

**BURLINGTON CITY COUNCIL
CONTOIS AUDITORIUM, 2ND FLOOR, 149 CHURCH ST *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 23, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter (via Zoom)
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
Katherine Schad
Jessica Brown
Kim Sturtevant (via Zoom)
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Sarah Montgomery
Chapin Spencer
Laura Wheelock
Corey Mims
Ashley Parker
Brian Pine
Charles Dillard
Nic Anderson
Russ Scully
David White

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:05 PM.

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

- **Remove from the agenda item 9.6 Ordinance: POLICE Composition of Independent Panel (Ordinance Committee)(per City Council President Traverse).**

VOTING: unanimous; motion carries.

2. EXECUTIVE SESSION

2.1 Litigation – City Attorney’s Office

City Attorney Brown noted that item 2.1 involves a personnel issue and item 2.2 is the Railyard Enterprise project update and involves discussion of negotiations.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, 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; and 2. Based upon that finding, the 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)(E), to include the Mayor’s staff, Chief Administrative Officer, City Attorney, and Assistant City Attorney.

VOTING: unanimous; motion carries.

2.2 Railyard Enterprise Project Update – DPW

MOTION by Councilor Doherty, SECOND by Councilor Bergman, that the Council go into executive session to consider the negotiating or securing of real estate purchase or lease options, 1 VSA §313(a)(1)(F), in a pending civic or litigation matter, 1 VSA §313(a)(2), to include the Mayor’s staff, Chief Administrative Officer, City Attorney, Assistant City Attorney, Director of Public Works, City Engineer, Senior Engineer, and Director of Capital Programs.

VOTING: motion carries.

3. RAILYARD ENTERPRISE PROJECT – PROJECT UPDATE - DPW

3.1 Railyard Enterprise Project – Project Update – DPW

Director Spencer said that this item is an update on the project related to the Railyard Enterprise work, which is a public multimodal connection between Pine Street and Battery Street. He said that the City has made significant progress in a number of areas, including studying a number of options to find the preferred alternative, to receiving a federal permit on the project. He said that while the project is only 0.3 miles in length, there are many complexities including stormwater, adjacent uses and impacts, historic resources, etc. He said the two major challenges are related to property acquisition and funding, given the need to create public rights-of-way where none exist today, and that current project cost estimates total \$53 million (and that they have federal, state, and local match for \$20 million, which leaves a sizable gap).

Senior Engineer Mims provided a project update. He spoke briefly about the project’s background and history, saying that it began with a feasibility study by the CCRPC that looked at the ability to have a roadway go through this corridor of the City. He said that the preferred

alternative is a Y-intersection with Pine Street that would curve through the 339 parcel through the Curtis Lumber parcel, would have an intersection with South Champlain, and then tie into the south end of Battery Street. He spoke about the timeline and milestones for the project, beginning in 2012 through present-day activity. He noted that they are currently working on finalizing preliminary designs and can start to enter into right-of-way negotiations in 2025 with property owners. He spoke about how this project differs from other projects that DPW has overseen. He compared it to the Crescent Connector Project in Essex Junction and the Main Street Project in Waterbury. He noted that complexities in this project compared to those similar projects include building demolition, possible tenant relocation, the proximity of a superfund site, and historic/archaeological impacts and implications. He noted that if right-of-way acquisition and final design/construction bidding processes proceed smoothly, they could anticipate beginning construction for this project in 2027. However, he noted upcoming challenges including in right-of-way acquisitions and funding.

Councilor Shannon said it is important to take a step back at this juncture and assess whether it is practical to move forward. She said a good next step should be looking at the likelihood for success, given that any funding questions may have to go to the voters for a two-thirds approval, which does not seem likely.

Councilor Litwin said that this project is highly important to making the Champlain Parkway project as effective as it could be, given that the increases to traffic to the King/Maple neighborhood without this project is at 10%. He agreed that passing a \$30 million bond vote is not likely, but said the City should continue to work with the Vermont Rail Systems to seek out funding.

Councilor Grant spoke about well-voiced concerns about the conditions in the King/Maple neighborhood and the impact of additional traffic there. She spoke about transportation apartheid, noting that conversations might perhaps be different if the neighborhood were populated with a different economic or racial class of people.

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

4.1. Verbal Comments

Forum opened at 7:08 PM.

COMMENTS:

Burlington residents (in person):

- Jacob Albee spoke about the Railyard Enterprise Project as a representative of a coalition of all landowners on the east side of the proposed roadway from Battery Street to Maple Street from the Waterfront Center to Curtis Lumber. He said that they are in unified opposition to the project as presented, saying it is too expensive for what it will be, and will not effectively solve the problem of too much traffic.
- Romeo von Hermann spoke about items related to emergency shelters, establishing a downtown safety hub, and a potential new police station. He asked that the administration look into some of the large vacant buildings in the downtown area to purpose toward temporary housing. He spoke about the public safety hub, saying that it will be important to have an information center where members of the public can speak to members of the law enforcement community, but said that the root causes of crime need to be addressed. He said that there are also a number of buildings downtown that are empty that could temporarily house a new police headquarters while the current police building is renovated.
- Alex Melville spoke about the proposed changes to the Neighborhood Code, saying that most of the amendments are good and will help create more housing and more affordability in Burlington. He spoke about the limit of height to secondary structures, saying that this will limit flexibility for builders to construct accessory dwelling units. He also spoke about the reduction of maximum size from 1,100 to 900 feet, which also seems like it would limit construction too much.

- Jane McDougal asked how large a new police building would be, because if the City expands its police force it will need a larger building for them. She also spoke about the dangerous conditions on Cherry Street near the Cathedral Square area.
- Sheryl Green spoke in support of the resolution related to the police station renovation, saying that most of the public buildings she finds most pleasant in the City have been renovated and are light-filled, accessible, and serve the needs of the public and the staff working at them. She said that renovations will enhance the BPD's capacity for things like training and de-escalation, and the opportunity for respectful witnessed interactions with the public. She said that selling the 1 North Street building and using the revenue to create a more centrally located building sounds like it could avoid the need for additional taxpayer dollars, which is an important goal for her.
- Brett Yates expressed disappointment that amendments to the Neighborhood Code would roll back gains by adding new size limitations on secondary structures, which limits the flexibility of having those secondary structures. He spoke about how the conversations about increased density in the City have the tone of NIMBYism and do not help to tackle the problems related to lack of housing.
- Tom Freiheit spoke in support of height restrictions in auxiliary buildings in the Neighborhood Code amendments, saying that it is important to the fabric of Burlington neighborhoods and the well-being of the community.
- Mary Keogh said that no one disagrees that there is a housing crisis but that the City needs to implement policies in a thoughtful way to respect those that already live here. She noted that this proposal does nothing to increase housing affordability, but simply makes more housing available for people who already have assets.
- Jacob Davis spoke in opposition to the proposed changes in the comprehensive development ordinance, saying that from an economics perspective, land values tend to increase when building restrictions are reduced, and that the changes to reduce height limits are another method of reducing the viability of the structures that would be built under this ordinance change.
- Jak Tiano noted that he is not in favor of the changes proposed by the Ordinance Committee, saying that it reduces the housing potential of the Neighborhood Code without replacing that lost potential. He said that this is a quantifiable housing crisis and the City can calculate the number of units it needs, which is the lens that the Planning Department and Planning Commission took when crafting this proposal. He said that this is not the lens the Ordinance Committee took when modifying the proposal. He said that the modifications propose an equity imbalance to benefit the aesthetic preference of the most privileged residents at the expense of housing security for the least privileged.
- Michael Long spoke in support of the amendment to the Neighborhood Code that provides that secondary structures be limited to 2 stories so as not to loom over primary structures, and urged an amendment to limit the footprint of secondary structures to no more than the footprint of the primary structure. He said that Neighborhood Code is supposed to conform to the City's Municipal Plan, but that the Municipal Plan celebrates the City's neighborhoods and promises to sustain them through incremental change, and that this code update does not do that.
- Diane Freiheit spoke in favor of the amendments as proposed, saying that there should be a relationship between the heights of the primary and secondary structures, and that she supports the amendments to limit the height of secondary structures. She also expressed support for height restrictions in historic districts.
- Caryn Long agreed that secondary structures should not be higher than primary structures on a lot, and agreed with that proposed amendment to the Neighborhood Code. She also said that there is a need for apartment-style housing in the City and that there are a number of empty buildings and vacant lots downtown that could be utilized.

Burlington residents (via Zoom):

- Evan Gould spoke about the Neighborhood Code amendments, saying that policies limiting housing production are one of the largest barriers to affordable housing. He disagreed with the amendment to limit the height of secondary structures to be lower than that of

primary structures, and noted that 10% of the workforce of his company has moved out of state because they were not able to find housing.

- Sharon Bushor spoke about the Neighborhood Code, saying that she supports the proposal that secondary structure footprints be up to 1,100 square feet. She expressed disappointment that the Neighborhood Code is a housing policy ordinance that doesn't address affordability, which is the real crisis in the community.
- Mary Gannon spoke as one of the drafters of the City's Diversity and Equity Strategic Plan in 2014 and a professional who has been engaged in racial equity work in Vermont for over 20 years. She expressed concern about the continued pattern of systematic marginalization, exclusion, and dehumanization that continues to impact women of color in positions of power and leadership in the State. She spoke about the continued impact of the situation around former Director Tyestia Green, saying that those in power must be held accountable.

Non-Burlington residents (in person):

- Mariah Flynn spoke about an item in the CCRPC FY24 Annual Report related to an interactive website with maps and visuals that make it easier to understand the risk factors in the local environment in Burlington that have been shown to increase youth substance use. She said that the maps include all new retail locations for alcohol, tobacco, and cannabis, and their proximity to schools in Burlington, as well as an equity map. She noted that 90% of adults with substance use disorder begin using prior to the age of 18.

Forum closed at 7:49 PM.

5. WORK SESSION: SOUTH END INNOVATION DISTRICT

5.1 Work Session: South End Innovation District

Director Pine began by noting that in January 2023 the City entered into a Memorandum of Understanding with the owners of Ride Your Bike and Champlain College who hold ownership of properties on either side of 68 Sears Lane. He said that the purpose of this MOU was to facilitate a conceptual design and development framework for the coordinated redevelopment of parcels by applying the proposed regulations of new zoning, which will result in a vibrant, sustainable, and accessible mixed use neighborhood.

Russ Scully, the owner of Hula on Lakeside Avenue, spoke about the creation of Hula and the acquisition of 125 Lake Street for parking needs. He noted that post-Covid, there is not the demand for parking that was anticipated, and there is likely a better use for that space to address the housing crisis.

Interim Planning Director Dillard spoke about the creation of the South End Innovation District, an overlay district that allows for housing in a dense and relatively intense form in the City. He said that the project in question would cover 3.7 acres of Champlain College's property, 3.3 acres of City property, and 125 Lakeside Avenue, and that the three owners have agreed that some kind of coordinated redevelopment effort is the most efficient way to utilize these areas. He spoke about the foundational elements of the MOU, which articulates a mobility framework, a conceptual development program, wastewater and infrastructure capacity expansion needs, and car trip budgets and promotion of the City's standard level of service. He spoke about the extensive public engagement that has occurred for the SEID, which began in 2014. He shared an outline of a proposed Planning Unit Development (PUD) urban design framework for the parcels in question, as well as a bike/pedestrian framework outlining how this would connect to existing infrastructure on Pine Street.

Director Spencer spoke about wastewater capacity and constraints for the South End in the context of this potential new project. He said that his team is working on approaches to how it can address wastewater needs for this project and also address other redevelopment projects and future needs and demands. He said one challenge is that the wastewater treatment plant has capacity, but the sewer mains along Pine

Street are full during wet weather events that leads to combined sewer overflows during major wet weather events. He showed data on combined sewer overflows over time, noting that the vast majority of them since 2015 have come from the Pine Street/Barge Canal outfall. He said they are discussing a phased approach for addressing wastewater, saying that they continue to model the Pine Street connection and mains to understand where capacity constraints are being hit and what design changes can be implemented to address those capacity constraints. He said one viable long-term solution is the inclusion of a force main along the Pine Street corridor, which would expand capacity and potentially further improve capacity for other future development. He also spoke about stormwater needs, noting that green infrastructure will be required on private property, a working concept for streetscapes would include ample green stormwater infrastructure, and that there would be zoning incentives for GSI provisions above the requirements.

Director Pine then spoke about several points related to the housing components of this project. He noted that the overall goal of this project is to build a neighborhood where mixed-income homes can have their needs met through ground floor retail space. He also noted that often, if infrastructure is being created from scratch for a development, it often renders development economically infeasible as the cost of creating that infrastructure is passed on through rents or sale prices. Thus, he said that some sort of tax financing instrument may need to be used for this project, given the magnitude of infrastructure being created.

David White of White+Burke Real Estate Advisors, a consultant on TIF districts and projects in the City, spoke about broad concepts, necessary analysis, and potential options going forward for some sort of financing for this project. He noted that constructing housing is not financially feasible in this environment and that it is very high-risk for developers. He said that they need to think about how to enable the construction of housing the City and area so desperately need while also paying for the public infrastructure associated with it, hence why TIF may be a useful tool. He provided background on the TIF mechanism and how it works to help self-fund and pay off the debt service on the infrastructure. He noted that according to State statute, Burlington is not eligible to apply for a full TIF district until it has repaid the debt service on its existing TIF districts, but that a municipal TIF district could be pursued (for example), to only focus on the municipal portion of the taxes. He said the downside of this is that they would only have 34% (the municipal share of taxes) of the full tax revenue to use to fund the project, which may not be enough to cover costs without another fund source. He noted that another option is to lobby for a legislative change to either lift the prohibition on pursuing another full TIF district, or change the law to allow "project only" TIF districts in addition to full TIF districts.

Councilor Neubieser spoke about the importance of providing affordable housing and also affordable homeownership, particularly for families. He said that it also has the potential to expand the grand list and ease the tax burden on the City. He also spoke about the need for green space in whatever plans are pursued. He expressed support for powering the development through renewable low-carbon solutions, such as geothermal and solar energy sources.

Councilor Grant noted that the City's history with audits on the two TIF districts it currently has gives her pause, and asked how the City can avoid those pitfalls. Chief Administrative Officer Schad said that since April 2021 the City has significantly improved its processes for handling TIF accounting. She noted that the audits were conducted on the timeframe before those improvements were made, and said that Councilors should have confidence that processes have been put into place to realize improvements and that there is a clear delegation of responsibilities.

Councilor Barlow asked when they can anticipate an analysis of the capacity that a municipal-only TIF district might bring. Mr. White replied that they can anticipate an initial analysis within the next month.

Councilor Kane asked about the amount of parking that would be available in Phase 1 of construction. Interim Director Dillard replied that in Phase 1 there will still be large expansive surface parking from 125 Lakeside Avenue, so there won't be much new parking constructed for that phase. He said they are currently projecting around 0.75 spaces per unit. He noted that they can assume roughly 1,000 parking spaces, but that a lot of them are for existing Champlain College needs and significant public parking components. Councilor Kane said he would like to see a proposal for only underground parking or for less parking than is being projected now. Interim Director Dillard replied that alternative solutions for parking, such as micro transit and shuttles through Green Mountain Transit have come up, but that this project is still in its early phases.

Councilor Bergman spoke about the importance of adhering to the City's transportation demand management ordinance. He suggested that this project adopt all five of the TDM options outlined in the ordinance (rather than two of the five).

City Council President Traverse spoke about the housing crisis the City is currently in, and said there is no other area in Burlington that presents the opportunity that the South End Innovation District does in terms of the ability to add thousands of additional housing units. He said that if the State is serious in its assertion that it needs to add 36,000 housing units over the next five years, the City will need the State's support in order to open up the development opportunities in this area. He asked what development opportunities are available within the existing infrastructure that goes down Lakeside avenue without having to build out additional infrastructure along those lines. He also asked for a rough estimate of the cost of the full buildout of the infrastructure. He asked if a phased approach would be a possibility. He finally asked what grant opportunities the City is looking for related to this project.

6. CLIMATE EMERGENCY REPORTS

6.1 Verbal Reports

None.

7. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

7.1 Verbal Reports

Mayor Mulvaney-Stanak provided several public safety updates. She said that the Administration has been having active conversations pertaining to Memorial Block, and have been exploring a joint public safety building that houses the Police and Fire Departments. She noted that more than 200 individuals attended the first community forum on public safety and a number of issues were discussed. She said that they will continue to have these public forums indefinitely, as there are a number of topics to cover. She said that at the first forum, they covered updates on short-term initiatives they've begun since she was sworn in as mayor, a conversation about gun safety and gun violence, and an update on recruitment from the Police Chief. She noted that the next forum will occur on November 7 and it will focus on youth, youth involved in gun violence, and gun access in the community, as well as victim services and anti-violence measures. She said that the January public forum will focus on the substance use crisis, trafficking, and the public health components of a community response. She then spoke about the abrupt ending of the emergency motel housing program and making arrangements for a humane response to accommodate unhoused individuals and families in the City.

Councilor Litwin spoke about the City's low vacancy rate, the implications of the school bond on taxes over the next 20 years, the fact that significant number of Section 8 program recipients have been unable to find housing within the customary 90 day lease up period, meaning that it is taking people longer to find housing than in prior years. He noted that over half of all Burlington renters are considered cost burdened by their housing expenses. He urged individuals to contact their legislators regarding the restrictions on municipalities for controlling rents, which is a state law. He spoke about the dangers associated with discarded needles, noting many instances of people being

stuck with discarded needles. He noted that 20,000 needles are going out of the Clark Street location each month and only 5,000 are being returned, meaning that around 180,000 needles per year are not being returned and are ending up throughout the community. He said that the Council and Administration need to tackle this issue expeditiously. He also urged people to be careful with their cannabis products, given the incident of an elementary school student ingesting a number of THC gummies several days ago that they found at a bus stop.

Councilor Grant spoke about navigating the new Burlington City website. She spoke about the latest Public Safety Committee meeting that had significant reporting from Chief LaChance of the Fire Department. She said that the Fire Department is also experiencing recruitment difficulties, but that they are implementing strategies around targeting specific social media audiences for recruitment. She noted that both police and firefighter positions from the City are not being posted on major job sites and said she has raised this concern with the Human Resources Department. She spoke about GMT service cuts, particularly on the Airport route that services the Chittenden Clinic on San Remo Drive. She noted that those with medical complexities as well as addiction disorders may be unable to seek an alternate bus route that involves more walking than the Number 11 service to San Remo Drive.

Councilor Neubieser expressed extreme dismay at the ending of the motel voucher program and urged individuals to call their legislators to demand action.

Councilor Shannon shared concerns with other Councilors about what is occurring with the motel program, and said that this is a statewide issue. She noted that a coalition of municipal leadership met last week to urge every branch of State government to take action to address the homeless crisis in the State. These include the Montpelier mayor and city manager, Newport mayor, Bennington town manager, Winooski mayor, St. Albans city manager, Barre city manager, Brattleboro town manager, Shelburne town manager, St. Johnsbury town manager, Springfield town manager, Rutland mayor, and the town administrator and Selectboard member from Berlin. She said that only by partnering with others across the state can municipalities guarantee that they will be heard and that solutions will be put forth. She expressed disappointment that Burlington was not at this meeting, and said she hopes that it will be included in future. Mayor Mulvaney-Stanak noted that she did not participate in that event because some of the policy positions were not in line with what she believes is the best approach and most humane approach for how to support individuals. She noted that she will continue to lobby in Montpelier for the City. She noted that her Administration is heavily involved with regional approaches and solutions and has been engaging CCRPC and other Chittenden County leaders on these issues.

8. CONSENT AGENDA

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

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

8.3 Fire Station 2 Bay Floor Renovation – BPRW - approve and authorize the execution of a contract with Farrington Construction Inc., for a price not to exceed \$629,583, for the FS 2 Bay Floor Renovation Project, plus a project contingency of \$62,000 (total project authorization including contingency not to exceed \$691,582), and to authorize Cindi Wight, Director of Parks, Recreation, and Waterfront, to execute the contract, any related documents needed to carry out the project, and any contract amendments necessary to utilize the project contingency, subject to the review of the City Attorney's Office.

8.4 Communication: Michael Monte, CEO, Champlain Housing Trust, re: Homeless and Pods – waive the reading, accept the communication, and place it on file.

8.5 Communication: Steve Allen, re: Please Share with City Council Members – waive the reading and place the communication on file.

8.6 Communication: Elena Isabella Pasullo, re: City Council Meeting, 9/9/24, Agenda Item No. 6.6, Public Comment Related to McNeil - waive the reading and place the communication on file.

8.7 Communication: Caryn Long, re: 9/11/24 Speak out – waive the reading and place the communication on file.

8.8 Communication: Ashton MacKenzie, re: Support for the Bike Lane at North Ave/Plattsburgh Ave – waive the reading and place the communication on file.

8.9 Communication: Pike Porter, re: BED RFPs – waive the reading and place the communication on file.

8.10 Program Year – 2023 Consolidated Annual Performance & Evaluation Report Draft – CEDO – waive the reading, accept the report and place it on file.

8.11 City of Burlington and University of Vermont Medical Center Agreement to Extend 1999 Memorandum of Understanding and Agreement – Mayor’s Office – ratify the Mayor’s June 19, 2024 execution of the City of Burlington and University of Vermont Medical Center Agreement to Extend 1999 Memorandum of Understanding and Agreement.

8.12 Renewal of Tax Increment Financing (TIF) District Consulting Services Contract with White+Burke – CEDO – approve and authorize the Director of the Community & Economic Development Office to execute the proposed contract amendment with White+Burke Real Estate Advisors for TIF consulting services regarding the Waterfront and Downtown TIF districts with a maximum limiting amount of \$65,000 to be paid out of TIF-related costs, pursuant to final review of the City Attorney’s Office.

8.13 Creation of Chief Accountant in the Clerk Treasurer’s Office – C/T - approve the creation of a Chief Accountant, a Regular, Full-Time, Exempt, Non-Union, Grade 23 position.

8.14 Approval of Marina Slip and Mooring Fees – DPW - approve the 2025 Marina fees as recommended by the Parks and Recreation Commission, acting as the Harbor Commission, during its September 19, 2024 meeting, as detailed in the rate table herein.

8.15 201 Flynn Avenue Purchase and Sales Agreement Between the City of Burlington and Chittenden Solid Waste District – DPW – 1. Authorize the Mayor to execute a purchase and sale agreement between the City of Burlington and Chittenden Solid Waste District for the property located at 201 Flynn Avenue in the amount not to exceed \$375,000.00, substantially in the form included in the agenda packet and subject to minor modifications approved by the City Attorney or designee; and 2. Authorize the Mayor and Director of Public Works to take such further actions and execute such further instruments approved as to form by the City Attorney or designee as may be necessary or convenient to effectuate the transactions contemplated hereby.

8.16 FIO Documents – for information only.

8.17 Resolution: Designation of Ward 4 Polling Place (Councilor Barlow) – waive the reading and adopt the resolution.

8.18 Resolution: Release of Certain Glebe and Perpetual Lease-Land and Interests and Revision of the City of Burlington Perpetual Lease Land Interests (Councilor Traverse) – waive the reading and adopt the resolution.

MOTION by Councilor Neubieser, SECOND by Councilor McKnight, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.18.

VOTING: unanimous; motion carries (Councilor Bergman absent for vote; Councilors Doherty and Traverse recused themselves due to potential conflicts of interest from item 8.11).

9. DELIBERATIVE AGENDA

9.1 Public Hearing Regarding Burlington Comprehensive Development Ordinance ZA-24-03 Emergency Shelters
City Council President Traverse opened the public hearing.

COMMENTS:

- Sharon Bushor asked who is tracking to see if the state is modifying statute to modify the restrictions and criteria imposed, to make sure that the public is aware of this, given that this ordinance eliminates specific language and refers to state statute.

City Council President Traverse closed the public hearing.

9.2 Ordinance: ZA-24-03 Emergency Shelters (Planning Commission, Ordinance Committee)

Interim Director Dillard noted that the ordinance does point to the state definition, but noted that the CCRPC and the Vermont Planners Association regularly monitor statute for updates and would be able to provide those to the City. He said that they refer to statute so that they don't need to modify ordinance every time state statute changes.

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to second reading: waive the reading and adopt the ordinance as amended by the Ordinance Committee.

DISCUSSION:

- Councilor Shannon said this needed to be amended and updated based on new state regulations, noting that it also goes further than state statute.
- Councilor Barlow asked if the purpose of this ordinance is to unconditionally allow shelters in any of the zoning districts without conditioning use. He also asked if it is possible to introduce additional requirements for permitting of already-existing shelters, given the safety and security concerns around some of the shelters in Burlington. Interim Director Dillard replied that there are currently two conditions that aren't consistent with state law, which need to be removed from ordinance. He said that new conditions could be placed on the ordinance, but they could not be beyond the scope of the dimensional standards that the State allows municipalities to use in regulating these. He noted a potential condition that would require a public meeting take place prior to the establishment of an emergency shelter as long as it is an informational (not binding meeting) but said this may be counterproductive. He noted that CVOEO and CEDO already do community engagement related to establishing emergency shelters. He said that in terms of extending these requirements to the additional zones, he said that the extension to the institutional zone was done on the recommendation of CVOEO, CHT, and the Special Assistant to End Homelessness. He said that in terms of additional requirements for security plans for shelters, this is more a legal question than a zoning question.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to refer the ordinance back to the Ordinance Committee.

DISCUSSION:

- Councilor Bergman said the objections to this ordinance are not developed enough and said it is not a good use of the Ordinance Committee's time to work on this ordinance again. He said that if Councilors could get a list of questions and concerns, that may be more productive for further review and consideration. He said the change as proposed, to incorporate state statute, makes sense, and that it might not be prudent to delay action.
- Councilor Litwin said he supports referring this back to the Ordinance Committee for continued exploration of how to balance the state requirements and the needs of residents related to safety, security, and noise reduction related to shelters.
- Councilor Shannon agreed that it would be helpful to have more specificity from Councilors on their concerns to bring back to Ordinance Committee and work to address.
- Councilor Neubieser said he would like to move the work forward and not delay implementing this proposed amended ordinance.
- Councilor Barlow said if they are unable to tie this to requirements for a neighborhood security plan, then they could potentially explore limiting what zoning districts shelters are allowed in.
- Councilor Litwin also suggested that limitations could be placed around schools and playgrounds when considering where to locate emergency shelters.

VOTING (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.

9.3 FY24 Annual Report City of Burlington – CCRPC

Charlie Baker, Executive Director of the Chittenden County Regional Planning Commission (CCRPC), and Andy Montroll, Chair of the Planning Commission, spoke related to this item. Mr. Baker began by speaking about details of the work that CCRPC does collaboratively with Burlington and activities related to this collaborative work over the last fiscal year, including projects like the Railyard Enterprise Project, PlanBTV New North End, the South End Feasibility Study, and the Brownfields Study Project. He also noted projects upcoming for this year, such as the Main Street Scoping Study, and the Route 127 Shared Use Path Scoping and Feasibility Study. He spoke about the Transportation Improvement Program, noting that if CCRPC can assist in any way to close to \$53 million funding gap for the Railyard Enterprise Project, it would be very willing to do so. He also said he is hopeful that there would be federal and state funding available for the City's new wastewater and stormwater needs for the South End Innovation District. He then provided a summary of Act 181, which changed Act 250 to a location-based jurisdiction, which will be based heavily on the future land use map in the City's Comprehensive Plan. He spoke about the State's 5-year needs assessment for 36,000 units to be created in terms of housing goals across the state, noting that each municipality will have its own assigned target.

MOTION by Councilor Shannon, SECOND by Councilor Neubieser, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

Councilor Shannon asked if the CCRPC sees any role in the homelessness crisis with municipalities and the State. Mr. Baker spoke about the Mayor's efforts to coordinate responses between community services providers and City services to address these issues and noted the CCRPC is playing a convening role.

Councilor Grant noted challenges with dealing with some of the drug and homelessness issues have been due to a lack of a county-wide response, and noted that the involvement of the CCRPC may be the best regional response available. She suggested that the Planning Commission pursue more harm reduction services through the CCRPC through this mechanism. Mr. Baker spoke about the difficulty of coordinating responses across municipalities.

9.4 Resolution: The Establishment Of A Downtown Public Safety Hub (Councilors Litwin, Brown McKnight, Traverse, Carpenter, Shannon, Barlow, Doherty)

MOTION by Councilor Litwin, SECOND by Councilor McKnight, to waive the reading and adopt the resolution as amended on CivicClerk.

DISCUSSION:

- **Councilor Litwin said that this resolution is intended to be responsive to the longstanding and ongoing request for help from downtown business-owners, employees, customers, visitors, and residents, who have increasingly felt unsafe in the City and on its downtown streets. He said that the City needs to restore public faith and confidence in its downtown both day and night and a centralized space for the public's varied use needs.**

- Councilor Neubeiser noted concerns with the City being at its bonding capacity and not having more funding available for an initiative like this, though he is supportive of more public safety measures in the City. He said that he is supportive of this version of the resolution, as it affords more opportunity for collaboration.
- Councilor Bergman spoke in favor of the amendments made to this resolution.
- Councilor Grant expressed appreciation for the collaboration and dialogue related to this resolution. She emphasized that the focus now be on the damage that occurred several months ago at the current police station location so that the public can go there to have assistance and talk to the police, as well as for lawyers to have access to their clients.
- Councilor Kane spoke about a lack of mention of community safety personnel in the whereas clauses of the resolution. He spoke about the need for privacy versus the need for more community safety personnel. He spoke about the lack of public safety in Battery Park around the current location of the police station. He spoke about the outcry from residents around the Elmwood Pod shelter area, but noted that this neighborhood is not referenced in this resolution. He said he would like to see the Public Safety Committee focus on fixing the broken priority response plan helping to address crime, quality of life concerns, and making sure that the public regains access to the police station in a timely manner.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (10 ayes, 2 nays); motion carries.

9.5 Resolution: Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The Expectations Of The Public And Provides Dignity, Security, And Privacy For Perpetrators And Victims (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon)

MOTION by Councilor Shannon, SECOND by Councilor Barlow, to postpone this item until the City Council meeting on October 7, 2024.

VOTING: unanimous; motion carries.

9.6 Ordinance: POLICE Composition of Independent Panel (Ordinance Committee) **proposed amendment: to remove this agenda item**
No discussion.

9.7 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE ZA-24-04 Neighborhood Code 2A, Part 1: Technical Corrections & Secondary Structure (Office of City Planning, Planning Commission, Ordinance Committee)

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to warn this item for a public hearing at the City Council meeting on October 28, 2024.

DISCUSSION:

- Councilor Shannon said that they have limited most of the discussions around this to secondary structures, and have heard much public comment about this. She noted that this amendment covers both secondary structures and certain technical changes.
- Councilor Shannon made a friendly amendment to amend the resolution as amended on CivicClerk.

- Councilor Bergman asked whether public comment is necessary at future public hearings to make amendments. City Council President Traverse replied that amendments per public comments are limited to proposed charter changes, and that on zoning bylaws, the Council is not limited to the same conditions.

MOTION TO AMEND by Councilor Neubieser, **SECOND** by Councilor Grant, to amend line 55, Table 4.4.5.-2 under 'Residential Medium to amend "900 square feet" to read "1,100 square feet".

DISCUSSION ON AMENDMENT:

- Councilor Neubieser said that a number of constituents in Ward 1 are engaged on this topic. He said that this amendment would align Residential Low and Residential Medium in terms of this requirement.
- Councilor Shannon said that zoning doesn't provide the same rules for all, hence why there is not only one zone.
- Councilor Grant spoke about concerns related to NIMBYism, especially in the current situation in Burlington. She said that in order to tackle the housing crisis, the City needs to support the development and construction of larger structures, in all areas of the City.
- Councilor Broderick said correlations between high-density developments and decreased quality of life are highly disturbing.
- Councilor McKnight expressed concern that the entire framing of this proposal is being framed in a distorted way.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – nay, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – aye (8 ayes, 4 nays); motion carries.

VOTING ON WARNING THIS ITEM AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, 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 (12 ayes); motion carries.

10. COMMITTEE REPORTS

10.1. Verbal reports
None.

11. CITY COUNCIL – GENERAL AFFAIRS

11.1. Verbal reports
None.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports
None.

13. MAYOR – GENERAL AFFAIRS

13.1. Verbal reports
None.

14. ADJOURNMENT

14.1 Motion to Adjourn

The meeting adjourned without objection at 11:44 PM.

RScty: AACoonrad