actions indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First Class Liquor License Applications (2024-2025): Folino's Pizza, 71 South Union Street, Unit #1

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First Liquor License Applications for Folino's Pizza, 71 South Union Street, Unit #1 with all standard conditions.

VOTING: unanimous; motion carries.

3.2. Outside Consumption Permit Application (2024-2025): Folino's Pizza, 71 South Union Street, Unit #1

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Folino's Pizza, 71 South Union Street, Unit #1.

VOTING: unanimous; motion carries.

3.3 First and Second Class Liquor License Applications (2024-2025): Great Harvest Bakery & Cafe, 382 Pine Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 First and Second Class Liquor License Applications for Great Harvest Bakery & Cafe with all standard conditions.

VOTING: unanimous; motion carries.

3.4 Outside Consumption Permit Application (2024-2025): Great Harvest Bakery & Cafe, 382 Pine Street

MOTION by Commissioner Shannon, SECOND by Commissioner Grant, to approve the 2024-2025 Outside Consumption Permit Application for Great Harvest Bakery & Cafe, 382 Pine Street.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 6:59 PM.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine St. Suite A
Burlington, VT 05401
802.865.7200 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

To: City Council

From: Chapin Spencer, DPW Director

CC: Clayton Clark, GMT General Manager
Laura Wheelock, Division Director – Technical Services
Jackie Esperti, Division Director – Parking & Traffic

Date: July 11, 2024

Re: Downtown Transit Center Property Use Agreement for Flixbus Inc.

Background

Interstate Transit Carrier Flixbus Inc. (www.flixbus.com) seeks to begin serving Burlington on their Boston, MA to Montreal, QC service. They expect to start with 1-2 northbound routes and 1-2 southbound routes per day. Given this proposed public transit service would expand Burlington's multimodal and low-carbon travel options for residents and visitors alike, the City Administration is supportive of this proposed service.

In 2014, the City of Burlington executed a number of agreements including an Easement Deed and Agreement with Green Mountain Transit (GMT) – then Chittenden County Transportation Authority – to construct and then operate the Downtown Transit Center within portions of the City's rights-of-way on St Paul Street, Pearl Street and Cherry Street.

While the Easement Deed and Agreement provided GMT broad rights to build and operate the Downtown Transit Center within the City's rights-of-way, it also stated that "It shall be the Grantor's [City's] responsibility to enter into any agreements with inter-city bus operators." As a result, the City has drafted a proposed Property Use Agreement (attached) that spells out the expectations of each party (GMT, City and Flixbus) with this new transit service. The Agreement has been reviewed by GMT and Flixbus and is ready for the Council's consideration.

The one area of consideration for the City is in regards to the insurance requirements included in the Agreement. Flixbus agreed with the City's minimum coverage levels outlined in Exhibit C of the Agreement, but objected to the City's proposed language that their insurance coverage needs to minimally be rated A- by A.M Best with a financial size category VII or greater (www.ambest.com). After conferring with the Administration, DPW is recommending to proceed with the Agreement as

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written due to the significant public policy benefits of this additional public transit service in advancing the City's transportation, climate and economic development goals.

The Transportation, Energy and Utilities Committee reviewed this proposed Agreement at its July 11, 2024 meeting.

Feel free to reach out with any questions.

Proposed Motion:

To approve and authorize Mayor Emma Mulvaney-Stanak to execute the Property Use Agreement for use of the Downtown Transit Center by Flixbus Inc., subject to the review and approval of the City Attorney's Office.

PROPERTY USE AGREEMENT

This Property Use Agreement (this "Agreement") is entered _____, 2024 (the "Effective Date") among the City of Burlington, a Vermont municipal corporation with a principal address of 149 Church Street, Burlington, VT 05401 (the "City"), Green Mountain Transit Authority, a Vermont regional transit authority with a principal address of 101 Queen City Park Road, Burlington, VT 05401 ("GMT"), and Flixbus, Inc., a Delaware corporation with a principal address of 315 Continental Avenue, Dallas, TX 75207 ("Flixbus"), with respect to the following facts:

A. On or about November 12, 2014, the City conveyed easements for bus operations to GMT, recorded in the City's Land Records at Volume No. 1265 beginning at Page No. 480 (the "Easement Deed").

B. Easement Area No. 3, as described in the Easement Deed, is located at the north side of Pearl Street west of St. Paul Street and easterly of George Street.

C. Section 25 of the Easement Deed states that upon the City's request, GMT shall make a portion of Easement Area No. 3 available to a intercity bus service. Flixbus is an intercity bus service that has requested such access, and the City desires to accommodate this request on terms and conditions set forth herein.

D. The paramount purposes of this Agreement (its "Paramount Purposes") are to facilitate intercity bus service in Chittenden County while also protecting the City, its taxpayers, and GMT from liability and ensuring that Flixbus's use of Easement Area No. 3 does not interfere substantially with GMT's operations.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. License.

   a. The City and GMT hereby grant Flixbus a revocable, nonexclusive license to use that portion of Easement Area No. 3 depicted in Exhibit A hereto (the "License Area") solely for the purpose of parking busses to deliver and collect passengers.

   b. If requested by GMT or another bus service granted similar access by the City, and depending upon the extent of its anticipated use of the License

Area, Flixbus shall negotiate in good faith a schedule for shared use of the License Area. The City shall have the right but not the duty to resolve any dispute arising in connection with the creation or implementation of such shared-use schedule, subject to its sole and absolute discretion.

c. For greater clarity, nothing in this Agreement shall be construed as conveying to Flixbus a leasehold interest, easement, or other estate in any real property of the City or GMT.

3. Conditions of Use.

a. Flixbus may post appropriate signage in the License Area solely for the convenience of Flixbus's passengers. The size, design, and method of annexation of signage shall be subject to the review and approval of the City's Public Works Director or designee in their reasonable discretion. It is agreed and understand that compliance with MUDTC standards, public safety, conflicts or confusion with GMT's or another transportation provider's signage, and the avoidance of nuisance or waste shall be reasonable bases to reject proposed signage. Flixbus knowingly and voluntarily waives any and all claims under the First Amendment to the U.S. Constitution or Chapter I, Article 13 of the Vermont Constitution in connection with the City's actions under this paragraph.

b. Flixbus shall not do or allow anything within or around the License Area that would result in nuisance, waste, or a violation of applicable law. Without limiting the foregoing, Flixbus shall comply with any and all federal, state, and local nondiscrimination laws in connection with any service originating in, arriving at, or stopping in the City of Burlington or GMT's service area.

c. Flixbus shall comply with the reasonable conditions of use requested by GMT and attached hereto as Exhibit B (the "GMT Rules").

4. Term & Termination.

a. The term of this Agreement shall commence on the Effective Date and shall continue in effect until terminated in accordance with this Section.

b. Flixbus may terminate this Agreement with or without cause at any time on ten (10) days' written notice to the other parties.

c. The City may terminate this Agreement: (i) without cause on not less than one hundred eighty (180) days' written notice (or for a lesser period in case of an emergency affecting public health or safety), or (ii) for breach hereof

by Flixbus following written notice and a reasonable opportunity of not less than thirty (30) days to cure; provided that a shorter cure period may apply in case of a breach that is not capable of being cured or in case of emergency.

d. If approved by the City, which approval shall not be unreasonably denied, conditioned, or delayed, GMT may terminate this Agreement: (i) upon thirty (30) days' written notice and opportunity to cure in case of any breach of the GMT Rules; provided that a shorter cure period may apply in case of a breach that is not capable of being cured or in case of emergency, or (ii) upon reasonable notice after identifying a reasonable alternative space within the City of Burlington in case GMT has a need for the License Area.

e. Provisions of this Agreement relating to indemnification and defense shall survive termination hereof.

5. Insurance and Indemnification. The provisions of Exhibit C are incorporated herein by this reference as though fully set forth.

6. Independent Contractors. The parties are independent contractors, and no party is the agent or principal of another. By entering this Agreement, the parties do not intend to form a partnership, joint venture, or similar enterprise.

7. Interpretation; Integration; Severability. There are no third-party intended beneficiaries of this Agreement. This Agreement shall not be construed against its drafter, but instead any ambiguity shall be construed liberally in furtherance of its Paramount Purposes. This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior agreements or understandings relating to the same, whether written, oral, or implied. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall continue in force to the extent necessary to effectuate the original intent of the parties, including its Paramount Purposes, as closely as possible.

8. Assignment; Waiver; Amendment. No party shall assign this Agreement without the written consent of the other party. No waiver of this Agreement shall be valid unless in writing, notwithstanding the passage of time, and no waiver shall constitute a continuing waiver of the same or another provision. This Agreement may not be amended except in a writing signed by all parties.

9. Choice of Law; Venue. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles. Venue for this

Agreement shall be proper in Chittenden County, Vermont, notwithstanding any law to the contrary.

10. Dispute Resolution. No party shall file any litigation arising from this Agreement without first attempting in good faith to resolve the parties' dispute through negotiated settlement or mediation; provided, however, that any applicable statute of limitations shall toll during any period in which the parties are actively and mutually engaged in dispute resolution; and provided further that nothing herein shall prevent any party from seeking emergency relief in appropriate circumstances from a court of competent jurisdiction. In case of any litigation arising from this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

11. Notice. Any notice required under this Agreement shall be given to the receiving party at the address in the opening paragraph, unless another address is given by notice. In case of personal delivery, notice shall be deemed given upon receipt. In case of notice by U.S. mail, notice shall be deemed given three (3) days after deposit in the mail. In case of notice by overnight courier, notice shall be deemed given the day after deposit with a reputable courier. In case of notice by electronic means, notice shall be deemed given upon written acknowledgment of receipt.

12. Signatures. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original. The signatories of this Agreement represent and warrant their authority to bind their respective parties hereto.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY OF BURLINGTON

By: _____
Emma Mulvaney-Stanak, Mayor

GREEN MOUNTAIN TRANSIT

By: _____
Clayton Clark, General Manager

FLIXBUS, INC.

By: _____
Erica Prince, Head of Business Development, NY

By: _____
Authorized Agent

Exhibit A
Depiction of License Area

Exhibit B
GMT Rules

1. Bus Parking Location. Flixbus shall only park in the bus berths located on the south side of Pearl Street east of St. Paul Street. These bus berths are depicted as numbers 16 and 17 as in Exhibit A of this agreement. This location is referenced as Easement area number 4 in the Easement Deed and Agreement executed on November 12, 2014 between the City of Burlington and the Green Mountain Transit Authority (formerly the Chittenden County Transportation Authority).

   The Easement Deed and Agreement lists Easement area number 3 as designated for authorized intercity carrier use. However, for operational purposes the City of Burlington and the Green Mountain Transit Authority have agreed that authorized intercity carriers shall only use bus berths 16 and 17 as noted above and depicted in Exhibit A.

   No intercity carriers shall drive through the Downtown Transit Center (DTC) travel lanes (St.Paul Street between Cherry and Pearl Streets) nor park at the DTC platform.

2. Bus Parking Availability. Flixbus shall be allowed to utilize bus berths 16 & 17 at the below times.

FLIXBUS

Burlington (Downtown Transit Center) Proposed Station Schedule
May 2024
July 2024

4/29/2024

Origin	Destination	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
		Arrive	Depart	Arrive	Depart	Arrive	Depart	Arrive	Depart	Arrive	Depart	Arrive	Depart	Arrive	Depart
Boston (South Station)	Montreal (Gare d'autocars de Montreal)	11:35 am	11:40 am	11:35 am	11:40 am	11:35 am	11:40 am	11:35 am	11:40 am	11:35 am	11:40 am	11:35 am	11:40 am	11:35 am	11:40 am
Montreal (Gare d'autocars de Montreal)	Boston (South Station)	3:10 pm	3:15 pm	3:10 pm	3:15 pm	3:10 pm	3:15 pm	3:10 pm	3:15 pm	3:10 pm	3:15 pm	3:10 pm	3:15 pm	3:10 pm	3:15 pm
Montreal (Gare d'autocars de Montreal)	Boston (South Station)	7:00 pm	7:05 pm	7:00 pm	7:05 pm	7:00 pm	7:05 pm	7:00 pm	7:05 pm	7:00 pm	7:05 pm	7:00 pm	7:05 pm	7:00 pm	7:05 pm
Boston (South Station)	Montreal (Gare d'autocars de Montreal)	9:30 pm	9:35 pm	9:30 pm	9:35 pm	9:30 pm	9:35 pm	9:30 pm	9:35 pm	9:30 pm	9:35 pm	9:30 pm	9:35 pm	9:30 pm	9:35 pm

   It is understood that Flixbus shall schedule limited layovers at bus berths 16 and 17 and that GMT shall use these bus berths when not in use by Flixbus pursuant to this agreement.

3. Future Schedule Modifications. Flixbus shall communicate any planned schedule changes (not including routine delays) with GMT and request authorization to modify the times they utilize bus berths 16 and 17 before making any schedule changes.

4. Passenger Code of Conduct. All Flixbus passengers shall be subject to the GMT code of conduct while on DTC property including at bus berths 16 and 17.

5. Services and Facilities. GMT shall be under no obligation to provide any service or facilities to Flixbus passengers or employees.

Exhibit C
Insurance, Indemnification, and Defense

This exhibit contains the City's standard risk management provisions. As used in this exhibit, "Contractor" means Flixbus, and references to the "City" includes both GMT and the City.

INSURANCE: Prior to beginning any work, the Contractor shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont. The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required.

The Contractor is responsible to verify and confirm in writing to the City that: (i) all subcontractors must comply with the same insurance requirements as the Contractor; (ii) all work activities related to the Contract shall meet minimum coverage and limits; and (iii) all coverage shall include adequate protection for activities involving hazardous materials.

No warranty is made that the coverage and limits listed herein are adequate to cover and protect the interests of the Contractor for the Contractor's operations. These are solely minimums that have been developed and must be met to protect the interests of the City.

A. Commercial General Liability: With respect to all operations performed by the Contractor, subcontractors, agents or workers, it is the Contractor's responsibility to ensure that commercial general liability insurance coverage, covering bodily injury and property damage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

1. Premises Operations
2. Independent Contractors' Protective
3. Products and Completed Operations
4. Personal Injury Liability
5. Medical Expenses

Coverage limits shall not be less than:

1.	General Aggregate	$2,000,000
2.	Products-Completed/Operations	$2,000,000
3.	Personal & Advertising Injury	$1,000,000
4.	Each Occurrence	$1,000,000
5.	Damage to Rented Premises	$ 250,000
6.	Med. Expense (Any one person)	$ 5,000

B. Workers' Compensation/Employer Liability: With respect to all operations performed, the Contractor shall carry workers' compensation insurance in accordance with the laws of the State of Vermont and ensure that all subcontractors carry the same workers' compensation insurance for all work performed by them under this contract. Minimum limits for Employer's Liability:

1. Bodily Injury by Accident: $500,000 each accident

2. Bodily Injury by Disease: $500,000 policy limit,
   $500,000 each employee

For contracts involving work of any kind or nature on Lake Champlain, Workers' Compensation/Employer's Liability policy shall include a Maritime Endorsement (USL&H).

C. Automobile Liability: The Contractor shall carry commercial automobile liability insurance covering all motor vehicles (including owned, non-owned and hired vehicles, and including, without limitation, busses), used in connection with the Contract. Each policy shall provide coverage with a limit not less than: $1,000,000 - Combined Single Limit for each occurrence.

D. Umbrella/Excess Liability:

1. $1,000,000 Each Event Limit
2. $1,000,000 General Aggregate Limit
3. Umbrella/Excess Liability is excess above Commercial General Liability, Automobile Liability, and Workers' Compensation/Employer Liability.

All policies shall be endorsed to provide the City thirty (30) days' notice of cancellation. Each policy (except workers compensation/employers' liability) shall be endorsed to name the City and its officers, employees, agents, successors, and assigns as additional insureds on a primary, non-contributory basis. Each policy shall be endorsed to waive subrogation against the City.

INDEMNIFICATION: Contractor shall hold harmless, indemnify, and defend the City and its officers, employees, agents, successors, and assigns (collectively, the "Indemnitees") from and against all claims, causes of action, lawsuits, damages, liabilities, liens, penalties, fines, and costs (including attorneys' fees and costs) of every kind and nature whatsoever (collectively, "Claims") arising from or relating to this Contract or Contractor's operations hereunder, excepting any Claims arising from the City's own gross negligence or willful misconduct. Contractor's indemnification and defense obligations shall survive termination of this Contract, and Contractor shall ensure that any subcontract for work under this Contract requires the subcontractor to satisfy the same indemnification and defense obligations in favor of the Indemnitees.

Board of Finance and City Council Submission Checklist

Department: DPW Submitter: Chapin Spencer

Title/Subject: Flixbus Property Use Agreement for the Downtown Transit Center

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/10/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/10/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/10/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/11/2024	Brad Kukenberger
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Motion coming from TEUC

City of Burlington
Department of Public Works
Water Resources Division
234 Penny Lane
Burlington, VT 05401
802.863.4501 P
www.burlingtonvt.gov/DPW

Chapin Spencer
PUBLIC WORKS DEPARTMENT DIRECTOR

Megan Moir
WATER RESOURCES DIVISION DIRECTOR

MEMORANDUM

TO: Board of Finance and City Council

FROM: Megan Moir, DPW Division Director – Water Resources

DATE: July 8, 2024 / July 15, 2024

CC: Chapin Spencer, DPW Director
Martin Lee, PE, Water Resources Engineering Manager

RE: Water Treatment Plant Elevator Modernization Agreement
Authorization to Execute Contract with Mack Brothers Elevator

---

REQUEST:
The Department of Public Works (DPW) and its Water Resources Division (WRD) are seeking authorization to execute a contract with Mack Brothers Elevator with a maximum limiting amount of $180,000 for modernization of the existing elevator located at the Water Treatment Plant (235 Penny Lane).

BACKGROUND
The existing elevator at the Water Treatment Plant (WTP) was manufactured by Dover Corporation and has been in service since approximately 1983. Many of the components of the elevator experience wear and possibly corrosion due to the damp environment of the WTP. The existing two-stop passenger elevator has reached the end of its reliable service life.

WRD has confirmed with building professionals that an elevator is required in this municipal building to access the office areas and labs (totaling more than 1,000 sf), where it is possible that employees may need Americans with Disabilities Act (ADA) access. Stair Lifts are no longer allowed in public buildings, the only option would be a Limited Use Limited Access lift which would occupy the same space as the elevator, would likely cost more than the proposed upgrade and would require a variance from the Access Board. WRD is seeking to modernize the existing elevator systems to provide for ongoing, reliable, and safe passenger service and to avoid a potential long shutdown and period of non-compliance with the ADA in the event of equipment failure. The modernization project will include the replacement or addition of the following elevator components: controller, emergency battery lowering device, power unit, top of

car equipment, door operator and protection, door opening/closing devices, electrical wiring, car operating panel, hall fixtures and new cab interior.

The elevator is just one of many assets in the WTP that are at or near the end of their service life. The last comprehensive upgrade of the WTP was in the early 1980's (40 years ago) and the WRD team is beginning the initial assessment and conceptual design work for a future, larger modernization project.

REQUEST FOR PROPOSALS & SELECTION

WRD released a Request for Proposals (RFP) for elevator modernization services associated with the WTP elevator on January 3rd, 2024. A non-mandatory pre-proposal site meeting was held on January 17th with no interested firms in attendance. One (1) proposal was received by the January 24th deadline by Mack Brothers Elevator (MBE) for $230,000. On February 8th WRD staff met with a representative from MBE onsite to review existing site conditions and clarify project requirements. Following the onsite meeting, MBE submitted a revised proposal on February 15th with the following results:

Bidder	Total Bid
Mack Brothers Elevator	$150,000

Mack Brothers Elevator's proposal was responsive to both the price and non-price proposal components required by the RFP and submitted a Pre-Qualification of Construction Contractor Application prior to the bid due date. Based on MBE being the only proposal received, the responsiveness of the proposal and the identified relevant project experience, WRD contacted MBE's project references. The references we contacted were pleased with MBE's prior elevator related services and did not identify any substantive concerns with the firm. Furthermore, MBE has been recently selected by the Parks, Recreation & Waterfront Department for the elevator modernization effort at City Hall. WRD recommends carrying an approximate 20% contingency to support any equipment cost increases that may be realized since the development of the proposal and appropriate project scope changes that may be identified during construction. This recommended contingency level is included in the requested maximum limiting amount authorization of $180,000.

Funding

This project was planned to be funded out of Water Fund 460 fund balance. The cash on hand was $5.3M at end of FY23 and is projected (conservatively) to be $4.9M at end of FY24, with approximately $2.4M of that being above the 120 days of cash on hand target for operating expenses. A budget amendment will be executed for $180,000 to increase 460-19-400-000.9500 (draft budget amendment request attached).

MOTIONS:

The Department of Public Works Water Resources Division respectfully requests that the Board of Finance and City Council approve the following motions:

Board of Finance Actions:

1. "To approve and recommend that the City Council authorize the Director of Public Works to execute a Construction Contract with Mack Brothers Elevator with a maximum limiting amount of $180,000 subject to review and approval by the City Attorney."

2. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments in substantial conformance with the attached budget transfer request.

City Council Actions:

1. "To approve and authorize the Director of Public Works to execute a Construction Contract with Mack Brothers Elevator with a maximum limiting amount of $180,000, subject to review and approval by the City Attorney."
2. To approve and authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments in substantial conformance with the attached budget transfer request.

Thank you for your consideration of this request.

CITY OF BURLINGTON, VT
BUDGET AMENDMENT REQUEST

DRAFT

Department: Water Resources

Requested By: _____ **Date:** _____

Reviewed By: _____ **Date:** _____

Dept (up to $10k): _____ **Date:** _____

CT Staff Review _____ **Date**

CAO (up to $25k) (Or Designee): _____ **Date:** _____

Mayor ($25k-$50k): _____ **Date:** _____

Briefly explain the reason for the amendment:

To use Water Fund 460 fund balance to fund the modernization of the elevator located at 235 Penny Lane. Approved by Council on 7/15/2024.

NOT BUDGET NEUTRAL; if total isn't zero this must be approved by City Council -->

Net Revenues =	-
Net Expenses =	180,000.00
Fund Balance =	(180,000.00)

Org Set	GL #	Type	GL Description	Increase/ (Decrease)
460-19-400-000	. 9500	E	Capital Outlay	180,000
	.			
	.			
	.			
	.			

Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources Submitter: Megan Moir

Title/Subject: Water Treatment Plant Elevator Modernization Agreement

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/28/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/2/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/2/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

Board of Assessors

Commission Report

Mission: The Board of Assessors mission is to establish equitable values for all aggrieved property owners of real estate and business personal property located in Burlington Vermont

The Board of Assessors is comprised of the City Assessor, who acts as the chairperson, and two additional members who are Burlington citizens. The Board hears property value appeals annually from May 20th through May 25th and issues appeal decisions accordingly.

- In 2024, the Board of Assessors (BOA) reviewed 28 property values at the request of the property owners. All 28 were real property grievances with none being business personal property.
- The BOA reviewed and reconciled all the valuations at the property owner's request.
- Property inspections were conducted by the BOA when deemed necessary.
- 12 of the 28 properties reviewed by the BOA received value adjustments.
- The BOA mailed decision notices to all property owners under review on June 14th. These letters included information on how to continue the appeal to the Board of Tax Appeals if unsatisfied with the BOA decision.
- As a result of the BOA decisions five properties requested a Board of Tax Appeals hearing. These hearings will begin in September and could go through December of this year.

Members:
Joe Turner, Board Chair
Jonathan Chapple-Sokol, Member
Rob Gutman, Member

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

To: City of Burlington, Board of Finance
City of Burlington, City Council

From: Nic Longo, Director of Aviation
Larry Lackey, Director of Planning, Engineering and Sustainability

Date: July 8, 2024

Subject: Recommendation to the Board of Finance to Accept and Execute a contract in the amount of $94,000 dollars with a 15% contingency with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive.

Request

The Patrick Leahy Burlington International Airport (Leahy BTV) seeks approval and authorization to enter into a contract with ECI in the amount of $94,000 dollars with a 15% contingency, totaling $108,100 for the Mill & Overlay of Aviation Avenue and Eagle Drive.

Summary

In May, Leahy BTV acquired proposals from contractors to perform a 1-1/2"" asphalt Mill & Overlay for approximately 10,254 square yards of asphalt pavement along Aviation Avenue & Eagle Drive. BTV received a total of 4 contractor bids for this project. After thorough review, ECI (Engineers Construction Inc) was selected as the lowest responsible bidder.

Project Benefits

The anticipated benefits of Milling & Overlaying Aviation Avenue and Eagle Drive is to repair the excessive wear and tear the road has seen over the last few years. The existing pavement is at its end of useful life and this project will bring the road up to current standards to extend the life of the road for future years. This pavement project is part of an overall plan throughout the airport to repair non-airfield related roads/paved surfaces.

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

Funding Sources

This project will be funded through the fiscal year 2025 approved Operating and Maintenance budget.

Proposed Motions

Board of Finance:
"To approve and recommend to the City Council to authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office."

City Council:
"To authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office."

Thank you for your time and consideration.

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Eagle Drive Road Paving Memo

	Approval:	Meeting Date:
☒	Board of Finance	07/08/2024
☒	City Council	07/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	06/25/2024	N. Longo
Mayor's Office informed and approved memo	Yes	07/03/2024	E. Jacobsen
Board/Commission, if required	Yes	07/02/2024	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	07/03/2024	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	07/03/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

City of Burlington
Vermont

Fee $25.00

May 1, 2024 ---- April 30, 2025

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

☐ Indoor ☑ Outdoor

PART I
ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name The Switchback Beerworks, Inc.
2. D/B/A (Business Name) Switchback Brewing Co. 3. Bus. Phone (802) 651 - 4114
4. Business Address 160 Flynn Ave, Burlington, VT 05401
5. Mailing Address PO Box 4210, Burlington VT 05406
6. Contact person Amy Lieblein 7. Contact Phone (802) 651 - 4114
8. Email contact address amylieblein@gmail.com

PART II
OPERATION

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event Sat, July 27th, 2024
4. Proposed Hours for this Special Event 12 - 6 PM.
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

Lawn on brewery property - See attached figure.

For this Proposed location please answer the following questions:

a) Occupancy Load 500 b) # of Restrooms 3 c) # of Egresses 2

d) Date of last Fire/Safety Check 4/29/24 e) Dancing by Patrons? Yes or No

f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

Switchback staff as security

(Continued on back)

Fee $25.00

PART III
DESCRIPTION OF ENTERTAINMENT

Please give DETAILED description of the type of entertainment for which you are applying:

Description Dog Days of Summer Fundraising Event with Bellcate school. Outdoor Bar, foodtrucks, vendors, Stage with bands / amplified music. Family focused event. No more than 500 people at one time.

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 7/2/2024

SIGNATURE OF APPLICANT Amy Liebl

PRINT NAME: Amy Liebl

RELATIONSHIP TO BUSINESS Employee

OFFICE USE ONLY

Pd chk # 2077 lo

Fee Paid $ 25.00 Date: 7/3/24 Fee Returned $_____ Date: _____

At their meeting of 7/10/24, the Burlington City Council License Committee recommended
Approval X Denial_____

At their meeting of _____, the Burlington City Council _____ this SPECIAL entertainment permit application.

ENTRANCE
& EXIT
BAR
EMERGENCY
EXIT
Your Wings

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: License Committee/City Council

FROM: Caleb Manna, Excavation Inspector, Department of Public Works

DATE: July 10, 2024

CC: Laura Wheelock, P.E.; Division Director of Public Works/City Engineer
Chapin Spencer, Director of Public Works.

RE: 180 Battery Street– Outdoor Seating Encumbrance Permit Application – Kismet Kitchen

---

Request

The Applicant, Kismet Restaurant LLC, d/b/a Kismet, owner of the establishment located at 180 Battery Street, is requesting approval for an outdoor seating area to exist in the public right-of-way. The request, if approved, will formally permit an outdoor seating area on the sidewalk in front of the establishment, through a License Agreement with the City.

As stated in Burlington Code of Ordinance Chapter 27-32(a): "*No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council.*"

Overview

Kismet submitted an encumbrance permit application to the Department of Public Works on May 31th, 2024, requesting to occupy 333 square feet of City right-of-way space on Battery Street, directly in front of the business on the public sidewalk.

The proposed seating area will occupy the "sidewalk" area directly adjacent the establishment in front of the entryway. This specific location features a decorative paver landscaping leading off the sidewalk and connecting to the building entryway. The designated 5' wide concrete sidewalk will not be impeded in any way. The seating area meets all the requirements to occupy the public right-of-way under Great Streets Standards and the Street Seating Program Guide. The dining area will consist of small tables and chairs, cordoned off by a decorative barriers around the perimeter.

The outdoor dining area will be used by the restaurant during normal business hours. During times when the establishment is closed, tables and chairs will be removed from the public right-of-way.

The Applicant will be responsible for any future maintenance or repairs and any other conditions as defined in the License Agreement. This particular address was formerly permitted for outdoor seating in substantially the same form under Esperanza Restaurant in 2017.

Recommendation

The Department of Public Works is supportive of entering into a License Agreement between the Applicant and the City.

Thank you for your consideration of this request. Please do not hesitate to contact me directly at CManna@burlingtonvt.gov or 802-865-7562.

Attachment

A. Application
B. DPW Recommendation Form
C. Photographs
D. Certificate of Insurance

Motions:

License Committee:

> "To approve and recommend that the City Council approve the Encumbrance Application for Kismet Restaurant LLC at 180 Battery Street requesting use of the sidewalk for an outdoor seating area and to further recommend that the City Council 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."

City Council:

> "To approve the Encumbrance Application for Kismet Restaurant LLC at 180 Battery Street requesting use of the sidewalk for an outdoor seating area 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."

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT
Kismet Restaurant LLC
180 Battery Street, Burlington VT

This Long-term Encumbrance Permit and License Agreement ("Agreement") is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont ("City"), and Kismet Restaurant LLC, a domestic limited liability company located at 180 Battery Street, Suite 130, Burlington, Vermont 05401 ("Licensee"). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

A. Authority. Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.

B. Consideration. The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.

C. Background. The City owns property, including the street and sidewalk right-of-way adjacent to 180 Battery Street. The Licensee has received approval to place an outdoor seating area on the sidewalk of the public right-of-way adjacent to the premises.

D. Purpose. This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.

2. DEFINITIONS

A. "Effective Date" means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.

B. "Encumbrance Fee" means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.

C. "Party" means the City or Licensee and "Parties" means both the City and Licensee.

D. "Premises" means the sidewalk directly in front of 180 Battery Street.

E. "Property" means the outdoor seating area that is the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

A. Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement. Licensee's obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.

B. Term. This Agreement shall commence on the Effective Date and expire on April 30th, 2025.

C. Termination. This Agreement may be terminated as set forth in this paragraph (C). Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions,

the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.

i. **Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.

ii. **Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.

iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.

iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the Premises, the sidewalk adjacent to the property, and any other City property damaged, destroyed, or otherwise affected by Licensee or its officers, employees, agents, customers/invitees, successors, or assigns, within seven (7) days of receiving written notice.

v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install an outdoor seating area to serve the establishment located beyond the traveled path of the public sidewalk, directly adjacent to 180 Battery Street, totaling an area of 333 square feet for the term set forth above. Licensee may use and shall maintain the seating area existing in the City's right-of-way for the term set forth in §3.B of this Agreement. Licensee may use and maintain the outdoor seating area existing in the City's right-of-way and must be maintained and placed exactly as described in the plan approved by the Department of Public Works, which is attached hereto as Attachment C.

5. LICENSE CONDITIONS

A. **Maintenance.** Licensee shall maintain the seating area to the satisfaction of the City, which includes maintaining it in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, repair, and replacement of seating area amenities and restoration of the public right-of-way.

B. **Placement.** The featured dining area shall be placed and maintained in accordance with all conditions set by the Department of Public Works in the approved plan (Attachment C) and shall not impede the City's or any other private or public utilities' ability to maintain the road, sidewalk, parking meters, greenbelt, utility infrastructure, or any other City or private property.

The amenity shall not cause an obstruction or inconvenience to members of the public accessing the road, sidewalk, parking meters, greenbelt or any other City or private property. The seating area shall be removed from the public right of way when not in use by the establishment. Notwithstanding anything to the contrary herein, it is Licensee's obligation to ensure the approved plan complies with applicable laws, including the Americans with Disabilities Act, all applicable regulations and design standards promulgated thereunder, and other applicable disability access laws. Any analysis done by the City regarding compliance of the plan with applicable laws is for the City's sole and exclusive benefit, and Licensee shall not rely thereon. If the plan fails to comply with applicable laws, including disability access laws, then it is Licensee's obligation to comply with the law and to request the City's ratification of any change from the plan shown in Attachment C as soon as reasonably possible. An amendment to the plan in Attachment C to comply with applicable law shall require the written approval of the Public Works Director or designee without a formal amendment to this Agreement.

C. Appearance. Licensee shall pick up and sweep debris created by its use of the public right-of-way.

D. Emergency Access. In the event of an emergency relating to municipal operations, the City shall have the authority to remove or relocate the amenity to access any public infrastructure deemed necessary. License shall be solely responsible for all cost associated with relocation of seating area, and returning the structure the approved location in this agreement.

6. PAYMENT FOR LICENSE

A. License Fee. Licensee shall pay the City an Encumbrance Fee, as described in Attachment A.

B. Initial License Fee. By signing this Agreement, the Parties acknowledge that Licensee has paid the City the encumbrance and license fee for the period beginning April 30, 2024 and ending April 30, 2025.

7. INSURANCE

A. Requirement. Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than $1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy.

B. Evidence. Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured on a primary, non-contributory basis and waiving subrogation against the City. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with thirty (30) days' written notification of cancellation. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three (3) days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.

C. Continuing Obligation. Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs (including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents, contractors, subcontractors, customers/invitees, successors, or assigns arising from or related to Licensee's use of the Premises or in connection with this Agreement or the privileges granted to it under this Agreement, excepting claims arising from the City's gross negligence or willful misconduct. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall promptly thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall promptly retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim, and to approve all proposed settlements of clams to which this provision applies. Under no conditions shall the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement including attorney's fees, collection costs, or other costs, of the Licensee or any third party.

9. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the privileges granted to Licensee under this Agreement.

10. PUBLIC RELATIONS

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

11. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

12. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

13. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans,

drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty (60) day period. Failure to comply with this section shall constitute a discontinued use under **§3.C.i** of this Agreement.

15. LIMITATION OF RIGHTS; PROPERTY TAXES

Licensee acknowledges that no title, estate, leasehold, easement, or other property interest or other right is created other than that specifically defined and limited by this Agreement. Any property tax liability arising from this Agreement under Vermont law, notwithstanding the foregoing, shall be the sole responsibility of Licensee.

16. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, notwithstanding the passage of time. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

17. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

18. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

19. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

20. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, but it shall be enforced to the fullest extent

allowed by law for the protection of the City and its taxpayers with respect to prior transactions and occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the prevailing party shall be entitled to attorneys' fees and costs.

21. ATTACHMENTS

The following attachments are adopted, incorporated by reference, and made part of this Agreement:

A. Attachment A: Licensee's Application

B. Attachment B: Department of Public Works Encumbrance Recommendation Form

C. Attachment C: Photographs and Sketches of Encroachment

D. Attachment D: Certificate of Insurance

22. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

23. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

The Parties hereto have executed this Agreement

LICENSEE
Kismet Restaurant LLC

By: _____
Serkan Cetin, Manger

Date: _____

CITY OF BURLINGTON
Mayor Emma Mulvaney-Stanak

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____

City of Burlington, VT

June 26, 2024

REN-24-10

ROW Encumbrance Permit

Status: Active

Submitted On: 5/31/2024

Primary Location

180-188 Battery Street
Burlington, VT 05401

Owner

WATERFRONT PLAZA LLC
30 MAIN STREET #401
BURLINGTON, VT 05401

Applicant

Serkan Cetin
802-288-0111
kismetturkish24@gmail.com
180 battery street ste 130
Burlington, Vermont 05401

Right-of-Way Encumbrance Application

Type of Encumbrance Requested*

Seating / Sign / Structure / Amenity Encumbrance

Renewal ?*

No

Encumbrance Description*

Outdoor restaurant seating with about 5 tables on the patio right in front of the restaurant

Location of Encumbrance *

180 Battery Street Suite 130

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

1

Encumbrance Start Date

07/01/2024

Encumbrance End Date

04/30/2025

Area Encumbered (Square Feet)

333

Number of Tables

5

Number of Chairs

15

Company Information

Company Name

Kismet Restaurant LLC

DBA Name

Kismet

Phone

802-288-0111

FAX

Street Address

180 Battery Street, Suite 130

City, State Zip

Burlington, 05401

Email

kismetturkish24@gmail.com

Attachment B

DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: Kismet Restaurant LLC

DATE: 6/26/24

COMPANY NAME: Kismet

PHONE: (802) 288-0111

CONTACT NAME: Serkan Cetin

EMAIL: kismetturkish@gmail.com

MAILING ADDRESS: 180 Battery St. Suite 130, Burlington, VT 05401

LOCATION OF ENCUMBRANCE: 180 Battery Street

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

   YES [ ] NO [X]

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

   YES [X] NO [ ]

3. Additional Comments: Public Sidewalk to remain clear. No impact to designated sidewalk.

4. Has this business remained in compliance to date (RENEWALS ONLY)?

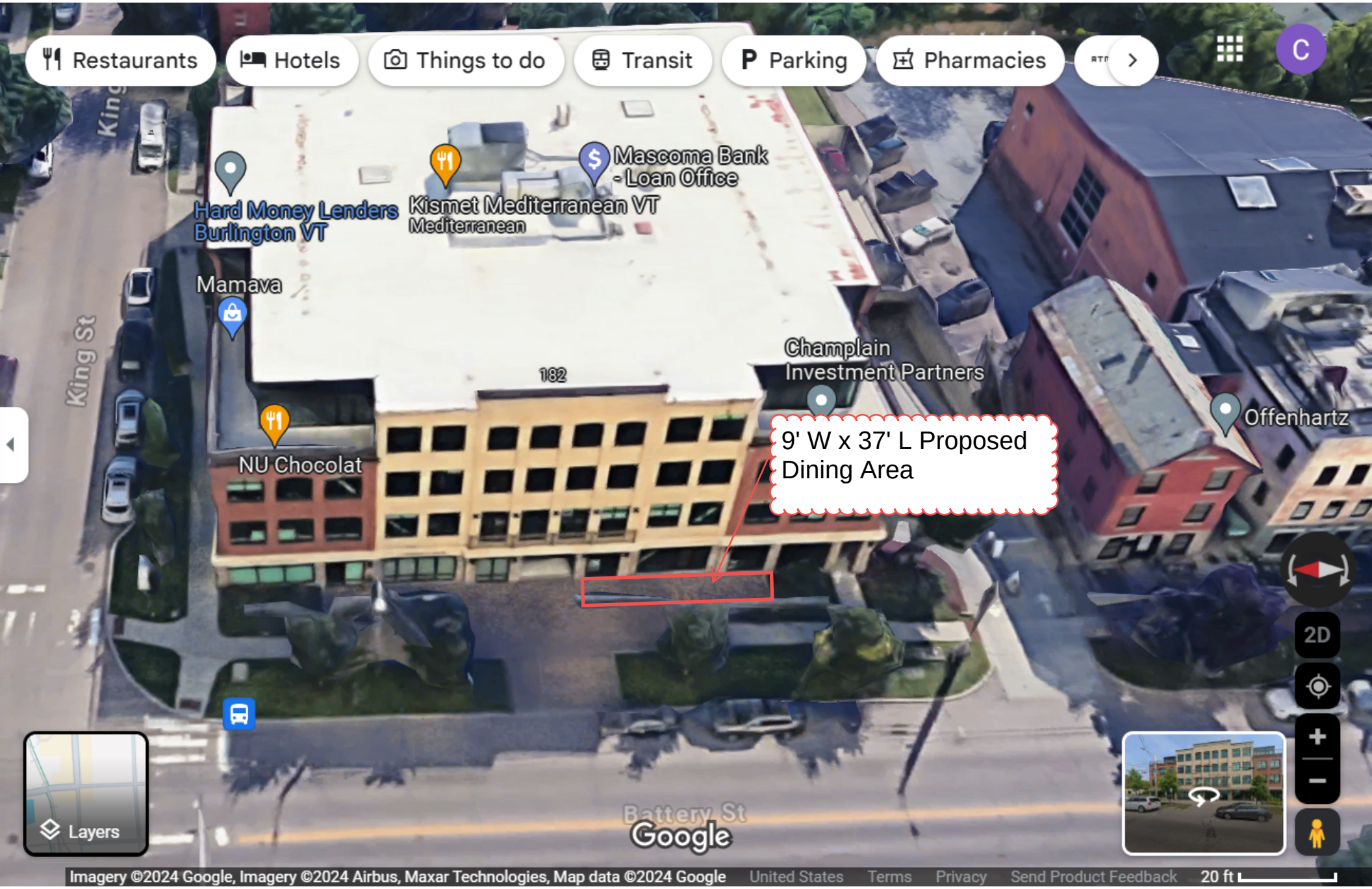
   YES [ ] NO [ ]

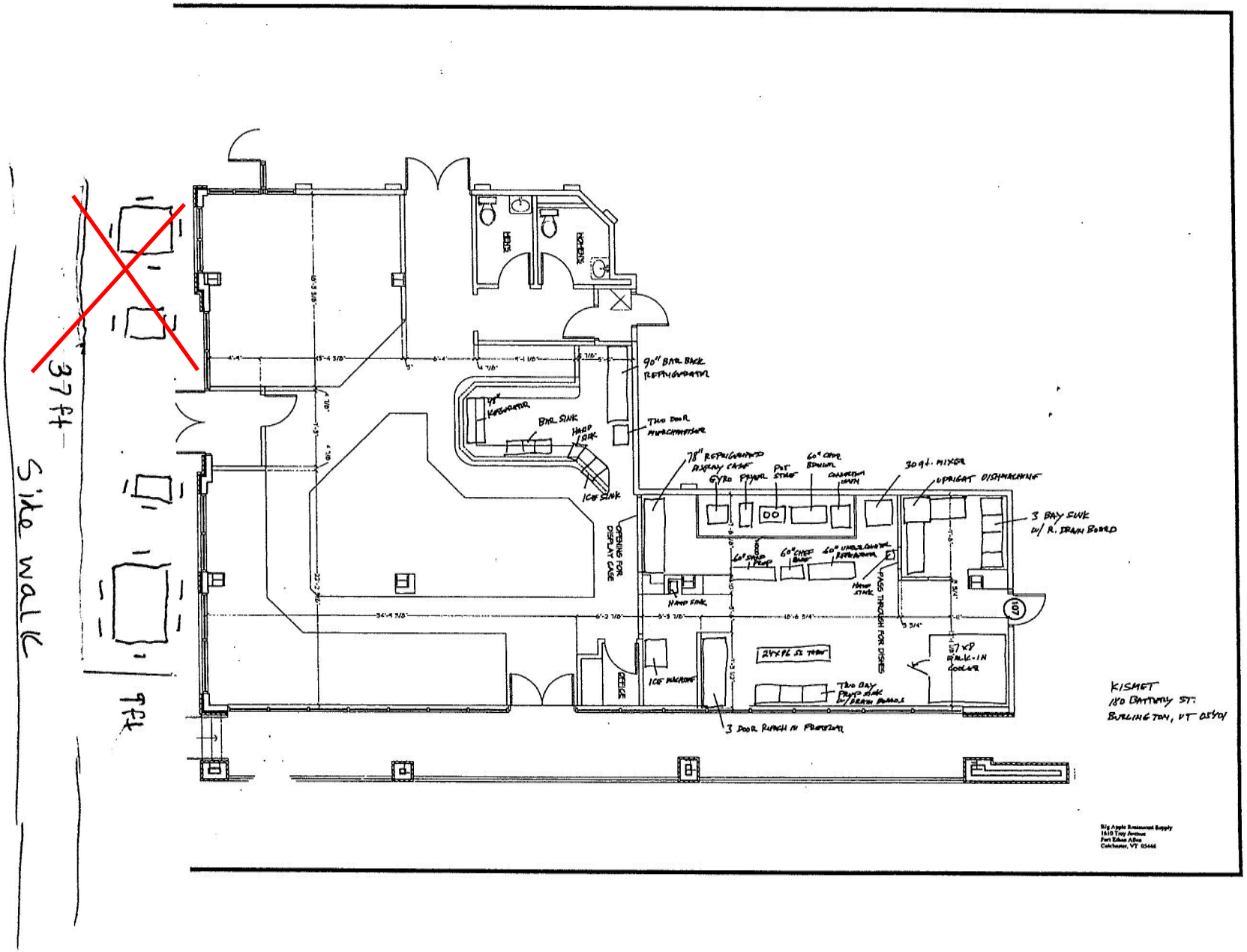
5. Describe the encumbrance, including square footage and location of items: 333 sq. ft. outdoor dining area on public sidewalk. Seating area located directly in front of business. 9' x 37' in total.

BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes [X] No [ ] If no, reason:

Signature: Caleb Manna Date: 6/26/24


Restaurants
Hotels
Things to do
Transit
Parking
Pharmacies
Mascoma Bank - Loan Office
Hard Money Lenders Burlington VT
Kismet Mediterranean VT
Mediterranean
Mamava
King St
182
Champlain Investment Partners
Offenhartz
NU Chocolat
9' W x 37' L Proposed Dining Area
2D
Layers
Battery St
Google
Imagery ©2024 Google, Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 Google
United States
Terms
Privacy
Send Product Feedback
20 ft


37 ft
Side walk
9 ft
90" BAR BACK REFRIGERATOR
TWO DOOR MERCHANDISER
BAR SINK
HAND SINK
ICE SINK
OPENING FOR DISPLAY CASE
78" REFRIGERATED DISPLAY CASE
GYRO
PANINI
PAT STAGE
60" GRILL EDGION
CHARGRILL GRATE
30 qt. MIXER
UPRIGHT DISHWASHER
3 BAY SINK W/ R. DRAIN BOARD
60" STAND PREP
60" CHEF BASE
60" UNDERCOUNTER REFRIGERATOR
HAND SINK
PASS THROUGH FOR DISHES
HAND SINK
24"x96" 2 TIER
87 x 8 WALK-IN COOLER
ICE MACHINE
TWO BAY PREP SINK W/ DRAIN BOARDS
3 DOOR REACH IN FREEZER
KISMET
180 BATTERY ST.
BURLINGTON, VT 05401
Big Apple Restaurant Supply
1610 Troy Avenue
Fort Edwin Allen
Colchester, VT 05446

Attachment D

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 05/23/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:		
Liberty Mutual Insurance PO BOX 188065	PHONE (A/C, No, Ext): 800-962-7132	FAX (A/C, No): 800-845-3666	
	E-MAIL ADDRESS: BusinessService@LibertyMutual.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
Fairfield OH 45018	INSURER A : Ohio Security Insurance Company		24082
INSURED	INSURER B :		
KISMET RESTAURANT LLC 180 Battery St Ste 130	INSURER C :		
	INSURER D :		
	INSURER E :		
Burlington VT 05401	INSURER F :		

COVERAGES **CERTIFICATE NUMBER:** 0237784599 **REVISION NUMBER:** 2016-03

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT X LOC OTHER:	X	X	BKS67553672	04/01/2024	04/01/2025	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 15,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY SCHEDULED AUTOS HIRED AUTOS ONLY NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			BKS67553672	04/01/2024	04/01/2025	Each Common Cause	$1,000,000
							Aggregate Limit	$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Insurance

CERTIFICATE HOLDER

CITY OF BURLINGTON AS ADDITIONAL INSURED

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Curtis Luken

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CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

MEMORANDUM

TO: License Committee/City Council

FROM: Caleb Manna, Excavation Inspector, Department of Public Works

DATE: July 10, 2024

CC: Laura Wheelock, P.E.; Division Director of Public Works/City Engineer
Chapin Spencer, Director of Public Works.

RE: 365 South Winooski Ave–Encumbrance Permit Application – Lewis Creek Builders

---

Request

The Applicant, Lewis Creek Builders, contracted by owner of the establishment located at 365 South Winooski Ave, is requesting approval for a roll-off container and work trailer to exist in the public right-of-way. The request, if approved, will formally permit a staging area for the container and trailer in the parking stall and greenbelt in front of the establishment, through a License Agreement with the City.

As stated in Burlington Code of Ordinance Chapter 27-32(a): "*No permit as required by Section 27-31 shall be for longer than sixty (60) days, except as authorized by the city council.*"

Overview

Lewis Creek Builders submitted an encumbrance permit application to the Department of Public Works on May 30th, 2024, requesting to occupy 480 square feet of City right-of-way space on South Winooski Ave, in the parking stall and greenbelt of the public right-of-way to accommodate a residential remodel and addition project.

The proposed staging area consisting of the roll-off container and trailer will occupy the parking stall directly adjacent the establishment in front of the property. It is expected that construction related material will be periodically stored in the greenbelt while access to the driveway is restricted by work activities.

The staging area meets all the requirements to occupy the public right-of-way and will not impede the sidewalk or traveled lanes on South Winooski Ave. The parking stall on South Winooski Avenue is open to public use and not restricted by residential parking or time-limited restrictions.

The staging area will be used by the contractor during normal business hours. During times when the work is not occurring, the container and trailer will remain in place overnight on the street.

The Applicant will be responsible for any future maintenance or repairs and any other conditions as defined in the License Agreement. The container and trailer are expected to occupy the parking stall from July 2024 to February 2025. Items will be removed from the street if work is complete prior to the expected end date.

Recommendation

The Department of Public Works is supportive of entering into a License Agreement between the Applicant and the City.

Thank you for your consideration of this request. Please do not hesitate to contact me directly at CManna@burlingtonvt.gov or 802-865-7562.

Attachment

A. Application
B. DPW Recommendation Form
C. Photographs/Site Plan
D. Certificate of Insurance

Motions:

License Committee:

> "To approve and recommend that the City Council approve the Encumbrance Application for Lewis Creek Company Inc. d/b/a Lewis Creek Builders for the address located at 365 South Winooski Ave, requesting use of the parking stall and greenbelt for a staging area and to further recommend that the City Council 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."

City Council:

> "To approve the Encumbrance Application for Lewis Creek Company Inc. d/b/a Lewis Creek Builders at 365 South Winooski Ave requesting use of the requesting use of the parking stall and greenbelt for a staging area 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."

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT
Lewis Creek Builders
365 South Winooski Avenue, Burlington VT

This Long-term Encumbrance Permit and License Agreement ("Agreement") is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont ("City"), and Lewis Creek Company, Inc., a Vermont corporation, d/b/a Lewis Creek Builders, a domestic profit corporation located at 14 Morse Drive, Essex Jct., Vermont 05452 ("Licensee"). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

A. Authority. Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.

B. Consideration. The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.

C. Background. The City owns property, including the street and sidewalk right-of-way adjacent to 365 South Winooski Avenue. The Licensee has received approval to place a roll-off container and work trailer in the designated parking stall and to stage construction materials in the greenbelt area of the public right-of-way adjacent to the premises.

D. Purpose. This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.

2. DEFINITIONS

A. "Effective Date" means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.

B. "Encumbrance Fee" means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.

C. "Party" means the City or Licensee and "Parties" means both the City and Licensee.

D. "Premises" means the parking stall and greenbelt directly in front of 365 South Winooski Avenue.

E. "Property" means the construction staging area that is the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

A. Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement. Licensee's obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.

B. Term. This Agreement shall commence on the Effective Date and expire on February 22, 2025.

C. Termination. This Agreement may be terminated as set forth in this paragraph (C). Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other

obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions, the City may remove all such obstructions and the Licensee shall be liable for all expenses of such removal.

i. **Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.

ii. **Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.

iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.

iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the Premises, the sidewalk adjacent to the property, and any other City property damaged, destroyed, or otherwise affected by Licensee or its officers, employees, agents, customers/invitees, successors, or assigns, within seven (7) days of receiving written notice.

v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install a temporary construction staging area for a residential remodeling project located in the parking stall and greenbelt directly adjacent to 365 South Winooski Ave, totaling an area of 480 square feet for the term set forth above. Licensee may use and shall maintain the staging area existing in the City's right-of-way for the term set forth in **§3.B** of this Agreement. Licensee may use and maintain the staging area existing in the City's right-of-way and must be maintained and placed exactly as described in the plan approved by the Department of Public Works, which is attached hereto as Attachment C.

5. LICENSE CONDITIONS

A. Maintenance. Licensee shall maintain the staging area to the satisfaction of the City, which includes maintaining it in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, repair, and replacement of staging area amenities and restoration of the public right-of-way.

B. Placement. The featured staging location shall be placed and maintained in accordance with all conditions set by the Department of Public Works in the approved plan (Attachment C) and shall not impede the City's or any other private or public utilities' ability to maintain the road,

sidewalk, parking meters, greenbelt, utility infrastructure, or any other City or private property. The amenity shall not cause an obstruction or inconvenience to members of the public accessing the road, sidewalk, parking meters, greenbelt or any other City or private property. The staging area shall be removed from the public right of way when not in use by the contractor. Notwithstanding anything to the contrary herein, it is Licensee's obligation to ensure the approved plan complies with applicable laws, including the Americans with Disabilities Act, all applicable regulations and design standards promulgated thereunder, and other applicable disability access laws. Any analysis done by the City regarding compliance of the plan with applicable laws is for the City's sole and exclusive benefit, and Licensee shall not rely thereon. If the plan fails to comply with applicable laws, including disability access laws, then it is Licensee's obligation to comply with the law and to request the City's ratification of any change from the plan shown in Attachment C as soon as reasonably possible. An amendment to the plan in Attachment C to comply with applicable law shall require the written approval of the Public Works Director or designee without a formal amendment to this Agreement.

C. Appearance. Licensee shall pick up and sweep debris created by its use of the public right-of-way.

D. Emergency Access. In the event of an emergency relating to municipal operations, the City shall have the authority to remove or relocate the amenity to access any public infrastructure deemed necessary. License shall be solely responsible for all cost associated with relocation of seating area, and returning the structure the approved location in this agreement.

E. Snow Removal Licensee shall be responsible for snow removal around the staging area during winter months and or snow events.

6. PAYMENT FOR LICENSE

A. License Fee. Licensee shall pay the City an Encumbrance Fee, as described in Attachment A.

B. Initial License Fee. By signing this Agreement, the Parties acknowledge that Licensee has paid the City the encumbrance and license fee for the period beginning April 30, 2024 and ending April 30, 2025.

7. INSURANCE

A. Requirement. Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than $1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy.

B. Evidence. Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured on a primary, non-contributory basis and waiving subrogation against the City. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with thirty (30) days' written notification of cancellation. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three (3) days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.

C. Continuing Obligation. Licensee shall provide the City with an updated certificate of insurance

and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs (including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents, contractors, subcontractors, customers/invitees, successors, or assigns arising from or related to Licensee's use of the Premises or in connection with this Agreement or the privileges granted to it under this Agreement, excepting claims arising from the City's gross negligence or willful misconduct. If the City, its officers, officials, agents, or employees are notified of any claims asserted against it to which this indemnification provision may apply, the City shall promptly thereafter notify the Licensee in writing that a claim to which the indemnification provision may apply has been received. Licensee shall promptly retain counsel and otherwise provide a complete defense against the entire claim or suit. The City retains the right to participate, at its own expense, in the defense of any claim, and to approve all proposed settlements of clams to which this provision applies. Under no conditions shall the City be obligated to indemnify the Licensee or any third party, nor shall the City be otherwise liable for expenses or reimbursement including attorney's fees, collection costs, or other costs, of the Licensee or any third party.

9. RESPONSIBILITY FOR SUPERVISION:

Licensee shall assume responsibility for general supervision of its contractors and any subcontractors, shall be solely responsible for all procedures, methods, and work, and shall be responsible to the City for all acts or omissions of its officers, employees, agents, contractors, subcontractors, or any other person related to any activity or work performed in connection with this Agreement or the privileges granted to Licensee under this Agreement.

10. PUBLIC RELATIONS

Throughout the performance of the work, the Licensee will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Licensee shall conduct themselves with propriety.

11. PERMITS

Licensee shall be responsible for obtaining all necessary City and/or State permits prior to performing any work on the Premises or in connection with this Agreement.

12. NUISANCES PROHIBITED

Licensee shall not—during the term of this Agreement—on or in the Premises, maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City ordinance, State or Federal statute, or controlling law, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

13. INSPECTION OF WORK

The City shall, at all times, have access to the Premises for the purposes of inspection and the Licensee shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Licensee shall permit the City or representative for the City the opportunity to inspect any plans, drawings, estimates, specifications, or other materials prepared or undertaken by the Licensee.

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty (60) day period. Failure to comply with this section shall constitute a discontinued use under **§3C.i** of this Agreement.

15. LIMITATION OF RIGHTS; PROPERTY TAXES

Licensee acknowledges that no title, estate, leasehold, easement, or other property interest or other right is created other than that specifically defined and limited by this Agreement. Any property tax liability arising from this Agreement under Vermont law, notwithstanding the foregoing, shall be the sole responsibility of Licensee.

16. WAIVER

The City's failure or delay in exercising any right, power, or privilege under this Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, notwithstanding the passage of time. Waiver by the City may only occur through an expressed written waiver signed by an authorized representative of the City. No waiver of a breach of any of the covenants, agreements, or provisions contained in this Agreement shall be construed to be a waiver of any subsequent breach of the same or of any other provision in this Agreement.

17. ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties with respect to the subject matter of this Agreement. All prior representations and understandings related to Licensee's use of the specified portions of the City's right-of-way, oral or written, are merged into this Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

18. MODIFICATION

Modifications to this Agreement shall only be valid if agreed to in a formal written amendment to this Agreement, properly executed and approved by the Parties.

19. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Agreement are incidental to this Agreement and do not create any right for such third parties.

20. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the

Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, but it shall be enforced to the fullest extent allowed by law for the protection of the City and its taxpayers with respect to prior transactions and occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the prevailing party shall be entitled to attorneys' fees and costs.

21. ATTACHMENTS

The following attachments are adopted, incorporated by reference, and made part of this Agreement:

A. Attachment A: Licensee's Application

B. Attachment B: Department of Public Works Encumbrance Recommendation Form

C. Attachment C: Photographs and Sketches of Encroachment

D. Attachment D: Certificate of Insurance

22. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

23. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

The Parties hereto have executed this Agreement

LICENSEE
Lewis Creek Company Inc.

By: _____
Christopher Swasey
President

Date: _____

CITY OF BURLINGTON
Mayor Emma Mulvaney-Stanak

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____

Attachment A

City of Burlington, VT

June 26, 2024

REN-24-9

ROW Encumbrance Permit

Status: Active

Submitted On: 5/30/2024

Primary Location

365 South Winooski Avenue
Burlington, VT 05401

Owner

VISKUP, ROBERT W.
365 SOUTH WINOOSKI AVE
BURLINGTON, VT 05401

Applicant

Lewis Creek Builders
802-662-1630
mgmt@lewiscreekbuilders.com
14 Morse Drive
Essex Junction, Vermont 05452

Right-of-Way Encumbrance Application

Type of Encumbrance Requested*

Long-Term Encumbrance (More than 60 Days)

Encumbrance Description*

Dumpster and work trailer in designated parking stall for duration of residential remodel project.

Location of Encumbrance *

365 South Winooski Ave

The length of Long-Term Encumbrances (years) are negotiated on a case-by-case basis, and may be renewed at the request of the applicant.

Encumbrance Term (Years)

1

Encumbrance Start Date

06/04/2024

Encumbrance End Date

02/22/2025

Area Encumbered (Square Feet)

480

Company Information

Company Name

Lewis Creek Builders

DBA Name

Phone

5187911924

FAX

Street Address

14 Morse Dr

City, State Zip

Essex Jct VT 05452

Email

layne@lewiscreekbuilders.com

Attachment B

DEPARTMENT OF PUBLIC WORKS
645 PINE STREET
BURLINGTON, VT 05401
Voice: (802) 863-9094 Ext 3 Fax: (802) 863-0466
Email: dpwpinecustomerservice@burlingtonvt.gov

DPW ENCUMBRANCE RECOMMENDATION FORM

DBA NAME: Lewis Creek Company Inc.

DATE: 6/26/24

COMPANY NAME: Lewis Creek Builders

PHONE: (518) 791-1924

CONTACT NAME: Layne

EMAIL: layne@lewiscreekbuilders.com

MAILING ADDRESS: 14 Morse Dr., Essex Jct., VT 05452

LOCATION OF ENCUMBRANCE: 365 South Winooski Ave

FOR LONG-TERM ENCUMBRANCE, TABLE AND CHAIR ENCUMBRANCE, AND CONSTRUCTION ENCUMBRANCE

1. All encumbrances should be located on private property, if possible. In the opinion of the Excavation Inspector, is there an available alternative location for the requested encumbrance on private property?

   YES [ ] NO [X]

2. Will there be sufficient width for plows, pedestrian access, and ADA requirements if the proposed encumbrance is added to the sidewalk/roadway/greenbelt?

   YES [X] NO [ ]

3. Additional Comments: Sidewalk and traveled ways to remain clear

4. Has this business remained in compliance to date (RENEWALS ONLY)?

   YES [ ] NO [ ]

5. Describe the encumbrance, including square footage and location of items: Roll-off container and work trailer in parking stall. Intermittent material storage in greenbelt. 480 sq. ft.

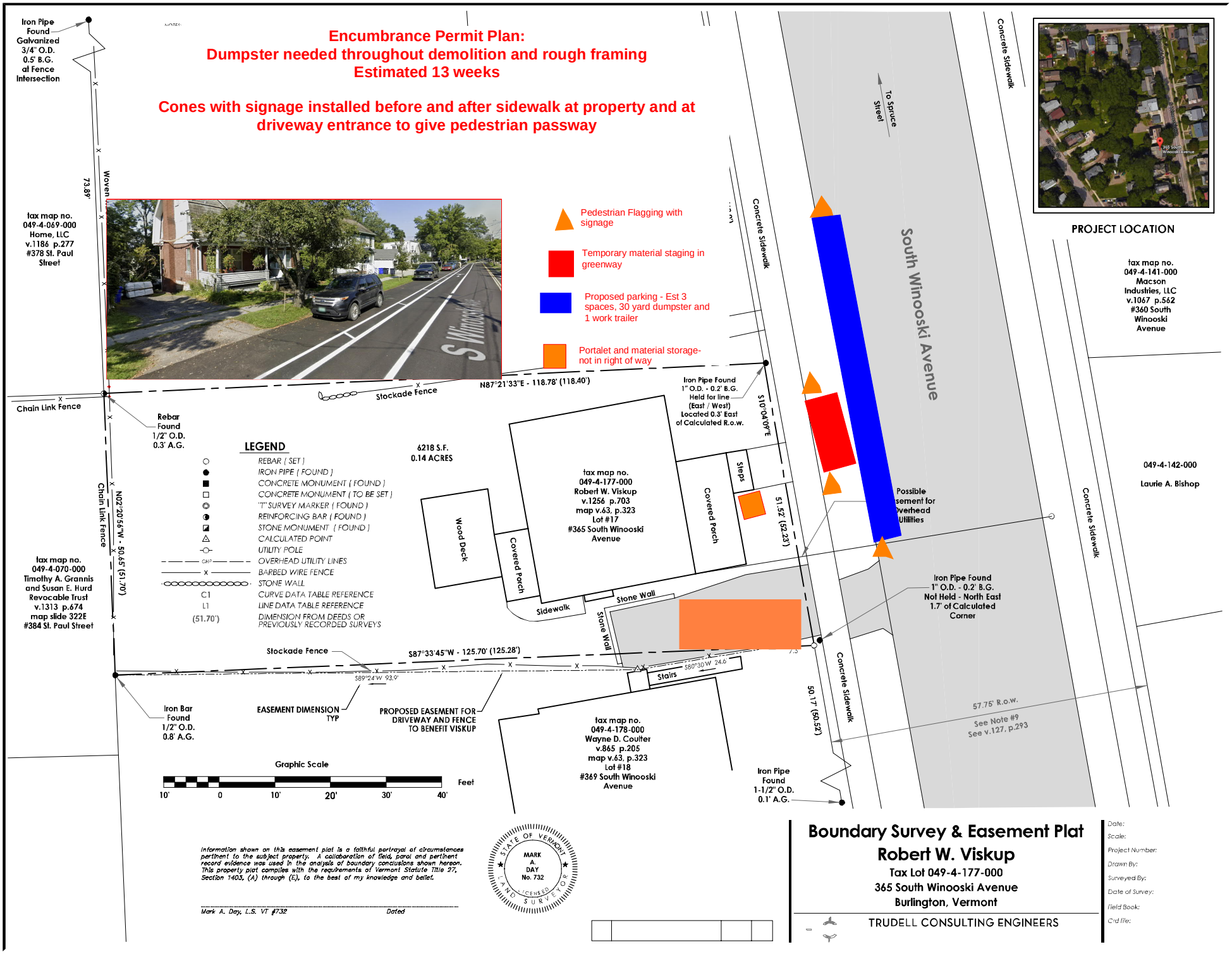
BELOW THIS LINE – DEPARTMENT OF PUBLIC WORKS OFFICE USE ONLY

Approved: Yes [X] No [ ] If no, reason: _____

Signature: Caleb Manna Date: 6/26/24

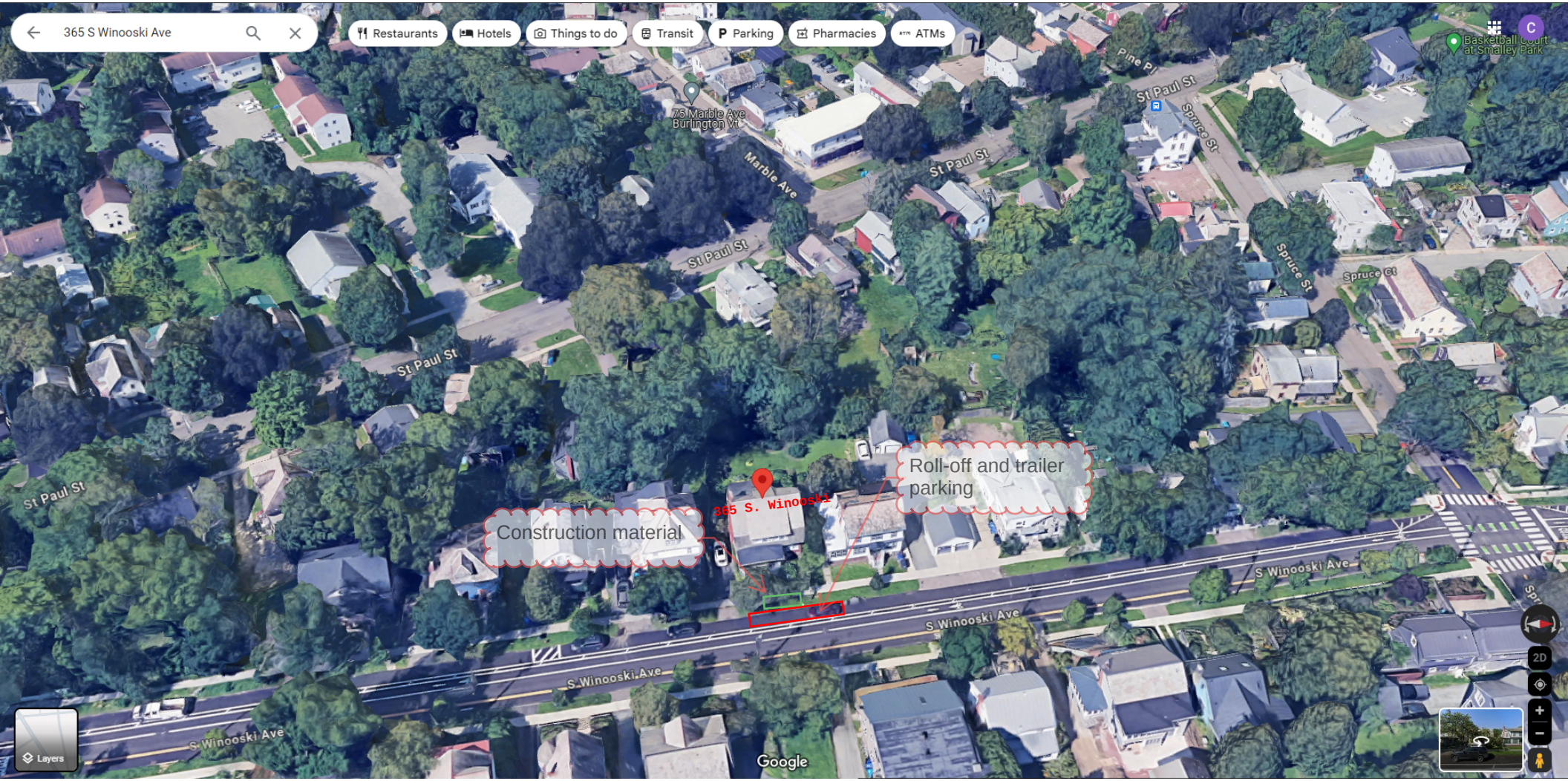
Encumbrance Permit Plan:
Dumpster needed throughout demolition and rough framing
Estimated 13 weeks

Cones with signage installed before and after sidewalk at property and at driveway entrance to give pedestrian passway



This is an original inkjet on mylar.

Attachment C1



Attachment D

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 6/5/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Polly Insurance Agency, LLC
2300 St George Rd
Williston VT 05495

CONTACT NAME: Jerri Burns
PHONE (A/C, No, Ext): (802)655-9000 FAX (A/C, No): (802)871-5609
E-MAIL ADDRESS: jburns@winooski.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Tri-State Insurance Co. of Minnesota	31003
INSURER B : Acadia Insurance Company	31325
INSURER C : InterGuard	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
LEWIS CREEK COMPANY INC.
14 MORSE DR
ESSEX JUNCTION VT 05452

COVERAGES CERTIFICATE NUMBER: CL2372823896 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE / X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY / PRO-JECT / LOC OTHER:			ADV5294390-16	7/10/2023	7/10/2024	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
B	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS / X SCHEDULED AUTOS X HIRED AUTOS / X NON-OWNED AUTOS			CAA5312158-16	7/10/2023	7/10/2024	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
B	X UMBRELLA LIAB / OCCUR EXCESS LIAB / CLAIMS-MADE DED / RETENTION $			CUA5305488-16	7/10/2023	7/10/2024	EACH OCCURRENCE	$
							AGGREGATE	$
								$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		LEWC482038	7/10/2023	7/10/2024	X PER STATUTE / OTH-ER	
							E.L. EACH ACCIDENT	$ 500,000
							E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The City of Burlington is listed as an Additional Insured with regard to the General Laibility.

CERTIFICATE HOLDER

City of Burlington
Burlington Public Works
Encumbrance Application Dept.
645 Pine Street
Burlington, VT 05401

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Jerri Burns/JERRIB

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2024-2025 Indoor and Outdoor Entertainment Permit Renewals
Regular City Council Meeting, Monday, July 15, 2024

Indoor:

Arts Riot
Citizen Cider

Outdoor:

Beach House

Lori Olberg

From: City of Burlington Vermont
Sent: Monday, June 24, 2024 12:47 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Theresa

Reply to e-mail Address: theresalea1969@gmal.com

Subject: Non-citizens voting rights

Message: Why on earth are you letting non-citizens vote? To be in government you should know the laws!!!!!
Are you above it? If so, please let me know how. Some of us (most of us) are really tired of the left making up laws to benefit their agendas. What is your agenda to allow them to vote?
Time for a new council and government employees, the sooner the better.
I guess the question really is, WHAT IS WRONG WITH YOU????? (If you didn't know, this is rhetorical question, but, if you can answer it, please do, because something is VERY wrong with all of you!) Very sincerely, A tax paying citizen

Submitted on Monday, June 24, 2024 - 12:46 from IP address: 2600:387:f:910::6

Check IP address location: https://viewdns.info/iplocation/?ip=2600:387:f:910::6

Questions about this form? e-mail webmaster@burlingtonvt.gov

Lori Olberg

From: Carolyn Hanson
Sent: Wednesday, June 26, 2024 5:37 PM
To: Lori Olberg
Subject: resignation from the police commission

Good afternoon Lori,
I am sorry to inform you that my office has required me to resign from the Police Commission effective at the end of this month, June 30th. I have really enjoyed being part of the Commission and appreciate the opportunity that the Council gave me to serve. I did consult and confirm with Bar Counsel and also received a written decision from Ethics Panel at the Attorney General's office that my service on the Commission did not pose a conflict with my position as an assistant attorney general (with the understanding that I would be able to recuse myself from any involvement with matters that might involve my office which would have been simple for me to do). However, AGO Clark is not comfortable with having me on the Commission and let me know that I needed to resign by the end of June. I am disappointed but really have no option if I wish to keep my job. We have a strong police department that I believe is doing the best it can with very limited resources and it is my hope that the department will continue to grow and thrive with the support of the Burlington community.
Best,
Carolyn Hanson
Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Lori Olberg

From: Miles Waite <mwaite@waiteenv.com>
Sent: Wednesday, June 26, 2024 11:48 AM
To: Lori Olberg; Miles Waite
Cc: Scott Gustin
Subject: RE: Resignation

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear Lori,

I would like to inform you that I will resign from the Burlington Conservation Board effective July 2, 2024. I intend to partake in the July 1 meeting in order to say goodbye to the Conservation Board members.

Regards, Miles Waite

From: Lori Olberg <lolberg@burlingtonvt.gov>
Sent: Wednesday, June 26, 2024 11:45 AM
To: Miles Waite <mwaite@burlingtonvt.gov>; Miles Waite <mwaite@waiteenv.com>
Subject: Resignation
Importance: High

You don't often get email from lolberg@burlingtonvt.gov. Learn why this is important

Hi Miles,

Since you were appointed to the DRB you will need to resign from the Conservation Board. Please send this to me ASAP.

Thank you.
Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

MEMORANDUM

TO: City of Burlington, Finance Board
City of Burlington, City Council

FROM: Jon Murad, Chief of Police

CC: Shannon Trammell

DATE: July 8 (BoF) /July 15 (CC) , 2024

SUBJECT: Authorization to Sign Contracts for Two-Way Radio Communication Fiber Lines with Consolidated Communications, Inc. and Burlington Telecom Business Services

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REQUEST

The BPD seeks Board of Finance recommendation and City Council authorization to execute two agreements for Two-Way radio Communication Fiber Lines services: a service contract with Consolidated Communications, Inc. for $112,376.40 for a 5-year term; and an addendum to the existing Telecommunications Services Agreement with Burlington Telecom Business Services for an additional $90,000 for a 5-year term and $46,800 for a 3- year term (which covers services through First Light for a remote area that is not serviceable from BT or Consolidated).

EXECUTIVE SUMMARY

Background:
The BPD and the BFD have been operating their two-way radio communications on the same system since 2005. The system is comprised of five receiver sites and one transmitter site. The receivers pick up signals from the field radios and are sent over copper phone lines or unlicensed microwave to 1 North Ave and then "repeated" from the transmitter at 100 Bank Street. The equipment has now reached end-of-life and parts of the system have failed. Some have failed beyond repair, leaving the departments with only four receivers.

A new simulcast system, part of the Public Safety Communications Capital Upgrade Project, has been developed and is in the final process of being installed. The new system has only three receiver sites but also adds three transmitter sites to increase coverage. For the new Simulcast System to work, fiber optic lines from BT and Consolidated are needed to send the received transmissions back to 1 North Ave and also to make sure that the transmissions go to the three transmitters at the same time. Fiber optic lines are much faster and more reliable than copper lines.

We require service from both companies (BT & Consolidated) to create a redundant back-up. If one carrier goes down, critical communication can still be relayed to each site and back to 1 North Ave, so that both BPD and BFD have radio communications at all times.

Project Funding:

Currently the BPD funds both its and BFD's two-way radio communication lines with Consolidated Communications through G/L: 101-17-050-6400_125 "Utilities Telecommunications." BPD will continue to fund these new services, from both companies, through that G/L.

The current charges for the degraded lines will become obsolete and the charges for those lines will be replaced with the fiber lines and new services from Consolidated Communications, Inc. and Burlington Telecom Business Services. An increase of $19,000 to this G/L was recently approved in the FY25 budget process to fund the remaining amount for these two contracts.

Any one-time fees for installation are being covered by the Public Safety Communications Capital Upgrade Project.

Bidding and Contractor Selection:
There are very few carriers that provide services for "dark fiber" and "carrier ethernet service" in this area. Burlington Telecom was chosen because it is the only provider that could provide "dark fiber" to all of the locations. The City also has a Telecommunications Service Agreement with Burlington Telecom for many City technology needs, coordinated through Information and Technology. This approval would add an additional scope of work to the existing agreement. Consolidated Communications was chosen for redundancy because BPD and BFD use its "carrier Ethernet service" for three types of systems in other areas, and it is very responsive to service issues when emergency services require immediate response. Sole-source approval through the CAO was given based on the limited service options available.

Department Contact:
If you have any questions, please contact Shannon Trammell, Executive Manager at strammell@bpdvt.org or (802) 540-2107.

ATTACHMENTS
A. Consolidated Communications Exhibit A – Cost Proposal
B. Telecommunications Services Agreement Cost Proposal

MOTIONS
The Burlington Police Department respectfully request the Board of Finance and City Council approve the following motions:

Board of Finance:

To approve and recommend that the City Council approve and authorize the Chief of the Burlington Police Department or the Director of Information and Technology to enter into the following agreements for radio communication fiber lines and service upgrades:

a. A five-year service contract with Consolidated Communications, Inc., in an amount not to exceed $112,376.40; and

b. A contract amendment to the existing Telecommunications Services Agreement with Burlington Telecom Business Services adding a scope of work and in amounts not to exceed $90,000 for a five-year term for dark fiber services and $46,800 for a three-year term for dark fiber services with First Light through BT.

for combined total authorized expenditure not to exceed $249,177 over the next five years, subject to review by the City Attorney's Office.

City Council:

To approve and authorize the Chief of the Burlington Police Department or the Director of Information and Technology to enter into the following agreements for radio communication fiber lines and service upgrades:

a. A five-year service contract with Consolidated Communications, Inc., in an amount not to exceed $112,376.40; and

b. A contract amendment to the existing Telecommunications Services Agreement with Burlington Telecom Business Services adding a scope of work and in amounts not to exceed $90,000 for a five-year term for dark fiber services and $46,800 for a three-year term for dark fiber services with First Light through BT;

for combined total authorized expenditure not to exceed $249,177 over the next five years, subject to review by the City Attorney's Office.

Thank you for your continued support.

MSA ID:	00036480
MSA Attachment:	1
Service Order Term Length:	60 Months

EXHIBIT A
INTIAL SERVICE ORDER

SERVICES REQUESTED. The Service(s) requested by you and to be provided by us under the Agreement are as follows:

Location Name:	1 North Avenue		
Address:	1 North Avenue, Burlington, Vermont, 05401	Site MRC: Site NRC:	$167.64 $0.00

Services	Quantity	MRC	Total MRC	NRC	Total NRC
Port & Access 10Mbps	1	$101.90	$101.90	$0.00	$0.00
Switched Ethernet EVC 20Mbps	1	$65.74	$65.74	$0.00	$0.00

Site Name	Site Notes
1 North Avenue	

SERVICES REQUESTED. The Service(s) requested by you and to be provided by us under the Agreement are as follows:

Location Name:	100 Bank Street		
Address:	100 Bank Street, Burlington, Vermont, 05401	Site MRC: Site NRC:	$118.15 $0.00

Services	Quantity	MRC	Total MRC	NRC	Total NRC
Port & Access 3Mbps	1	$118.15	$118.15	$0.00	$0.00

Site Name	Site Notes
100 Bank Street	

SERVICES REQUESTED. The Service(s) requested by you and to be provided by us under the Agreement are as follows:

Location Name:	85 South Prospect Street		
Address:	85 South Prospect Street, Burlington, Vermont, 05401	Site MRC: Site NRC:	$118.15 $0.00

Services	Quantity	MRC	Total MRC	NRC	Total NRC
Port & Access 3Mbps	1	$118.15	$118.15	$0.00	$0.00

Site Name	Site Notes
85 South Prospect Street	

SERVICES REQUESTED. The Service(s) requested by you and to be provided by us under the Agreement are as follows:

Location Name:	193 Prim Road		
Address:	193 Prim Road, Colchester, Vermont, 05446	Site MRC: Site NRC:	$1,469.00 $0.00

Services	Quantity	MRC	Total MRC	NRC	Total NRC
Port & Access 3Mbps	1	$1,469.00	$1,469.00	$0.00	$0.00

Site Name	Site Notes
193 Prim Road	

CHARGES AND FEES. The following reflect the charges and fees applicable to the Services ordered:

(a) Total of Monthly Recurring Charges (**"MRC"**):	**$1,872.94**
(b) Total of Non-Recurring Charges (**"NRC"**):	**$0.00**

Any and all taxes, fees, universal service and similar public policy assessments, are in addition to the amounts set out above, and are also payable by you. If a tariff governs a Service, the terms of the tariff will take precedence over this Agreement. All pricing is exclusive of any non-recurring charges incurred that are not reflected above, including charges related to any needed extension of facilities or additional work necessary to provide the Services. These charges may include after-hours installation charges for requested installations between 5:00 p.m. and 6:59 a.m. Monday through Thursday or weekend installation charges for requested installations between 5:01 p.m. Friday and 6:59 a.m. Monday. All extension or installation work will only be performed upon your agreement to pay the associated charges, and if you do not agree to pay such charges, this Agreement (or any applicable Service) will be subject to cancelation by us. Pricing is also exclusive of: (i) any usage or variable charges, (ii) all taxes and fees, and (iii) all charges incurred in connection with governmental or quasi-governmental assessments, all of which are payable by you. We reserve the right to adjust monthly service rates due to increases in other tariffed services that are outside of our control, or where third-party vendors increase rates for third-party services, and you will not be entitled to terminate this Agreement as a result of any such increase. Notwithstanding any other terms in this Agreement, this pricing is good only in areas where the Service is commercially available. You understand that the Service selected may not be commercially available at the rates, speeds or bandwidth set forth herein in your area, and that this Service Order is subject to our final acceptance. Any long distance package pricing excludes charges related to international calls, which will be payable as incurred according to then-applicable rates. You are responsible for all individually charged calls, whether domestic or international, and whether through hosted services or otherwise, including charges that are unauthorized or fraudulently incurred. All Services are provided subject to verification of good credit before installation, your timely payment and your continued good credit.

TERM OF SERVICES. This Service Order is binding on you when you sign it. The initial term for each Service is 60 Months. The billing for each Service will commence on that date upon which the Service is made available by CCI for use by you, unless, prior to commencement, you notify us in writing that the Service provided does not meet an applicable Service performance specification. The Contract Term will not be less than a term of 12 months from the Service availability date except where "month-to-month" is the contracted term or where applicable law provides otherwise. During the initial term, we may make changes to the Services, including by adding to or modifying the features associated with the Services, but we will not materially reduce your Service functionality during the initial term. In some cases, new or modified Service features may require your payment of additional charges. If a new or modified Service feature requires your payment of an additional charge, we will notify you and will provide an opt-out period during which you will be able to opt-out of the applicable feature and the corresponding charge. If you do not opt-out during the opt-out period, your continued use of the Service following the opt-out period signifies your acceptance of the new or modified Service feature and your agreement to pay the corresponding charge. After the initial term, this Agreement and the term for each Service will automatically be extended on a month-to-month basis, unless either party provides at least 30 days' written notice of termination to the other. Upon the commencement of any such month-to-month renewal term, any discounted or promotional pricing will expire, and pricing will automatically be adjusted to reflect our then-current rates for the Services. During the renewal term, we may discontinue or modify the Service or increase Service charges at any

Burlington Telecom
Business Services

200 CHURCH STREET | BURLINGTON, VT 05401 | 802-540-0007 | BURLINGTONTELECOM.COM

Telecommunications Services Agreement

This Telecommunications Services Agreement ("Services Agreement") is made between **Burlington Police Department** a corporation duly organized and existing under the laws of the State of Vermont ("Customer"), and Champlain Broadband LLC, d/b/a Burlington Telecom ("Burlington Telecom"), a limited liability company duly organized and existing under the laws of the State of Vermont, with its principal office at 200 Church Street, Suite 201 Burlington, VT 05401, (collectively the "Parties" or individually as "Party"), is for the provision of telecommunications services ("Services"). This Services Agreement shall not be effective and binding on Burlington Telecom until it has been executed by an authorized Burlington Telecom representative. In consideration of the mutual promises and covenants contained herein, the Parties agree that Customer will purchase from Burlington Telecom, Service(s) at the cost(s) and for the term(s) as set forth in the following table.

Quantity	Description of Services	Term in Months	Installation Cost Per Unit	Total Install Cost	Monthly Recurring Cost Per Unit	Term Discount Per Unit	Extended Monthly Recurring Cost
1	Dark Fiber Pair A Term: 1 North Ave Z Term: 193 Prim Rd, Colchester	36	$1,500	$1,500	$1,300		$1,300
1	**Dark Fiber Pair** A Term: 1 North Ave Z Term: Jeffords Hall, 63 Carrigan Drive, Burlington, VT	60	$800	$800	$750.00		$750.00
1	**Dark Fiber** Pair A Term: 1 North Ave Z Term: 100 Bank St, Burlington	60	$800	$800	$750.00		$750.00
		Total*		**$3,100**	$2,800.00		**$2,800.00**

* Local, State, Federal, and/or international taxes, fees, assessments, and/or surcharges are not included and will be charged in accordance with Burlington Telecom's tariffs and/or international, federal, state, or local laws.

Customer Information & Acceptance:

In executing this Services Agreement, I acknowledge my understanding and acceptance that the Services selected above will be provided in accordance with, and governed by, the terms, conditions and rates in this Services Agreement, including the "Additional Terms and Conditions," which are attached hereto and incorporated herein. In addition, I hereby authorize Burlington Telecom to review the customer service record for the Customer listed below. Customer acknowledges that under no circumstances may Customer resell any of the Services provided to it by Burlington Telecom unless explicitly authorized in writing by Burlington Telecom. By signing this Services Agreement, I further acknowledge that I have read and understand each of the Terms and Conditions of this Services Agreement, agree on behalf of Customer to be bound by them and that I am duly authorized to order and/or modify Services on behalf of Customer.

Customer's Legal Name: Burlington Police Department Signature: _____

State of Organization/Incorporation: Vermont Name: _____

Billing Address: 1 North Ave, Burlington, VT 05401 Title: _____

Customer Billing Telephone Numbers: 802.658.2700 Date: _____

Burlington Telecom Acceptance:

Name: Michael Loucy

Signature: _____

Board of Finance and City Council Submission Checklist

Department: Police Department Submitter: Chief Jon Murad

Title/Subject: Radio Communication Line Upgrades + Service

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/1/2024	J. Murad
Mayor's Office informed and approved memo	Yes	7/2/2024	E. Jacobson
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	6/27/2024	H. McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/2/2024	H. McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A		

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	Yes	Cost portions of contract only
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	Yes	Included in Memo
If for submission to Council, are sponsors identified?		

MEMORANDUM

TO: City of Burlington, Finance Board
City of Burlington, City Council

FROM: Jon Murad, Chief of Police

CC: Shannon Trammell

DATE: July 8 (BoF) /July 15 (CC) , 2024

SUBJECT: Authorization to Sign a Contract for Facility Repairs with Farrington Construction.

REQUEST

The BPD seeks Board of Finance recommendation and City Council authorization to execute a Construction Contract for Facility Repairs at One North Avenue, because of an arson and fire and water damage at its facility, with Farrington Construction in the amount of $129,179.50.

EXECUTIVE SUMMARY

Background:
On November 13, 2023 at approximately 2:00 am, an arsonist set fire to the vestibule of the front entrance of 1 North Avenue. The sprinkler system activated causing a significant amount of water damage throughout the building, in addition to the fire damage.

The damages from this incident extend throughout several areas of BPD's facility, including by not limited to: the Kevin P. Scully Community Room, wall and flooring damage to the administrative offices of several employees, flooring damage to storage closets, floor damage to the roll call room, and the entire front entrance and vestibule of BPD's facility.

Emergency water mitigation services were required to dry the inundated areas and continued for a week following the incident. In the months that followed, BPD worked with the City's insurance company and various adjusters to bring this claim to resolution, which finally concluded on June 21, 2024.

Project Funding:

The total cost of the Arson damage is $144,915.19. Of that, $15,735.69 is for emergency water mitigation services to ServPro and $129,179.50 is for construction repairs to Farrington Construction.

The BPD submitted payment to ServPro for services rendered from its FY24 budget, G/L: 101-17-050-6500_118 "Professional and Consultant Svs Contractual Services."

On June 21, 2024, an insurance claim payment for this loss was issued by Liberty Mutual, in the total amount of $64,812.67, and was calculated by Liberty Mutual as follows:

Cost to replace	$129,523.37
Depreciation	-$14,710.70
Policy deductible	-$50,000.00
Actual cash value	$64,812.67

BPD is coordinating with the Capital Program Director to submit a funding request to the Capital Committee for an amount up to $65,000 to fund the remaining balance for repairs. The Capital Program Director has identified available bond funds in the Capital Contingency project, and is expecting the Committee to formally review the funding request on July 11, 2024. Given the emergent nature of this request, the Capital Program Director is expecting the Committee will approve the request. In the meantime, any Board of Finance approval will be contingent upon the Capital Committee's formal approval.

Bidding and Contractor Selection:
Because of the nature of the insurance claim's process, sole-source approval was given by the CAO for the selection of a contractor to work with the insurance company in order for them to determine coverage and loss estimates.

The City's Facility Team was consulted and provided the initial project scope and walk-through with the contractor, Farrington Construction. In the months that followed, the BPD and Farrington Construction met with several adjusters and conducted numerous walk-throughs in order to bring this claim to resolve.

Department Contact:
If you have any questions, please contact Shannon Trammell, Executive Manager at strammell@bpdvt.org or (802) 540-2107.

ATTACHMENTS
A. Farrington Construction Cost Proposals
B. ServPro Invoice

MOTIONS
The Burlington Police Department respectfully requests the Board of Finance and City Council approve the following motions:

Board of Finance:

To approve and recommend that the City Council approve and authorize the Chief of the Burlington Police Department to enter into a contract with Farrington Construction in an amount not to exceed $129,179.50, contingent upon the successful funding authorization from the Capital Committee and subject to review by the City Attorney's Office.

City Council:

To approve and authorize the Chief of the Burlington Police Department to enter into a contract with Farrington Construction in an amount not to exceed $129,179.50, contingent upon the successful funding authorization from the Capital Committee and subject to review by the City Attorney's Office.

Thank you for your continued support.

FARRINGTON CONSTRUCTION

4724 SPEAR STREET
SHELBURNE, VERMONT 05482

Date: 10-January-2024

Burlington Police Department
ATTN: Shannon Trammell
Re: Fire Damage

Farrington Construction is pleased to offer the following proposal for the above referenced project. Scope and costs are as follows:

	Units		Material	Labor		
General Conditions	LS			$ 11,500.00		$ 11,500.00
Includes supervision, debris removal, furniture moving, protect and cover Etc.						
Carpentry			$ 306.00	$ 850.00		$ 1,156.00
Repair damaged trim on trophy case						
Walk Off Mat		121	$ 363.00	$ 1,815.00		$ 2,178.00
Install New Walk off Mat in vesibule						
VCT		518	$ 1,036.00	$ 1,554.00		$ 2,590.00
Install new VCT in Property room as well as storage closet in meeting room						
Commercial Broadloom Carpet		2255	$ 6,765.00	$ 6,765.00		$ 13,530.00
Remove existing carpet, install new carpet in meeting room						
Carpet Tile		1682	$ 6,728.00	$ 8,410.00		$ 15,138.00
Remove Carpet Tile, Prep as necessary, install new carpet tile						
Cove Base		304	$ 304.00	$ 608.00		$ 912.00
Install new cove base as needed						
Patch & Paint	LS			$ 35,077.00		$ 35,077.00
Intsall drywall as needed, tape and patch as needed, paint all walls in affected rooms						
ACT Replacement	24 pc.		$ 48.00	$ 336.00		$ 384.00
Remove and replace damaged ceiling tiles as needed. 2x4						
Plumbing	LS			$ 730.00		$ 730.00
Remove bathroom fixtures, reinstall when work is complete						
Total Costs					**$**	**82,465.00**
OH&P (10%OH,5%P)						$ 12,369.75
Total Amount of This Proposal						**$ 94,834.75**

Thank you,

Mark J. Farrington
Project Manager
Farrington Construction Company

FARRINGTON CONSTRUCTION
4724 SPEAR STREET
SHELBURNE, VERMONT 05482

Date: 17-January-2024

Burlington Police Department
ATTN: Shannon Trammell
Re: Sprinkler Leak Damage

Farrington Construction is pleased to offer the following proposal for the above referenced project. Scope and costs are as follows:

	Unit		Material	Labor		
General Conditions	LS			$ 9,800.00		$ 9,800.00
Includes supervision, debris removal, furniture moving, protect and cover Etc.						
VCT		144	$ 288.00	$ 432.00		$ 720.00
Install new VCT in Property room as well as storage closet in meeting room						
Commercial Broadloom Carpet		986	$ 22,958.00	$ 2,958.00		$ 5,916.00
Remove existing carpet, prep, install new carpet in meeting room						
Cove Base		315	$ 315.00	$ 630.00		$ 945.00
Install new cove base as needed						
Patch & Paint	LS			$ 11,520.00		$ 11,520.00
Intsall drywall as needed, tape and patch as needed, paint all walls in affected rooms						
Plumbing	LS			$ 964.00		$ 964.00
Remove bathroom fixtures, reinstall when work is complete						
Total Costs					**$**	**29,865.00**
OH&P (10%OH,5%P)						$ 4,479.75
Total Amount of This Proposal						**$ 34,344.75**

Thank you,

Mark J. Farrington
Project Manager
Farrington Construction Company

Cleaning. Restoration. Construction.

MCL Enterprises Inc.
198 S Meadow Road
Plymouth, MA 02360
(508) 746-9500
office@servproplymouth.com

BILL TO
Shannon Trammell
Burlington Police Department
1 North Ave
Burlington, VT 05401 USA

SHIP TO
Shannon Trammell
1 North Ave
Burlington, VT 05401 USA

INVOICE # 3907
DATE 11/29/2023
DUE DATE 11/29/2023
TERMS Due on receipt

ACTIVITY	DESCRIPTION	AMOUNT
Water Remed	Water Restoration	15,735.69

Please make checks payable and mail to:

SERVPRO
198 S. Meadow Rd
Plymouth, MA 02360

Tax ID: 84-1905128

BALANCE DUE **$15,735.69**

Thank you for your business!
The best compliment you can give us is a referral

Board of Finance and City Council Submission Checklist

Department: Burlington Police Dept. Submitter: Jon Mruad

Title/Subject: BPD Facility Repairs from Arson

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/2/2024	J. Murad
Mayor's Office informed and approved memo	Yes	7/2/2024	E. Jacobson
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	No	pending	In review. H. McClenahan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/2/2024	H. McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A		

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	No	Pending review in City Attorney's office
Additional Materials, if necessary	Yes	Project quotes & invoices
Draft Resolution or Motion?	Yes	
If for submission to Council, are sponsors identified?	N/A	

COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

MEMORANDUM

DATE:	June 26, 2024
TO:	Board of Finance, City Council
FROM:	Sarah Russell, Special Assistant to End Homelessness
CC:	Mayor Emma Mulvaney-Stanak Katherine Schad, CAO Brian Pine, CEDO Director Erik Ramakrishnan, Asst. City Attorney
RE:	Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community – Housing Opportunity Grant Program SFY 2025 $1,290,576.00

Request:
The Community and Economic Development Office ("CEDO") is requesting Board of Finance and City Council approval to accept $1,290,576 in FY25 grant funds from the State of Vermont, Department of Children and Families Office of Economic Opportunity Housing and Opportunities Program (SoV OEO HOP) and authorization for the CEDO Director to execute all documents necessary to accept the funding. The above referenced grant will support operations and services of the Elmwood Emergency Shelter Community, an activity of the City of Burlington's Initiative to End Homelessness.

Background:
The number of people experiencing homelessness and housing insecurity continues to be almost triple those pre-pandemic and access to emergency housing is restricted and often times far too inaccessible. Mayor Miro Weinberger launched a 10 point action plan to fulfill the promise of housing as a human right in Burlington in 2021 and on October 25th 2021, the City Council called for the use of ARPA funds to meet the needs of those experiencing homelessness.

In February 2022, the Council approved the allocation of $2.975 million in ARPA dollars to address the issue of chronic homelessness in the City of Burlington, which included the creation of an emergency shelter community and a community resource center.

The emergency shelter commenced operations in January, 2023. The Elmwood Emergency Shelter Community offers a service enriched environment and 24 hour per day low-barrier emergency shelter for up to 35 individuals experiencing unsheltered homelessness. The emergency shelter operations are

managed by Champlain Housing Trust and Champlain Valley Office of Economic Opportunity provides essential services.

The Department for Children and Families Office of Economic Opportunity Housing Opportunity Grant Program provides funding to operate emergency overnight shelter for the State of Vermont. HOP funds provide essential services to shelter guests; provide transitional housing where appropriate; rapidly rehouse homeless individuals and families; prevent individuals and families experiencing a housing crisis from becoming homeless; implement coordinated entry to streamline client access to resources; and administer the Homeless Management Information System (HMIS).

Funding for the Elmwood Emergency Shelter Community

On February 7, 2022, the Board of Finance and City Council approved the allocation of $2.975M in ARPA funds for the specific purpose of addressing and ameliorating homelessness in the City of Burlington including $1.47M for the construction and operation of a new low barrier emergency shelter community. In addition, the City has now been awarded the second year of annual operating funds from the SoV OEO HOP for the operation of the Elmwood Emergency Shelter Community. City staff will continue to identify additional funding sources.

Motions

Action for Board of Finance:

To approve and recommend that the City Council approve the acceptance of SFY 2025 grant funds in the amount of $1,290,576 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all contracts and documents necessary to accept the funding through the period of July 1, 2024 – June 30, 2025, including retroactive approval for the period of July 1st to July 17, 2024, subject to the final review and approval of the City Attorney's Office.

Action for City Council:

To approve and the acceptance of SFY 2025 grant funds in the amount of $1,290,576 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all documents and contracts necessary to accept the funding through the period of July 1, 2024 – June 30, 2025, including retroactive approval for the period of July 1 – July 17, 2024, subject to the final review and approval of the City Attorney's Office.

Attachments

City Council ARPA Resolution 02-07-2022

Resolution Relating to

DESIGNATION OF 51 ELMWOOD AVENUE AS A SANCTIONED SITE FOR TEMPORARY EMERGENCY HOUSING IN THE CITY OF BURLINGTON.

RESOLUTION 6.06
Sponsor(s): Councilor Magee
Introduced: 03/21/22
Referred to:

Action: adopted
Date: 03/21/22
Signed by Mayor: 03/29/22

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two .....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the number of people experiencing homelessness and housing insecurity continues to be almost triple that of pre-pandemic times; and

WHEREAS, the public response to the survey on how to spend American Recovery Plan Act (ARPA) funds found that investing in solutions to homelessness is the top priority for our community; and

WHEREAS, the City has engaged the public on the issue and they have indicated that the Burlington community strongly desires to expend City resources to address chronic homelessness and to implement solutions to find humane housing for all; and

WHEREAS, on December 16, 2021, Mayor Weinberger released an action plan to fulfill the promise of housing as a human right; and

WHEREAS, that plan included a number of initiatives including the creation of a new low-barrier shelter pod community and Community Resource Center (CRC) in Burlington; and

WHEREAS, the shelter pod approach has proven effective in acting as a bridge to permanent housing in cities across the United States, as well as a cost-effective tool for sheltering the most vulnerable in a relatively quick manner; and

WHEREAS, on February 7th, 2022, the City Council approved an allocation of $2.975M in ARPA funds, to be used to target the homelessness crisis in Burlington; and

WHEREAS, this allocation of ARPA funds specifically included $1.47M for the construction and operation of a low barrier, shelter pod community along with provisions for social services; and

WHEREAS, this allocation of ARPA funds specifically included $970,000 for the construction and operation of a low barrier daytime Community Resource Center; and

WHEREAS, in response to the allocation of ARPA funds and the Mayor's action plan, CEDO embarked on the process of developing an in-depth plan to procure a CRC, shelter pods and associated infrastructure, along with identifying potential locations for temporary emergency shelter; and

WHEREAS, CEDO and staff from other City departments considered a number of possible locations across the city to build the low barrier shelter pod community and it was decided that the city owned parking lot

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

at 51 Elmwood Avenue is the most suitable of the considered sites, as it provides both the necessary space and is within close proximity to other essential resources, including transportation, city water and sewer, human services; and

WHEREAS, the city is proposing to utilize the parking lot for up to 36 months, to serve as a location for the temporary emergency shelter and the Community Resource Center; and

WHEREAS, as previously authorized, CEDO has engaged with shelter pod manufacturers and executed contracts for the procurement of shelter pods of 64 square feet, designed to provide heat and electricity, a place to sleep and a space to store personal belongings; and

WHEREAS, 51 Elmwood Avenue has been identified as city owned property; and

WHEREAS, the Burlington Public Works Commission on March 16, 2022, temporarily decommissioned the property at 51 Elmwood Avenue as a city parking lot until April 30, 2025 in anticipation of the property being used for temporary emergency shelter;

NOW, THEREFORE, BE IT RESOLVED that to carry out the action plan intended to address the issue of chronic homelessness in Burlington, the City Council approves the use of 51 Elmwood Avenue as the location for temporary emergency shelter in the form of a shelter pod community and Community Resource Center through April 30, 2025, and authorizes CEDO to seek all necessary permits to ensure the property comports with any land use zoning and/or regulations pertinent to the parcel.

TM/JP/Resolutions 2022/ DESIGNATION OF 51 ELMWOOD AVENUE AS A SANCTIONED SITE FOR TEMPORARY EMERGENCY HOUSING IN THE CITY OF BURLINGTON.
3/17/2022

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

CEDO Director Pine

RESOLUTION RELATING TO

Designation Of 51 Elmwood Avenue As A Sanctioned Site For Temporary Emergency Housing In The City Of Burlington

Adopted by the City Council

March 21, 20 22

..... Clerk

Approved March 29, 20 22

..... Mayor

Attest:

Lori Olberg
Licensing, Voting and Records Coordinator

Vol. ..... Page .....

* * * * * * * * * * * * *

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Sarah Russell

Title/Subject: Communication Acceptance of SoV HOP grant FY25 Elmwood Emergency Shelter

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Approved	Note
Department Head	Yes	06-27-2024	Brian Pine
Mayor's Office informed and approved memo	Yes		
Board/Commission, if required	N/A	Click or tap to enter a date.	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Will be approved upon receipt
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	06-27-2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	07-01-2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

HUMAN RESOURCES DEPARTMENT

CITY OF BURLINGTON

200 Church Street, Suite 102, Burlington, VT 05401
Phone: (802) 865-7145
Fax (802) 864-1777
Vermont Relay: 7-1-1 or 800-253-0191

MEMO

Date:
To: Board of Finance and City Council
From: Timothy Williams, Safety Manager (HR), Scot Barker, Chief Innovation Officer (IT), Sarah Montgomery, Assistant City Clerk (CT), Ana-Maria Robu, Community Engagement Office Assistant (CEDO)
CC: Lynn Reagan Acting Director of Human Resources Director

Re: Security Services for City Hall

i. Purpose

This memo seeks approval to authorize the execution of a one year contract with Chocolate Thunder Security to provide security services at City Hall, and authorization for an option to extend contract for an additional two years.

ii. Background

The City of Burlington requires security services at City Hall to ensure the safety and well-being of staff, visitors, and the general public while providing exceptional customer services.

iii. Process

On March 28, 2024, the City issued an RFP for security services at City Hall. The RFP was publicly advertised on the City's website and other platforms to attract qualified security service providers. Proposals were due by May 10, 2024. The evaluation committee, consisting of members of City Hall Departments with high potential contact with security personnel, and the City's Safety Manager reviewed the submissions based on criteria such as experience, approach, and pricing.

Three bids were received during the posting period, below is a table showing the hourly billed rate for each security provider, the committee's assigned ranking of the RFP and notes from the committee's discussion of the bids. The evaluation committee selected Chocolate Thunder Security as providing the best value to the City although it was not the lowest bidder. Chocolate Thunder Security was rated as the top-rated proposal due to their competitive pricing and detailed security plan that includes the use of body cameras, clear communication protocols, and a strong emphasis on both security and customer service. Additionally, the committee would like to recognize Chocolate Thunder Security as having a strong working relationship with City Hall departments, and a clear understanding of current City policies and procedures. The committee wishes to recognize work of that goes into submitting an RFP especially for small local businesses, and was pleased to see two well-written proposals from local vendors.

The City of Burlington does not discriminate on the basis of political or religious affiliation, race, color, national origin, age, sex, sexual orientation, marital status, veteran status or disability. The City is also committed to providing proper access to services, facilities, and employment opportunities.
For accessibility information or alternative formats, contact Human Resources Department at 802-540-2505.

200 Church Street, Suite 102, Burlington, VT 05401
Phone: (802) 865-7145
Fax (802) 864-1777
Vermont Relay: 7-1-1 or 800-253-0191

Vendor	Billed Hourly Rate	Committee Ranking(1 - 3)	Notes
Chocolate Thunder Security	$50/ hour FY25 $50/ hour FY26 $52.50/ hour FY27	1	Overall, the City has had positive relationship with the vendor, the owner and scheduling team are fantastic. Empathetic. Always available when needed. Local, small business, and is a minority owned business, with a diverse workforce, approach to security has been seen to be customer/guest service oriented, is open to leveraging digital incident reporting.
GMCS	$40/ hour FY25 $42/ hour FY26 $43/ hour FY27 +595/ week admin, & fees = ~ $50/hour	2	Local Business, currently holds contracts for security services at both the Waterfront with the City and, City owned/operated parking garages. Uneven performance record with these contracts
Securitas	$35.95/ hour FY25 = Fees Did not provided rate for FY26 or FY27 *States they may make bill rate adjustments for increases in their costs.	3	Non-local company would need to recruit from local guards to provide coverage to location – uncertain ability to do so.

iv. Compensation to the Vendor & Terms of Agreement

FY24 July 1st 2024 – June 30th 2025 $50.00/hr for 1 guard, and $47.50/hr for a second guard. This is the same-billed hourly rate from FY23.

Option Year 1 FY25 – July 1st 2025 – June30th 2026 $50.00/hr for 1 guard, and $47.50/hr for a second guard.

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Option Year 2 FY26 – July 1st 2026 – June 2027 $52.50/hr for 1 guard, and $50.00/hr for a second guard.

Services will be paid from the non-departmental budget line 6500_103 Professional and Consultant Svs. Security Contracts.

Recommendation

Board of Finance Motion:

To approve and recommend that the City Council authorize the contract with Chocolate Thunder Security to provide security services at City Hall for a total contract amount not to exceed $120,000 and to authorize Timothy Williams, Safety Manager, to execute the contract and any related documents, subject to review by the City Attorney's Office.

City Council Motion:

To approve and authorize the contract with Chocolate Thunder Security to provide security services at City Hall for a total contract value not to exceed $120,000 and to authorize Timothy Williams, Safety Manager, to execute the contract and any related documents, subject to review by the City Attorney's Office.

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For accessibility information or alternative formats, contact Human Resources Department at 802-540-2505.

Board of Finance and City Council Submission Checklist

Department: Human Resources Submitter: Timothy Williams

Title/Subject: Contracted Security Services at City Hall

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☐	City Council	Click or tap to enter a date.
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/26/2024	Kerin Durfee Lynn Reagan (07.01.24)
Mayor's Office informed and approved memo	Yes	7/1/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note			Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	06/26/24	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	07/01/24	
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	To be reviewed by City Atty.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

Burlington Water Resources Division
Megan J. Moir, Division Head
235 Penny Lane | P.O. Box 878
Burlington, VT 05401
(802) 863-4501
water-resources@burlingtonvt.gov

MEMORANDUM

To: Board of Finance
City Council

From: Megan Moir, Division Director Water Resources

Date: July 8, 2024/ July 15, 2024

Cc: Chapin Spencer, DPW Director
Seth Kuchenbecker, Stormwater Program Manager
Eleonore Walker, Policy and Program Advisor

RE: Authorization to accept an amended ARPA Grant and to execute and amended MOA for a Public-Private-Partnership Stormwater Water Quality Project

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REQUEST

The Department of Public Works, Water Resources Division (WRD) seeks Board of Finance and City Council authorization to:

1. Accept a grant amendment of $1,324,169 to the previous $705,504 of pass-through American Rescue Plan Act (ARPA) funds for a total of $2,029,673 through the execution of an amended grant agreement with the Vermont Department of Environmental Conservation (VTDEC) for a Public-Private-Partnership (P3) Project; and
2. Authorize the execution of an amended Memorandum of Agreement (MOA) between the City and the P3 private parties to reflect the increase pass through grant amount of $2,029,673.

EXECUTIVE SUMMARY

Background

In May/June 2023, the Water Resources Division (WRD) of the Department of Public Works received approval from the Board of Finance and City Council to execute a grant agreement for $705,504 of pass through ARPA funds to support a P3 project with by Champlain Housing Trust (CHT) and Pomerleau, LLC (Pomerleau). The City is participating as the pass-through entity given the positive environmental and regulatory compliance benefits of this project, including reduction of stormwater peak flows to Potash Brook and reduction of phosphorus pollution to Lake Champlain. There is no local match obligation for the City.

Pomerleau is contributing funding to the project and CHT is contributing land and in exchange they are meeting their regulatory obligations under the State's 3-acre stormwater permit framework, which requires parcels with greater than 3 acres of impervious to retrofit or install modern stormwater

treatment in order to reduce nutrient pollution to Lake Champlain. The full background of this project was provided in the May 2023 memo and is provided as Attachment A.

As with many projects that originated in the Covid years, the final actual construction costs ($2,730,832) are significantly higher than the estimate used during the grant application in March 2021, even after multiple rounds of redesign and intensive value engineering. See Attachment B which outlines the cost escalation history of this project.

Faced with this funding challenge, the P3 partners approached the State to request additional funding for this shovel ready project in June 2024. Given the positive environmental benefits of the project and its readiness to construct, the State has awarded an additional $1,324,169 of ARPA funding to the grant, for a total grant of $2,029,673. This grant has put the construction of the project back on the fast track, with construction set to begin August of 2024. The other partners (Pomerleau and CHT) will be responsible for the balance of the project cost.

In order to advance, the City needs to accept the amended grant with the higher award and also needs to amend the original MOA with the P3 parties to reflect the higher grant value.

ATTACHMENTS

A. May 2023/June 2023 Board of Finance and City Council memo
B. Memo from CHT and Pomerleau to the State detailing construction cost escalations

MOTIONS

The Water Resources Division respectfully request the Board of Finance and City Council approve the following motions:

<u>Board of Finance:</u>

1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute an amended grant agreement with Vermont DEC for up to $2,029,673 for final design and construction of the P3 project involving the “South Meadow Apartments” and the “Shelburne Road Shopping Plaza” property, subject to final review and approval by the City Attorney’s Office.
2. To authorize the execution of an amended MOA between the City and the P3 private parties: Antonio B. Pomerleau, LLC and Champlain Housing Trust, reflecting the increased grant funding, subject to final review and approval by the City Attorney’s Office.

<u>City Council:</u>

1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute an amended grant agreement with Vermont DEC for up to $2,029,673 for final design and construction of the P3 project involving the “South Meadow Apartments” and the “Shelburne Road Shopping Plaza” property, subject to final review and approval by the City Attorney’s Office.

2. To authorize the execution of an amended MOA between the City and the P3 private parties: Antonio B. Pomerleau, LLC and Champlain Housing Trust, reflecting the increased grant funding, subject to final review and approval by the City Attorney's Office."

Attachment A

Burlington Water Resources Division
Megan J. Moir, Division Head
235 Penny Lane | P.O. Box 878
Burlington, VT 05401
(802) 863-4501
water-resources@burlingtonvt.gov

MEMORANDUM

To: Board of Finance
City Council

From: James Sherrard, Stormwater Program Manager

Date: May 30th, 2023

Cc: Megan Moir, Division Head, Water Resources
Chapin Spencer, DPW Director

RE: Authorization to accept ARPA grant funds and Execute the Associated MOU for a Public-Private-Partnership Stormwater Water Quality Project

---

REQUEST

The Department of Public Works, Water Resources Division (WRD) seeks Board of Finance and City Council authorization to:

1. Accept $705,504.00 of pass-through American Rescue Plan Act (ARPA) funds through the execution of a grant agreement with the Vermont Department of Environmental Conservation (VTDEC) for a Public-Private-Partnership (P3) Project; and
2. Authorize the execution of a MOU between the City and the P3 private parties establishing the roles and responsibilities of administering said grant funds.

EXECUTIVE SUMMARY

Background

As part of its approach towards reducing phosphorus pollution from stormwater runoff, in 2020 the VTDEC issued a new round of regulations to address properties with significant amount of impervious surface (3 acres or more) that do not have modern stormwater management. These properties are required to comply with Stormwater General Permit 3-9050, known as the 3-Acre Permit, which includes requirements to evaluate the feasibility of installing stormwater treatment at existing sites (retrofits) and to build such practices no later than 2029. However, upon the acceptance of the ARPA funding the practice completion deadline will be moved up to June 30th, 2026. Retrofits are the enhancement of existing stormwater management practices or the installation of stormwater management practices where none currently exist. Nearly 700 sites were identified across the State that would need to comply with the new requirement, the majority of which are private properties.

A Public-Private Partnership (P3) approach has been used across a wide variety of infrastructure-related projects to achieve shared community goals. These types of partnerships have been shown to

effectively reduce costs, improve quality control, and expedite implementation[1]. In 2019, VTDEC began to assess the feasibility of P3 opportunities in Vermont, specifically for sites required to meet 3-Acre permit requirements. With their consulting partner, Watershed Consulting Associates, LLC, VTDEC assessed a number of partnership opportunities across the state, including two in Burlington. A copy of their final report is included as Attachment A.

The two sites identified in Burlington involved the "South Meadow Apartments" owned by Champlain Housing Trust (CHT) and the "Shelburne Road Shopping Plaza" property owned by Antonio B. Pomerleau, LLC (Pomerleau). Following a feasibility study, this P3 site was advanced to the 30% design stage, and ultimately recommended for State funding opportunities to cover final design and construction. Since that time a combination of private and State Block Grant funding has brought those designs to 60% completion.

In addition to this P3 site having Lake Champlain water quality related regulatory requirements via the 3-Acre permit, it is also a critical project included in the State approved Potash Brook Flow Restoration Project (FRP) which is a requirement that the City must meet as part of its Municipal Separate Storm Sewer System (MS-4) permit.

Potash Brook was designated as a stormwater-impaired watershed on the 2004 Vermont 303(d) list, due to multiple impacts associated with excess stormwater runoff related to the high imperviousness of its watershed. The VTDEC developed a Total Maximum Daily Load (TMDL) for Potash Brook which was approved by the EPA in 2006. The TMDL mandates required changes in watershed hydrology – specifically a reduction in stormwater high flows and increases in baseflow – necessary to restore water quality in the Brook. In order to achieve the identified targets DEC required the development of a FRP which identifies the scope and scale of the best management practices needed to meet the flow targets established in the TMDL, and ultimately attain compliance with the applicable Water Quality Standards.

The "Flow Restoration Scenario" included in the Potash Brook FRP completed jointly by South Burlington and Burlington includes a variety of retrofits necessary to sufficiently manage high flows to achieve the TMDL flow targets. Among the retrofits identified, the restoration plan includes the construction of a new gravel wetland located at the P3 site associated with the above mentioned ARPA funding award.

While the P3 site would need to meet its 3-Acre permitting requirements regardless of the City's involvement, Burlington itself is responsible for compliance with the FRP TMDL requirements. This P3 partnership represents a rare opportunity to address multiple water quality permitting needs, including those born by the municipality, with funding wholly provided through private parties and ARPA grant funds.

Project Funding

The award is for up to $705,504.00 of pass through ARPA funds (Attachment B) and does not have any match requirement from the City. Funds will cover a significant portion of the construction of a gravel wetland system and associated resident engineer (RE) services. All costs associated with this project above those provided through ARPA funds will be borne by the private parties.

[1] EPA Region 3, Water Protection Division, 2015

Due to the nature of the funding, a municipal entity must serve as recipient, which Burlington has tentatively agreed to do pending Board of Finance and City Council approval. The City has a vested interest in seeing this project completed, as it will help Burlington achieve compliance with the Potash Brook Flow Restoration Plan.

Contractor Selection & Oversight

Water Resources has developed a Memorandum of Agreement between the City, Pomerleau, and CHT to outline the responsibilities of each party (Attachment C). This Agreement also serves to protect the City from being compelled to pay any expenses that may be determined ineligible for grant reimbursement. It further ensures that Burlington is only responsible for reimbursing Pomerleau for expenses up to the amount of the grant award and that no future State Permitting requirements and/or costs associated with 3-Acre permit compliance become the responsibility of the City.

Pomerleau will be handling the procurement and construction oversight processes; however, the State requires that they adhere to the City's procurement procedure. Therefore, while the City will not be entering into an agreement with the selected contractor, selection will be consistent with the City's standards for procurement.

In the event VTDEC deems any expense ineligible, the MOU protects the City from being compelled to reimburse Pomerleau for those expenses.

ATTACHMENTS

A. *Public-Private Partnership for Stormwater Management*, Final Report, May 2021, Watershed Consulting Associates, LLC
B. FFA Standard Grant Agreement (ARPA Funding)
C. Draft MOA between the City, Pomerleau and CHT

MOTIONS

The Water Resources Division respectfully request the Board of Finance and City Council approve the following motions:

Board of Finance:

1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute a grant agreement with Vermont DEC for up to $705,504.00 for final design and construction of the P3 project involving the "South Meadow Apartments" and the "Shelburne Road Shopping Plaza" property, subject to final review and approval by the City Attorney's Office.
2. To authorize the execution of a MOU between the City and the P3 private parties: Antonio B. Pomerleau, LLC and Champlain Housing Trust, establishing the roles and responsibilities of administering said grant funds, subject to final review and approval by the City Attorney's Office.

City Council:

1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute a grant agreement with Vermont DEC for up to $705,504.00 for final design and construction of the P3 project involving the “South Meadow Apartments” and the “Shelburne Road Shopping Plaza” property, subject to final review and approval by the City Attorney’s Office.
2. To authorize the execution of a MOU between the City and the P3 private parties: Antonio B. Pomerleau, LLC and Champlain Housing Trust, establishing the roles and responsibilities of administering said grant funds, subject to final review and approval by the City Attorney’s Office.”

Attachment B

To: Madeline Russell**,** 3-Acre Stormwater Project Developer, Program Lead

From: Pomerleau Real Estate & Champlain Housing Trust

RE: **Pomerleau Real Estate / South Meadow Apartments Gravel Wetland**

Date: **May 24, 2024**

Background:

The project at hand, the Pomerleau Real Estate / South Meadow Apartments Gravel Wetland, has its origin in the Public-Private-Partnership (P3) for Stormwater Management report funded by VT-ANR and completed in May 2021. The project site was one of ten locations researched by Watershed Consulting Associates that provide benefits to the private sector now having to comply with the newly issued 3-9050 (aka, "3-acre") permit while also providing public benefits. In the case of this Gravel Wetland, the project will help Pomerleau Real Estate and South Meadow Affordable Housing - Champlain Housing Trust comply with their 3-9050 permit while aiding the City by completing a major project identified in the Potash Brook Flow Restoration Plan which is part of the City's MS-4 permit.

The initial 30% design was completed as part of the original project in 2021.

The Final Design and Permitting (funded by a Design Implementation Block Grant $110,204 from Watersheds United Vermont to the Chittenden County RPC) was completed in March 2024.

Vermont DEC has provided an ARPA grant to the City of Burlington to provide approximately $705,400 to facilitate Construction.

South Meadow is a mixed-income community which includes:

- 64 income restricted permanently affordable apartments.
- 52 affordable apartments.
- 32 condos shared equity permanently affordable owner occupied.

The South Meadow complex will contribute the land to this effort. Pomerleau Real Estate has paid $117,647.52 out of pocket for project design and scoping work plus $16,272.60 for the Act 250 amendment permit fee.

Status:

The design and all permitting (3-9050, Act 250, etc.) are complete. The project has secured a contractor and has a bid for the work. The contractor is prepared to start this June and complete it by the end of the year.

The Challenge: The additional requirements of the grants and the length of time it took to get to bid, have resulted in escalation of cost by 34% since March of 2021. Additional resources will be needed to begin construction and complete this critical project.

Benefits (*City and State*)

The State has designated Potash as impaired. These two 3-acre sites will treat the stormwater to higher standard than other 3 acres sites, treating it to full "CPv".

This stormwater solution for these two sites will reduce flows into Potash Brook as part of the City's MS4 permit by doing projects that meet CPv. This project is a cornerstone of their Potash Brook Flow Restoration Plan approved by the State.

Assumed Project Lifespan		20 years
Est. Total Phosphorus Reduction		9.94 kg/year
Cost per kg TP reduced annually*		$13,330
	CHT - South Meadow Apartments	Pomerleau - Shelburne Road Plaza
3-Acre Parcel Area (acres)	14.86	13.67
Total Site Impervious (acres)	7.28	11.99
Managed Site Impervious Area (acres)	4.92	11.28
Percent Impervious within BMP DA^	30%	70%
Peak Flow 1-year (cfs)	16.12	30.10
Channel Protection Volume (CPv) Managed (ft^3)	40,293	72,266
Percent Contributing Peak Flow	35%	65%

Cost Escalation:

The project which started in 2020 has experienced similar cost escalations that have taken place in the construction industry over the past few years. As you can see by the table below, even after two sperate rounds of redesign and intensive value engineering the cost rebounded due to these escalations. The hard construction costs have increased 34%.

Estimate	Date	notes
$939,000	March 2021	Time of Construction Grant Application
$1,380,000	May 2022	
$3,036,000	November 2022	Intensive Value Engineering
$2,341,100	September 2023	
$2,857,609	February 2024	Intensive Value Engineering
$2,929,284	March 2024	Testing to reduce blasting costs
$2,730,832	April 2024	

*These numbers do not include construction soft costs for other services, engineering, and construction administration. The construction soft costs total $168,700.

Current Total Development Cost

Hard Construction Costs			*April 2024*
	$	2,482,574.74	
	$	248,257.47	10% contingency
	$	2,730,832.21	Total hard construction cost
Soft Construction Costs			
	$	168,700.00	Construction soft cost
Total Construction cost	$	2,899,532.21	
		-705504	minus the construction grant
	$	**2,194,028.21**	**Outstanding construction cost**
Total Development Cost			
	$	2,899,532.21	Total Construction Cost
	$	117,647.52	Pomerleau out of pock to date
	$	110,204.00	Design & Permitting (Block Grant)
	$	3,127,383.73	Total Development cost

Schedule:

Schedule for this project is at a critical juncture. The outfall for the gravel wetland needs to go under the Chittenden Water Districts main supply line for Chittenden County and the new bike path that is part of the Champlain Parkway. The bike path construction is slated to begin in June. If the work for the outfall is not done at the same time it will only increase costs for the project. Also, additional delay to the project is unlikely to yield a decrease in cost. If the project receives additional funding it could be under construction in June and completed this year.

Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources Submitter: Megan Moir

Title/Subject: Authorization to accept an amended ARPA Grant and to execute and amended MOA for a Public-Private-Partnership Stormwater Water Quality Project

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/1/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/2/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/2/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	Click or tap to enter a date.	
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

Burlington Water Resources Division
Megan J. Moir, Division Head
235 Penny Lane | P.O. Box 878
Burlington, VT 05401
(802) 863-4501
water-resources@burlingtonvt.gov

MEMORANDUM

To: Board of Finance
City Council

From: Megan Moir, Division Director Water Resources

Date: July 8, 2024/ July 15, 2024

Cc: Chapin Spencer, DPW Director

RE: Authorization to for a $130,000 budget neutral amendment

Request:

The Water Resources Division (WRD) of the Department of Public Works seeks approval and authorization for a budget neutral amendment in the amount of $130,000 to the Fiscal Year 2024 Water Fund 460 budget.

Background:

During the fiscal year, there is periodically the need to adjust the approved budget. WRD is seeking to amend the following expenditure accounts. These changes are described below:

INCREASE: Fees for Service- Street Division Services (460-19-400-411.6800_172): The Street Maintenance Division provides concrete and pavement restoration services for water service line and water main repairs performed by the Water Distribution team. Since much of this work is reactive and not predictable, during budgeting it is hard to know what volume of work will need to occur over the course of the year. An additional $130,000 is needed to cover the May and estimated June bills from Street Maintenance.

DECREASE: Salaries and Wages Regular, Full Time (460-19-400-411.5000_100): There were a number of position vacancies in this team of 10 people over the course of FY24, leaving more than sufficient funds remaining at year end to fund the increase needed in the Street Division Services line. A budget decrease of $130,000 is proposed.

Budget Amendment:

A budget amendment is drafted and shown as Attachment A.

Motions

The WRD respectfully request the Board of Finance and City Council approve the following motions:

Board of Finance:

1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to effect a $130,000 budget neutral amendment in substantial conformance with the attached budget transfer request.

City Council:

1. To approve and authorize the Chief Administrative Officer, or their designee, to effect a $130,000 budget neutral amendment in substantial conformance with the attached budget transfer request.

CITY OF BURLINGTON, VT
BUDGET AMENDMENT REQUEST

Department: Water Resources

Requested By: _____ **Date:** _____

Reviewed By: _____ **Date:** _____

Dept (up to $10k): _____ **Date:** _____

CT Staff Review _____ **Date**

CAO (up to $25k) (Or Designee): _____ **Date:** _____

Mayor ($25k-$50k): _____ **Date:** _____

Briefly explain the reason for the amendment:

The Street Maintenance Division performed more billable work (concrete and pavement restoration) for Water distribution projects than budgetted for. Funds are available from unused budget in the Distribution salaries line since there was a long period of staff vacancies earlier in FY24.

Net Revenues =	-
Net Expenses =	-
Fund Balance =	-

Org Set	GL #	Type	GL Description	Increase/ (Decrease)
460-19-400-411 .	6800_172	E	Fees for Services - Street Division Services	130,000
460-19-400-411 .	5000_100	E	Salaries and Wages - Regular, Full Time	(130,000)
.				
.				

Board of Finance and City Council Submission Checklist

Department: DPW – Water Resources Submitter Megan Moir

Title/Subject: Authorization to for a $130,000 budget neutral amendment

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/1/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/2/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/2/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	Click or tap to enter a date.	
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

MEMORANDUM

TO: Board of Finance, City Council

FROM: Brian Pine, Director CEDO

CC: Mayor Emma Mulvaney- Stanak
Katherine Schad, CAO
Erik Ramakrishnan, Assistant City Attorney, City Attorney's Office
Marcella Gange, Community Development Manager, CEDO
Todd Rawlings, Assistant Director, Grants & Finance Community & Economic Development Office (CEDO)
Sarah Russell, Special Asst to End Homelessness

RE: **Approval to accept Planning Grant Continuum of Care VT-501 & Permanent Supportive Housing Grant Agreements in SFY25**
VT0030L1T012314 - $330,188 New Horizons Renewal, September 1, 2024
VT0053L1T012308 - $269,172 Beacon Renewal, September 1, 2024
VT011L1T012300 – $54,627 CoC Planning Grant VT-501, January 1 ,2025

Summary
This communication seeks Board of Finance and City Council approval to accept $653,987 for two separate Continuum of Care (CoC) Permanent Supportive Housing (PSH) Grants and the Continuum of Care (CoC) VT-501 Planning Grant from the U.S. Department of Housing and Urban Development (HUD) FFY23 and to authorize the CEDO Director to sign contracts and any necessary documents related to accepting these funds. The above referenced grants will continue to support the City and Continuum of Care efforts by utilizing federal funding to support housing for those in our community with a disabling condition and experiencing chronic homelessness, as well as to provide for coordination and planning support to the activities of the Continuum of Care.

Background
Permanent supportive housing pairs long-term tenant-based rental assistance in permanent housing with case management and supportive services to address the needs of people with a disabling condition who are currently experiencing chronic homelessness. The services are designed to build independent living and tenancy skills and connect people with community-based health care, treatment, and employment services. In addition to ending homelessness for people experiencing chronic homelessness, research has demonstrated that permanent supportive housing can also increase housing stability and improve health.

A cost-effective solution, permanent supportive housing has been shown to lower public costs associated with the use of crisis services such as shelters, hospitals, and the judicial system.

Chittenden County accesses funding for PSH grants through the Burlington/Chittenden CoC as part of its commitment to making homelessness rare and brief. The two CoC PSH grants for these funds were assumed for administration by the City of Burlington in 2021 and are operated in partnership with Burlington Housing Authority (BHA) and with Community Health Centers of Burlington - Safe Harbor and Pathways Vermont, as service providers. As the Collaborative Applicant for the Burlington/Chittenden CoC, CEDO, City of Burlington has administered the Planning Grant funds since 2014. The Planning Grant funds serve to assist the CoC to carry out a number of responsibilities including coordination, planning, and conducting the annual Point in Time count, as well as drafting the application, reporting, and monitoring of funds awarded by HUD to the CoC. These grants maintain important funding that brings a combined value of approximately $650,000 and leverages a total value of more than $815,000, including the matching funds from the services provides in these partnerships.

Administration of the PSH grants requires at least a 0.1 FTE CEDO staff. The responsibility to oversee these grants are currently integrated and budgeted into the Senior Community Development Manager role. CEDO is working with HUD on budget amendments to assure additional administrative funds are available within the grants. Administering the PSH grants gives the City the opportunity to engage more fully, with allocated staff time, on homelessness and housing response. This complements CEDO's current work as Collaborative Applicant with the CoC. Staff time for administering the CoC Planning Grant is funded by the grant.

Requested Actions:

Board of Finance: Move to approve and recommend that the City Council approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care FFY23 grants **VT0030L1T012314 - VT0053L1T012308 - VT011L1T012300)** to begin in SFY25 and authorize the Director of CEDO to execute all contracts and documents necessary to accept the total funding of $653,987 from HUD, subject to the review and approval of the City Attorney's Office.

City Council: Move to approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care FFY23 grants **VT0030L1T012314 - VT0053L1T012308 - VT011L1T012300)** to begin in SFY25 and authorize the Director of CEDO to execute all contracts and documents necessary to accept the total funding of $653,987 from HUD, subject to the review and approval of the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Marcella Gange

Title/Subject: Communication Acceptance Grants HUD CoC PSH and PG FY25

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/28/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	7/1/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	6/28/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/1/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

BURLINGTON
PARKS
RECREATION
WATERFRONT

To: Board of Finance and City Council

From: Cindi Wight, Director of Parks, Recreation & Waterfront

Date: July 8 and 15, 2024

Re: Lease at Roosevelt Park

Request:

Approve a ten-year lease with the Boys and Girls Club to continue use of the building within Roosevelt Park.

Background:

In 2014, the Boys and Girls Club ("Club") raised over $100,000 in donated funds and materials to renovate the existing shelter and maintenance shed at Roosevelt Park into a combined academic center and overall programming space for their growing program serving youth primarily from the Old North End (ONE) of Burlington. The City signed an MOU with the Club for ten years, with all maintenance responsibility falling

to the Club, including the landscaping immediately around the building. The Club provides access to and cleaning the public restrooms for Little League games, the summer meals program, BPRW programs, and BPRW special events. The renovations to the Roosevelt Park building have created benefits for the city. By providing positive activities in the park, from games to music to basic foot traffic, the Club's presence has made a consistent difference in creating and maintaining the park as a vibrant space for people of all ages. It is also a benefit to the City to have its young people engaged in safe, fun activities guided by caring mentors.

The building continues to function as an essential space for the 600+ young people who access the Boys & Girls Club throughout the course of each year. It is used by the Club for academic programs for all ages, particularly teens, as the primary space for summer campers who are in grades 1 through 3, and provides office space for Boys and Girls Club staff. With limited space in their main building on Oak Street this space within Roosevelt Park is very important to the Club's ability to offer these programs to youth.

The Club has been a great partner for BPRW, not only within Roosevelt Park but also in allowing access to their gymnasium for our youth basketball league for no cost.

In recognition of the Club's investment in the building and its responsibility of maintaining it and providing access to the restrooms, the City did not charge a fee for the use of the building for the first term of the lease. The recommendation is to continue to offer the use of the building for no fee under similar terms.

Motions:

Board of Finance Motion

To approve and recommend that the City Council authorize the lease of the building located at 57 Oak Street, Roosevelt Park to the Boys and Girls Club of Burlington for a ten-year period, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office.

City Council Motion

To approve and authorize the lease of the building located at 57 Oak Street, Roosevelt Park to the Boys and Girls Club of Burlington for a ten-year period, and to authorize Mayor Emma Mulvaney-Stanak to execute the lease agreement and any related documents, subject to review by the City Attorney's office.

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Cindi Wight

Title/Subject: Boys and Girls Club Lease

	Approval:	Meeting Date:
☒	Board of Finance	7/8/24
☒	City Council	7/15/24
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/7/24	Cindi Wight
Mayor's Office informed and approved memo	Yes	7/1/24	Erin Jacobson
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Hayley McClenahan – finalizing draft after BOF/CC approves
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/1/24	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/1/24	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

TO: City of Burlington, Board of Finance
City of Burlington, City Council

FROM: Nicolas Longo, Director of Aviation

DATE: July 8, 2024

SUBJECT: Authorization to Sign Property Lease with The Jones Payne Group, Inc. at 1200 Airport Drive, South Burlington, VT

Request:

The Patrick Leahy Burlington International Airport (Leahy BTV) seeks Board of Finance recommendation and City Council authorization to enter into a building lease agreement with The Jones Payne Group, Inc (Jones Payne).

Summary:

The property, which is located inside the airport terminal building, is owned by the City of Burlington, Patrick Leahy Burlington International Airport. The Burlington-based Project Administrator for Jones Payne, who is a main point of contact for the residents participating in the Residential Sound Insulation Program (RSIP), will be utilizing this space as an office. After considerable coordination and discussion with The Jones Payne Group, creating a space that residents can meet at and learn about the RSIP program is a critical component of creating a transparent program. The Jones Payne Project manager will have office hours and in the future start utilizing the space to display model windows, doors, and other eligible noise mitigation products. This will also be a central location for information related to the program, along with our website dedicated to all of our noise programs located at btvsound.com

The space is 432 square feet and rent is set at $23 per square feet, totaling $828 a month, or $9,936.00 annually, with a 3% annual escalation. The lease will be for a term of one year and will continue on a month-to-month basis, if approved by the airport. Further, the tenant is responsible for all fit up of the existing space.

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

Recommended Motions:

Board of Finance:
"To approve and recommend that the City Council authorize the leasing of certain identified space at the Patrick Leahy Burlington International Airport to The Jones Payne Group, Inc. and to authorize the Mayor to execute the lease, subject to final review and approval by the City Attorney's Office."

City Council:
"To authorize the leasing of certain identified space at the Patrick Leahy Burlington International Airport to The Jones Payne Group, Inc. and to authorize the Mayor to execute the lease, subject to final review and approval by the City Attorney's Office."

Thank you for your continued support.

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Jones Payne Group Lease

	Approval:	Meeting Date:
☒	Board of Finance	07/08/2024
☒	City Council	07/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	06/25/2024	N. Longo
Mayor's Office informed and approved memo	Yes	07/03/2024	E. Jacobsen
Board/Commission, if required	Yes	07/02/2024	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	07/03/2024	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	07/03/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

To: City of Burlington, Board of Finance
City of Burlington, City Council

From: Nicolas Longo, Director of Aviation
Jeffrey Bartley, Director of Innovation and Marketing

Date: July 8, 2024

SUBJECT: Recommendation to Board of Finance for Approval and Recommendation to City Council for Authorization to Execute and Award the Marketing and Promotional Services Contract to Hagan Associates

---

Background

On April 9, 2024, the Patrick Leahy Burlington International Airport ("Leahy BTV") issued a Request for Proposals ("RFP") for Marketing and Promotional Services.

On May 7, 2024, proposal submissions were due, and seven (7) total proposals were received from Hagan Associates, Redhead Media/BootstrapVT, Tenth Crow Creative, Place Creative Company, Four Nine Design, RoAds Marketing and Karen Fahey Advertising.

Upon receipt, scoring and evaluation, utilizing the evaluation criteria outlined within the RFP, Hagan Associates was unanimously selected by the evaluation committee. Our budget for this project was equal among all proposals as the airport set the maximum marketing pricing, whereas, the evaluation criteria also included: experience, scope of services, and Airport Concessions Disadvantaged Business Enterprise (ACDBE) participation. Hagan and associates scored high in all criteria while also being creative on the marketing scope.

The proposed marketing budget for FY 2025 is $450,000, which will be the associated not to exceed value of the contract based on media placement purchases. Future years will be tougher to predict, as the marketing budget will fluctuate with changes to the overall budget, of which Hagan Associates is aware.

The allocated Fiscal Year 2025 budget will be utilized for this contract.

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

Proposed Motions

Board of Finance:
"To approve and recommend to the City Council to authorize the Director of Aviation to enter into a contract, with the selected Media and Advertising concessionaire of Hagan Associates for a five (5) year term, subject to final review and approval of the City Attorney's Office.

City Council:
"To authorize the Director of Aviation to enter into a contract, with the selected Media and Advertising concessionaire Hagan Associates for a five (5) year term, subject to final review and approval of the City Attorney's Office.

Thank you for your time and consideration.

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Marketing and Promotional Services Contract Memo

	Approval:	Meeting Date:
☒	Board of Finance	07/08/2024
☒	City Council	07/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	06/25/2024	N. Longo
Mayor's Office informed and approved memo	Yes	07/03/2024	E. Jacobsen
Board/Commission, if required	Yes	07/02/2024	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	07/03/2024	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	07/03/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

To: City of Burlington, Board of Finance
City of Burlington, City Council

From: Nic Longo, Director of Aviation
Larry Lackey, Director of Planning, Engineering and Sustainability

Date: July 8, 2024

Subject: Recommendation to the Board of Finance to Accept and Execute a contract in the amount of $94,000 dollars with a 15% contingency with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive.

Request

The Patrick Leahy Burlington International Airport (Leahy BTV) seeks approval and authorization to enter into a contract with ECI in the amount of $94,000 dollars with a 15% contingency, totaling $108,100 for the Mill & Overlay of Aviation Avenue and Eagle Drive.

Summary

In May, Leahy BTV acquired proposals from contractors to perform a 1-1/2"" asphalt Mill & Overlay for approximately 10,254 square yards of asphalt pavement along Aviation Avenue & Eagle Drive. BTV received a total of 4 contractor bids for this project. After thorough review, ECI (Engineers Construction Inc) was selected as the lowest responsible bidder.

Project Benefits

The anticipated benefits of Milling & Overlaying Aviation Avenue and Eagle Drive is to repair the excessive wear and tear the road has seen over the last few years. The existing pavement is at its end of useful life and this project will bring the road up to current standards to extend the life of the road for future years. This pavement project is part of an overall plan throughout the airport to repair non-airfield related roads/paved surfaces.

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

Funding Sources

This project will be funded through the fiscal year 2025 approved Operating and Maintenance budget.

Proposed Motions

Board of Finance:
"To approve and recommend to the City Council to authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office."

City Council:
"To authorize the Director of Aviation to execute a contract with ECI (Engineers Construction Inc) for the Mill & Overlay of Aviation Avenue and Eagle Drive in the amount of $94,000, with a contingency of 15% for a total of $108,100, subject to review and approval of the City Attorney's Office."

Thank you for your time and consideration.

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Eagle Drive Road Paving Memo

	Approval:	Meeting Date:
☒	Board of Finance	07/08/2024
☒	City Council	07/15/2024
☐	Concurrent	

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	06/25/2024	N. Longo
Mayor's Office informed and approved memo	Yes	07/03/2024	E. Jacobsen
Board/Commission, if required	Yes	07/02/2024	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	07/03/2024	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	07/03/2024	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

City of Burlington
Department of Public Works

Technical Services Engineering Division
645 Pine Street, Suite A
Burlington, VT 05402
P 802-863-9094 / F 802-863-0466 / TTY 802-863-0450
www.burlingtonvt.gov/DPW

Memo

Date: July 8, and 15, 2024

To: Board of Finance / City Council

From: Jackie Esperti, Division Director, Parking and Traffic

CC: Chapin Spencer, DPW Director

Subject: Impact Fees Budget Amendments

Request
The Department of Public Works ("DPW") seeks approval and authorization from the Board of Finance and City Council to a budget amendment (BA) for Traffic and Signals (Fund 264) as detailed below.

Background:
The Traffic Fund (Fund 264) has been allocated $120,000 in impact fee revenue for FY24, and subsequently budgeted an expense line with the same dollar amount. We are asking to amend the GL, as the funds were allocated to the incorrect ledger. The dollar amount will not change. DPW proposes to use the budgeted funds to improve efficiency, capacity and safety of up to 11 signalized intersections in the City. The new controllers, conflict monitors and video detection systems will enable the signalized intersections to operate more dynamically and thereby improve the efficiency, capacity and safety of the intersection for all modes of traffic (vehicular, pedestrian, bicycle, transit, etc.).

Impact Fees - $120,000 allotted

Coltran 332L-Controller Box	(1)	$13,000
Controllers	(11)	$51,381
Conflict Monitors	(10)	$12,500
Traffic Detection	(2)	$41,000

Total **$117,881** (estimated)

Proposed Intersection Upgrades Include:

- Shore Road & North Avenue: Coltran box, controller, conflict monitor and video detection
- Battery Street & Maple Street: Controller, conflict monitor and video detection
- Upgrades to various other intersections throughout the city based on the asset management condition assessment underway

We expect all work to be completed within 4 months of receiving all materials.

Conclusion:
These funds will be used to directly improve traffic flow at key intersections that are experiencing additional traffic due to development in the City. With the traffic detection technology, we will be able to directly measure the impact that these upgrades have in a quantifiable fashion.

Motions:

Board of Finance:

- To authorize, and recommend the City Council authorize, the Chief Administrative Officer to implement FY24 budget amendments, in substantial conformance with the attached Budget Amendment Request to reallocate $120,000 in traffic impact fee revenues (Fund 264).

City Council:

- To authorize the Chief Administrative Officer to implement FY24 budget amendments, in substantial conformance with the attached Budget Amendment Request to reallocate $120,000 in traffic impact fee revenues (Fund 264).

Should you have any questions or concerns regarding this matter, please do not hesitate to reach out to me directly.

Attachments:

1. Traffic and Signals Fund Budget amendment

CITY OF BURLINGTON, VT
BUDGET AMENDMENT REQUEST

Department: Traffic - 264

Requested By: Jackie Esperti **Date:** 6/27/24

Dept. Approval: **Date:** 6/27/24

CAO (up to $25k): **Date:**

Mayor ($25k-$50k): **Date:**

Briefly explain the reason for the amendment:

Impact fees, moving from incorrect GL to correct GL expense

BUDGET AMENDMENT DETAILS

Net Revenues = -

Net Expenses = -

Fund Balance = -

Org Set	GL #	Type	GL Description	Increase/ (Decrease)
264-19-200-454 .	9500	E	Capital Outlay	(120,000)
264-19-200-454 .	9500_200	E	Capital Outlay Impact Fees Exp	120,000

Board of Finance and City Council Submission Checklist

Department: DPW – Parking Submitter: Jackie Esperti

Title/Subject: Impact Fee Budget Amendment

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/27/2024	Chapin Spencer Approved
Mayor's Office informed and approved memo	Yes	7/3/2024	Joe Magee Approved.
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	6/28/2024	Erik Ramakrishnan Approved
CAO has reviewed budget, financing, and memo	Yes	7/1/2024	Katherine Schad Approved
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

City of Burlington Capital Program

MEMORANDUM

To: Board of Finance and City Council

Fr: Ashley Parker, Capital Program Director

Cc: Katherine Schad, CAO
Brian Pine, Director, CEDO
Joe Turner, City Assessor

Re: Approval for MuniCap, Inc., FY25-27 TIF District Administration Consultant Contract

Date: July 8, 2024 & July 15, 2024

Summary

The Clerk/Treasurer's (CT) Office seeks Board of Finance and City Council approval of a three-year contract not to exceed $60,000 a year with MuniCap, Inc. to continue supporting City Staff across Departments by providing administrative services for the City's two tax increment financing (TIF) districts.

MuniCap is a public finance consulting firm based in Columbia, Maryland, that specializes in the administrative and accounting aspects of public finance, specifically with TIF Districts, and has been working with the City on better management of the Downtown and Waterfront TIF Districts for the last two years. During the Waterfront TIF State Audit, the State Auditor's Office recommended that the City engage with MuniCap to develop and implement best practices for TIF District administration, and approval of this request will allow the City to continue this effort through the end of FY27, when a majority of the capital improvements in both Districts are projected to be completed.

Justification

MuniCap, Inc., has assisted with almost $8.0 billion in bonds, primarily with the use of TIF and provides services for over 300 public-private partnership development projects across the country. As a result, MuniCap is familiar with specific issues related to TIF. MuniCap's broad experience in many states has facilitated a thorough knowledge of public policy issues and the many various techniques and methodologies employed in public-private partnerships across the country. As a result of this experience, MuniCap is aware of national best practices and evolving trends.

In addition, MuniCap has been working for the City over the past two years, assisting City staff in developing best management practices for the administration of TIF, leading to better documentation and accounting of TIF projects and their expenses. This work has included the development of procedures for better tracking and documentation of project costs and increment calculation, the actual calculation of increment for both Districts, the review and compilation of bond requisitions to the City's Trustee, and support with documentation related to the City's Waterfront & Downtown TIF audits. This work has provided the City with better processes and

training for staff to administer the TIF Districts, and has given the State Auditor's Office confidence that the City is making progress on improving its administration of TIF.

In FY24, MuniCap continued to provide increment calculation support and review of capital improvement requisitions for both the Downtown and Waterfront Districts. They also assisted in the development of increment calculation procedures that have provided City staff with the framework for doing these calculations independently of MuniCap. Therefore, the FY25 scope of work proposed to MuniCap removes the increment calculation task, but maintains their administrative support in the review of capital improvement requisitions. The requisition review will be significant as the City Place Partners look to submit reimbursements for their work in the Waterfront District in FY25. MuniCap has reviewed the scope of work that covers both the Downtown and Waterfront TIF Districts, and has agreed to provide the identified services for an amount of $54,000 in FY25. This contract will allow the City to continue developing procedures that will strengthen the City's administration of TIF, while also ensuring proper project and accounting documentation is in place for future audits. The proposed scope of work also provides an option to add on increment services on an as-needed basis. The proposed contracts and all relevant documents are enclosed for your review.

Funding

MuniCap's services are considered to be eligible related costs per TIF statute, which also means they are eligible for reimbursement by TIF increment. The project expenses have been included in the FY25 Capital Budget for TIF Related Costs. As MuniCap's scope of work has tasks defined per TIF District (Downtown and Waterfront), the subsequent invoices will also be broken up to specify tasks covered each pay period for each District. All Downtown TIF District MuniCap invoices will be eligible for Downtown TIF increment; and all Waterfront TIF District MuniCap invoices will be eligible for Waterfront TIF increment.

Motions

For Board of Finance –

To approve and recommend that City Council approve and authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a three-year contract (FY25-27) not to exceed $60,000 per year, subject to review by the City Attorney's Office

For City Council –

To authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a three-year contract (FY25-27) not to exceed $60,000 per year, subject to review by the City Attorney's Office.

Encl: Draft Contract with MuniCap, Inc., including all contract documentation (i.e.: Proposed SOW and Consultant's Estimated Costs)

CITY OF BURLINGTON
DRAFT MUNICAP, INC
TIF ADMINISTRATION FY25-27
CONTRACTOR CONTRACT

This Contractor Contract ("Contract") is entered into by and between the City of Burlington, Vermont ("the City"), and MuniCap, Inc. ("Contractor"), a Maryland corporation located at 8965 Guilford Rd., Suite 210, Columbia, Maryland 21046, registered with the Secretary of State to do business in Vermont.

Contractor and the City agree to the terms and conditions of this Contract.

1. DEFINITIONS

The following terms shall be construed and interpreted as follows:

A. "Contract Documents" means all the documents identified in Section 7 of this Contract.

B. "Effective Date" means the date on which this Contract is approved and signed by the City, as shown on the signature page.

C. "Party" means the City or Contractor, and "Parties" means the City and Contractor.

D. "Project" means the Administrative support for the City of Burlington Downtown & Waterfront TIF Districts as further defined in the attached Scope of Services.

E. "Work" means the services described in Section 5 (Payment for Services) of this Contract, along with the specifications contained in the Contract Documents as defined in Section 4 (Scope of Work) below.

2. RECITALS

A. Authority. Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party's obligations have been duly authorized.

B. Consideration. The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Contract.

C. Purpose. The City seeks to employ the Contractor to provide administrative services to the City as further described in the scope of services detailed in Section 4.

3. EFFECTIVE DATE & TERM

A. Effective Date. This Contract shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Contract before the Effective Date and shall have no obligation to pay Contractor for any performance or expense incurred before the Effective Date or after the expiration or termination of this Contract.

B. Term. This Contract and the Parties' respective performance shall commence on the Effective Date and expire on June 30, 2027, or upon the satisfaction of the City, unless sooner terminated as provided herein. The Parties reserve the right to evaluate the need for services and update the scope of services pending agreement on any proposed changes by both Parties and that such agreement will be reached prior to the expiration of the term stated herein.

4. SCOPE OF WORK

For Fiscal Year 2025, Contractor shall perform the Scope of Work attached hereto as Attachment A and in accordance with the budget attached as Attachment B. In future fiscal years, the Scope of Work shall generally consist of the same or similar services, the specific scope and budget to be confirmed on an annual basis by letter from the City's Chief Administrative Officer or designee. All services shall be performed to the reasonable satisfaction of the Chief Administrative Officer or designee, and nothing herein shall be construed as a promise of any amount of work in any fiscal year.

5. PAYMENT FOR SERVICES

A. Amount. The City shall pay the Contractor for completion of the Work in accordance with hourly rates set forth in Attachment B (Contractor's Burlington SOW and Estimated Costs FY25).

Contractor agrees to accept this payment as full compensation for performance of all services and expenses incurred under this Agreement.

B. Payment Schedule. The City shall pay the Contractor in the manner and at such times as set forth in the Contract Documents. The City seeks to make payment within thirty days of receipt of an invoice and any backup documentation requested under subsection D (Invoice) below.

C. Maximum Limiting Amount. The total amount that may be paid to the Contractor for all services and expenses under this Contract shall not exceed the maximum limiting amount of $60,000.00 per year. The City shall not be liable to Contractor for any amount exceeding the maximum limiting amount without duly authorized written approval.

D. Invoice. Contractor shall submit one copy of each invoice, including rates and a detailed breakdown by task for each individual providing services, and backup documentation for any equipment or other expenses to the following:

City of Burlington, Vermont
Clerk Treasurer's Office
149 Church Street
Burlington, VT 05401
Attention: Ashley Parker, Capital Program Director
Email: aparker@burlingtonvt.gov

The City reserves the right to request supplemental information prior to payment. Contractor shall not be entitled to payment under this Contract without providing sufficient backup documentation satisfactory to the City.

6. SECTION & ATTACHMENT HEADINGS

The article and attachment headings throughout this Contract are for the convenience of City and Contractor and are not intended nor shall they be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

7. CONTRACT DOCUMENTS & ORDER OF PRECEDENT

A. Contract Documents. The Contract Documents are hereby adopted, incorporated by reference, and made part of this Contract. The intention of the Contract Documents is to establish the necessary terms, conditions, labor, materials, equipment, and other items necessary for the proper execution and completion of the Work to ensure the intended results.

The following documents constitute the Contract Documents:

Attachment A: Proposed Scope of Work to MuniCap FY25
Attachment B: Contractor's Burlington SOW and Estimated Costs FY25
Attachment C: Burlington Standard Contract Conditions for Contractors
Attachment D: Burlington Livable Wage Ordinance Certification
Attachment E: Burlington Outsourcing Ordinance Certification
Attachment F: Burlington Union Deterrence Ordinance Certification
Attachment G: Contractor's Certificate of Insurance & Endorsements
Attachment H: MuniCap MSRB Notices

B. Order of Precedent. To the extent a conflict or inconsistency exists between the Contract Documents, or provisions therein, then the Contract take precedent. Any Request for Proposals or other solicitation, Additional Contract Provisions, and the City Ordinance

Certifications shall prevail over any inconsistency with the Contractor's Scope of Work and Cost Proposal.

8. [Reserved]

— Signatures follow on the next page —

DRAFT

SIGNATURE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect. This Contract may be executed in counterparts, each of which may be deemed an original. This Contract may be executed electronically, and an electronic copy or other facsimile shall be treated as an original.

Contractor
MuniCap, Inc.

By: _____ **By:** _____

Date: _____ **Date:**_____

City of Burlington
Clerk/Treasurer's Office

By: _____
Katherine Schad
Chief Administrative Officer

Date: _____

DRAFT

Attachment A:
Proposed Scope of Work to MuniCap FY25-26

DRAFT

ATTACHMENT A

FY25 Proposed Scope of Work to MuniCap – Dated: May 2024

Burlington Downtown TIF District:

- Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.
  - To include: Cost Procedures (Related & Construction); Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing); Creation of TIF Parcel Value Reports & Certifications
- Assistance in review and compiling of City generated invoice requisitions associated with related costs and construction costs.
  - Assist in reconciliation of invoices and payments against contracts, POs, accounts receivable journals, accounts payable, and trustee bond statements.
  - Confirm compliance with relevant bond documents and applicable Vermont TIF law.
  - Assist in the review and reconciliation of bond transactions.
- Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment.

Burlington Waterfront TIF District:

- Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.
  - To include: Cost Procedures (Related & Construction); Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing); Creation of TIF Parcel Value Reports & Certifications
- Assistance in the review of documentation submitted by the City Place Partners as required by the ARDA and for reimbursement by TIF District funds.
  - Coordinate responses related to cost eligibility to the developer with City staff, including requests for additional or supplemental documentation.
  - Set up filing system to compile all necessary documentation for future audits.
  - Provide recommendations to City staff regarding any eligibility questions that arise as part of this task.
- Assistance in review and compiling of City generated invoice requisitions associated with related costs and construction costs.
  - Assist in reconciliation of invoices and payments against contracts, POs, accounts receivable journals, accounts payable, and trustee bond statements.
  - Confirm compliance with relevant bond documents and applicable Vermont TIF law.
  - Assist in the review and reconciliation of bond transactions.
- Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment.

Optional Items (as needed):

These items are not included in final SOW and cost estimate provided by MuniCap, including the final agreement covering FY2025-2026. Any additional item will require an amendment to the FY2025-2026 agreement, to include cost estimates for any new task.

- Support the City Assessor with tasks associated with the calculation of tax increment revenues:
  - Estimate and reconcile tax increment revenues (including tracking of municipal and education tax increment over time).
  - Coordinate with the City's Assessor to review and confirm valid parcel report for coming fiscal year.
  - Provide support to the City when submitting calculation reports to outside entities, like VEPC, the State Auditor's Office, or Marcum, the City's auditing team.
  - Confirm parcel information included in the City's Parcel Value Reports for both Districts annually.
- Cash Flow Verification Reports
  - Identify and track annual expenses of the Districts, including: debt service, administrative expenses, and provision for delinquencies.
  - Prepare year-end reconciliation to determine surplus tax increment revenues, interest earnings, and other credits.
  - Determine if the tax increment revenues and other credits are sufficient to cover the annual expenses for the upcoming year.
  - Prepare a report detailing these calculations and certifying the cash flows for the year.

Attachment B:
Contractor's Burlington SOW and Estimated Costs FY25-26

DRAFT

ATTACHMENT A		
Proposed Scope of Work to MuniCap – May 2024		
		Estimated FY25
Burlington Downtown TIF District:		**Annual Cost**
* Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.	$	3,000.00
- To include: Cost Procedures (Related & Construction); Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing); Creation of TIF Parcel Value Reports & Certifications		
* Assistance in review and compiling of City generated invoice requisitions associated with related costs and construction costs.	$	10,000.00
- Assist in reconciliation of invoices and payments against contracts, POs, accounts receivable journals, accounts payable, and trustee bond statements.		
- Confirm compliance with relevant bond documents and applicable Vermont TIF law.		
- Assist in the review and reconciliation of bond transactions.		
* Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment.	$	8,000.00
	$	**21,000.00**
Burlington Waterfront TIF District:		
* Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.	$	3,000.00
- To include: Cost Procedures (Related & Construction); Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing); Creation of TIF Parcel Value Reports & Certifications		
* Assistance in the review of documentation submitted by the City Place Partners as required by the ARDA and for reimbursement	$	5,000.00
- Coordinate responses related to cost eligibility to the developer with City staff, including requests for additional or supplemental documentation.		
- Set up filing system to compile all necessary documentation for future audits.		
- Provide recommendations to City staff regarding any eligibility questions that arise as part of this task.		
* Assistance in review and compiling of City generated invoice requisitions associated with related costs and construction costs.	$	17,500.00
- Assist in reconciliation of invoices and payments against contracts, POs, accounts receivable journals, accounts payable, and trustee bond statements.		
- Confirm compliance with relevant bond documents and applicable Vermont TIF law.		
- Assist in the review and reconciliation of bond transactions.		
* Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment.	$	7,500.00
	$	**33,000.00**
Optional Items (as needed):		
These items are not included in final SOW and cost estimate provided by MuniCap, including the final agreement covering FY2025-2026.		
Any additional item will require an amendment to the FY2025-2026 agreement, to include cost estimates for any new task.		
* Support the City Assessor with tasks associated with the calculation of tax increment revenues:		
- Estimate and reconcile tax increment revenues (including tracking of municipal and education tax increment over time).		
- Coordinate with the City's Assessor to review and confirm valid parcel report for coming fiscal year.		
- Provide support to the City when submitting calculation reports to outside entities, like VEPC, the State Auditor's Office, or Marcum, the City's auditing team.		
- Confirm parcel information included in the City's Parcel Value Reports for both Districts annually.		
* Cash Flow Verification Reports		
- Identify and track annual expenses of the Districts, including: debt service, administrative expenses, and provision for delinquencies.		
- Prepare year-end reconciliation to determine surplus tax increment revenues, interest earnings, and other credits.		
- Determine if the tax increment revenues and other credits are sufficient to cover the annual expenses for the upcoming year.		
- Prepare a report detailing these calculations and certifying the cash flows for the year.		

Attachment C:
Burlington Standard Contract Conditions For Contractors

DRAFT

Attachment C-1
Insurance & Indemnification

INSURANCE: Prior to beginning any work, the Contractor shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont and having an A.M. Best insurance rating of at least A-, financial size category VII or greater (www.ambest.com). The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required.

The Contractor is responsible to verify and confirm in writing to the City that: (i) all subcontractors must comply with the same insurance requirements as the Contractor; (ii) all work activities related to the Contract shall meet minimum coverage and limits; and (iii) all coverage shall include adequate protection for activities involving hazardous materials.

No warranty is made that the coverage and limits listed herein are adequate to cover and protect the interests of the Contractor for the Contractor's operations. These are solely minimums that have been developed and must be met to protect the interests of the City.

A. Commercial General Liability: With respect to all operations performed by the Contractor, subcontractors, agents or workers, it is the Contractor's responsibility to ensure that commercial general liability insurance coverage, covering bodily injury and property damage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

1. Premises Operations
2. Independent Contractors' Protective
3. Products and Completed Operations
4. Personal Injury Liability
5. Medical Expenses

Coverage limits shall not be less than:

1.	General Aggregate	$2,000,000
2.	Products-Completed/Operations	$2,000,000
3.	Personal & Advertising Injury	$1,000,000
4.	Each Occurrence	$1,000,000
5.	Damage to Rented Premises	$ 250,000
6.	Med. Expense (Any one person)	$ 5,000

B. Workers' Compensation/Employer Liability: With respect to all operations performed, the Contractor shall carry workers' compensation insurance in accordance with the laws of the State of Vermont and ensure that all subcontractors carry the same workers' compensation insurance for all work performed by them under this contract. Minimum limits for

Employer's Liability:

1. Bodily Injury by Accident: $500,000 each accident

2. Bodily Injury by Disease: $500,000 policy limit,
$500,000 each employee

For contracts involving work of any kind or nature on Lake Champlain, Workers' Compensation/Employer's Liability policy shall include a Maritime Endorsement (USL&H).

C. Automobile Liability: The Contractor shall carry commercial automobile liability insurance covering all motor vehicles, including owned, non-owned and hired, used in connection with the Contract. Each policy shall provide coverage with a limit not less than: $1,000,000 - Combined Single Limit for each occurrence.

D. Professional Liability/Errors & Omissions:

1. General: The Contractor shall carry appropriate professional liability insurance covering errors and omissions made during their performance of contractual duties with the following minimum limits:

   (a) $2,000,000 - Annual Aggregate/Policy Limit

   (b) $1,000,000 - Per Claim/Occurrence

2. Deductibles: The Contractor is responsible for any and all deductibles.

3. Coverage: The Contractor shall maintain continuous professional liability coverage for the period of the Contract and for a period of five years following substantial completion of construction.

E. Special Coverages

a. Cyber liability, including privacy liability: $1,000,000

F. Umbrella/Excess Liability:

1. $1,000,000 Each Event Limit
2. $1,000,000 General Aggregate Limit
3. Umbrella/Excess Liability is excess above Commercial General Liability, Automobile Liability, and Workers' Compensation/Employer Liability.

All policies shall be endorsed to provide the City thirty (30) days' notice of cancellation. Each policy (except workers compensation/employers' liability and errors & omissions/professional liability) shall be endorsed to name the City and its officers, employees, agents, successors, and

assigns as additional insureds on a primary, non-contributory basis. Each policy (except errors & omissions/professional liability) shall be endorsed to waive subrogation against the City.

INDEMNIFICATION: Contractor shall hold harmless, indemnify, and defend the City and its officers, employees, agents, successors, and assigns (collectively, the "Indemnitees") from and against all claims, causes of action, lawsuits, damages, liabilities, liens, penalties, fines, and costs (including attorneys' fees and costs) of every kind and nature whatsoever (collectively, "Claims") arising from or relating to this Contract or Contractor's operations hereunder, excepting any Claims arising from the City's own gross negligence or willful misconduct. Contractor's indemnification and defense obligations shall survive termination of this Contract, and Contractor shall ensure that any subcontract for work under this Contract requires the subcontractor to satisfy the same indemnification and defense obligations in favor of the Indemnitees.

Attachment D:
Burlington Livable Wage Ordinance Certification

DRAFT

Certification of Agreement to Comply with the City of Burlington's Livable Wage Ordinance

I, _____, on behalf of _____ ("the Contractor"), in connection with a contract for _____

services to be provided to the City of Burlington ("the City"), hereby certify, under oath, that the Contractor (and any of its subcontractors or subgrantees under this contract) shall comply with the City's Livable Wage Ordinance ("LWO"), B.C.O. 21-80 et seq., and that:

(1) The Contractor shall pay all "covered employees" as defined by the LWO (including covered employees of subcontractors or subgrantees) a livable wage (as determined, or adjusted, annually by the City's chief administrative officer), and shall provide required paid time off for the term of the contract *(or the duration of the contracted project)*;
   (a) Full-time employees are entitled to 12 days of paid time off per year; and
   (b) Part-time employees are entitled to 12 days of paid time off per year on a prorated basis;
   (c) For a covered employer that provides employer assisted health care, the livable wage shall be at least $17.96 per hour; and
   (d) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least $19.15 per hour.

(2) The Contractor shall post a notice regarding the applicability of the LWO in the workplace or in other locations where covered employees normally work, and where such notice can be readily seen;

(3) Upon request of the City's chief administrative officer, the Contractor, for itself and, as applicable, for any of its subcontractors or subgrantees, shall provide payroll records, health insurance enrollment records, and other relevant documentation, as deemed necessary by the chief administrative officer, within ten (10) business days from receipt of the City's request;

(4) The Contractor shall cooperate in any investigation conducted pursuant to the LWO by the City's designated accountability monitors or the City's Office of City Attorney & Corporate Counsel;

(5) The Contractor shall not retaliate, nor allow any of its subcontractors or subgrantees to retaliate, against an employee or other person because such employee or person has exercised rights or is planning to exercise rights protected under the LWO, or has cooperated in an investigation conducted pursuant to the LWO;

(6) The Contractor is required to insert in all subcontracts the requirements of the LWO. The Contractor is liable for violations of the LWO committed by its covered subcontractors.

Date: _____ By: _____

Contractor, or its duly authorized agent

Subscribed and sworn to before me:

Date: _____ _____

Notary Public

Attachment E:
Burlington Outsourcing Ordinance Certification

DRAFT

Certification of Compliance with the City of Burlington's Outsourcing Ordinance

I, _____, on behalf of

_____ (Contractor) and in connection with the

_____

_____[project], hereby certify under oath that (1) Contractor shall comply with the City of Burlington's Outsourcing Ordinance (Ordinance §§ 21-90 – 21-93); (2) as a condition of entering into this contract or grant, Contractor confirms that the services provided under the above-referenced contract will be performed in the United States or Canada.

Dated at _____, Vermont this ____ day of _____, 20__.

By:_____
Duly Authorized Agent

Subscribed and sworn to before me: _____
Notary

Attachment F:
Burlington Union Deterrence Ordinance Certification

DRAFT

Certification of Compliance with the City of Burlington's
Union Deterrence Ordinance

I, _____, on behalf of _____ (Contractor) and in connection with _____ (City contract/project/grant), hereby certify under oath that _____ (Contractor) has not advised the conduct of any illegal activity, and it does not currently, nor will it over the life of the contract advertise or provide union deterrence services in violation of the City's union deterrence ordinance.

Dated at _____, Vermont this ____ day of _____, 20__.

By:_____
Duly Authorized Agent

Attachment G:
Contractor's Certificate of Insurance & Endorsements

DRAFT

Attachment H:
MuniCap MSRB Notices

DRAFT

MuniCap MSRB Notices

Consultant is registered as a "municipal advisor" under Section 15B of the Securities Exchange Act of 1934 and rules and regulations adopted by the Securities Exchange Commission (the "SEC") and the Municipal Securities Rulemaking Board (the "MSRB"). Pursuant to MSRB Rule G-10, Consultant (MuniCap, Inc.) is required to provide Client with the following information.

Consultant has determined, after exercising reasonable diligence, that it has no known material conflicts of interest that would impair its ability to provide advice to Client in accordance with its fiduciary duty to municipal-entity clients and the standard of care required by MSRB Rule G-42(a)(i) concerning obligated person clients. To the extent any material conflicts of interest arise after the date of this agreement, Consultant will provide information concerning any material conflicts of interest in the form of a written supplement to this agreement.

As part of this registration, the Consultant is required to disclose any legal or disciplinary event that is material to the client's evaluation of the Consultant or the integrity of its management or advisory personnel. The Consultant has determined that no such event exists.

Copies of Consultant filings with the SEC are available via the SEC's EDGAR system by searching "Company Filings," which is available via the Internet at: https://www.sec.gov/edgar/searchedgar/companysearch.html. Search for "MuniCap" or for Consultant's CIK number, which is 0001614774.

The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

Board of Finance and City Council Submission Checklist

Department: CT Office Submitter: Ashley Parker

Title/Subject: Multi-Year Contract with MuniCap, Inc. for TIF Administration Services (FY25-27)

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/1/2024	Katherine Schad
Mayor's Office informed and approved memo	Yes	7/2/2024	Erin Jacobsen
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/1/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/1/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/1/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Proposed Contract Documentation
Draft Resolution or Motion?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

BURLINGTON
PARKS
CEMETERIES

Cemetery Superintendent/BPRW Director: Cindi Wight
Cemetery Commission Chair: Jennifer Diaz
Vice Chair: Alexandra Millar

To: City Council

From: Cemetery Commission

Re: Annual Report for 2023-24

Date:

Overview of Commission

See Appendix A for the list of Commissioners, meetings, and attendance records.

Topics Discussed and Outcomes

1. **Topic –** Expanding the Muslim Section.

   Outcome – Discussion surrounded the specific requirements for Muslim burials, why and how they differ from standard western burials, and the steps being taken to provide more space for this specific religious group. Green burials were also touched on as Muslim burial practice does come very close to what in western parlance is considered "green."

2. **Topic –** GIS Section Mapping

   Outcome – Working foreman Paul Morris has dedicated a large amount of his time to improving cemetery maps using GIS. He has worked on the Muslim section, areas of section 3 and single section 1, and he recently completed mapping section 5. Office Assistant Holli Bushnell shared that these maps not only accurately show the location of all the graves in the section, it's able to show different layers, including occupied/unoccupied, lot ownership, and the kinds of monuments allowed in the lots. This will be tremendously helpful for staff in terms of future lot sales and grounds staff in terms of locating existing lots for burials

3. **Topic –** Lakeview Section Signage

   Outcome -- Cindi Wight shared the final image of the new sign for the entrance of Lakeview cemetery. The new sign will match other BPRW signage, indicating that Lakeview is part of the parks system. Mary Wesley asked if Greenmount and/or Elmwood will also be getting new signs, and Wight Page 2 of 4 confirmed that Elmwood is also scheduled to get new signs. Greenmount has an historic sign which is in good condition and does not need a replacement. Elmwood will receive new signs on both the Elmwood Ave and North Street entrances.

4. **Topic –** Perpetual Care Fund Interest Usage

Outcome -- The cemetery commission approved the use of $20,000 with the option of adding an additional $5000 approved if needed for seasonal staff.

5. **Topic – Presentation for PACC**

   Outcome – Holli Bushnell prepared and presented a history and current state of operations of the three city cemeteries for the Parks, Arts, and Culture Committee. Commission members commented on her presentation and provided feedback of additional information that could be included.

Ongoing Work FY24 to FY25

1. RFP for Section 8 development in the works, the commission is monitoring development process.
2. Continued exploration around the topic of Green Burial and the possible future implementation.
3. At a point to be determined in the future the commission would like to hold a retreat, using a facilitator to discuss roles and hold space for ideas.
4. Development of a volunteer program that coordinates with local non-profit groups
5. Ongoing efforts to address climate change and conserve native habitat and biodiversity through the grow wild partnership and native pollinator gardens amongst others

Jennifer Diaz, Chair

Martha Dallas

Nancy Kirby

Alexandra Millar

Mary Wesley

Appendix A

CEMETERY COMMISSION MEETING ATTENDANCE RECORD JULY 2023 – JUNE 2024

Date	Commissioners Present
July	No Meeting
August	No Meeting
September	No Meeting
October 19	Dallas, Diaz, Kirby, Millar, and Wesley
November	No Meeting
December	No Meeting
January 18, 2024	Dallas, Diaz, Millar, and Wesley; Kirby not present
February	No Meeting
March	No Meeting
April 18	Dallas, Kirby, Millar, and Wesley; Diaz not present
May 16	Dallas, Diaz, Millar, Wesley; Kirby not present
June 20	Dallas, Diaz, Kirby, Millar, Wesley

BURLINGTON
PARKS
RECREATION
WATERFRONT

To: City Council

From: Parks, Recreation and Waterfront Commission

Re: Annual Report for 2023-24

Date: June 3, 2024

Overview of Commission

See Appendix A for the list of Commissioners, meetings, and attendance records.

Mission and Vision of Parks Commission

To support and move forward the BPRW department mission and be the liaison between the City and the public

Issues/Projects Discussed and Outcomes

1. **Issue –** Trouble with conflict and decorum at meetings.

   Outcome – Developed, passed and implemented a decorum agreement for all members of the Commission.

2. **Issue –** Dog Task Force Recommendations Off-leash Dog Areas

   Outcome: The Dog Task Force recommendation to create unfenced off-leash dog areas was referred by the City Council to the Parks Commission. The Commission will form a subcommittee and make a recommendation to the Council in September.

3. **Project –** Playgrounds For All Forever

   Outcome -- Wrote and passed an MOU supporting the work of the Parks Foundation to raise money for accessible playgrounds

4. **Project –** Syringes in Parks

   Outcome -- Vice Chair Lee Morrigan conducted a period of public engagement beginning in June 2023 to seek solutions. With community input, they identified a syringe redemption program that would pay people to return their used syringes. Morrigan submitted a proposal from Addiction Response Resources (ARR), to Mayor Weinberger's office to establish a three-day pilot program of the CSRP, fully funded by ARR (see attached). This proposal was forwarded to the City Attorney's office to be vetted, where it has remained since September 2023.

If this proposal is vetted by the City Attorney's office, it will be presented to the full Parks Commission for discussion and possible recommendation to the City Council.

To continue to work on the issue of syringes in parks and public spaces, the commission may continue to explore additional methods of addressing this problem.

5. **Project – Conservation Legacy Fund**

   The Department brought several items related to the Conservation Legacy Fund to the Commission.

   A. Change the allocation of Conservation Legacy Funds to increase the percentage of money going towards nature-based climate solutions by reducing the acquisition percentage. With the full funding of the CLF, while the percentage went down for acquisition there is still more funds available annually for acquisition than previously. The administration split continues at 30%, nature-based climate solutions stewardship at 30%, and 40% acquisition.

   B. A new grant for conservation stewardship programs based on the above change.

   C. Approval of funds for an improved entrance from Burlington Greenway to the newly acquired Elks/Longe Meadow within Arms Forest

   D. Approval of funds to support an updated Open Space Plan

   Outcome – The Commission approved the change in funding allocation and all the funding requests. Robert Etter and Aaron Keech served on a subcommittee for the new grant program and the Commission approved the subcommittee's recommendations for funding.

6. **Park Area Naming – Elks/Longe Meadow**

   In appreciation for the generous $150,000 donation to the Elks from Irene & Rosaire Long, which resulted in the donation of 11 acres of land, the Parks Commission supported naming the meadow within the parcel, the Elks/Longe Meadow.

7. **Policies – Memorials in Parks**

   a. **New policy**

      Staff suggested a new policy to follow when someone requests a memorial or plaque placement in a park. The policy requires that the Parks Commission approve all requests.

      Outcome - The Commission approved the new policy.

   b. **First request**

      Staff presented the first request to the Commission for an addition of a plaque at Waterfront Park inside one of the gardens, recognizing the contributions of Ernie Pomerleau to the department through decades of fireworks support, the support of scholarships and the Pomerleau Holiday Party.

      Outcome – The Commission approved the placement of a new plaque at Waterfront Park

8. **Annual Financial approvals**
    a. Fee Updates for marina slips, parking fees, park permits & rentals
    b. Penny for Parks community requests
        i. Roller skating area - $25,000
        ii. Swing and swinging benches at Schmanska Park - $5,000
    c. Penny for Parks FY25 budget

    Outcome: The Commission supported various fee increases for park permits & rentals, parking and marina slips per City ordinance and Penny for Park projects per ordinance and city resolution.

9. **Presentations**
    a. BPRW – Recreation Division (three separate meetings)
        i. General division update
        ii. Data on recreation programs
        iii. Events and associated budgets
    b. Leddy Park Comp Plan
    c. Playgrounds in Parks project (summer 2023 intern project)
    d. Waterfront update
    e. Parks Foundation – Playgrounds For All campaign
    f. FY25 Budgets
10. **Monthly updates**
    a. Dog Task Force & Parks Foundation
    Chair, Abbey Duke served on the Dog Task Force and is a liaison with the Parks Foundation. Abbey would update the Commission on both at each monthly meeting.

Challenges/Difficulties and Best Approach to Resolve

Challenge – How do we best serve the needs of the public and leverage Commissioners' efforts?

Best Approach to Resolve – Hold a strategy retreat to discuss how we can be the most effective.

Challenge – How do we get more public feedback?

Best Approach to Resolve – Try out new techniques, including neighborhood canvassing ahead of public information meetings, such as the one for Roosevelt Park in May.

Ongoing Work FY24 to FY25

1. Increase public engagement and help Department staff with public outreach.
2. Help improve safety and comfort in parks so all members of the public feel safe and welcome (including graffiti, syringes, camping ,off-leash dogs and more)

3. Help department staff identify ways to bring in more revenue while improving equity
4. Help increase accessibility and equity in parks and recreation programs.
5. Help manage funds in Penny for Parks and the Conservation Legacy Fund.
6. Review permit requests.
7. Report to City Council in September with implementation recommendations concerning the development of new off-leash dog areas as recommended by the Dog Task Force.

Volunteer Hours

The Commission contributed 177 hours in total from June 2023 – May 2024 in their work as Commission members through meeting attendance, listening to community members, supporting events and helping to beautify parks.

Abigail Duke (May 16, 2024 06:13 EDT)

Abbey Duke, Chair

Nate Lantieri
Nate Lantieri (Jun 5, 2024 09:26 EDT)

Nathan Lantieri

Harley Johnson
Harley Johnson (May 31, 2024 12:44 EDT)

Harley Johnson

Aaron Keech

Lee Morrigan (May 15, 2024 21:15 EDT)

Lee Morrigan

*Ryan Bergmann

Robert Etter
Robert Etter (May 23, 2024 20:53 EDT)

Robert Etter

*Ryan Bergmann joined the Commission at the November 14, 2023 meeting, filling the position vacated by Jason Wiseberg.

Appendix A

PARKS AND RECREATION COMMISSION MEETING
ATTENDANCE RECORD JULY 2023 – JUNE 2024

Date	**Commissioners Present**
July	No Meeting
August 8	Duke, Etter, Johnson, Keech, Lantieri, Morrigan and Wiseberg
September 12	Duke, Etter, Johnson and Morrigan
October 10	Duke, Etter, Johnson, Keech and Morrigan
November 14	Bergmann, Duke, Etter, Lantieri and Morrigan
December 12	Bergmann, Duke, Johnson, Keech, Lantieri and Morrigan
January 9, 2024	Bergmann, Duke, Etter, Johnson, Keech, Lantieri and Morrigan
February 13	Bergmann, Duke, Johnson, Lantieri and Morrigan
March 12	Duke, Etter, Johnson, Lantieri and Morrigan
April 9	Bergmann, Duke, Johnson, Keech, Lantieri and Morrigan
May 14	Bergmann, Duke, Etter, Johnson, Lantieri and Morrigan
June 11	Submitted before June meeting

Community Syringe Redemption Program
AN INITIATIVE OF ADDICTION RESPONSE RESOURCES

10 September 2023

Dear Lee,

Thank you for the opportunity to share information about our Community Syringe Redemption Program (CSRP) with you and other community leaders in Burlington, Vermont. It has been a pleasure getting to know you over the last several weeks and hearing about Burlington's various efforts to address substance use in the region.

As you may know, since our program began in Boston in 2020, we have expanded to three locations, enrolled 3,334 participants, and collected nearly 4 million syringes — an average of more than 5,000 syringes per day. Despite COVID-19 and the increase of fentanyl on the street, our program has been credited as largely responsible for a 50% decrease in 311 service calls related to syringe clean up citywide since 2020.

Especially after speaking with you, we believe the CSRP would provide much-needed support to the City of Burlington as you work to address syringe litter and related concerns. As such, we'd like to offer a **3-day pilot program**, **free of cost,** which will provide us with an opportunity to meet various stakeholders, learn more about local needs, and demonstrate our program's potential impact in Burlington.

The pilot program would be operated out of one of our purpose-built vans, which would be parked in an appropriate location, based on local input and preferences.

Proposed pilot program operating times:

Monday, Sept 18th: Area visit and stakeholder meeting 8am-9:30am | Pilot operating 10am-12pm
Tuesday, Sept 19th: Pilot operating 6am-9:30am
Wednesday, Sept 20th: Pilot operating 6am-9:30am | Participant interviews 8am-9am

Individuals who wish to participate will sign a waiver that lists the City of Burlington and other requested entities as parties released of liability. Participants will then be able to redeem up to 50 syringes at a rate of 20 cents per syringe ($10 maximum per person). Sharps containers and guidance on safe syringe collection will also be provided.

In addition to collecting real-time data on the number of syringes collected, we will also conduct a small number of participant interviews to gain perspective and feedback on the program.

During our site visit, we are also able to meet with key stakeholders and City partners to present our program, answer questions, and discuss the program's potential application in Burlington.

As you know, we have offered to waive both the service fee and cost of redemptions so the pilot can be conducted at no cost. After seeing the program's impact on syringe litter, we hope you'll consider contracting our services, which we would be happy to discuss further.

Please confirm at your earliest convenience if we have the "greenlight" to offer the proposed 3-day pilot during the proposed dates, with the understanding that we will need appropriate permissions to park the program vehicle at the pilot site.

We appreciate your consideration and look forward to hearing from you soon.

With gratitude,

Allie Hunter & Josh DeLisle
Addiction Response Resources
addictionresponse.com/csrp

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GOVERNME

Lawsuit backed by conservative group challenges noncitizen voting in Burlington

Restoring Integrity and Trust in Elections was launched by prominent Republicans, including former U.S. Attorney General William Barr and political consultant Karl Rove.

By Corey McDonald
June 18, 2024, 5:42 pm

Burlington City Hall on Feb. 19, 2019. Photo by Glenn Russell/VTDigger

Two Burling of
Burlington s.

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The nonpro ay in
Chittenden Burlington
residents wh citizens,"
according to a press release issued by the group.

Local voters **approved Burlington's charter change** in 2023, and the Vermont Legislature **overrode a veto** by Republican Gov. Phil Scott to enact it several months later. It allows noncitizen, legal residents — green card holders, residents with eligible work permits, or Deferred Action for Childhood Arrivals recipients, for example — the right to vote in local government and school elections.

The lawsuit claims that allowing noncitizens to vote violates Section 42 of the Vermont Constitution, which, the plaintiffs argue, establishes United States citizenship as a requirement for voting on "freemen" issues. The plaintiffs are seeking an injunction to stop the city "from implementing the invalid voting scheme" and registering noncitizens to vote.

"Activists are working overtime to undermine democracy in Vermont by extending the right to vote to noncitizens," Derek Lyons, RITE's president, said in the press release. "The non-citizen voting movement achieves the left's goal of legalizing foreign interference in American elections. It threatens the rule of law and must be stopped before it further infects Vermont and other states in this country."

A spokesperson for Burlington Mayor Emma Mulvaney-Stanak said the city could not immediately respond to a request for comment Tuesday afternoon.

Although noncitizen voting is not allowed in federal elections, municipalities in several states — Vermont, Maryland and California — as well as the District of Columbia have voted to allow it in local elections, according to **Ballotpedia**. Seven states prohibit the practice.

Two years before Burlington approved its measure, Winooski and Montpelier passed similar charter changes.

The nationa ver the issue in 202 out the lawsuits we

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In January 2 ivil court decision to

The state's highest court **ruled** that the city's charter provision did not violate the state's constitution because Section 42's requirement that a person must be a U.S. citizen in order to be considered "a voter of this state" applies only to statewide elections, and not to local elections in all cases.

Winooski was sued **a second time** by the Vermont Republican Party and its national counterpart in March 2023 — although that suit was also thrown out by a superior court judge.

In each case, Brady Toensing, a former vice chair of the state GOP who served in former President Donald Trump's Department of Justice, argued that voting on local school budgets brought a different set of considerations to bear because Vermont's education system is funded through a broader statewide fund.

Toensing, who authored the latest lawsuit against Burlington, offered the same argument.

"The charter amendment authorizes noncitizen voting in these elections, even though school budget issues clearly have statewide implications and are thus reserved for United States citizens alone," he wrote.

RITE was first launched in July 2022 by prominent Republican figures, including Karl Rove and former U.S. Attorney General William Barr, to defend state legislatures' right to set election laws, according to **reporting from Reuters**.

Clarification: This story was updated to clarify language around the lawsuit's argument.

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AFP Vermont Launches Significant Mail, Digital Campaign Urging Lawmakers to Oppose Act 18 (the Clean Heat Standard)

Jun 17, 2024 By AFP

Montpelier, VT – This week, Americans for Prosperity (AFP) launched a major five part mail and digital campaign urging lawmakers to oppose Act 18, an anti natural gas bill that will harm Vermonters and raise energy costs if enacted.

AFP's mail and digital ad campaign will run throughout the summer urging constituents to call on their lawmakers to oppose the implementation of Act 18 and defeat the bill once and for all.

AFP Regional Director Ross Connolly released the following statement:

"Bidenomics has already created a reality where many Americans are struggling to make ends meet due to the high costs of goods, gas, and groceries. Vermonters are facing record high utility costs and will face even higher rate hikes if Act 18 is enacted due to burdensome regulations and increased taxes just to heat your home.

The first round of the campaign launched Tuesday, May 28th, and will run throughout the summer.

Background:

In 2022, the Vermont legislature passed S.5, known as the "clean heat standard." This policy puts restrictions on the use of natural gas, a tax on home heating oil, and implements top down mandates which will harm Vermonters, especially the least fortunate.

Governor Phil Scott vetoed S.5 but it was overridden by a single vote in the Senate to become law. In the process to override the veto they had to include a 2-year review period by the Public Utilities Commission. After the review the legislature will have to vote again in January 2025 to decide whether to implement the law or not.

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(https://riteusa.org)

RITE SUES TO STOP NONCITIZEN VOTING IN VERMONT'S LARGEST CITY

June 18, 2024

RITE Supports Burlington Citizens to Ensure the Rule of Law in Green Mountain State Elections

BURLINGTON, VT – In a new lawsuit filed today, RITE is supporting two concerned citizens who are being denied their right to live in a state governed by its citizens because Burlington has allowed non-citizens to participate in its elections. As a result, non-citizens now have the power to affect financial decisions that have implications for all Vermont taxpayers.

> "Activists are working overtime to undermine democracy in Vermont by extending the right to vote to noncitizens. This anti-democratic agenda is progressing at an alarming pace. It began in two small towns and has now reached Burlington, Vermont's largest city. Non-citizen voting violates citizens' inherent right to direct how their communities are governed. This is simple. U.S. jurisdictions should be governed by U.S. citizens. The non-citizen voting movement achieves the left's goal of legalizing foreign interference in American elections. It threatens the rule of law and must be stopped before it further infects Vermont and other states in this country. RITE is supporting this lawsuit to enforce the constitutionally protected rights of citizenship."
>
> *– Derek Lyons, President of RITE*

As noted in its argument to the court, RITE is filing this new case against the City of Burlington because the Vermont Supreme Court previously noted that "[a]vote municipal in name, but traditionally the province of 'freemen' in substance, could not avoid the requirements of" citizenship.

CLICK HERE (https://riteusa.org/wp-content/uploads/2024/06/Complaint-Morin-v.-BTV-06.18.2024-FINAL-FILE-STAMPED.pdf)to review a copy of the lawsuit.

← (https://riteusa.org/activists-retreat-in-vet-voœdata-by-leftwing-non-profits-in-north-carolina/)

Receive RITE news and updates directly to your inbox.

Name

Phone

Email

SIGN UP

Restoring Integrity and Trust in Elections

Contact Us

Phone: (571) 775-1682(tel:571-775-1682)
Email: info@riteusa.org(mailto:info@riteusa.org)

@Restoring_USA
(https://twitter.com/Restoring_USA)

For press inquiries, please contact: press@riteusa.org (mailto:Press@riteusa.org)

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FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, June 25, 2024 1:58 PM
To: kkimball@diovermont.org; lsmith@bsdvt.org; dmarshall@cea-vt.com; chris@lclt.org; nrb.act250agenda@vermont.gov; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; joe.buford@usda.gov; info@winooskinrcd.org; john.gobeille@vermont.gov; andrew.wood@vermont.gov; josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com; pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: 4C0419-5A Minor Notice - Burlington School District/Trustees of the Diocese of Vermont, Inc.- COS - Proposed LUP
Attachments: Minor_Notice 4C0419-5A.pdf; Permit_Draft 4C0419-5A.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Attached is Act 250 Minor Notice 4C0419-5A - Burlington School District/Trustees of the Diocese of Vermont, Inc. - COS - Proposed LUP.

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Christine Commo *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
https://nrb.vermont.gov

FOR INFORMATION ONLY

Lori Olberg

From: Chittenden County Regional Planning Commission <evaughn-ccrpcvt.org@shared1.ccsend.com>
Sent: Friday, June 28, 2024 1:07 PM
To: Lori Olberg
Subject: June Newsletter

For assistance with this email, please contact the City Clerk's Office.

You don't often get email from evaughn-ccrpcvt.org@shared1.ccsend.com. Learn why this is important

[WARNING]: This email was sent from someone outside of the City of Burlington.

Regional Notes | June 2024

Good afternoon,

Last week, CCRPC hosted its annual meeting in Winooski, which served as an opportunity to gather with our Board and committees, municipal leaders, partner organizations, legislators and more to connect about the previous fiscal year, the end of the legislative session, and the fiscal year ahead. We also had the opportunity to celebrate Pam Brangan, CCRPC's GIS Data and IT Manager, and her retirement after 25 years with CCRPC.

Thank you to Senator Kesha Ram Hinsdale, who attended the annual meeting and addressed last week's legislative veto session, including providing an overview of **H.687** -- a bill including major Act 250 reform, which is now law. This new legislation aims to balance housing growth and environmental conservation by relaxing Act 250's requirements in existing settlement areas to promote housing construction amidst Vermont's housing crisis. It also strengthens protections in ecologically sensitive areas. The bill introduces a tiered system for Act 250 review and provides interim exemptions for housing projects in designated areas, aiming to streamline development processes while preserving environmental integrity. Over the coming months, CCRPC will be working with our municipal, regional, and state partners to define these tiers in clear, standardized, statewide maps. We look forward to assisting in this process and to the positive results of more housing in our communities.

We want to extend a heartfelt thank you to Pam Brangan, who is retiring this month after 25 years at CCRPC! Pam has been a dedicated, impactful employee at CCRPC since May 11, 1999. Over the past 25 years, Pam has excelled in providing planning, GIS, and IT services, achieving certification as a GIS Professional. Some of her many notable contributions include managing Tropical Storm Irene road damage mapping, developing an award-winning GIS program, assisting with numerous municipal plans, and

Language Translation

The CCRPC newsletter can be translated into many languages using Google Translate. Visit the newsletter webpage for more information.

Quick Links

CCRPC Website »

CCRPC Calendar »

Cultural and Religious Days of Significance Calendar »

CCRPC Equity Statement »

CCRPC Traffic Alert Program »

Vermont League of Cities & Towns Resources »

Vermont Open Meeting Law Updates and FAQ »

Calendar

Please Note: As of July 1, all meetings are hybrid unless otherwise specified. Information needed to join remotely is included in every meeting

FOR INFORMATION ONLY

Lori Olberg

From: VLCT <info@vlct.org>
Sent: Friday, June 28, 2024 1:35 PM
To: Lori Olberg
Subject: Open Meeting Law Changes Take Effect July 1

For more information, please contact the City Clerk's Office

[WARNING]: This email was sent from someone outside of the City of Burlington.

Click here to view this email as a webpage.

Open Meeting Law Changes Take Effect July 1, 2024

On July 1, the Open Meeting Law changes from Act 133 take effect (except the training requirements, which don't take effect until January 1, 2025). Additionally on July 1, some of the temporary COVID-19 related changes expire. We have added and updated resources on vlct.org to help you understand how these changes will affect Vermont municipalities.

In partnership with the Vermont Secretary of State's Office and the Vermont School Boards Association, VLCT developed 2024 Open Meeting Law Changes Act 133 FAQs to help you learn about and comply with the updates to the law.

Additionally, the following resources are now available for members to post on their websites to help your municipality comply with the new requirements:

- Open Meeting Law (Act 133) Complaint Process and Model Complaint Form
- Required Posting: Open Meeting Law Title 1 Section 314 - *Municipalities must post an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General.*

You can find all of these resources and more information on our Open Meeting Law webpage.

Please direct any questions you may have to info@vlct.org or 1-800-649-7915.

Vt. League of Cities & Towns | 89 Main St. Suite 4 | Montpelier, VT 05602 US

Lori Olberg

From:	Lani Ravin <Lani.Ravin@uvm.edu>
Sent:	Friday, June 28, 2024 4:57 PM
To:	Lisa Kingsbury (she/her); NRB - Act250 Essex; Kaitlin.Hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; greg.socinski@vermont.gov; ACCD - Project Review; Benjamin Traverse
Cc:	Scott Gustin
Subject:	Re: E-CoS Regarding Monthly Information for LUP 4C1043-1A for June 2024
Attachments:	240625_0627_ACT250.pdf; CoS UVM LUP 4C1043-1A 2024.06.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated June 28th, 2024, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot for June 2024, by electronic mail to those with email addresses as indicated above, as attached (with attachments).

Thank you,

Lani Ravin, AICP
Planning, Design and Construction
University of Vermont
31 Spear Street, Marsh Hall Suite 10
Burlington, VT 05405
Ph: (802) 656-3217
Fax: (802) 656-8895
Lani.Ravin@uvm.edu

Lori Olberg

FOR INFORMATION ONLY

From: VLCT <info@vlct.org>
Sent: Monday, July 1, 2024 11:32 AM
To: Lori Olberg
Subject: Reminder: Open Meeting Law Changes Take Effect July 1

[WARNING]: This email was sent from someone outside of the City of Burlington.

For information regarding additional meetings, contact the City Clerk's Office

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You can find all of these resources and more information on our Open Meeting Law webpage.

Please direct any questions you may have to **info@vlct.org** or 1-800-649-7915.

Vt. League of Cities & Towns | 89 Main St. Suite 4 | Montpelier, VT 05602 US

FOR INFORMATION ONLY

Lori Olberg

From: Timothy M. Eustace <teustace@gravelshea.com>
Sent: Friday, July 5, 2024 9:39 AM
To: NRB.Act250Essex@vermont.gov; bpaxton@rhinofoods.com; gserke@rhinofoods.com; tcastle@rhinofoods.com; rcastle@rhinofoods.com; mcourcelle@champlainconsulting.net; joe@josepharchitects.com; drhoffer@comcast.net; redosier@comcast.net; Will Clavelle; alex.demoly@vermont.org; sam@vermont.org; Burns, Chris; Yanulavich, Jake; making-05-hacksaw@icloud.com; zukeaper@gmail.com; susy.mason@me.com; robbykilgore@gmail.com; fraharp@yahoo.com; derekmzipprich@gmail.com; mazkessler@gmail.com; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: RE: 4C0325-5 - Applicant's Supplemental Filing
Attachments: Rhino Foods Act 250 Submittal Letter 7-3-24 - 4883-4534-5998 1.pdf; Certificate of Service (7-5-24 supplemental filing) 4892-5666-5038 v.1 - 4860-1731-0670 1.pdf

For complete information or additional help, please contact the City Clerk's Office.

You don't often get email from teustace@gravelshea.com. Learn why this is important

[WARNING]: **This email was sent from someone outside of the City of Burlington.**

Attached please find Applicant's supplemental response to the Hearing Recess Order in the above-referenced matter: Letter from Ted Castle to the District #4 Commission, dated July 3, 2024. I also attach our Certificate of Service.

Thank you.

Timothy M. Eustace | *Shareholder*
Gravel & Shea PC
76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456 | Direct: 802-264-3226
teustace@gravelshea.com | www.gravelshea.com
Biography | Download vCard

Resolution Relating to

APPOINTMENTS OF ACTING WARD EIGHT WARD CLERK AND ACTING INSPECTORS OF ELECTION FOR WARDS TWO, THREE, FOUR, FIVE, SEVEN, AND EIGHT FOR AUGUST 13TH, 2024 STATE PRIMARY ELECTION AND SPECIAL WARD 3 ELECTION

RESOLUTION_____
Sponsor(s): Councilor Traverse
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the State Primary Election and Special Ward 3 Election will occur on August 13th, 2024; and

WHEREAS, the City Council must appoint an Acting Ward Clerk and Acting Inspectors of Election when there are vacancies in these offices, pursuant to City Charter §13; and

WHEREAS, the Ward Eight Ward Clerk position is vacant and there are vacancies in Inspector of Election positions in wards Three and Eight; and

WHEREAS, certain elected Inspectors of Election are unavailable to work on this date in wards Two, Four, Five, and Seven; and

WHEREAS, to fill the vacancies, it has been recommended that the following Burlington residents be appointed to serve in these offices; and

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby approves the following appointments for the State Primary Election and Special Ward 3 Election that will occur on August 13, 2024:

<u>ACTING WARD CLERKS:</u>

Ward Eight: Martin Wolf (I), 21 Thibaut Parkway

<u>ACTING INSPECTORS OF ELECTION:</u>

Ward Two: Suzanne Butt (D), 14 Cayuga Court
Ward Two: Sarah Gliech (P), 57 Intervale Avenue
Ward Three: Peter Wyman (I), 157 South Champlain Street
Ward Three: Charlie Giannoni (P), 63 Rose Street
Ward Four: Janet Callison (D), 139 Killarney Drive
Ward Five: Jacquelyn Barna (D), 124 Lyman Ave
Ward Seven: Larry Solt (I), 111 Edgemoor Drive
Ward Eight: Susan Forrester (D), 40 College Street
Ward Eight: Ginny McGrath (I), 21 Thibault Parkway
Ward Eight: Leigh Steele (D), 120 East Redrock Drive

Resolution Relating to

APPOINTMENTS OF ACTING WARD EIGHT WARD CLERK AND ACTING INSPECTORS OF ELECTION FOR WARDS TWO, THREE, FOUR, FIVE, SEVEN, AND EIGHT FOR AUGUST 13TH, 2024 STATE PRIMARY ELECTION AND SPECIAL WARD 3 ELECTION

RESOLUTION 6.47.
Sponsor(s): Councilor Traverse
Introduced: 07/15/24
Referred to:

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the State Primary Election and Special Ward 3 Election will occur on August 13th, 2024; and

WHEREAS, the City Council must appoint an Acting Ward Clerk and Acting Inspectors of Election when there are vacancies in these offices, pursuant to City Charter §13; and

WHEREAS, the Ward Eight Ward Clerk position is vacant and there are vacancies in Inspector of Election positions in wards Three and Eight; and

WHEREAS, certain elected Inspectors of Election are unavailable to work on this date in wards Two, Four, Five, and Seven; and

WHEREAS, to fill the vacancies, it has been recommended that the following Burlington residents be appointed to serve in these offices;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby approves the following appointments for the State Primary Election and Special Ward 3 Election that will occur on August 13, 2024:

ACTING WARD CLERKS:

Ward Eight: Martin Wolf (I), 21 Thibaut Parkway

ACTING INSPECTORS OF ELECTION:

Ward Two: Suzanne Butt (D), 14 Cayuga Court
Ward Two: Sarah Gliech (P), 57 Intervale Avenue
Ward Three: Peter Wyman (I), 157 South Champlain Street
Ward Three: Charlie Giannoni (P), 63 Rose Street
Ward Four: Janet Callison (D), 139 Killarney Drive
Ward Five: Jacquelyn Barna (D), 124 Lyman Ave
Ward Seven: Larry Solt (I), 111 Edgemoor Drive
Ward Eight: Susan Forrester (D), 40 College Street
Ward Eight: Ginny McGrath (I), 21 Thibault Parkway
Ward Eight: Leigh Steele (D), 120 East Redrock Drive

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

RESOLUTION RELATING TO

Appointments of Acting Ward Eight Ward Clerk, and Acting Inspectors of Election for Wards Two, Three, Four, Five, Seven, and Eight for August 13th, 2024 State Primary Election and Special Ward 3 Election.

Adopted by the City Council

July 15, 20 24

Clerk

Approved JULY 17, 20 24

Attest:

Mayor

Vol. ..... Page .....

* * * * * * * * * * * * *

Resolution Relating to

ANNUAL TAX ASSESSMENTS ON THE PROPERTY GRAND LIST OF THE CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025 AS AMENDED ON JULY 15, 2024

RESOLUTION_____

Sponsor(s): Mayor Mulvaney-Stanak; Bd. of Finance
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four ……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the taxes on the Property Grand List of the City made up in 2024 (the "Grand List") hereby are levied and assessed for the fiscal year beginning July 1, 2024, and ending June 30, 2025 ("the Fiscal Year ending June 30, 2025" or "FY 25"), as follows:

FIRST: that a tax of nineteen and fifty-two one-hundredths cents ($.1952), one-half cent ($.0050) of which is dedicated to the Bike Path Maintenance and Improvement Fund, on the dollar of said Grand List is levied and assessed for City purposes to meet the accrued and accruing liabilities of the City for the Fiscal Year ending June 30, 2025; and

SECOND: that a tax of five and fifty-one-hundredths cents ($.0550), thirty-two-hundredths of a cent ($.0032) of which is dedicated to tree and green belt improvements, on the dollar of said Grand List is levied and assessed to pay for keeping the streets of the City in repair during the Fiscal Year ending June 30, 2025; and

THIRD: that a tax of nine and eight-five one-hundredths cents ($.0985) on the dollar of said Grand List is levied and assessed to meet the facility and other needs of the City Police Department and the City Fire Department for the Fiscal Year ending June 30, 2025; and

FOURTH: that a tax of one cent ($.0100) on the dollar of said Grand List is levied and assessed to provide funding for open space land conservation for the Fiscal Year ending June 30, 2025; and

FIFTH: that a tax of one cent ($.0100) on the dollar of said Grand List is levied and assessed to provide funding for the Housing Trust Fund for the Fiscal Year ending June 30, 2025; and

SIXTH: that a tax of four and fifty-one-hundredths cents ($.0450) on the dollar of said Grand List is levied and assessed for the care and improvement of park property and expenses of the parks and recreation department for the Fiscal Year ending June 30, 2025; and

SEVENTH: that a tax of one cent ($.0100) on the dollar of said Grand List is levied and for the funding of the "Penny for Parks" program administered by the Parks and Recreation Department for the Fiscal Year ending June 30, 2025; and

EIGHTH: that a tax of three and twelve one-hundredths cents ($.0312) on the dollar of said Grand List is levied and assessed to pay for keeping the highways of the City in repair during the Fiscal Year ending June 30, 2025; and

NINTH: that a tax of fifty one-hundredths of a cent ($.0050) on the dollar of said Grand List is levied and assessed for the purchase of books and other media and other book acquisition related expenses for the Fletcher Free Library for the Fiscal Year ending June 30, 2025; and

TENTH: that a tax of three and forty-two one-hundredths cents ($.0342) on the dollar of said Grand List is levied and assessed to pay for transportation (Green Mountain Transit) for the Fiscal Year ending June 30, 2025; and

ELEVENTH: that a tax of forty-one one-hundredths of a cent ($.0041) on the dollar of said Grand List is levied and assessed to pay the County tax against the City for the Fiscal Year ending June 30, 2025; and

TWELFTH: that a tax of nineteen and twenty-eight one-hundredths cents ($.1928) on the dollar of said Grand List is levied and assessed to provide the funds required for the appropriations to be paid to the Burlington Employees' Retirement system for the Fiscal Year ending June 30, 2025 under the provision of the Ordinance relating thereto; and

THIRTEENTH: that a tax of fourteen and sixteen one-hundredths cents ($.1416) on the dollar of said Grand List is levied and assessed for payments of bonds due for general City purposes for the Fiscal Year ending June 30, 2025; and

FOURTEENTH: that a tax of three- and fifty one-hundredth cents ($.0350) on the dollar of non-residential properties located in the downtown improvement district of said Grand List is levied and assessed for the purposes of a downtown parking program for the Fiscal Year ending June 30, 2025; and

FIFTEENTH: that the total Municipal Tax Rate for the year ending June 30, 2025, which includes all elements set forth above (except paragraph Fourteenth) is eighty-three and twenty-six one-hundredths cents ($.8326) on the dollar of said Grand List for the Fiscal Year ending June 30, 2025;

NOW, THEREFORE, BE IT RESOLVED that the City Clerk-Treasurer's office is directed to include in the preparation of tax bills for the year ending June 30, 2025, the Local Agreement Tax Rate required by 32 V.S.A. §5404a (d), which shall be of five one-hundredth cents on the dollar ($.0005), and this tax rate shall be shown as a separate and distinct tax rate; and

BE IT FURTHER RESOLVED that the City Clerk Treasurer's office is directed to include in the preparation of tax bills the annual tax assessment for the Burlington School Department as directed by the Board of School Commissioners in accordance with the City Charter and State law; and

BE IT FURTHER RESOLVED that the Chief Administrative Officer is directed to make out tax rate bills of all the foregoing taxes as soon as can be completed for the collection properly certified according to law.

ER/KS/Resolutions 2024/*Annual Tax Assessments on the Property Grand List of the City for the Fiscal Year Beginning July 1, 2024 and Ending June 30, 2025 as Amended on July 15, 2024*
July 8, 2024

City of Burlington Assessor's Office

MEMORANDUM

To: Board of Finance and City Council

Fr: Joe Turner, City Assessor

Cc: Emma Mulvaney-Stanak, Mayor
Katherine Schad, CAO
Erin Jacobson, Chief of Staff

Re: Approval for Local Agreement Tax Rate Amendment for Fiscal Year 2025

Date: July 8, 2024 & July 15, 2024

Summary

The Assessor's Office seeks Board of Finance and City Council approval of an amendment to the previously approved property tax rate resolution for FY25, specifically as relates to the Local Agreement rate in the Annual Tax Assessment of the Property Grand List of the City. The local agreement rate reflects how much education tax revenue was foregone as a result of any local agreements associated with tax value reductions. It is a product of state law and is required under 32 V.S.A §5404a (d). The only amendment of the previously approved resolution occurs on line 51 with a reduction to the Local Agreement rate from $.0011 to $.0005. This rate change is revenue neutral for the City and was amended based on a revised education tax revenue contribution. This results in an approximately $33,000 reduction in taxpayer liability.

Motions

For Board of Finance –

To recommend that City Council approve the amended property tax rate resolution for FY25 for annual tax assessment of the property grand list of the City to show the Local Agreement rate change from $0.0011 to $0.0005.

For City Council –

To approve the amended annual tax assessment of the property grand list of the city for the fiscal year beginning July 1 to show the Local Agreement rate change from 0.0011 to 0.0005.

Encl: Amended Annual Assessment of the Property Grand List of the City for the Fiscal Year Beginning July 1.

Board of Finance and City Council Submission Checklist

Department: Assessor's Office Submitter: Joe Turner

Title/Subject: Local Agreement Rate Amendment FY25

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/2/2024	Joe Turner
Mayor's Office informed and approved memo	Yes	7/2/2024	Erin Jacobson
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/2/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/2/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Amended Resolution
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

Resolution Relating to

ANNUAL TAX ASSESSMENTS ON THE PROPERTY GRAND LIST OF THE CITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025 AS AMENDED ON JULY 15, 2024

RESOLUTION 6.48.
Sponsor(s): Mayor Mulvaney-Stanak; Bd. of Finance
Introduced: 07/15/24
Referred to: _____

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four .....

Resolved by the City Council of the City of Burlington, as follows:

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SECOND: that a tax of five and fifty-one-hundredths cents ($.0550), thirty-two-hundredths of a cent ($.0032) of which is dedicated to tree and green belt improvements, on the dollar of said Grand List is levied and assessed to pay for keeping the streets of the City in repair during the Fiscal Year ending June 30, 2025; and

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SEVENTH: that a tax of one cent ($.0100) on the dollar of said Grand List is levied and for the funding of the "Penny for Parks" program administered by the Parks and Recreation Department for the Fiscal Year ending June 30, 2025; and

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

EIGHTH: that a tax of three and twelve one-hundredths cents ($.0312) on the dollar of said Grand List is levied and assessed to pay for keeping the highways of the City in repair during the Fiscal Year ending June 30, 2025; and

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NOW, THEREFORE, BE IT RESOLVED that the City Clerk-Treasurer's office is directed to include in the preparation of tax bills for the year ending June 30, 2025, the Local Agreement Tax Rate required by 32 V.S.A. §5404a (d), which shall be of five one-hundredth cents on the dollar ($.0005), and this tax rate shall be shown as a separate and distinct tax rate; and

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

BE IT FURTHER RESOLVED that the City Clerk Treasurer's office is directed to include in the preparation of tax bills the annual tax assessment for the Burlington School Department as directed by the Board of School Commissioners in accordance with the City Charter and State law; and

BE IT FURTHER RESOLVED that the Chief Administrative Officer is directed to make out tax rate bills of all the foregoing taxes as soon as can be completed for the collection properly certified according to law.

ER/KS/Resolutions 2024/*Annual Tax Assessments on the Property Grand List of the City for the Fiscal Year Beginning July 1, 2024 and Ending June 30, 2025 as Amended on July 15, 2024*
July 8, 2024

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

City Assessor Joe Turner

Attest:

Lori Olberg
Licensing and Records Coordinator

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

Annual Tax Assessments on the Property Grand List of The City for the Fiscal Year Beginning July 1, 2024 and ending June 30, 2025 as amended on July 15, 2024

Adopted by the City Council

July 15, 20 24

..... Clerk

Approved July 17, 20 24

..... Mayor

Vol. ..... Page .....

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Transportation, Energy, and Utilities Committee
Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

Updates to Chapter 30 of the Burlington Code of Ordinances to Update to the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 30-4 and 30-22 thereof to read as follows:

30-4 Licensing Board.

(a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified. In making appointments, the city council with mayor presiding should consider including members of the general public who use vehicles for hire, representatives of the vehicle for hire industry, representatives from the public safety community, and any other persons expressing an interest in serving, but they are not required to satisfy each category of representatives when making appointments. Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a quorum. In the event that a quorum of members is unavailable for good cause in the assessment of the Chair to conduct regular, monthly business of the Board, the Chair shall notify the Chair of the transportation, energy, and utilities committee of the City Council, who may appoint any member of the committee to sit on the Board as an alternative, voting member(s) to form a quorum until such time as a quorum of regular Board members is attained.

(b) – (c). As written.

DRAFT

…

30-22 Pre-agreement and disclosure on rates.

(a) *As written.*

(b) *As written.*

(c) ~~Except as provided below, no licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.~~ Effective _____, all vehicles for hire, including taxicabs, shall be required to accept electronic means of payment for fares through at least two major national credit card and/or debit card carriers. Upon passage and until this requirement becomes effective, vehicles for hire that do not accept such method of payment must clearly disclose the same to passengers verbally before the passenger(s) enters the vehicle and by prominent signage displayed in the vehicle and visible from the exterior. Such signage shall be of the form as determined and approved by the Vehicle for Hire Administration Office.

(d) Except as provided elsewhere in this Chapter ~~below~~, no licensee may charge a rate that has not been disclosed prior to the passengers entering the vehicle.

30-23 Taxi rides.

(a) Notwithstanding Section 30-22, vehicles for hire operating as taxicabs and picking up street hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the board.

(b) A driver or licensee operating as a taxicab and using a meter for determining fares shall not tamper with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter that would affect its operation.

(c) Any taximeter shall be subject to inspection by the city at any time. If any violation or any inaccuracy is discovered, the administration office shall notify the taxicab driver and/or licensee for whom the driver is operating to cease operation and shall order the vehicle out of service. The taxicab shall be kept out of service until the taximeter is repaired, the required working condition is restored, and the taximeter is resealed.

30-24 Dynamic market pricing.

(a) Licensees may utilize dynamic market or surge pricing in the city or at the airport; provided, that the licensee provides clear and visible indication that such pricing is in effect before a passenger requests a ride and includes a feature that requires riders to confirm that they understand such pricing will be applied in order for the ride request to be completed.

(b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters and relevant states of emergency and shall make this policy available on its website or application.

* Material stricken out deleted.
** Material underlined added.
*** Material highlighted as recommended by the TEUC on June 11, 2024

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Transportation, Energy, and Utilities Committee
Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage:

In the Year Two Thousand Twenty-Four

A Regulation in Relation to

Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Appendix E, Burlington International Airport Rules and Regulations, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Chapter 1, Ground Transportation, thereof to read as follows:

Articles I-III. *As written.*

Article IV. Operations

Sub article 1. General Operations. *As written.*

Sub article 2. Taxicab and Limousine Operations

Sections 4.13-4.16 *As written.*

Section 4.17 ~~Registration and operation generally~~ Meter Use Required.

~~No bus shall be operated at the airport unless it is properly licensed with the Interstate Commerce Commission, under the control of a mass transit authority or regional transit authority and/or has received a certificate of public good from the Vermont Transportation Board.~~

(a) Notwithstanding any provision of Chapter 30 of the Code of Ordinances of the City of Burlington, all persons operating taxicabs, limousines, or vehicles for hire as that term is defined in Burlington City Ordinance Chapter 30-1, shall be required to utilize a taximeter to calculate all fares originating from the Airport queue line for rides expected to be fifty (50) miles or less in duration. Such persons are required to charge no more than the rates established and published by the Vehicle for Hire Licensing Board.

(b) This requirement shall not apply to rides that have been pre-arranged by phone, online reservation, or any method by which both the ride and the rate have been pre-arranged and pre-agreed by both the driver and passenger(s) prior to the driver entering the queue line.

DRAFT

Sub-Article 3. Buses

4.18 Registration and operation generally. ~~Filing schedules and rates of fare.~~ *As written for the previously numbered section.*

4.19 Filing schedules and rates of fare. ~~Loading and discharging of passengers.~~ *As written for the previously numbered section.*

4.20 Loading and discharging of passengers. ~~Registration and operation generally.~~ *As written for the previously numbered section.*

Sub article 4. Courtesy Carriers and Contract Carriers

4.21 Registration and operation generally. ~~Equipment, inspection and maintenance.~~ *As written for the previously numbered section.*

4.22 Equipment, inspection and maintenance. ~~Loading and discharging of passengers.~~ *As written for the previously numbered section.*

4.23 Loading and discharging of passengers. *As written for the previously numbered section.*

Articles V-VII. *As written.*

* Material underlined added.
** Material struck through deleted.

TEUC/HM/Ordinances 2024/ Certain Updates to Appendix E of the Burlington Code of Ordinances Regarding Taxi Fares on Rides Originating from the Patrick Leahy Burlington International Airport
June XX, 2024

New

Home (/DLLLicenseManagment/s/)

Application
DLL - Application - 45399

Approve | Reject | Applicant Action Required | Town Payment Received | Download

Tobacco License Application

APPLICATION DETAILS | RELATED INFORMATION

Application Information

DLL - Application Id
DLL - Application - 45399

Business Entity Name
802APOTH LLC

Phone number:

Applicant Email
true802canna@gmail.com (mailto:true802canna@gmail.com)

Renewal Application

Student Name

Applicant Action Comments

License/Permit Location Description

Town Fee
0

Business Entity Phone
8025401420

Training Completion Record

Designated Caterers Details

Days Since Last Modified
-1

Estimated time period for alcohol

Name and address from whom you purchase

Lease Expiration Date

Liquor Liability Insurance Policy Number

Landlord Email

Renewal Change Indicated

Renewal Change Description

URL for Policies & Procedures

URL for Duties

External Status
Application sent to municipality

Town Clerk/ Municipal Jurisdiction
Burlington

Historical Id
TOBC

Application Type
License

Application For
Tobacco License

Mode of Training

Town User Approval/Rejection Comments

Eligibility of Tobacco Fee waiver
No

Quantity of Alcohol required

what purpose this alcohol is used to be

Where is this alcohol to be used

True-802 Cannabis
132 Church Street

OFFICE OF THE CLERK/TREASURER
City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401 Voice (802) 865-7000
Fax (802) 865-7014
TTY (802) 865-7142

MEMORAN
DUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Assistant Director of Finance
Brad Kukenberger, Director of Finance

DATE: July 8 and 15, 2024

RE: Approval of Four Resolutions for Annual Borrowing for FY25 for City and School

---

Overview

The Clerk Treasurer's Office and the Burlington School District present several resolutions for annual FY25 borrowing for capital needs, specifically:

1. Resolution for the $7M annual borrowing for FY25 (BED, City and BSD);
2. Resolution for up to $5.8M capital improvement bonds (voter approved March 2022);
3. Resolution for up to $7.7M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
4. Resolution for up to $15M in bonds for the Burlington High School (voter approved November 2022).

Please note that we expect the true interest cost for any and all financing to be less than 6.5% and will come back to the Board of Finance for additional approval if the true interest cost exceeds 6.5%.

For ease, these resolutions may be considered as a slate.

Specifics

1. The first Resolution is for $7M in annual borrowing for FY25, specifically $2M to accommodate the working capital and capital improvement needs of the City; $3M for capital improvements, additions and replacements required for the efficient operation of BED; and $2M to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of BSD.

2. The second Resolution is for up to $5.8M of capital improvement bonds, which is a part of the March 1, 2022, annual meeting vote to authorize City Council to issue general obligation bonds in an aggregate amount not to exceed $23.8M. Note that on June 27, 2022 the City Council approved the issuance of general obligation bonds of $13M and on July 24, 2023 the City Council approved the issuance of general obligation bonds of $5M.

3. The third Resolution is for up to $7.7M in bonds for the BSD Integrated Arts Academy. On March 7, 2017, voters approved a ballot question and authorized the City Council to issue general obligation bonds in an amount not to exceed $19M. Pursuant to such voter authorization, the City previously issued its $300,000 General Obligation Public Improvement Bonds Series 2017C, its $6M General Obligation Public Improvement Bonds Series 2018B, its $2MGeneral Obligation Public Improvement Bonds Series 2023A, and its $7.7M General Obligation Public Improvement Bonds Series 2024A for Burlington School District. The Board of School Commissioners, at its board meeting held June 25, 2024, has requested that the City Council issue general obligation bonds or notes in a principal amount not to exceed $7.7M pursuant.

4. The fourth Resolution is for up to $15M in bonds for the Burlington High School. On November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in an aggregate amount not to exceed $165M. Pursuant to such voter authorization, the City previously issued its $130M General Obligation Public Improvement Bonds Series 2023A, of which $40M in principal amount was to be used to refinance a prior note issued, and its $15M General Obligation Public Improvement Bonds Series 2024A for the Burlington School District. The Board of School Commissioners, at its June 25, 2024 meeting, requested that the City Council approve the issuance of $15M of bonds or notes pursuant to the November 8, 2022 voter approval, for the Project.

Board of Finance Motion

Move to approve and recommend that the City Council adopt the following resolutions related to FY24 borrowing:

1. Resolution for the $7M annual borrowing for FY25 (BED, City and BSD);
2. Resolution for up to $5.8M capital improvement bonds (voter approved March 2022);
3. Resolution for up to $7.7M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
4. Resolution for up to $15M in bonds for the Burlington High School (voter approved November 2022).

City Council Motion

To approve the attached Resolutions;

Board of Finance and City Council Submission Checklist

Department: Clerk Treasurer Office Submitter: Darlene Bayko, Asst. Director of Finance/Brad Kukenberger, Director of Finance

Title/Subject: $35,500,000 Annual Fiscal year Borrowing

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/01/2024	Katherine Schad
Mayor's Office informed and approved memo	Yes	7/03/2024	Erin Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/2/2024	Eric Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/02/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Attorney's office sent final resolutions 7/03/24
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

Resolution Relating to

AUTHORIZATION FOR CAPITAL PUBLIC IMPROVEMENT INFRASTRUCTURE BONDS – MARCH 1, 2022 VOTER AUTHORIZATION

RESOLUTION_____
Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four..……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, at a special meeting held on March 1, 2022, voters of the City of Burlington, by in excess of 2/3rds of the voters voting at such meeting, authorized the City Council to issue general obligation bonds or notes in one or more series in an aggregate principal amount not to exceed Twenty Three Million Eight Hundred Thousand Dollars and 00/100 ($23,800,000.00) for the purpose of funding capital improvement infrastructure projects of the City and its departments (the "Projects"); and

WHEREAS, pursuant to such voter authorization, the City Council by Resolution adopted June 27, 2022, approved the issuance of general obligation bonds and notes in a principal amount not to exceed Thirteen Million Dollars ($13,000,000) of the total amount approved, which bonds were issued August 31, 2022 as the General Obligation Public Improvement Bonds, Series 2022A; and

WHEREAS, pursuant to such voter authorization, the City Council by Resolution adopted July 24, 2023, approved the issuance of general obligation bonds and notes in a principal amount not to exceed Five Million Dollars ($5,000,000) of the total amount approved, which bonds were issued September 13, 2023 as the General Obligation Public Improvement Bonds, Series 2023A; and

WHEREAS, the City Council now intends to approve the issuance of general obligation bonds or notes in a principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000) representing the balance of the total amount approved by the voters, to be issued in one or more series to finance a portion of the Projects for the City and its departments (the "Bonds"); and

WHEREAS, the City expects to engage in the process of soliciting proposals from qualified underwriting firms and financial institutions to sell, in a competitive or negotiated sale, the Bonds to finance the Projects; and

WHEREAS, the City intends to use the proceeds of tax-exempt bonds or other debt to pay the costs of the Projects, and may incur some capital costs prior to the issuance of the Bonds to finance the Projects of the City and its departments; and

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City and to issue the Bonds in connection therewith in the principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000); and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, competitive sale, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and issued together with other general obligation bonds of the City; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule to be determined by the Chief Administrative Officer; provided that the true interest cost for the Bonds as determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver one or more final Official Statements and to execute and deliver such agreements approved as to form by legal counsel, including one or more bond purchase agreement with the underwriter or underwriters for the Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents, agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City's 2025 fiscal year in furtherance of the Projects, in an amount not to exceed $1,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended; and

BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are each further authorized to declare additional notices of official intent to reimburse capital expenditures made in furtherance of the Projects with the proceeds of tax-exempt bonds.

TM/Resolutions 2024/*Authorization for Capital Public Improvement Infrastructure Bonds – March 1, 2022 Voter Authorization*
July 8, 2024

Resolution Relating to

AUTHORIZATION FOR CAPITAL PUBLIC IMPROVEMENT INFRASTRUCTURE BONDS – MARCH 1, 2022 VOTER AUTHORIZATION

RESOLUTION 7.2.
Sponsor(s): Bd. of Finance
Introduced: 07/15/24
Referred to: _____

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, at a special meeting held on March 1, 2022, voters of the City of Burlington, by in excess of 2/3rds of the voters voting at such meeting, authorized the City Council to issue general obligation bonds or notes in one or more series in an aggregate principal amount not to exceed Twenty Three Million Eight Hundred Thousand Dollars and 00/100 ($23,800,000.00) for the purpose of funding capital improvement infrastructure projects of the City and its departments (the "Projects"); and

WHEREAS, pursuant to such voter authorization, the City Council by Resolution adopted June 27, 2022, approved the issuance of general obligation bonds and notes in a principal amount not to exceed Thirteen Million Dollars ($13,000,000) of the total amount approved, which bonds were issued August 31, 2022 as the General Obligation Public Improvement Bonds, Series 2022A; and

WHEREAS, pursuant to such voter authorization, the City Council by Resolution adopted July 24, 2023, approved the issuance of general obligation bonds and notes in a principal amount not to exceed Five Million Dollars ($5,000,000) of the total amount approved, which bonds were issued September 13, 2023 as the General Obligation Public Improvement Bonds, Series 2023A; and

WHEREAS, the City Council now intends to approve the issuance of general obligation bonds or notes in a principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000) representing the balance of the total amount approved by the voters, to be issued in one or more series to finance a portion of the Projects for the City and its departments (the "Bonds"); and

WHEREAS, the City expects to engage in the process of soliciting proposals from qualified underwriting firms and financial institutions to sell, in a competitive or negotiated sale, the Bonds to finance the Projects; and

WHEREAS, the City intends to use the proceeds of tax-exempt bonds or other debt to pay the costs of the Projects, and may incur some capital costs prior to the issuance of the Bonds to finance the Projects of the City and its departments;

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City and to issue the Bonds in connection therewith in the principal amount not to exceed Five Million Eight Hundred Thousand Dollars ($5,800,000); and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, competitive sale, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and issued together with other general obligation bonds of the City; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule to be determined by the Chief Administrative Officer; provided that the true interest cost for the Bonds as determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver one or more final Official Statements and to execute and deliver such agreements approved as to form by legal counsel, including one or more bond purchase agreement with the underwriter or underwriters for the Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents, agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

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DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City's 2025 fiscal year in furtherance of the Projects, in an amount not to exceed $1,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended; and

BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are each further authorized to declare additional notices of official intent to reimburse capital expenditures made in furtherance of the Projects with the proceeds of tax-exempt bonds.

TM/Resolutions 2024/*Authorization for Capital Public Improvement Infrastructure Bonds – March 1, 2022 Voter Authorization*
July 8, 2024

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Darlene Bayko, C/T

Attest:

Lori Olberg
Licensing and Records Coordinator

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

Authorization for Capital Public Improvement Infrastructure Bonds-- March 1, 2022

Voter Authorization

Adopted by the City Council

July 15, 20 24

Clerk

Approved July 17, 20 24

Mayor

Vol. ..... Page .....

Resolution Relating to

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS FOR FISCAL YEAR 2025

RESOLUTION_____

Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four..……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, Section 62(f)(1) of the City Charter authorizes the City's Chief Administrative Officer, when authorized by the City Council, to borrow money on the credit of the City in an amount not to exceed Two Million Dollars ($2,000,000) in any fiscal year to accommodate the working capital and capital improvement needs of the City and to so pledge the credit of the City in such amount for such purposes; and

WHEREAS, Section 63(a) of the City Charter authorizes the City Council, upon prior recommendation of the Board of Electric Commissioners, if it finds that is necessary, to pledge the credit of the City in an amount not to exceed Three Million Dollars ($3,000,000) in any fiscal year for the purposes of providing capital improvements, additions and replacements required for the efficient operation of the Electric Department, to so pledge the credit of the City for such purposes; and

WHEREAS, at its meeting held May 8, 2024, the Board of Electric Commissioners recommended that the Chief Administrative Office pledge the credit of the City in the amount of Three Million Dollars ($3,000,000) for capital improvements for the Electric Department; and

WHEREAS, Section 62(f)(3) of the City Charter authorizes the City's Chief Administrative Officer, when authorized and directed by the Board of School Commissioners and the City Council, to borrow money on the credit of the City in an amount not to exceed Two Million Dollars ($2,000,000) in any fiscal year to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of the School Department and to so pledge the credit of the City in such amount for such purpose; and

WHEREAS, at its meeting held June 25, 2024, the Board of School Commissioners authorized and directed the City's Chief Administrative Officer, with approval of the City Council, to pledge the credit of the City in an aggregate principal amount of Two Million Dollars ($2,000,000), together with a request for additional bond issuance for the Burlington High School Project and capital improvements for the Burlington School District Integrated Arts Academy; and

WHEREAS, it is expected that the Chief Administrative Officer will solicit proposals from qualified banks and financial institutions for the purchase and sale of bonds and notes to provide funds to finance such capital improvements authorized under Sections 62 and 63 of the City Charter; and

WHEREAS, the City Council has found and determined that it is in the interest of the City to borrow the principal amount of Seven Million Dollars ($7,000,000) during fiscal year 2025 in the form of one or more bonds or notes in order to have available money with which to defray the cost of capital improvement(s) for the City, the City's School District, and the City's Electric Department, as authorized by the City Charter; and

WHEREAS, the City Council wishes to authorize the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance, to approve the final terms of such bonds and notes;

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City and to issue bonds or notes, in one or more series, in a principal amount not to exceed Seven Million Dollars ($7,000,000) in the aggregate (the "Bonds") to finance the public improvements and related costs attributable to projects for the City, the City's School Department, and the City's Electric Department as authorized by Sections 62 and 63 of the City Charter; and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, competitive sale, or negotiated sale with one or more lenders, underwriters or underwriting firms, and, if issued through a negotiated offering, the City may enter into a loan agreement or bond purchase agreement with the lender or the underwriter, as the case may be, for such purpose; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and, with respect to the portion issued for the school department, from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more offering documents of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver such agreements approved as to form by

legal counsel, including one or more loan agreements or bond purchase agreements with the lender or underwriter for the Bonds, certificates as to use of proceeds and all other documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, and to reduce transaction expenses and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made for capital improvements for the City, its school department, the electric department and the City, an amount not to exceed $1,500,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended. The City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative, the Director of Finance, and the Assistant Director of Finance are each further authorized to declare additional official notices of intent to reimburse capital expenditures made in furtherance of such capital improvements for the City and its departments with the proceeds of tax-exempt bonds.

Resolution Relating to

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS
FOR FISCAL YEAR 2025

RESOLUTION 7.2.
Sponsor(s): Bd. of Finance
Introduced: 07/15/24
Referred to:

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, Section 62(f)(1) of the City Charter authorizes the City's Chief Administrative Officer, when authorized by the City Council, to borrow money on the credit of the City in an amount not to exceed Two Million Dollars ($2,000,000) in any fiscal year to accommodate the working capital and capital improvement needs of the City and to so pledge the credit of the City in such amount for such purposes; and

WHEREAS, Section 63(a) of the City Charter authorizes the City Council, upon prior recommendation of the Board of Electric Commissioners, if it finds that is necessary, to pledge the credit of the City in an amount not to exceed Three Million Dollars ($3,000,000) in any fiscal year for the purposes of providing capital improvements, additions and replacements required for the efficient operation of the Electric Department, to so pledge the credit of the City for such purposes; and

WHEREAS, at its meeting held May 8, 2024, the Board of Electric Commissioners recommended that the Chief Administrative Office pledge the credit of the City in the amount of Three Million Dollars ($3,000,000) for capital improvements for the Electric Department; and

WHEREAS, Section 62(f)(3) of the City Charter authorizes the City's Chief Administrative Officer, when authorized and directed by the Board of School Commissioners and the City Council, to borrow money on the credit of the City in an amount not to exceed Two Million Dollars ($2,000,000) in any fiscal year to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of the School Department and to so pledge the credit of the City in such amount for such purpose; and

WHEREAS, at its meeting held June 25, 2024, the Board of School Commissioners authorized and directed the City's Chief Administrative Officer, with approval of the City Council, to pledge the credit of the City in an aggregate principal amount of Two Million Dollars ($2,000,000), together with a request for additional bond issuance for the Burlington High School Project and capital improvements for the Burlington School District Integrated Arts Academy; and

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DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

WHEREAS, it is expected that the Chief Administrative Officer will solicit proposals from qualified banks and financial institutions for the purchase and sale of bonds and notes to provide funds to finance such capital improvements authorized under Sections 62 and 63 of the City Charter; and

WHEREAS, the City Council has found and determined that it is in the interest of the City to borrow the principal amount of Seven Million Dollars ($7,000,000) during fiscal year 2025 in the form of one or more bonds or notes in order to have available money with which to defray the cost of capital improvement(s) for the City, the City's School District, and the City's Electric Department, as authorized by the City Charter; and

WHEREAS, the City Council wishes to authorize the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance, to approve the final terms of such bonds and notes;

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City and to issue bonds or notes, in one or more series, in a principal amount not to exceed Seven Million Dollars ($7,000,000) in the aggregate (the "Bonds") to finance the public improvements and related costs attributable to projects for the City, the City's School Department, and the City's Electric Department as authorized by Sections 62 and 63 of the City Charter; and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, competitive sale, or negotiated sale with one or more lenders, underwriters or underwriting firms, and, if issued through a negotiated offering, the City may enter into a loan agreement or bond purchase agreement with the lender or the underwriter, as the case may be, for such purpose; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and, with respect to the portion issued for the school department, from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more offering documents of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver such agreements approved as to form by

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DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

legal counsel, including one or more loan agreements or bond purchase agreements with the lender or underwriter for the Bonds, certificates as to use of proceeds and all other documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, and to reduce transaction expenses and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made for capital improvements for the City, its school department, the electric department and the City, an amount not to exceed $1,500,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended. The City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative, the Director of Finance, and the Assistant Director of Finance are each further authorized to declare additional official notices of intent to reimburse capital expenditures made in furtherance of such capital improvements for the City and its departments with the proceeds of tax-exempt bonds.

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ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Darlene Bayko, C/T

RESOLUTION RELATING TO

Authorization for Public Improvement Bonds for Fiscal Year 2025

Adopted by the City Council

July 15, 20 24

Clerk

Approved JULY 17, 20 24

Mayor

Attest:

Licensing and Records Coordinator
Lori Olberg

Vol. ..... Page .....

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Resolution Relating to

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS FOR SCHOOL DISTRICT CAPITAL IMPROVEMENTS – MARCH 7, 2017 VOTER AUTHORIZATION

RESOLUTION_____
Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four..……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on March 7, 2017, voters of the City of Burlington approved a ballot question and authorized the City Council to issue general obligation bonds or notes in an aggregate principal amount not to exceed Nineteen Million Dollars and 00/100 ($19,000,000.00) for the purpose of accomplishing capital improvements at each of the school district's buildings in order to eliminate or substantially reduce the deferred maintenance of such buildings in order to preserve their value for future educational use; and

WHEREAS, pursuant to such voter authorization, the City previously issued its $300,000 General Obligation Public Improvement Bonds Series 2017C, its $6,000,000 General Obligation Public Improvement Bonds Series 2018B, and its $2,000,000 General Obligation Public Improvement Bonds Series 2023A for the Burlington School District; and

WHEREAS, the Board of School Commissioners (the “Board”) of the Burlington School District, at its board meeting held June 25, 2024, has requested that the City Council issue general obligation bonds or notes in a principal amount not to exceed Seven Million Seven Hundred Thousand Dollars ($7,700,000) pursuant to the March 7, 2017 voter authorization to finance capital improvements, additions and replacements to the Integrated Arts Academy, including site improvements for such school building (the “Project”); and

WHEREAS, the Board of the Burlington School District is pursuing grants for the Project that may reduce the principal amount of bonds or notes needed for the Project; and

WHEREAS, while the School Department is managed by the Board, whose members are separately elected from the City Council, the City Council is responsible for the issuance of bonds for school purposes; and

WHEREAS, the Board of School Commissioners is required under the City Charter to allocate sufficient funds for the payment of the principal and interest due or coming due on City bonds issued for school purposes; and

WHEREAS, the City Council, upon the request of the Board, wishes to approve the issuance of such general obligation public improvement bonds in a principal amount not to exceed Seven Million Seven Hundred Thousand Dollars ($7,700,000) pursuant to the voter authorization;

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City in an aggregate principal amount not to exceed Seven Million Seven Hundred Thousand Dollars and 00/100 ($7,700,000.00) and to issue general obligation public improvement bonds or notes for such purpose (the "Bonds"); and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, competitive public offering, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and issued with the other general obligation bonds or notes approved by the City Council; and

BE IT FURTHER RESOLVED that such Bonds may be sold and issued as short-term bonds or notes while grant applications are still pending for the Project; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule to be further determined by the Chief Administrative Officer; provided that the true interest cost for the Bonds as determined by the Chief Administrative Officer, shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver one or more final Official Statements and to execute and deliver such agreements approved as to form by legal counsel, including one or more bond purchase agreement with the underwriter or underwriters for the Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents, agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of the Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City's 2025 fiscal year in furtherance of the Project in an amount not to exceed $2,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended; and

BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance, are each further authorized to declare additional notices of official intent to reimburse capital expenditures made in furtherance of the Project with the proceeds of tax-exempt bonds.

Resolution Relating to

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS FOR SCHOOL DISTRICT CAPITAL IMPROVEMENTS – MARCH 7, 2017 VOTER AUTHORIZATION

RESOLUTION 7.2.
Sponsor(s): Bd. of Finance
Introduced: 07/15/24
Referred to:

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on March 7, 2017, voters of the City of Burlington approved a ballot question and authorized the City Council to issue general obligation bonds or notes in an aggregate principal amount not to exceed Nineteen Million Dollars and 00/100 ($19,000,000.00) for the purpose of accomplishing capital improvements at each of the school district's buildings in order to eliminate or substantially reduce the deferred maintenance of such buildings in order to preserve their value for future educational use; and

WHEREAS, pursuant to such voter authorization, the City previously issued its $300,000 General Obligation Public Improvement Bonds Series 2017C, its $6,000,000 General Obligation Public Improvement Bonds Series 2018B, and its $2,000,000 General Obligation Public Improvement Bonds Series 2023A for the Burlington School District; and

WHEREAS, the Board of School Commissioners (the "Board") of the Burlington School District, at its board meeting held June 25, 2024, has requested that the City Council issue general obligation bonds or notes in a principal amount not to exceed Seven Million Seven Hundred Thousand Dollars ($7,700,000) pursuant to the March 7, 2017 voter authorization to finance capital improvements, additions and replacements to the Integrated Arts Academy, including site improvements for such school building (the "Project"); and

WHEREAS, the Board of the Burlington School District is pursuing grants for the Project that may reduce the principal amount of bonds or notes needed for the Project; and

WHEREAS, while the School Department is managed by the Board, whose members are separately elected from the City Council, the City Council is responsible for the issuance of bonds for school purposes; and

WHEREAS, the Board of School Commissioners is required under the City Charter to allocate sufficient funds for the payment of the principal and interest due or coming due on City bonds issued for school purposes; and

WHEREAS, the City Council, upon the request of the Board, wishes to approve the issuance of such general obligation public improvement bonds in a principal amount not to exceed Seven Million Seven Hundred Thousand Dollars ($7,700,000) pursuant to the voter authorization;

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DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City in an aggregate principal amount not to exceed Seven Million Seven Hundred Thousand Dollars and 00/100 ($7,700,000.00) and to issue general obligation public improvement bonds or notes for such purpose (the "Bonds"); and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, competitive public offering, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and issued with the other general obligation bonds or notes approved by the City Council; and

BE IT FURTHER RESOLVED that such Bonds may be sold and issued as short-term bonds or notes while grant applications are still pending for the Project; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule to be further determined by the Chief Administrative Officer; provided that the true interest cost for the Bonds as determined by the Chief Administrative Officer, shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver one or more final Official Statements and to execute and deliver such agreements approved as to form by legal counsel, including one or more bond purchase agreement with the underwriter or underwriters for the Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents, agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

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DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

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..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of the Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City's 2025 fiscal year in furtherance of the Project in an amount not to exceed $2,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended; and

BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance, are each further authorized to declare additional notices of official intent to reimburse capital expenditures made in furtherance of the Project with the proceeds of tax-exempt bonds.

TM/Resolutions 2024/*Authorization for Public Improvement Bonds for School District Capital Improvements – March 7, 2017 Voter Authorization*
July 8, 2024

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Darlene Bayko, C/T

RESOLUTION RELATING TO

Authorization for Public Improvement Bonds for School District Capital Improvements - March 7, 2017 Voter Authorization

Adopted by the City Council

July 15, 20 24

..... Clerk

Approved JULY 17, 20 24

..... Mayor

Vol. ..... Page .....

Attest:

Licensing and Records Coordinator
Lori Olberg

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Resolution Relating to

AUTHORIZATION FOR SCHOOL DISTRICT CAPITAL IMPROVEMENT BONDS FOR BURLINGTON HIGH SCHOOL – NOVEMBER 8, 2022 VOTER AUTHORIZATION

RESOLUTION_____
Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four..……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, at a special meeting held on November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in one or more series in an aggregate principal amount not to exceed One Hundred Sixty-Five Million Dollars and 00/100 ($165,000,000.00) for the purpose of making capital improvements to Burlington High School and Burlington Technical Center, including new construction (the "Project"); and

WHEREAS, by resolution adopted July 24, 2023, the City Council approved the issuance of up to an aggregate principal amount of One Hundred Thirty Million Dollars ($130,000,000) of bonds or notes, in one or more series, pursuant to the November 8, 2022 voter approval, of which Forty Million Dollars ($40,000,000) in principal amount was to be used to refinance a prior note issued in anticipation of issuance of a bond; and

WHEREAS, pursuant to such authorization, the office of the Chief Administrative Officer undertook a solicitation of proposals in a competitive process from qualified financial institutions, and, on September 13, 2023, the City issued its General Obligation Public Improvements Bonds, Series 2023A, of which $130,000,000 in principal amount of such bonds was issued for the Project and pursuant to the November 8, 2022 voter authorization; and

WHEREAS, while the School Department is managed by a Board of School Commissioners, whose members are separately elected from the City Council, the City Council is responsible for the issuance of bonds for school purposes; and

WHEREAS, the Board of School Commissioners is required under the City Charter to allocate sufficient funds for the payment of the principal and interest due or coming due on City bonds issued for school purposes; and

WHEREAS, the Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 25, 2024 meeting, requested that the City Council approve the issuance of Fifteen Million Dollars ($15,000,000) of bonds or notes pursuant to the November 8, 2022 voter approval, for the Project; and

WHEREAS, the City Council now wishes to approve the issuance of up to an aggregate principal amount of Fifteen Million Dollars ($15,000,000) of bonds or notes, in one or more series, pursuant to the November 8, 2022 voter approval, with the expectation that additional amounts may be issued at later dates, subject to the maximum amount approved by the voters at the November 8, 2022 special meeting of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City and to issue bonds or notes, in one or more series, in an aggregate principal amount not to exceed Fifteen Million Dollars and 00/100 ($15,000,000.00) (the "Bonds"), to finance costs of the Project, as approved by the voters at the November 8, 2022 meeting; and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, or negotiated sale with one or more lenders, underwriters or underwriting firms; may be sold and issued with other general obligation bonds or notes approved by the City Council; and, if issued through a negotiated offering, the City may enter into a loan agreement or bond purchase agreement approved as to form by legal counsel with the lender or the underwriter, as the case may be, for such purpose; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance; provided that the true interest cost for the Bonds as determined by the Chief Administrative Officer shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more official statement(s) of the City, as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver one or more final official statements and to

execute and deliver such agreements approved as to form by legal counsel, including one or more loan agreements or bond purchase agreements with the lender, underwriter or purchaser of the Bonds, certificates as to use of proceeds and all other documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects.

TM/Resolutions 2024/*Authorization for School District Capital Improvement Bonds for Burlington High School – November 8, 2022 Voter Authorization*
July 8, 2024

Resolution Relating to

AUTHORIZATION FOR SCHOOL DISTRICT CAPITAL IMPROVEMENT BONDS FOR BURLINGTON HIGH SCHOOL – NOVEMBER 8, 2022 VOTER AUTHORIZATION

RESOLUTION 7.2.
Sponsor(s): Bd. of Finance
Introduced: 07/15/24
Referred to:

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, at a special meeting held on November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in one or more series in an aggregate principal amount not to exceed One Hundred Sixty-Five Million Dollars and 00/100 ($165,000,000.00) for the purpose of making capital improvements to Burlington High School and Burlington Technical Center, including new construction (the "Project"); and

WHEREAS, by resolution adopted July 24, 2023, the City Council approved the issuance of up to an aggregate principal amount of One Hundred Thirty Million Dollars ($130,000,000) of bonds or notes, in one or more series, pursuant to the November 8, 2022 voter approval, of which Forty Million Dollars ($40,000,000) in principal amount was to be used to refinance a prior note issued in anticipation of issuance of a bond; and

WHEREAS, pursuant to such authorization, the office of the Chief Administrative Officer undertook a solicitation of proposals in a competitive process from qualified financial institutions, and, on September 13, 2023, the City issued its General Obligation Public Improvements Bonds, Series 2023A, of which $130,000,000 in principal amount of such bonds was issued for the Project and pursuant to the November 8, 2022 voter authorization; and

WHEREAS, while the School Department is managed by a Board of School Commissioners, whose members are separately elected from the City Council, the City Council is responsible for the issuance of bonds for school purposes; and

WHEREAS, the Board of School Commissioners is required under the City Charter to allocate sufficient funds for the payment of the principal and interest due or coming due on City bonds issued for school purposes; and

WHEREAS, the Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 25, 2024 meeting, requested that the City Council approve the issuance of Fifteen Million Dollars ($15,000,000) of bonds or notes pursuant to the November 8, 2022 voter approval, for the Project; and

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ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

RESOLUTION RELATING TO

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Adopted by the City Council

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..... Clerk

Approved....., 20 .....

Attest:

..... Mayor

Vol. ..... Page .....

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WHEREAS, the City Council now wishes to approve the issuance of up to an aggregate principal amount of Fifteen Million Dollars ($15,000,000) of bonds or notes, in one or more series, pursuant to the November 8, 2022 voter approval, with the expectation that additional amounts may be issued at later dates, subject to the maximum amount approved by the voters at the November 8, 2022 special meeting of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City and to issue bonds or notes, in one or more series, in an aggregate principal amount not to exceed Fifteen Million Dollars and 00/100 ($15,000,000.00) (the "Bonds"), to finance costs of the Project, as approved by the voters at the November 8, 2022 meeting; and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, or negotiated sale with one or more lenders, underwriters or underwriting firms; may be sold and issued with other general obligation bonds or notes approved by the City Council; and, if issued through a negotiated offering, the City may enter into a loan agreement or bond purchase agreement approved as to form by legal counsel with the lender or the underwriter, as the case may be, for such purpose; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, the Director of Finance, or the Assistant Director of Finance; provided that the true interest cost for the Bonds as determined by the Chief Administrative Officer shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized and directed to prepare one or more official statement(s) of the City, as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to execute and deliver one or more final official statements and to

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DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

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..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

execute and deliver such agreements approved as to form by legal counsel, including one or more loan agreements or bond purchase agreements with the lender, underwriter or purchaser of the Bonds, certificates as to use of proceeds and all other documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, the Director of Finance, and the Assistant Director of Finance are, and each one of them is, hereby authorized to enter into such agreements and instruments approved as to form by legal counsel with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects.

TM/Resolutions 2024/*Authorization for School District Capital Improvement Bonds for Burlington High School – November 8, 2022 Voter Authorization*
July 8, 2024

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ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Darlene Bayko, C/T

RESOLUTION RELATING TO

Authorization for School District Capital Improvement Bonds for Burlington High School - November 8, 2022 Voter Authorization

Adopted by the City Council

July 15, 20 24

..... Clerk

Approved July 17, 20 24

..... Mayor

Vol. ..... Page .....

Attest:

Lori Olberg
Licensing and Records Coordinator

* * * * * * * * * * * * *

Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Council
From: Mayor Emma Mulvaney-Stanak
Date: July 11, 2024
Re: City Attorney Appointment

I enthusiastically submit for your consideration and approval Jessica Chandler Brown, Esq. as the next City Attorney for the City of Burlington.

I will ask the Council to take action on this appointment at the meeting on July 15, 2024, with an anticipated start date of August 19, 2024.

Burlington has been without a permanent City Attorney for over two years now, with a woefully understaffed office. Given the many challenges we face as a City, it is time to bring on board a City Attorney who can provide the leadership and counsel we need in this moment.

Jessica Brown is an exceptional candidate for the position of City Attorney. She is a person of great personal and professional integrity who possesses a unique combination of legal, management, and public engagement skills—all requisites of the job. Jessica's references describe her as a flawless candidate; trustworthy, ethical, thoughtful, and very smart; a very skilled attorney; a very quick study; even-keeled and steady under pressure; and a responsive, and supportive leader who is also a creative and collaborative problem-solver. We are fortunate to have an appointee of such caliber who will be able to serve the City and people of Burlington so well.

The below summarizes Jessica's experience; her full resume is attached for your review.

Work in the City of Burlington

Jessica served as:

- A staff attorney, and then supervising attorney, at the Chittenden County Public Defender's Office from 2011-2021
- A member of Chittenden County COMSTAT from 2016-2021

- A member of the Chittenden County Family Division Reclaiming Futures Working Group from 2016 to 2021

Equity and Inclusion Work

Jessica served as:

- A member of the Racial Disparities in the Criminal and Juvenile Justice Advisory Panel from 2018-present
- Chair of the Root Social Justice Center, Board of Directors, April 2022–present
- A faculty mentor for the Black Law Students Association (BLSA) from August 2022- present
- A member of the Language Access External Advisory Committee from 2019-2021

Education and Professional Background Summary

- Jessica earned her Bachelor of Arts in African and African-American Studies/Sociology from Carleton College in June 1991.
- Jessica earned her law degree from Georgetown University in May 1996. While there, she was a Public Interest Law Scholar and taught in the University's Street Law Clinic.
- Jessica has a twenty-year legal career that includes trial work, appellate work, attorney supervision, and most recently, teaching as Assistant Professor of Law and leading Vermont Law and Graduate School's Center for Justice Reform.
- Jessica has conducted a multitude of trainings and media interviews related to her work and legal experience.

At a time when Burlington is facing complex and multi-faceted community safety challenges, Jessica's criminal law experience, her decades of work with indigent defendants, her experience engaging with the public about these issues, and her experience and dedication to equity work will all serve the City well. In addition, and as expressed by all of Jessica's references, Jessica is a very smart, capable, and nimble attorney who is also a quick study and an adept problem-solver. We need a City Attorney who can navigate complex situations with integrity, creativity, and steadiness. Jessica also brings crucial experience managing public sector legal teams, and will serve as a good supervisor who can help support the staff of the office while also being responsive to the administration, Department Heads, and City Councilors alike. Jessica possesses all of these attributes, and her resume and reputation reflect as much.

Details of the City Attorney Appointment

If confirmed, Jessica will begin her service as City Attorney on August 19. Our current interim City Attorney, Joe McNeil, will stay on in his current contract until August 19 and has offered to contract with the City on a part-time basis to assist with Jessica's transition and to consult on issues as needed.

On July 15th, I will be asking the Council to confirm Jessica's appointment and take two further actions:

- I am proposing that Jessica be appointed at Step 7 of the applicable salary Step Chart. According to Human Resources Interim Director Lynn Reagan, Jessica qualifies to be placed on step 7 given her experience (starting salaries max out at step 7). For FY '25 without a reclassification Jessica would start at $151, 297.51.
- I am requesting that Jessica be granted a "Personal Hardship" exemption from the department head residency requirement. Jessica worked in Burlington for nearly a decade, and her career was based in Burlington until just a couple of years ago when she took a professorship at Vermont Law and Graduate School in South Royalton. Jessica currently lives in Waterbury, where she owns a home with her spouse, who works in Morrisville. For these reasons, I request the Council approve an exemption as long as her spouse works in Lamoille County as to not burden their household with a significant additional commute.

Thank you for reviewing this memo and Jessica's resume and for considering the appointment of Jessica Brown for City Attorney. I could not agree more with those who describe Jessica as a great pick, or an amazing candidate, or who express pride and excitement at the thought of having Jessica Brown as our next City Attorney. With your confirmation, she will ably fill a key role in our city government at a crucial time for the future of our City. I am confident she will represent the City well.

Please do not hesitate to reach out to me if you have any questions or would like to discuss this appointment ahead of the July 15th City Council meeting.

City Council Motion Language:
"I move that the City Council confirm the appointment of Jessica Brown as City Attorney and Corporation Counsel."

City Council with Mayor Presiding Proposed Motion Language:
"I move that the City Council with Mayor Presiding grant City Attorney Jessica Brown with a personal hardship extension to the Department Head residency requirement as long as her spouse works in Morrisville."

JESSICA CHANDLER BROWN

EDUCATION

Georgetown University Law Center, Washington, DC
Juris Doctor, May 1996
Fellow: Public Interest Law Scholars (1993-1996)
Teacher: Street Law Clinic: Corrections (September 1994-May 1995)
Certified Student Attorney: Criminal Justice Clinic (September 1995-May 1996)

Carleton College, Northfield, MN
Bachelor of Arts in African and African-American Studies/Sociology, June 1991

TEACHING EXPERIENCE

Vermont Law & Graduate School, South Royalton, VT
Visiting Assistant Professor (July 2021 – May 2022)
Assistant Professor (June 2022 – Present)
Center for Justice Reform, Associate Director (June 2022 – June 2023)
Director (July 2023 – Present)

- Teach Criminal Law and Constitutional Criminal Procedure
- Work with the Center for Justice Reform team to oversee and develop the Masters in Restorative Justice program, expand knowledge and use of Restorative Justice practices and principles in the VLGS community, and network with the Vermont Criminal Legal System to provide learning opportunities for VLGS JD and Masters students.

University of New Hampshire Franklin Pierce School of Law, Concord, NH
Adjunct Professor (January – May, 2021)

Taught a synchronous, weekly, remote Legal Writing II class in the Hybrid JD program for sixteen First Year law students. Course content covered persuasive writing and oral advocacy.

LEGAL EXPERIENCE

Office of the Defender General, Chittenden County Public Defender Office, Burlington, VT
Staff Attorney (July 2011 – December 2016)/**Supervising Attorney** (December 2016 to June 2021)

Managed an office of ten Public Defenders, three Investigators, three Administrative Assistants, and numerous law clerks and interns.

Defended indigent adult and juvenile clients in criminal misdemeanor, felony, post-conviction, delinquency, and CHINS cases in Chittenden County Superior Court, Criminal and Family Divisions.

Conducted client interviews; developed and supervised case investigation; appeared at arraignments, bail hearings, depositions, motions hearings, trials, plea negotiations, plea hearings, pre-sentence investigation interviews, sentencing hearings, probation violation and other post-conviction hearings.

Researched, wrote, and argued legal motions. Experience writing, filing, and arguing appeals before the Vermont Supreme Court.

Federal Defender Office, Concord, NH – Assistant Federal Public Defender (June 2007 – June 2011)

Defended indigent adults in criminal felony cases in United States District Court for the District of New Hampshire.

New Hampshire Public Defender (Keene, Manchester, and Laconia Offices)
Staff Attorney/Managing Attorney (August 1997-May 2007)

Defended indigent adult and juvenile clients in criminal misdemeanor, felony, post-conviction, delinquency, and juvenile Drug Court cases in New Hampshire District and Superior Courts.

Managed office of six lawyers, two investigators, three support staff, and student interns.

Superior Court of the District of Columbia, Washington DC
Law Clerk to the Honorable Judge A. Franklin Burgess, Jr. (September 1996-August 1997)

Alabama Capital Representation Resource Center, Montgomery, AL – Legal Intern (May-August 1995)

COMMITTEE, PANEL & BOARD PARTICPATION

- The Root Social Justice Center, Board of Directors (Chair) (April 2022 – present)
- Therapeutic Works, Inc., Board of Directors (April 2022 – present)
- Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel (2018-present)
- Language Access External Advisory Committee (2019-2021)
- Chittenden County COMSTAT (2016-2021)
- Chittenden County Family Division Reclaiming Futures Working Group (2016-2021)

PUBLICATIONS: Vorenberg, A., Durkis-Stokes, J. & Brown, J.C. (2024). *Utmost Resistance: Examining Sexual Violence Law in the United States*

BAR MEMBERSHIPS: **Vermont Bar** (Admitted 2012)

Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

Date:	July 12, 2024
To:	Burlington City Council
From:	Mayor Emma Mulvaney-Stanak
Cc:	Sarah Russell, Special Asst. to End Homelessness
Re:	Updates Related to Burlington's Seasonal Health Response to Encampments

This memo serves as an update on the City's seasonal response to encampments following the June 10 City Council work session, and the June 24 approval of the FY25 budget.

Current Status of Resource Placements
As discussed during the June 10 work session, the City identified three locations where resources could be placed to mitigate health and safety concerns. Numbers of people camping in these locations has remained consistent in recent weeks.

- **North of the Dog Park:** Two portable toilets and one three-yard dumpster have been in place for a number of weeks.

- **Concrete Pad/Urban Reserve:** One portable toilet was placed Tuesday, July 9. A dumpster is expected in the coming days.

- **Manhattan Drive/Old Dump Road:** The administration is planning a community engagement meeting in collaboration with Councilors Bergman and Grant, which is expected to take place in late July. At this meeting, will share the plan for resource placement and gather feedback from the community, with the hope to place resources shortly after to help mitigate health and safety concerns.

The cross-department working group led by CEDO will continue to meet regularly to identify possible additional resources and discuss potential challenges. We still plan to procure secure sharps containers (like the box in City Hall Park). And, we are also working diligently on a plan to safely provide clean drinking water.

Further Updates
City staff continue to monitor and promptly respond to camping in City parks and notice tents for removal according to the *Sheltering on Public Lands* policy.

As discussed during the June 10 work session, eligibility criteria for the State's General Assistance Emergency Housing Program ("motel program") changed on July 1, significantly restricting access to the program, leaving hundreds of Vermonters without stable shelter. Learn more about the FY25 General Assistance Emergency Housing Program here.

Questions Asked During the June 10 Work Session

Will the City implement formalized sanctioned camping?

Our goal is to support people without shelter, while at the same time working to expand capacity. If we utilize all of our resources to implement sanctioned camping, we can't also focus on increasing shelter beds- which is the leading reason why setting up sanctioned camping is not always aligned with national best practice. Further, setting requirements for people when we are unable to offer them shelter does not align with a Housing First model (also national best practice) and without shelter beds, we lack the leverage required to set and enforce expectations within a contained space. The budget for the Elmwood Community shelter is roughly $1.4m annually and the City does not have access to resources dedicated to support managed camping.

Establishing formalized sanctioned camping would require policy and ordinance change(s) which would take many months to draft and approve. Additionally, managing sanctioned encampments would require staffing and financial investments that are not within our current ability to provide.

Instead, our work will focus on expanding shelter capacity, and ensuring the members of our community who must live outside have access to resources to fulfill basic human needs.

Is the $50,000 line in the Community Safety budget enough to support people living unsheltered?

The City sees this investment as a temporary response to ensure people living outside have access to toilets, garbage removal, clean drinking water, and handwashing. A memo was submitted to Board of Finance and City Council on June 24, 2024, which provided budget and justification.

How will the City provide for safety, size, fire, or violence?

- City teams including CEDO, Mayor's Office, DPW, BPRW, HR, City Attorney, BPD and BFD continue to meet on a weekly basis to plan and evaluate our response. This allows us to anticipate where concerns might arise and develop a strategy to proactively mitigate challenges.
- CEDO convenes a monthly meeting with all outreach partners who support people who are unsheltered (including Howard Center, Safe Harbor Clinic/CHC, CVOEO, Cots, Burlington Housing Authority, BPRW Urban Park Rangers, BPD CSL team, and others.
- CEDO convenes a weekly connection time for BPRW Urban Park Rangers, CSLs, and CSOs. This group meets once per week on Mondays to assess the following:
    - Issues that may have come up over the weekend and determine direction for the upcoming week
    - New camps in City Parks
    - Identify priority areas and people; ensure point person for each camp location
- At the request of the Mayor, the Business and Workforce Development department convenes a routine "hot spot" group of City department heads and staff. During this time, specific locations with increased activity are identified and a coordinated strategy is developed to interrupt

harmful behavior. The City has seen modest improvements in the first "hot spot" identified in May when the group began meeting. The following four locations are the current focus of this group's work:
    - Library and surrounding area
    - Marketplace Garage
    - Downtown transit area and the surrounding two-block area, including the Elmwood Pods and BHS/BTC campus locations
    - Bike path entrance on Manhattan Drive
- BFD has purchased a tank and pump to be mounted to pick-up truck to ease response to any brush fire across the City, including, but not limited to camps).

Will tents be visible from bike path? What should people do when they see a camp?

Visibility of tents (while creating some level of discomfort for the public) ensures staff are able to monitor camps for health and safety challenges. Additionally, reduced isolation contributes to sense of safety for campers, and opportunities for engagement with services.

The visibility of abject suffering, due in large part to the housing crisis, is deeply unsettling. We encourage members of the community who are concerned about this to contact state legislators to express urgency for a coordinated regional and statewide effort to establish emergency shelter.

What is happening with regional coordination with other towns?

In late June, the Mayor met with Chittenden County Town Managers to begin a conversation around coordinating our response to addressing the housing emergency for people who are unhoused. Town Managers are eager to collaborate on state solutions in terms of adequate policy solutions and sustained funding sources. Different towns in our region have held more of the burden of supporting unhoused folks than others in recent years. Colchester supported a higher proportion of unhoused people during the pandemic given its higher number of affordable motel rooms compared to other towns, including Burlington. Burlington now has a higher proportion of unhoused people living on public lands considering walkability, easier access to transportation, and location of services compared to neighboring towns. We are in the early stages of identifying additional areas of collaboration and the Mayor will be holding a follow up meeting later in July.

The Mayor also researched whether an MOU existed during Mayor Clavelle's administration with other towns regarding supporting unhoused folks. There was no such MOU. There was an attempt to start a regional conversation and coordination on creating more affordable housing units in every town, but there was no formal agreement.

What is happening with creating more shelter beds in Burlington?

On July 10, the City submitted an application for state funding to support a new low barrier emergency shelter in Burlington. City Staff are in the very early stages of identifying a suitable location, establishing what organization could be the provider, and finding other necessary partners to make this a successful endeavor.

The state application deadline of July 10 created a very short timeline to indicate interest. If we are awarded funding, we will engage in a more robust community conversation with the City Council and neighborhoods about next steps.

Resolution Relating to

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65 REGARDING POLICE OVERSIGHT

RESOLUTION_____

Sponsor(s): Charter Change Committee
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four..……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, over the past several years, as part of its continued commitment to oversight and accountability, the City Council and the Administration have continued to take steps to revise Burlington's police oversight, transparency, and accountability practices; and

WHEREAS, pursuant to a resolution adopted by the Council on February 6, 2023, the City Council requested the Ordinance Committee and Charter Change Committee to hold joint meetings, allowing for community and stakeholder input on the disciplinary authority of the Chief of Police, the oversight role of the Police Commission, and the creation of a separate community oversight body independent from the Burlington Police Department; and

WHEREAS, over a span of eight months, the Joint Ordinance and Charter Change Committee met fourteen times, seeking and receiving community and stakeholder input on the issues; and

WHEREAS, the Joint Committee voted to move forward a proposed charter change for public comment with the understanding it may be placed upon the ballot after a final vote of the Burlington City Council; however, after the first public hearing before the City Council on January 16, 2024 it was referred to the Police Commission for review and comment; and

WHEREAS, the Police Commission met over the span of three months and brought forth their thoughts to the City Council prior to the proposed Charter Change being brought back up by the Charter Change Committee who met substantively four times regarding police oversight between June 12, 2024 and July 1, 2024; and

WHEREAS, the Charter Change Committee unanimously referred the proposed language below to the full City Council for consideration and voted 2-1 to place the proposed language on the November 5, 2024 ballot and warn the language for public hearing;

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city charter recommended by the Charter Change Committee and requests the Mayor to place the following question on the ballot of the General Election to be held on November 5, 2024 and the City Clerk to set public hearings on the this question in accordance with Charter §303 and 17 V.S.A. § 2645:

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended, be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:

ARTICLE 62. POLICE DEPARTMENT

183 Board of police commissioners; composition; terms.

The board of police commissioners shall consist of seven (7) legal voters and should represent the diverse nature of said city's constituents, including those from historically marginalized communities, to be appointed by the city council with mayor presiding to serve for three (3) years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The city council shall make rules and regulations for the government of the entire police ~~force~~ department and shall fix the qualifications of applicants for positions and service on said ~~force~~ department and, to the extent permitted by applicable law, the chief of police shall furnish the city council with any information they may require concerning the finances of the police department. The chief of police shall be responsible for all expenditures made by the police department and no expenditures shall be made by the department except in conformity with the standards promulgated by the city council.

(b) The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by resolution, ordinances, and orders of the city council. Said board shall notify the mayor, ~~and the~~ chief administrative officer, and city council, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.

(d) The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The mayor's proposed budget and the city council shall annually appropriate an amount necessary for the adequate support and facilitation of such review. To the greatest extent permitted by law, the chief of police shall provide the board of police commissioners timely updates of any review, investigation, or disposition of alleged misconduct. The board of police commissioners shall have the ability to request additional information from the chief of police and access to those documents or other evidence relied upon by the chief of police in reviewing allegations of misconduct as the city council shall designate by ordinance. For complaints of alleged misconduct that constitute an offense subject to an investigation of the Vermont Criminal Justice Training Council pursuant to 20 V.S.A 2401 et seq. or for which the chief of police intends

to impose discipline constituting loss of pay, suspension, or termination, the complaint may not be disposed until the board of police commissioners is notified of the proposed disposition.

After receiving notice from the chief of police of the recommended or actual disposition relating to the review of alleged misconduct, the board of police commissioners shall have the authority to:

(i) recommend an alternative disposition to the chief of police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the police department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the board of police commissioners, and approved by the city attorney's office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the board of police commissioners may make a recommendation per subsection (i). The board of police commissioners shall not have the authority to investigate or impose discipline upon the chief of police. Matters regarding the alleged misconduct of the chief of police shall be addressed in conformity with section 190(b) of this Charter and other relevant Vermont statutes.

(e) Upon receiving a recommendation by the board of police commissioners in subsection (d), the chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, the chief of police shall immediately the notify board of police commissioners. Upon receiving notice of the rejection, the board of police commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter within a time established by ordinance, subject to the notice and hearing provisions set forth in in Article 62, section 190(a). The disposition of the independent panel shall be final, subject to any applicable right of appeal or grievance process.

This independent panel shall consist of five (5) persons appointed on a case by case basis, per ordinance, as follows: one (1) member to be appointed by the city council; one (1) member to be appointed by the police commission; and, three (3) members to be appointed by the mayor as follows: one (1) member with experience in human resources, or the labor and employment sector; one (1) member with experience in law enforcement; and, one (1) member from the general public. No panel member appointed shall be a current member or employee of the appointing party.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of police ~~force~~ department designated.

(a) The direction and control of the entire police ~~force~~ department, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize, subject to the ordinances, resolutions, and orders of the city council; and, provided that the mayor shall retain the powers and duties of chief executive officer pursuant to §116. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of police may remove member for cause; hearing.

(a) Whenever it shall appear to the chief of police that any member of said ~~force~~ police department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief of police by a responsible person against such member, the

chief of police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~force~~ police department, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief of police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the chief of police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The board of police commissioners, or in the case it has already offered an opinion on discipline pursuant to §184(d)(i), or in the case that the voting number of commissioners falls below four (4) due to declared actual or apparent conflict(s) of interest, an independent panel comprised as in §184(e) shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief of police from duty pending a hearing thereon by the city council. The city council shall forth-with notify the chief of police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief of police reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief of police from the ~~force~~ police department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief of police.

(d) The chief of police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief of police sufficient, suspend from duty without pay any member of the police ~~force~~ department for a period not to exceed 14 days.

*Materials underlined added
**Materials stricken deleted

KS/Resolutions 2024/*Changes to City Charter Arts. 62, 63, & 65 Regarding Police Oversight*
7/11/24

Proposed amendment to §184(e):

This independent panel shall consist of three (3) to five (5) persons appointed ~~on a case by case basis,~~ per ordinance.~~, as follows: one (1) member to be appointed by the city council; one (1) member to be appointed by the police commission; and, three (3) members to be appointed by the mayor as follows: one (1) member with experience in human resources, or the labor and employment sector; one (1) member with experience in law enforcement; and, one (1) member from the general public. No panel member appointed shall be a current member or employee of the appointing party.~~

Add to end of resolution:

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Ordinance Committee shall prepare a draft ordinance outlining the composition of the independent panel authorized by §184(e) of the amended City Charter, if enacted, and shall transmit the draft ordinance to the City Council on or by its meeting on October 28, 2024.

Resolution Relating to

CHANGES TO CITY CHARTER ARTICLES 62, 63, AND 65 REGARDING POLICE OVERSIGHT

RESOLUTION 7.5.
Sponsor(s): Charter Change Committee
Introduced: 07/15/24
Referred to: _____

Action: adopted as amended
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, over the past several years, as part of its continued commitment to oversight and accountability, the City Council and the Administration have continued to take steps to revise Burlington's police oversight, transparency, and accountability practices; and

WHEREAS, pursuant to a resolution adopted by the Council on February 6, 2023, the City Council requested the Ordinance Committee and Charter Change Committee to hold joint meetings, allowing for community and stakeholder input on the disciplinary authority of the Chief of Police, the oversight role of the Police Commission, and the creation of a separate community oversight body independent from the Burlington Police Department; and

WHEREAS, over a span of eight months, the Joint Ordinance and Charter Change Committee met fourteen times, seeking and receiving community and stakeholder input on the issues; and

WHEREAS, the Joint Committee voted to move forward a proposed charter change for public comment with the understanding it may be placed upon the ballot after a final vote of the Burlington City Council; however, after the first public hearing before the City Council on January 16, 2024 it was referred to the Police Commission for review and comment; and

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WHEREAS, the Charter Change Committee unanimously referred the proposed language below to the full City Council for consideration and voted 2-1 to place the proposed language on the November 5, 2024 ballot and warn the language for public hearing;

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments to the city charter recommended by the Charter Change Committee and requests the Mayor to place the following question on the ballot of the General Election to be held on November 5, 2024 and the City Clerk to set public hearings on the this question in accordance with Charter §303 and 17 V.S.A. § 2645:

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(b) The board of police commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the police department, its services and facilities, as may be delegated from time to time by resolution, ordinances, and orders of the city council. Said board shall notify the mayor, ~~and the~~ chief administrative officer, and city council, in writing, of any and all changes, modifications or additions to the rules and regulations of the department.

(c) Without limitation to the foregoing, the board of police commissioners and the chief of police may propose rules and regulations for the government of the entire police department in a manner not inconsistent with those established by the city council. Adoption of such proposed rules and regulations requires joint approval by the board of police commissioners and the chief of police. In the event joint approval is not provided by the board of police commissioners and the chief of police, either party may bring forward to the city council the proposed rule or regulation for the city council's consideration.

(d) The board of police commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the police department. The mayor's proposed budget and the city council shall annually appropriate an amount necessary for the adequate support and facilitation of such review. To the greatest extent permitted by law, the chief of police shall provide the board of police commissioners timely updates of any review, investigation, or disposition of alleged misconduct. The board of police commissioners shall have the ability to request additional information from the chief of police and access to those documents or other evidence relied upon by the chief of police in reviewing allegations of misconduct as the city council shall designate by ordinance. For complaints of alleged misconduct that constitute an offense subject to an investigation of the Vermont Criminal Justice Training Council pursuant to 20 V.S.A 2401 et seq. or for which the chief of police intends

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

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ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

to impose discipline constituting loss of pay, suspension, or termination, the complaint may not be disposed until the board of police commissioners is notified of the proposed disposition.

After receiving notice from the chief of police of the recommended or actual disposition relating to the review of alleged misconduct, the board of police commissioners shall have the authority to:

(i) recommend an alternative disposition to the chief of police within a time established by ordinance; or

(ii) independently investigate any allegation of misconduct by members of the police department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the board of police commissioners, and approved by the city attorney's office, and completed within a time established by ordinance. Upon the conclusion of such an investigation, the board of police commissioners may make a recommendation per subsection (i). The board of police commissioners shall not have the authority to investigate or impose discipline upon the chief of police. Matters regarding the alleged misconduct of the chief of police shall be addressed in conformity with section 190(b) of this Charter and other relevant Vermont statutes.

(e) Upon receiving a recommendation by the board of police commissioners in subsection (d), the chief of police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the chief of police rejects the recommendation, the chief of police shall immediately notify the board of police commissioners. Upon receiving notice of the rejection, the board of police commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter within a time established by ordinance, subject to the notice and hearing provisions set forth in in Article 62, section 190(a). The disposition of the independent panel shall be final, subject to any applicable right of appeal or grievance process.

This independent panel shall consist of three (3) to five (5) persons appointed per ordinance.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of police ~~force~~ department designated.

(a) The direction and control of the entire police ~~force~~ department, except as herein otherwise provided, shall be vested in a police officer who shall be called the chief of police, and such other ranking police officers as the city council shall authorize, subject to the ordinances, resolutions, and orders of the city council; and, provided that the mayor shall retain the powers and duties of chief executive officer pursuant to §116. The order of rank and succession within the police department shall be as designated by the city council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of police may remove member for cause; hearing.

(a) Whenever it shall appear to the chief of police that any member of said ~~force~~ police department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the chief of police by a responsible person against such member, the chief of police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~force~~ police department, order a reduction in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the chief of police's notice to the member shall be given at least 48 hours prior to any hearing and shall include a description of the

* * * * * * * * * * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Attest:

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

charges being considered. In connection therewith, the chief of police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. The board of police commissioners, or in the case it has already offered an opinion on discipline pursuant to §184(d)(i), or in the case that the voting number of commissioners falls below four (4) due to declared actual or apparent conflict(s) of interest, an independent panel comprised as in §184(e) shall hear any appeal filed in a timely manner with respect to such actions of the police chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such board of regulation. Following its consideration of any such appeal, the board may affirm, modify, or vacate the decision made by the police chief.

(b) Whenever it shall appear to the mayor that the chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the mayor by a responsible person, the mayor may suspend the chief of police from duty pending a hearing thereon by the city council. The city council shall forth-with notify the chief of police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the chief of police reasonable notice of the same, not less than 48 hours, and the city council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the city council shall find such complaints or charges to be well founded, it may dismiss the chief of police from the ~~force~~ police department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this Charter as pertains to the removal of the chief of police.

(d) The chief of police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the police department that may seem to the chief of police sufficient, suspend from duty without pay any member of the police ~~force~~ department for a period not to exceed 14 days.

AND BE IT FURTHER RESOLVED, the Ordinance Committee shall prepare a draft ordinance outlining the composition of the independent panel authorized by §184(e) of the amended City Charter, if enacted, and shall transmit the draft ordinance to the City Council on or by its meeting on September 23, 2024.

*Materials underlined added
**Materials stricken deleted

KS/Resolutions 2024/*Changes to City Charter Arts. 62, 63, & 65 Regarding Police Oversight*
7/11/24

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

RESOLUTION RELATING TO

Chanfes to City Charter Articles 62,63,and 65 Regarding Police Oversight

as amended

Adopted by the City Council

July 15, 20 24

Clerk

Approved July 17, 20 24

Mayor

Attest:

Vol. ..... Page .....

* * * * * * * * * * * * *

Burlington Fire Department

136 South Winooski Avenue
Burlington, Vermont 05401-8378
(802) 864-4554 • (802) 658-2700 (TTY)
Business Fax (802) 864-5945 • Central Station Fax (802) 865-5387

To: Board of Finance and City Council

From: Michael LaChance, Fire Chief

Date: July 8, 2024 (BoF)/ July 15, 2024 (CC)

RE: Ambulance Fee Increase

The Department seeks approval to increase the billing rates charged for ambulance services. These modest changes, made in response to the user fee study, and with an eye to affordability are projected to increase annual revenue collections by $102,000. The Department has based its FY25 revenue estimate on these changes to increase revenue and reduce the burden on the general fund.

The Department last increased ambulance rates in 2022. It should be noted that these increases will not affect patients covered by Medicare or Medicaid. Patients with either of these insurance providers have payment limitations, and the City must write off the excess balance. Ultimately, these proposed rate increases affect approximately 13 percent of those we transport with commercial insurance and a small percentage of self-paying customers.

The chart below shows the Medicare and Medicaid limits currently in place.

Charge Description	**Medicare**	**Medicaid**
Basic Life Support (BLS) – Emergency	$431.24	$432.45
Advanced Life Support (ALS) 1 – Emergency	$512.10	$513.54
Advanced Life Support (ALS) 2 – Emergency	$741.19	$743.28
Mileage	$8.94	$8.71
Oxygen	$0	$19.26
IV	$0	$35.01
Defibrillator	$0	$23.02
Treatment w/o Transport	$0	$108.11

The following charts are based on ambulance transports in the calendar year 2023.

Charge Type	**Count**	**Percent of Total**
BLS – Emergency	3,537	66%
ALS 1 – Emergency	1,794	33%
ALS 2 – Emergency	36	1%
Total	5,367	100%

Payer Type	**Count**	**Percentage of Total**
Commercial	630	13%
Medicare	2,606	49%
Medicaid	1,915	35%
Self-Pay	216	3%

Total	5,367	100%

The increases provided in the schedule below would be effective upon passage by the Board of Finance and City Council, and a description of each charge is outlined in Appendix A. The treatment w/o transport line is new to this proposal. This allows the department to assess a service fee even if the patient is not transported by ambulance to the hospital. The Department arrived at the proposed increase fee in coordination with the user fee study and our billing vendor. This vendor works extensively with insurance companies and understands the pricing environment. While the proposed recommendation would surpass some agencies in Chittenden County, it is in line with the Towns of Colchester, Milton, and Williston and others plan to raise their rates later this year. The objective is to raise rates to maximize revenue without being considered unreasonable for our area. We believe the proposal below meets that objective.

Appendix A includes a summary of the billing charges by other ambulance service providers in the area.

The Department is recommending the following changes to the fee schedule:

Charge Description	**Current Charge**	**Proposed Increase $**	**Proposed Increase %**	**New Charge**
BLS – Emergency	$900.00	$75.00	8.4%	$975.00
ALS 1 – Emergency	$1,150.00	$100.00	8.7%	$1,250.00
EKG	$50.00	$25.00	50%	$75.00
ALS 2 – Emergency	$1,550.00	$130.00	8.4%	$1,680.00
Mileage	$20.00	$3.00	15%	$23.00
Treatment w/o Transport	$0	$275.00	All	$275.00

Requests:

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize the increased fee structure for ambulance services effective upon passage as described in the table herein this Ambulance Fee Increase memo by Chief LaChance dated July 7, 2024.

City Council Motion:

To approve and authorize the increased fee structure for ambulance services effective upon passage as described in the table herein this Ambulance Fee Increase memo by Chief LaChance dated July 7, 2024.

Thank you for considering these requests.

Appendix A

Description of Transport Types

Basic Life Support (BLS) – Includes the provision of medically necessary supplies and services and BLS ambulance transportation as defined by the State where you provide the transport. An emergency response is one that, at the time you are called, you respond immediately. A BLS emergency is an immediate emergency response in which you begin as quickly as possible to take the steps necessary to respond to the call.

Advanced Life Support, Level 1 (ALS1) – Includes providing medically necessary supplies and services and an ALS assessment or at least one ALS intervention. An ALS crew performs an ALS assessment as part of an emergency response that is necessary because the beneficiary's reported condition at the time of dispatch indicates only an ALS crew is qualified to perform the assessment. An ALS assessment does not necessarily determine that the beneficiary requires an ALS transport level. In the case of an appropriately dispatched ALS emergency service, if the ALS crew completes an ALS assessment, the services provided by the ambulance transportation service provider or supplier shall be covered at the ALS emergency level. Regardless of whether the beneficiary required ALS intervention services during the transport, provided the ambulance transportation itself was medically reasonable and necessary, and all other coverage requirements were met. An ALS intervention is a procedure that must be performed by an emergency medical technician-intermediate (EMT-Intermediate) or an EMT-Paramedic following State and local laws. An ALS1 emergency is an immediate emergency response in which you begin as quickly as possible to take the steps necessary to respond to the call.

EKG - An EKG (electrocardiogram) charge for ambulance transport refers to the fee associated with performing an EKG test during the transport of a patient in an ambulance.

Advanced Life Support, Level 2 (ALS2) – Includes the provision of medically necessary supplies and services, involving At least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or at least one of these ALS2 procedures:

- Manual defibrillation/cardioversion
- Endotracheal intubation
- Central venous line
- Cardiac pacing
- Chest decompression
- Surgical airway or
- Intraosseous line

Treatment Without Transport - Treatment without transport fees typically refers to situations where a patient receives medical care on-site or at home without the need for transportation to a medical facility.

Ambulance Billing Rate Survey

	BLS Emerg rate	ALS1 Emerg rate	ALS 2 Rate	Mileage Rate	Non-Transport Rate
Burlington Proposed	$975	$1,250	$1,680	$23	$269
Burlington Current	$900	$1,150	$1,550	$20	$0
Colchester	$1,233	$1,730	$1,979	$34	$0
Milton	$1,057	$1,524	$1,932	$30.54	$0
Charlotte	$900	$1,050	$1,525	$22	$0
Williston*	$850	$1,050	$1,400	$22	$0
S. Burlington*	$825	$1,050	$1,400	$21.50	$0
Essex*	$825	$1,000	$1,400	$30.54	$150
Richmond	$805	$945	$1,320	$22.50	$805

* Will be proposing increases to their municipalities for FY25

Board of Finance and City Council Submission Checklist

Department: Fire Submitter: M. LaChance

Title/Subject: Ambulance Rate Increases

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/2/2024	LaChance
Mayor's Office informed and approved memo	Yes	7/2/2024	Jacobsen
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A		
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/2/2024	McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/1/2024	Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Post Office Box 849
Burlington, VT 05402-0849
802.863.9094 VOX
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: City Council

FROM: Julia Ursaki, PE, Public Works Transportation Engineer
Laura Wheelock, PE, Division Director of Tech Services/City Engineer

DATE: July 15, 2024

CC: Chapin Spencer, Director of Public Works

RE: Reconnecting Bank & Cherry Concept Approval

Request:

We are respectfully requesting that the City Council approve the following motion:

The City Council approves the preferred design concept for Bank Street east of Church Street, Cherry Street east of Church Street, and the new sections of Pine Street and Saint Paul Street between Bank Street and Cherry Street; and further acknowledges the concepts for Bank Street and Cherry Street west of Church Street approved by City Council on May 21, 2018.

Summary

DPW is advancing the Great Streets Reconnecting Bank & Cherry project following the City Council's acceptance of our $15M Congressionally Directed Spending (CDS) and $22M Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants that are funding this project beyond the project's base Waterfront Tax Increment Financing (TIF). The overall budget is approximately $55 million, with only $300,000 of General Fund resources (Street Capital) needed to cover the local match beyond TIF and CityPlace funding. With our new federal funding, we are adding the blocks of Bank and Cherry Streets east of Church Street to this project, as well as the new blocks of Saint Paul Street and Pine Street (see Figure 1). <u>We are now seeking approval of the preferred design concepts of the new blocks added to the project.</u>

The design concept for these downtown streets is the result of over a decade of planning and stakeholder coordination as outlined in the following sections. The designs support a vibrant,

multimodal, and ecological vision for downtown through wider sidewalks, treebelts with amenities, stormwater facilities to protect Lake Champlain, buried utilities and more. Recent stakeholder input has provided feedback on many topics including the location and type of activation areas, the location of bike parking, and ways to improve community safety along these public rights-of-way. Responding to this community feedback, we are evaluating whether we can add in new items such as a multi-purpose kiosk and public bathrooms. In addition, the design leaves room for flexibility in the future based on discussions with downtowns stakeholders, community input and planning.

Future Flexibility

This concept is based on the City's planning efforts and coordination with stakeholders in the project area over the past decade. However, the design has room for flexibility in the future for what these streets may look like. Community conversations with downtown stakeholders can inform future considerations such as:

- Programming and events on Bank Street, which is designed as a curbless festival street that can be closed to pilot pedestrian access only for events;
- Studies and considering one-way traffic circulation on the new blocks of Saint Paul and Pine Street; and
- Long term, pedestrianizing additional streets in our downtown.

Additionally, DPW is seeking to reduce the speed limit to 20 miles per hour for downtown streets, which aligns with the City's past planning to prioritize multimodal safety and create a downtown slow zone. This project and DPW's other current Great Streets projects already have a design speed of 20 miles per hour.

Past Council-Approved Transportation Planning

DPW is developing this project based on several Council-approved plans that date back to 2011.

Bank & Cherry Concept Design (Council approval May 21, 2018) provided the concept plans (west of Church Street) to the City Council and the public that showed a multi-modal streets consistent with the Great Streets Standards.

Great Streets Standards (Council approval 2018) bring the needs and experience of the pedestrian first, while ensuring that all other users and uses are accommodated in a delicate balance.

PlanBTV Walk Bike (Council approval 2017) envisions a network of connected bicycle facilities throughout the City. Downtown, this includes bike lanes on Pearl Street and Main Street for east-west connectivity, and Winooski Ave and Battery Street north-south. The downtown core is designated as a downtown slow zone (designed for 20 miles per hour or less) with shared lanes for bikes.

PlanBTV Downtown and Waterfront (Council approval 2013) re-imagined our downtown grid by restoring the clipped blocks of Pine Street and Saint Paul Street. It outlines the benefit of these north-south routes for vehicles to relieve traffic on South Winooski Ave and Battery Street and calls out working with the Burlington Town Center (previous mall owners) to re-imagine how this could work.

Transportation Plan (Council approval 2011) designates downtown as a slow street area. The plan states "The Slow Streets are located within the pedestrian-oriented downtown core bounded by South Winooski Avenue, Maple Street, the waterfront, and Pearl Street. In the Slow Streets, cars, buses and bicycles all share the right of way. Pedestrians get priority, and crossings are frequent and short to help reduce intersection delays for both pedestrians and cars. Cars easily pull in and out of curbside spaces. It is proposed that a 20mph speed limit be adopted for this area."

Past Council-Approved CityPlace Coordination

The City has been coordinating with the previous and current mall owners to implement the Council-approved plans.

2017 Development Agreement defines the re-established blocks of Pine Street and Saint Paul Street as part of the Public Improvements associated with the CityPlace development.

February 2021 Escrow Agreement between the City and developers requires approved concept for the design of Saint Paul and Pine Streets by May 2021. The concepts were presented to the City Council on May 10, 2021 and approved by the Development Review Board on March 17, 2017

November 2021 City Council Approval for 150 Bank Street Agreement for 150 Bank Street property acquisition. This provides access management on Bank Street for pedestrian safety and relocates a driveway for 150 Bank Street on St Paul Street. The property rights have been acquired and agreements between the property owner and the City have been executed.

August 9, 2021 City Council Approval 100 Bank Street Agreement for a roadway easement and sidewalk easement under 100 Bank Street for the new block of Pine Street. The property rights have been acquired and agreements between the property owner and the City have been executed. with the understanding that the roadway easement will be a public street open to vehicles.

June 20, 2023 City Council Approval for Construction Costs for S. D. Ireland's contract for public improvements. The construction contract is based on final design documents submitted in December 2022 that are based on the street concept approved by City Council on May 21, 2018.

CityPlace Permits and Zoning

The developers have gone through the Development Review Board's processes to meet the City's planning and zoning requirements.

Original Permit approved March 17, 2017 which includes the concept design for St Paul Street and Pine Street

Amended Permit approved March 8, 2021 which includes driveway access for the CityPlace parking garages off of St Paul Street and Pine Street

Community Input

May 23, 2024 Public Meeting

These concepts were presented at a public meeting in Contois Auditorium at City Hall and online via Zoom. Approximately 20 members of the public attended. The project team heard comments about additional locations for pedestrian plazas and rain gardens, integrating public safety into the street design, how bikes, pedestrians, and vehicles will interact on the curbless street, and several clarifying questions.

June 12, 2024 Church Street Marketplace Commission

These concepts were presented to the Church Street Marketplace Commission. Input included discussion over public safety and use of pedestrian plazas, locations of pedestrian plazas, the need for parking in the project area, public art, public bathrooms, and public safety infrastructure. Needs for access to Church Street were also discussed, including turning radii for delivery trucks and street widths.

May 23, 2024 and June 25, 2024 City Council Transportation, Energy & Utilities Committee (TEUC)

At the meeting on May 23, DPW presented the concept to the TEUC for the first time. Their discussion included coordinating construction timelines with Downtown BHS, adding signage and wayfinding for bikes, and parking changes throughout the corridor.

At the meeting on June 24, 2024, the TEUC discussed limiting Bank Street and Cherry Street to pedestrian only between Saint Paul Street and Winooski Ave, a recommendation to incorporate public safety infrastructure into the design, and a desire to not put our federal funds in jeopardy. The TEUC also discussed that several of the City's past planning efforts may be out of date and not reflect the current public sentiment. DPW discussed pursuing an updated Transportation Plan for the City in the next round of planning projects from the Chittenden County Regional Planning Commission as well as the flexibility in our current concept for changes in the future.

June 26, 2024 Public Works Commission

The Public Works Commission unanimously supported the following motion at their June 25, 2024 meeting:

The Public Works Commission recommends that the City Council approve the Great Streets Reconnecting Bank & Cherry concept design.

Their support is based on several elements of this concept, including:

- Green infrastructure that uses stormwater runoff to feed street trees
- Healthier street trees that fill gaps in our tree canopy and reduce the urban heat island

effect
- Parking neutral change throughout the project area that does not reduce City revenue from parking
- Additional bike parking
- Streets designed for 20 miles per hour

Grant Constraints

The $15 million in CDS funds for Cherry Street require that construction funds are obligated by June 2026. The $22 million in RAISE funds for the remainder of the project area require that construction funds are obligated by June 2027. For construction funds to be obligated by the Vermont Agency of Transportation (VTrans), the City needs contract plans and documents that are complete, then reviewed and approved by both VTrans and the Federal Highway Administration (FHWA).

The process and timeline for preparing contract plans and documents includes:
- A six-month National Environmental Policy Act (NEPA) review
- Coordination with utility owners, property owners, and business owners
- A one-month VTrans and FHWA review for multiple plan submissions (conceptual, preliminary, right-of-way, final, and contract plan submissions)
- Survey and design work itself

This is an ambitious timeline. The City applied for these grants with plans that are 75% complete for six blocks of this project based on the City Council concept approval from May 21, 2018. Major changes to the project scope require review from the US Department of Transportation (USDOT) to determine if the project is eligible for funding, and then an amendment to our grant agreement to change the project scope. This type of review and coordination with USDOT takes several months and puts the project on hold to make these administrative changes. This jeopardizes our federal funding. DPW cannot deliver contract plans and documents by our construction funds obligation deadlines with a delay in the design development to re-evaluate the concept.

Proposed Concept

The proposed concepts are rooted in several years of design and past transportation planning. For the newly added blocks of Bank Street and Cherry Street, DPW is proposing to continue the existing design concept and cross sections from Bank Street and Cherry Street west of Church Street, which are shown in Figures 3 and 4 below and in Attachment 1. For Saint Paul Street and Pine Street, DPW's street concept is consistent with the Great Streets design for Commercial Minimum streets. Please see the concept drawings shown in Attachment 1.

Key elements of the proposed concept include:
- Burying the overhead utilities on Bank Street between St Paul and Pine Streets (to allow for bigger healthier trees and a cleaner look)
- Planting all new trees and installing either soil cells or other optimum growing mediums for the street trees
- Providing permeable pavers in greenbelt and other technologies to take stormwater from

the sidewalk and tree belt to feed the trees

- Installing granite curbs that will have a longer life than concrete
- Adding bump outs that will narrow pedestrian crossings and add planting /activation areas
- Install new lighting fixtures consistent with BED design standards and meet current lighting standards for both the sidewalk and the street
- Adding amenities along the streets including seating, pedestrian plazas, public art, and bike parking

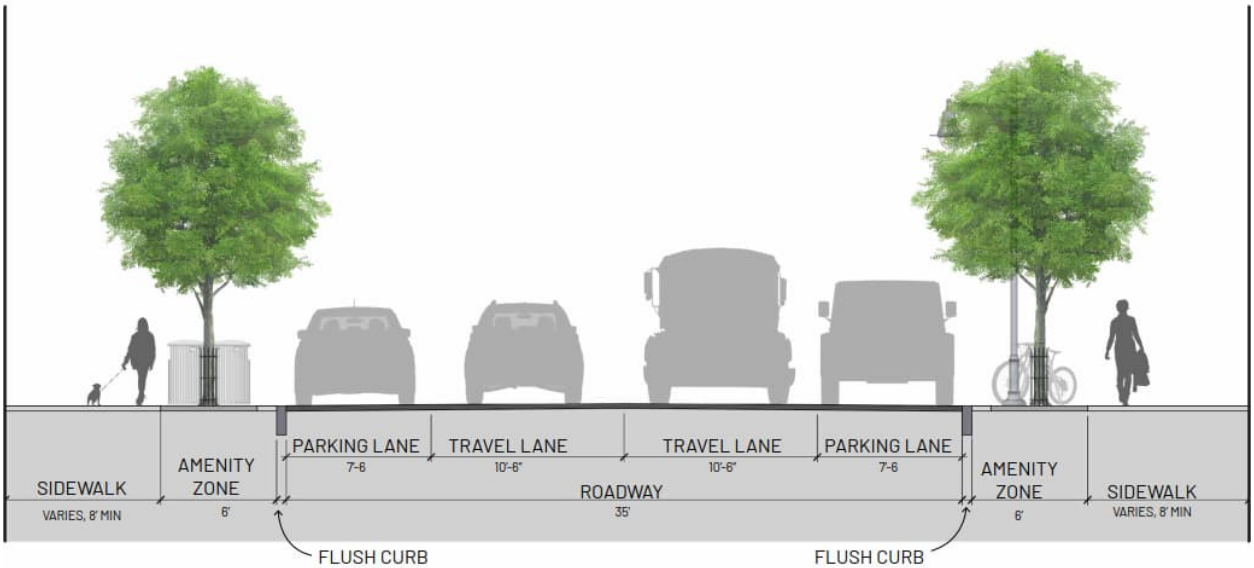


Figure 1. Bank Street Proposed Section

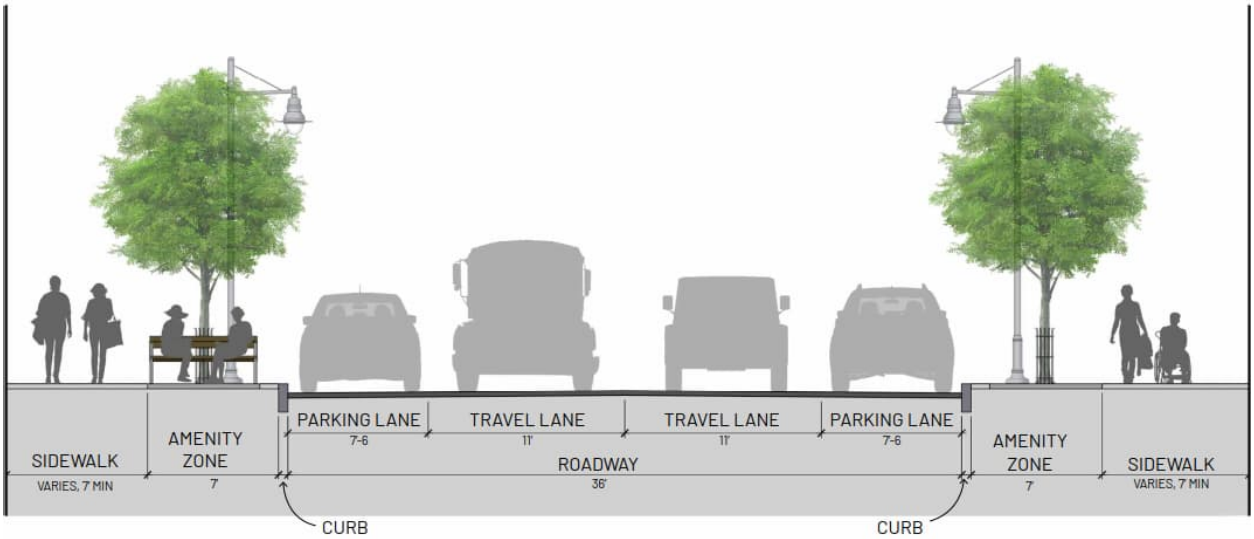


Figure 2. Cherry Street Proposed Section

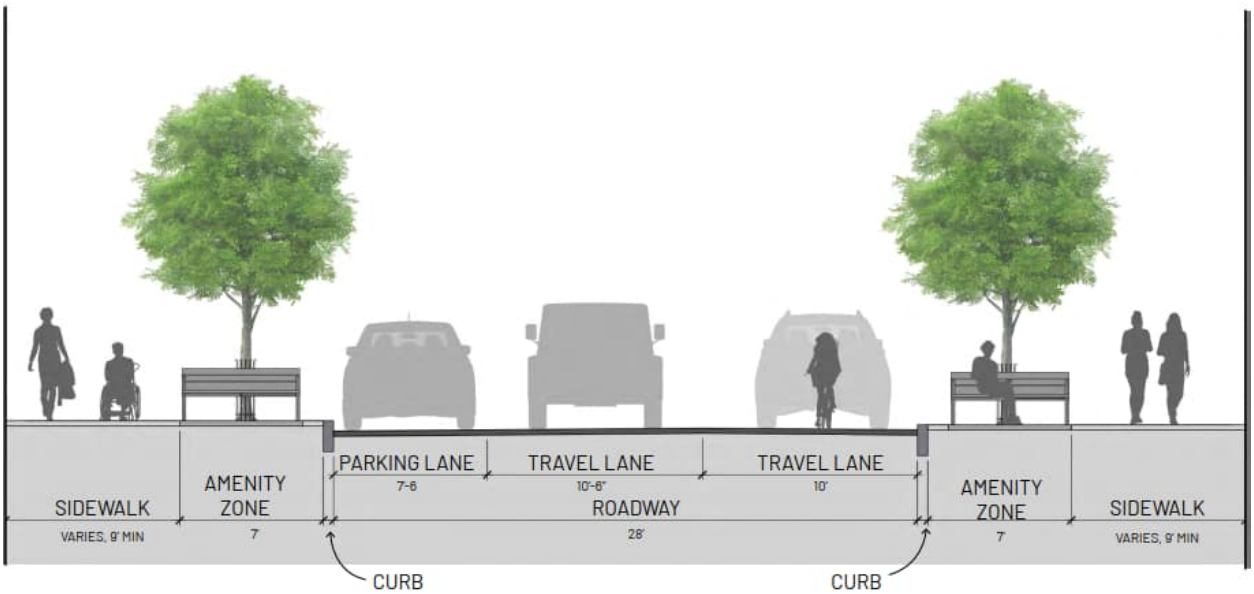


Figure 3. Pine Street and Saint Paul Street Proposed Section

Timeline/Next Steps

The timeline and next steps for this project are as follows:

July 15, 2024 | City Council seeking concept approval

July – October 2024 | Design Development

October 2024 – April 2025 | National Environmental Protection Act (NEPA) review

April 2025 – May 2026 | Final Design, Permitting and Right of Way

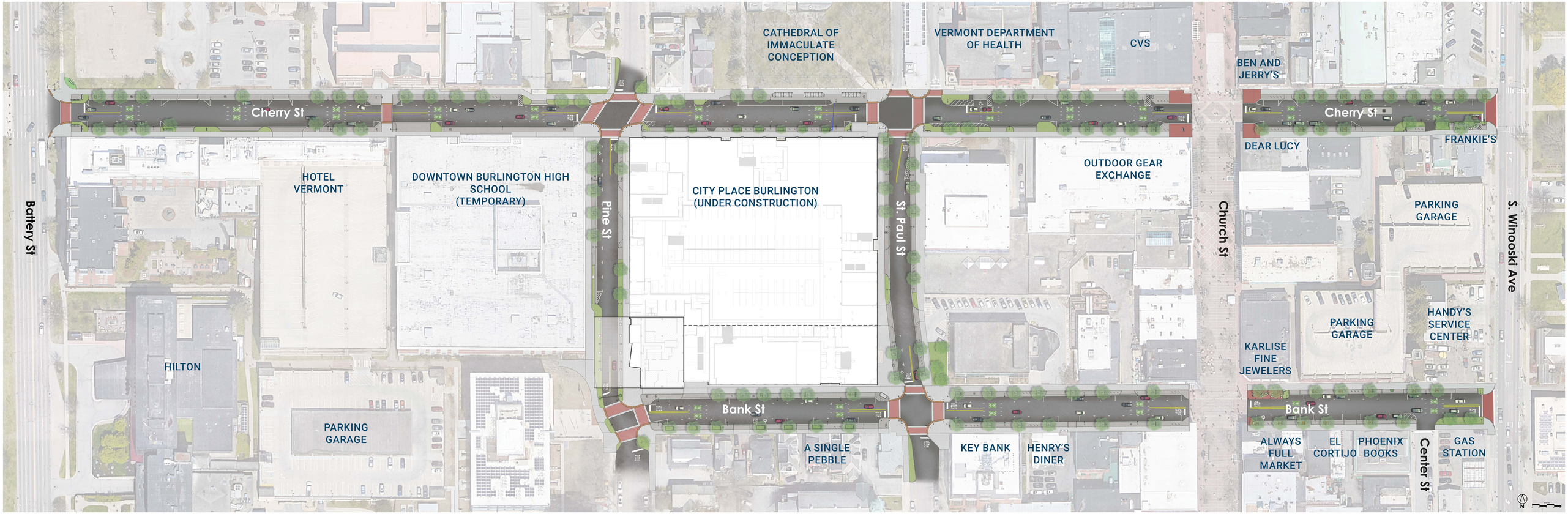
Spring/Summer 2026 | Cherry Street Construction

Spring/Summer 2027 | Bank Street, Saint Paul Street, Pine Street Construction

Additional information and updates can be found on the project website at:
https://greatstreetsbtv.com/gs-initiative/reconnecting-bank-cherry/

Attachments

1. Overall Concept Graphic


CATHEDRAL OF IMMACULATE CONCEPTION
VERMONT DEPARTMENT OF HEALTH
CVS
BEN AND JERRY'S
Cherry St
Cherry St
DEAR LUCY
FRANKIE'S
HOTEL VERMONT
DOWNTOWN BURLINGTON HIGH SCHOOL (TEMPORARY)
Pine St
CITY PLACE BURLINGTON (UNDER CONSTRUCTION)
St. Paul St
OUTDOOR GEAR EXCHANGE
Church St
PARKING GARAGE
S. Winooski Ave
Battery St
HANDY'S SERVICE CENTER
PARKING GARAGE
KARLISE FINE JEWELERS
HILTON
PARKING GARAGE
Bank St
Bank St
A SINGLE PEBBLE
KEY BANK
HENRY'S DINER
ALWAYS FULL MARKET
EL CORTIJO
PHOENIX BOOKS
Center St
GAS STATION

Board of Finance and City Council Submission Checklist

Department: Department of Public Works Submitter: Julia Ursaki

Title/Subject: Reconnecting Bank & Cherry Concept Approval

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/8/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/10/2024	Joe Magee
Board/Commission, if required	N/A		Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/10/2024	Erik Ramakrishnan
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/10/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/11/2024	Bradley Kukenberger
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	TEUC

Resolution Relating to

AUTHORIZATION TO APPLY TO DOWNTOWN SALES TAX REALLOCATION PROGRAM RE CITYPLACE PROJECT – 75 CHERRY STREET

RESOLUTION

Sponsor(s): Councilor Neubieser
Introduced: _____
Referred to: _____
_____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four ……

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Downtown Development Act (24 V.S.A. Chap. 76A) provides various benefits for communities whose downtowns receive designation as Designated Downtown Districts, including income tax credits for rehabilitation of older or historic buildings, reallocation of sales tax receipts for building materials and financial assistance from various programs specifically for Designated Downtown Districts; and

WHEREAS, the City desires to improve the public infrastructure within the designated downtown district; and

WHEREAS, the City desires to secure resources to make improvements to the public infrastructure; and

WHEREAS, the CityPlace Project is a proposed construction project of approximately 300 units of housing, approximately 300 hotel rooms, along with commercial/retail space which in total will result in approximately 700,000 square feet of new mixed-use space, within Burlington's Designated Downtown district, the construction of which will generate sales tax revenue to the State from the purchase of eligible materials; and

WHEREAS, in accordance with 32 V.S.A. section 9819, the City can request reallocation of a portion of that sales tax to public infrastructure adjacent to and in support of the subject development project; and

WHEREAS, the municipal project may include infrastructure improvements such as sidewalks, curbs, new street trees, utility system upgrades, stormwater system upgrades, and lighting installations, and these infrastructure improvements are eligible to use the reallocated sales tax funds; and

WHEREAS, these projects are appropriate and in keeping with the revitalization goals of Burlington's Downtown District and all other municipal plans, and these additional benefits for Burlington's Downtown District should be sought;

NOW, THEREFORE, BE IT RESOLVED that the Community and Economic Development Office is authorized to apply to the Downtown Program for reallocation of sales tax receipts for building materials used in the CityPlace Project at 75 Cherry Street to make improvements to the adjacent public infrastructure in Burlington's Downtown District.

COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

To: City Council
From: Brian Pine, CEDO Director
Date: July 9, 2024

Re: Application to Downtown Program – Sales Tax Reallocation Program

---

This memo is intended to provide background information on the application to the VT Downtown Program's Sales Tax Reallocation Program. The Downtown Program provides various benefits for communities whose downtowns receive status as Designated Downtown Districts, including tax credits for rehabilitation of older or historic buildings, reallocation of sales tax receipts for building materials and financial assistance from various programs specifically for such districts.

On an annual basis, the Downtown Program invites municipalities and the developer of a qualified project to jointly apply to the Downtown Board for a reallocation of sales taxes on construction materials. Qualified projects must be located within a designated downtown district to be eligible for a reallocation of sales taxes on construction materials. Reallocated taxes must be used by the municipality to cover public improvements related to the qualified project. This program, which requires approval from the local governing body, enables the City to essentially re-purpose state sales tax revenue to fund adjacent public infrastructure that supports both the project and the City's Designated Downtown and upgrades public infrastructure without relying on local property taxpayers.

CEDO and DPW are currently developing an application to the Sales Tax Reallocation Program as a second request for the public improvements associated with City Place Burlington. The City's request in 2023 was approved for $987,000. City Place includes more than 300 housing units along with approximately 300 hotel rooms and ground floor retail that together comprises about 700,000 square feet within Burlington's Downtown District. The municipal project component of this request includes a portion of the streetscape amenities such as lighting, hardscape amenities, pedestrian and bicycle infrastructure, and plantings along St. Paul, Pine and Bank Streets.

The project will generate sales tax revenue to the State and City, expand the City's property tax base and grow City revenue from other sources, increase the housing supply and generate both construction and permanent jobs.

We anticipate requesting the maximum allowed for one municipality in a given year ($1.2MM this year) for the public improvements connected with CityPlace Burlington. Obviously, the total cost of the related streetscape improvements far exceeds the allowed amount. Please find attached a resolutions seeking the respective City Council authorizations for CEDO to submit the application to the Sales Tax Reallocation Program for this critical City project.

Motion: “To approve the proposed resolution authorizing CEDO to apply to the Downtown Program for reallocation of sales tax receipts for building materials used in the CityPlace Project at 75 Cherry Street to make improvements to the adjacent public infrastructure in Burlington's Downtown District.”

If you have any questions or concerns, please feel free to contact me directly at 802-578-6953 or bpine@burlingtonvt.gov.

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Brian Pine

Title/Subject: Application to Downtown Program – Sales Tax Reallocation Program

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/8/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	7/10/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/10/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/10/2024	Bradley Kukenberger
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Memo with motion
Contract Attached, if applicable?	N/A	
Additional Materials, if necessary	N/A	
Draft Resolution or Motion?	Yes	Motion in the memo
If for submission to Council, are sponsors identified?	Yes	Councilor Neubieser

Resolution Relating to

AUTHORIZATION TO APPLY TO DOWNTOWN SALES TAX REALLOCATION PROGRAM RE CITYPLACE PROJECT – 75 CHERRY STREET

RESOLUTION 7.8.
Sponsor(s): Councilor Neubieser
Introduced: 07/15/24
Referred to: _____

Action: adopted
Date: 07/15/24
Signed by Mayor: 07/17/24

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four .....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Downtown Development Act (24 V.S.A. Chap. 76A) provides various benefits for communities whose downtowns receive designation as Designated Downtown Districts, including income tax credits for rehabilitation of older or historic buildings, reallocation of sales tax receipts for building materials and financial assistance from various programs specifically for Designated Downtown Districts; and

WHEREAS, the City desires to improve the public infrastructure within the designated downtown district; and

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WHEREAS, in accordance with 32 V.S.A. section 9819, the City can request reallocation of a portion of that sales tax to public infrastructure adjacent to and in support of the subject development project; and

WHEREAS, the municipal project may include infrastructure improvements such as sidewalks, curbs, new street trees, utility system upgrades, stormwater system upgrades, and lighting installations, and these infrastructure improvements are eligible to use the reallocated sales tax funds; and

WHEREAS, these projects are appropriate and in keeping with the revitalization goals of Burlington's Downtown District and all other municipal plans, and these additional benefits for Burlington's Downtown District should be sought;

NOW, THEREFORE, BE IT RESOLVED that the Community and Economic Development Office is authorized to apply to the Downtown Program for reallocation of sales tax receipts for building materials used in the CityPlace Project at 75 Cherry Street to make improvements to the adjacent public infrastructure in Burlington's Downtown District.

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

CEDO Director Brian Pine

RESOLUTION RELATING TO

Authorization to Apply to Downtown SalesTax reallocation Program re CityPlace Project - 75 Cherry Street

Adopted by the City Council

July 15, 20 24

Clerk

Approved July 17, 20 24

Mayor

Vol. ..... Page .....

Attest:

Lori Olberg
Licensing and Records Coordinator

* * * * * * * * * * * * *

CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

MEMORANDUM

To: Board of Finance and City Council
Fr: Laura Wheelock, P.E., City Engineer – Div. Director of Technical Services
Madeline Suender, Public Works Engineer
CC: Chapin Spencer, Director of Public Works
Ashley Parker, Capital Program Director
Megan Moir, Div. Director – Water Resources
Brian Pine, Director of Community and Economic Development Office

Re: Great Streets Main Street Contract Amendments
Date: July 8, 2024 & July 15, 2024 (Board of Finance & City Council)

I. SUMMARY OF REQUESTS

The Department of Public Works (DPW) is seeking Board of Finance recommendation and City Council authorization to:

1. Execute Amendment with SD Ireland Brothers
2. Execute Memorandum of Understanding with Burlington Electric Department
3. Execute Budget Amendment

II. BACKGROUND

The public vote in March 2015 authorized the initiative's first efforts in the City's Downtown Tax Increment Financing (DT-TIF) District by supporting the borrowing of $10,000,000 to make new investments in downtown public infrastructure to ensure that Burlington residents have a downtown that is a vibrant, walkable and sustainable urban center. Voters additionally supported the Great Streets Main Street Project at the March 2022 Town Meeting Day public vote with support to secure an additional $25,920,000 in debt, matching the Vermont Economic Progress Council (VEPC) approved borrowing amount of $35,920,000. In August 2022, the City then issued Bond Series 2022B in the original principal amount of $30,120,000, with $4,261,971 in Premiums received, to support the improvements associated with the Great Streets Main Street project. In March of 2024 the City received authorization from VEPC for the updated project scope and full amount of proceeds and premiums issued with the Bond.

III. CONSTRUCTION UPDATE & SCHEDULE

Construction commenced on February 5, 2024, and has been focused on replacing sewer main between Pine Street and Church St; as well as placing new sewer for the ravine bypass. Work to place the new 48" pipe has been challenging with the depth of the pipe ranging from 13' to 27' below grade, confined rights of way, aging surrounding infrastructure, overhead utilities, and historic adjacent properties.

During the work, the age and condition of the Main St sewer between 227 Main Street and South Union is such that it needs to be added back into the project for replacement. The streetscape work limits are not extending therefore this sewer is considered to be non-participating and are thus are not eligible to utilize DT-TIF funds, and shall be covered by Water Resources Capital funds.

Additionally, as the ravine bypass pipe work started down King Street, the cast iron water main on the street was found to be too brittle to keep in service during the work. It broke several times before it was necessary to install temporary water to the residences and businesses on the street and plan for the replacement of the water main.

Lastly, the trench work associated with the ravine bypass on Church Street between Maple and Main Street, as well as King Street from Church St to South Winooski Avenue, will result in 80% of the street to be repaved by the trench alone. In an effort to restore the street and take advantage of the work under the project, additional Street Capital funds are being added to repave these streets curb to curb as work completes.

Upcoming work for this season will include replacement of the water main along Main Street and continuing the installation of the ravine sewer bypass piping. It is possible that construction of the large storm water detention vaults along the north side of Main Street could be started late fall/early winter 2024. The contractor is anticipated to work throughout the winter of 2024-2025, with an overall contract completion in the fall of 2026.

Additional project information can be found on the website: greatstreetsbtv.com

IV. CONTRACT AMENDMENT WITH S.D. IRELAND BROTHERS CORPORATION

The City Council previously authorized the construction contract with S.D. Ireland at their November 20, 2023 meeting. As noted in the update above, there is additional work that DPW is seeking to have performed under the project. This work can be summarized as:

- King St water main replacement from Church St to South Winooski Ave ($105,000)
- Main St sewer replacement from 227 Main to South Union Street ($291,615)
- Additional Paving on Church St and King St ($150,771)

The total for the King St water work is $175,000, however the cost is being offset with changes to the project scope of work. Due to utility conflicts within the Main St portion of the project stormwater piping was removed and will result in $70,000 of savings. The King St water main replacement is necessary to complete the ravine sewer work and therefore eligible to be completed with DT-TIF funds. Details of the additional funding are outlined below.

Change to the contract with SD Ireland Brothers Corporation will increase their contract by $547,386.

V. MEMORANDUM OF UNDERSTANDING WITH BURLINGTON ELECTRIC DEPARTMENT

DPW and Burlington Electric Department (BED) are working to jointly enter into a new Memorandum of Understanding (MOU) for construction work of decorative street lighting associated with this project. This MOU will lay out a scope for BED to facilitate implementation of new lighting and electric along the project limits. Per BED's Lighting Policy, the project shall be responsible for Decorative Street Lighting and Standard Street Lighting costs for any sections that currently meet Illuminating Engineering Society (IES) recommendations. BED will be responsible for costs for Standard Street Lighting for sections that do not currently meet IES recommendations. The curb line and reconstruction of the street trigger the need for a full redesign and illumination with IES compliant lighting. BED's estimate of the standard lighting, which would be required from the streets redesign shall be provided as a credit to DPW's decorative IES lighting design.

Decorative Street Lighting Inspection and Engineering – Phase 1	$614,262
Standard Street Lighting Inspection and Engineering – Phase 1	$(64,452)
Resulting Total	$549,810

Existing Lighting Removal costs will be borne by BED based on the significant relocation of streetscape elements and need to update lighting within project limits.

VI. PROJECT FINANCIALS

To date the project has expensed approximately 36% of the previously approved contract total; this higher amount accounts for mobilization and payment of stockpiled materials. The project is tracking significant use of contingency funds to mitigate some of the challenges encountered with ravine sewer bypass construction and unforeseen need/use of flaggers. The known/estimated contingency costs are approximately 40% of the previously approved amount or approximately $1,040,000. DPW is closely tracking these items and other project variables to work to keep the project within budget.

Downtown TIF

Phase 1 of Great Streets Main Street is being defined as Main Street improvements from Pine Street to South Winooski, including Ravine Sewer work. The majority of this project is to be funded by Downtown Tax Increment Financing as approved by the Vermont Economic Progress Council (VEPC) and Burlington voters in March of 2015 ($10,000,000), and again in March of 2022 ($25,920,000). Following these approvals, the City then bonded for the design and construction of the project in August of 2022. The resulting bond proceeds totaled $30,120,000, and $4,261,971 in premiums.

The original November 2021 VEPC approval included a total project budget of $30,658,933. Upon procurement of the final bonding City staff submitted a substantial change request to VEPC in July of 2023. Within this request, one of the items was to update the Main Street Project Budget to a total of $34,381,971. This accounts for use of the full Bond Proceeds and Bond Premiums procured under the voter authorization. This substantial change request was reviewed and approved by VEPC in March of 2024.

Street Capital Funding

Street Capital tax revenues from FY25 have been budgeted for use on items in the project that are not DT-TIF eligible, as well as supporting the reconstruction of other sidewalks and street sections within the

project area. This original approval included $395,706.03; and the request for consideration will add $150,771 for a total of $546,477.03.

Water Resources Funding
Water capital funds will be used to fund the costs that are not DT-TIF eligible ($105,000) of the replacement of the King Street Water main. These funds are made up of unused FY24 Water distribution capital funds ($70,723) and budgeted FY25 capital funds ($34,277). The remainder of the work ($70,000) will be funded with the savings from the removal of the stormwater pipe work on Main Street as discussed earlier.

Wastewater capital funds will be used to fund costs that are not DT-TIF eligible for the replacement of the Main St sewer main from 226 Main to South Union St ($291,615). These funds are unused FY24 funds allocated for capital work.

An updated project budget is included in the attachments, including account details and projects.

VII. MOTIONS

Board of Finance:

1. To approve and recommend that the City Council authorize the Director of Public Works to execute an amendment to the contract, subject to City Attorney review and approval, with S.D. Ireland Brothers Corporation in the amount of $547,386, bringing the total contract value up to $26,509,929.26, with the previously authorized the use of an additional $2,596,254.83 in contingency funds to be available to use toward any necessary future contract amendments needed to accomplish the construction work herein contemplated, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount not to exceed $29,106,184.09 for the development of the design of the Great Streets Main Street project.
2. To approve and recommend that the City Council authorize the Director of Public Works to execute a Memorandum of Understanding, subject to City Attorney review and approval, with Burlington Electric Department in the amount of $549,810, for the lighting construction of the Great Streets Main Street project.
3. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY25 and Overall Project Budgets, in substantial conformance with the attached budget transfer request.

City Council:

1. To authorize the Director of Public Works to execute an amendment to the contract, subject to City Attorney review and approval, with S.D. Ireland Brothers Corporation in the amount of $547,386,, bringing the total contract value up to $26,509,929.26, with the previously authorized the use of an additional $2,596,254.83 in contingency funds to be available to use toward any necessary future contract amendments needed to accomplish the construction work herein contemplated, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total

authorized amount of $29,106,184.09 for the development of the design of the Great Streets Main Street project.

2. To authorize the Director of Public Works to execute a Memorandum of Understanding, subject to City Attorney review and approval, with Burlington Electric Department in the amount of $549,810, for the lighting construction of the Great Streets Main Street project.
3. To authorize the Chief Administrative Officer, or their designee, to effect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY25 and Overall Project Budgets, in substantial conformance with the attached budget transfer request.

VIII. ATTACHMENTS

A. Project Budget
B. DRAFT Budget Amendment

NEW WORLD Project Name: 853 Main St
Project Manager: Madeline Suender
Project Supervisor Laura Wheelock
Last Updated: 7/15/2024

G/L NUMBER AND NAME	Detailed Project Name	NOTES		Total
REVENUE:				
853-19-700.4990_236	853 MAIN ST, DT TIF - Capital	DT TIF VA BOND - Construction		$23,391,722.00
853-19-700.4990_236	853 MAIN ST, DT TIF - Capital Premiums	DT TIF VA PREMIUMS		$4,261,971.06
853-19-700.4990_236	853 MAIN ST, DT TIF - Public Art	Public Art		$500,000.00
853-19-700.4990_236	853 MAIN ST, DT TIF - Ravine Sewer	Ravine Sewer		$6,228,278.00
843-19-700.4875_130	842 Street Reconstruction - Paving	Street Capital		$546,477.03
861-19-700.4990_460	861 Water Capital Projects	Water Capital		$105,000.00
862-19-700.4990_480	862 Wastewater Capital Projects	Wastewater Capital		$291,615.00
			Subtotal	$35,325,063.09
EXPENSES:				
853-19-700.9500_236	853 MAIN ST, DT TIF - Capital	Design consultant - (Main St. & Ravine)	VHB/Agency/DG	$2,545,677.00
		Redesign	VHB/Agency/DG	$128,274.00
		Water/Sewer Special Inspection	VHB/Agency/DG	$182,400.00
		QEP Inspection	VHB/Agency/DG	$304,137.00
853-19-700.9500_236	853 MAIN ST, DT TIF - Public Art	Public Art (Design& Construction)	Nancy Winship Milliken, WOWHAUS, Pixel Patch Creative, Lydia Kern Studio	$500,000.00
853-19-700.9500_236	853 MAIN ST, DT TIF - Capital	Street Lighting (Decorative)	BED MOU	$549,810.00
853-19-700.9500_236	853 MAIN ST, DT TIF - Capital	RE and Outreach Consultant	EIV Fee with Contingency	$1,800,000.00
853-19-700.9500_236	853 MAIN ST, DT TIF - Capital	RE and Outreach Consultant	EIV Amendment #1	$298,974.00
853-19-700.9500_236	853 MAIN ST, DT TIF - Capital	Construction Road/Utilites	SD Ireland	$14,865,588.17
853-19-700.9500_236	853 MAIN ST, DT TIF - Capital Premiums	Construction Road/Utilites	SD Ireland	$4,261,971.06
853-19-700.9500_236	853 MAIN ST, DT TIF - Ravine Sewer	Ravine Sewer	SD Ireland	$6,228,278.00
843-19-700.8040_840	842 Street Reconstruction - Paving	Paving	SD Ireland	$546,477.03
861-19-700.9500_110	861 Water Capital Projects	Water	SD Ireland	$105,000.00
862-19-700.9500_110	862 Wastewater Capital Projects	Sewer	SD Ireland	$291,615.00
		Contingency	10% (Design/BED/RE/Const)	$2,716,861.83
			Subtotal	$35,325,063.09
			NET	$0.00

CITY OF BURLINGTON, VT
PROJECT BUDGET AMENDMENT REQUEST

Department: DPW Requested by: Laura Wheelock Date: DRAFT

Briefly explain the reason for the amendment:

Amend budget per City Council Approval 7/15/24.

_____ (under 10k)
Dept. Head Approval

_____ (10k to 24,999)
Chief Administrative Officer Date

_____ (25K - 50K)
Mayor Date

BUDGET AMENDMENT DETAILS

Org Set		GL Account	Account Name	Project/Sub/Detail Name	Increase/ (Decrease)
840-19-700	.	4720	Street Capital, Public Works, Capital Projects.Use of Fund Balance		150,771
840-19-700	.	7900_842	Street Capital, Public Works, Capital Projects.Interfund Transfer - Streets & Sidewalks		150,771
842-19-700-770	.	4990_840	Streets & Sidewalks, Public Works, Capital Projects, Street Reconstruction.Interfund Transfer Proceeds - Street Capital	842 Street Recon - Annual Paving - CY24	150,771
842-19-700-770	.	8040	Streets & Sidewalks, Public Works, Capital Projects, Street Reconstruction.Street Paving	842 Street Recon - Annual Paving - CY24	150,771
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Board of Finance and City Council Submission Checklist

Department: Public Works Submitter: Laura Wheelock, Madeline Suender, Megan Moir

Title/Subject: Main Street Contract Amendments

	Approval:	Meeting Date:
☒	Board of Finance	7/8/2024
☒	City Council	7/15/2024
☐	Concurrent	Click or tap to enter a date.

This form must be completed by the person submitting the materials, and sent with the final submission. Please do not indicate that a signoff was received until it has actually been obtained.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/1/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	7/3/2024	Joe Magee
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/1/2024	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	7/2/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Contract subject to review by City Attorney
Additional Materials, if necessary	Choose an item.	Budget Amendment documents
Draft Resolution or Motion?	Yes	Motions - Memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance