



City Council Meeting

Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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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*****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	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: add to the consent agenda item 6.22. ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection) - Ward Two City Councilor Gene Bergman; remove from the Deliberative Agenda item 7.1. 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)(per City Council President Traverse); remove from the Deliberative Agenda item 7.3. Proposed Ordinance Amending

Burlington Code of Ordinances Chapter 21, Article VI (Livable Wages) to streamline administration to facilitate monitoring and enforcement - C/T (per Mayor Mulvaney-Stanak)

2. Communication: Darren Springer, General Manager, BED, re: BED Commercial Negotiation (verbal) **expected executive session 6:00 pm - 6:25 pm**

Subject	2.1. Communication: Darren Springer, General Manager, BED, re: BED Commercial Negotiation (verbal) **expected executive session** 6:00 pm - 6:25 pm
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Communication: Darren Springer, General Manager, BED, re: BED Commercial Negotiation (verbal) **expected executive session** 6:00 pm - 6:25 pm
Department	Burlington Electric Department
Type	Action Procedural
Recommended Action	To find that premature general public knowledge of commercial real estate negotiations between the Burlington Electric Department and private parties would clearly place the City at a substantial disadvantage in the negotiations because the City risks disclosing confidential information in public. Based on the finding of substantial disadvantage, that the committee enter into executive session under the provisions of 1 V.S.A. 313(a)(1)(A) and 1 V.S.A. 313(a)(2), to include legal counsel, the City Council, the Mayor and her staff, the Chief Administrative Officer and/or her departmental designees, and [appropriate BED staff].

3. Public Forum (City Affairs Only): Time Certain: 6:30 pm **See above for signup instructions**

Subject	3.1. Verbal Comments
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Public Forum (City Affairs Only): Time Certain: 6:30 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

4. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)

Subject	4.1. Verbal reports
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	4. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 10 mins.)
Department	Council and Board
Type	Information

5. City Council - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 5 mins. per City Councilor)

Subject	5.1. Verbal reports
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. City Council - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: up to 5 mins. per City Councilor)
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	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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. Communication: C/T Office, re: Accountability List
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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. Communication: C/T, re: July 15, 2024 City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting
Subject	6.4. Communication: C/T, re: July 15, 2024 Regular City Council Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting
Subject	6.5. Communication: C/T, re: July 15, 2024 Board of Civil Authority Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting
Subject	6.6. Communication: C/T, re: August 12, 2024 City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting
Subject	6.7. Communication: C/T, re: August 12, 2024 Regular City Council Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting
Subject	6.8. Communication: C/T, re: August 12, 2024 Board of Civil Authority Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting
Subject	6.9. Communication: C/T, re: August 15, 2024 First Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting

Subject **6.10. Communication: C/T, re: August 22, 2024 Second Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting

Subject **6.11. Communication: C/T, re: August 22, 2024 Special City Council Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting

Subject **6.12. Communication: C/T, re: September 9, 2024 Regular City Council Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting

Subject **6.13. Communication: C/T, re: September 9, 2024 Board of Civil Authority Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting

Subject **6.14. Communication: C/T, re: September 9, 2024 Local Control Commission Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting

Subject **6.15. Communication: C/T, re: September 23, 2024 City Council With Mayor Presiding Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting

Subject **6.16. Communication: C/T, re: September 23, 2024 Regular City Council Meeting Minutes, Draft**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

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 October 28, 2024 Regular City Council Meeting
Subject	6.17. Communication: C/T, re: September 23, 2024 Local Cannabis Control Commission Meeting Minutes, Draft
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
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 October 28, 2024 Regular City Council Meeting
Subject	6.18. Communication: Ashton MacKenzie, re: Adopt Neighborhood Code Without New Restriction On Building Height
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the communication and place it on file
Subject	6.19. Creation of two (2) new positions - Library/HR
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Consent Agenda
Department	Fletcher Free Library
Type	Action (Consent)
Recommended Action	to approve the:

- Creation of Library Patron Specialist Lead, a Regular, Full-time (40 hours), non-exempt, AFSCME, Grade 15, position in the Fletcher Free Library
- Creation of Library Patron Specialist, a Regular, Part-time (28 hours), non-exempt, AFSCME, Grade 14, position in the Fletcher Free Library

Subject

6.20. FIO Documents

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information

Recommended Action for information only

Subject

6.21. Resolution: Appointment Of Acting Ward Eight Ward Clerk And Acting Inspectors Of Election For Wards Three And Eight For November 5th, 2024 General Election And Special City Election (Councilor Traverse)

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Council and Board

Type Action (Consent)
Resolution

Recommended Action waive the reading and adopt the resolution

Subject

6.22. ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection) - Ward Two City Councilor Gene Bergman

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 6. Consent Agenda

Department Council and Board

Type Action (Consent)

Recommended Action To authorize the expenditure of \$5,500 in Council Initiative Funds to pay for costs of an owner-community graffiti-to-mural project on 1 Intervale Avenue.

7. Deliberative Agenda

Subject

7.1. 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)(25 mins.) **AGENDA ITEM REMOVED**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Council and Board

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject 7.2. Creation of a Library Outreach Specialist Position and approval for a contract with Howard Center, Inc. - Library (25 mins.)

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Fletcher Free Library

Type Action

Recommended Action to approve and authorize Mary Danko, Director of the Fletcher Free Library, to execute a contract and any related documents needed to carry out said contract with Howard Center, Inc, for a 12 month contract of Library Outreach Specialist services for the Fletcher Free Library for \$103,210.08 for which the City will be responsible for \$78,210.08 and with \$25,000 being supplied by the Friends of the Fletcher Free Library upon final review and approval of the City Attorney's Office and to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25

Subject 7.3. Proposed Ordinance Amending Burlington Code of Ordinances Chapter 21, Article VI (Livable Wages) to streamline administration to facilitate monitoring and enforcement - C/T (15 mins.) **AGENDA ITEM REMOVED**

Meeting October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Deliberative Agenda

Department Clerk/Treasurer's Office

Type Action
Ordinance - First Reading

Recommended Action To waive the reading of the proposed ordinance amending Chapter 21, Article VI of the Burlington Code of Ordinances (Livable Wages), to approve the first reading of the ordinance, and to suspend the rules to place the proposed ordinance through all stages of passage. (2/3 vote required.)

If the foregoing motion fails, staff asks the City Council to waive the reading of the proposed ordinance amending Chapter 21, Article VI of the Burlington Code of Ordinances (Livable Wages), to approve the first reading of the ordinance, and to refer the ordinance to the Ordinance Committee.

8. Committee Reports

Subject	8.1. Verbal reports
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Committee Reports
Department	Council and Board
Type	Information

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

Subject	9.1. Verbal reports
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	9. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

10. Adjournment

Subject	10.1. Motion to adjourn
Meeting	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	10. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

11. Informational and Non-Discrimination Statements

Subject	11.1. 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	October 7, 2024 - Regular City Council Meeting - Monday, October 7, 2024, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	11. Informational and Non-Discrimination Statements

Department

Council and Board

Type

Information



Office of Mayor Emma Mulvaney-Stanak

MEMORANDUM

To: City Council
From: Mayor Emma Mulvaney-Stanak
Date: October 7, 2024
Re: Update on Unsheltered Homelessness

Below please find updates from my office regarding recent changes to Vermont's General Assistance Emergency Housing Program (the motel program) and the City's ongoing efforts to adapt and respond to unsheltered homelessness in Burlington.

Recent Changes to the General Assistance Program

On July 1, the State adopted changes to the motel program, which capped the total number rooms in the program at 1,100 and instituted an 80-night limit for eligible households. Households began hitting the 80-night cap on September 19 and were exited from the motel program. Exits will continue on rolling basis, with the vast majority exiting by October 8.

These exits are having a profound negative impact on the most vulnerable Vermonters – families with children, people with disabilities, pregnant people, and those who require electricity to run life-sustaining equipment. Statewide, the shelter system is operating at capacity (541 beds) with already long waitlists, meaning that many face no other option but to sleep outside. During the month of September, 367 people reported sleeping unsheltered; this number continues to rise and many of the people living unsheltered have acute medical needs. As the nights grow longer and colder, we are facing a humanitarian crisis.

Let me be absolutely clear – camping is not a solution. However, until there is a long-term solution that provides stable shelter or housing in a sustainable way, we cannot turn our backs. Vulnerable Vermonters deserve better.

City Efforts to Support Families with Children

The effects of children living in homelessness are catastrophic. Children who experience homelessness are far more likely to experience housing instability into adulthood. Homelessness amongst our youth impacts educational and development outcomes and has dire consequences on a child's mental and emotional health.

Many of the children exiting from the motel program are younger than five years old. Some of them are students in the Burlington School District. Recognizing the need for some amount of stability for these children and their families, the City partnered with the School District and Champlain Valley Office of Economic Opportunity to help meet basic needs. The City identified up to 12 campsites at North Beach appropriate for families and made those available at no cost, while CVOEO has been collecting and distributing donations of basic necessities including tents, sleeping bags, and firewood.

Application of the Sheltering on Public Lands Policy

Over the last six months, staff from multiple departments have been meeting weekly to develop a human-centered and rapid response to people camping within the City, while balancing the impacts on the broader community.

As has been previously shared, \$50,000 was budgeted to provide resources in three strategic areas across the City to ensure access to bathrooms, refuse removal, handwashing, and potable water for people sleeping outside. Staff have been closely monitoring various locations where people are camping and developing both proactive and responsive methods of engagement. Throughout the summer, this strategy allowed staff to quickly and effectively respond to camping in parks spaces, especially those used for summer camps, youth sports, and those with playgrounds. Recent motel exits and the acute needs of impacted households have placed added strain on City staff and community partners tasked with outreach.

In recent weeks, it has become apparent that due to the increasingly high number of people living unsheltered, the areas where we have exercised tolerance for camping are insufficient. Therefore, City staff are working to create additional guidelines for response to camping in parks spaces, including identifying zones within certain larger parks where sleeping or camping can be addressed with a longer notice time. Neighborhood parks, and spaces in proximity to playgrounds, schools, and walking paths will continue to be carefully monitored to ensure the least impact on the surrounding area; these areas will continue to be prioritized for immediate notice and removal. We will continue with this new approach, adapting as necessary to mitigate impacts on our community.

Note: The guidelines being developed by staff do not change the City's obligations with respect to noticing and removal within Parks spaces pursuant to the *Sheltering on Public Lands Policy*. The City is retaining the ability to notice sites for removal in these spaces without additional assessment being necessary.

Advocacy Effort

The City team continues to work in collaboration with regional partners to identify immediate-, medium-, and long-term solutions to this crisis. The reality is that no municipality or service organization has the resources or staff capacity to create additional shelter space in time for winter. That is why we must continue to advocate for state action to address this crisis. I recently signed a letter alongside more than 80 service providers, advocates, and municipal leaders calling on Governor Scott to act. I also participated in a statewide press conference on September 25th alongside service providers to deliver Burlington's position in no uncertain terms. This is a predictable emergency, and the Governor is the only one who can take immediate action. We called for the Governor to direct the Agency of Human Services to either 1) remove the limit on number of rooms and 80-night cap; or 2) act quickly to create 24-hour, trauma-informed, safe, accessible, stable, and non-congregate emergency shelter for vulnerable Vermonters.

Looking Ahead

We know that the most important long-term solution to the housing & homelessness crisis is to build thousands of new housing units of all kinds. Here in Burlington, we are working to make it easier to bring new housing online. With continued work on Neighborhood Code we are removing barriers to infill development and increasing density along transportation corridors. And larger development projects like CityPlace, the South End Coordinated Redevelopment, and possible development on the Memorial block mean further progress.

Unfortunately, new housing production will take several years to catch up to current needs and demand.

We must continue to discuss alternatives to the GA Program – that conversation is necessary and important, and it must center the most vulnerable Vermonters and their needs, including a plan for a just transition from short-term shelter programs to long-term solutions that provide true stability for all.

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

10/3/2024

	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 Tonv 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	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
8	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
9	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
10	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
11	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
12	9/23/2024	Ordinance: CDO - EMERGENCY SHELTERS ZA-24-03	referred back to the Ordinance Committee	10/28/2024

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
BHS DOWNTOWN, 67 CHERRY STREET *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 15, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Katherine Schad
Kim Sturtevant
Lori Olberg
Keaton Knowles

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Mulvaney-Stanak at 9:24 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Board and Commission Vacancies – C/T Office – waive the reading, accept the communications and place them on file.

2.3 Communication: Mayor Emma Mulvaney-Stanak, re: City Attorney Appointment – grant Jessica Brown with a personal hardship extension to the Department Head residency requirement as long as her spouse works in Morrisville.

MOTION by City Council President Traverse. SECOND by Councilor Bergman, to approve the consent agenda and take the actions indicated for items 2.1-2.3.

VOTING: unanimous; motion carries.

3. 2024 BOARD AND COMMISSION APPOINTMENTS

3.1 Board of Health: Term Expires 6/30/25

MOTION by Councilor Neubieser to nominate John Rustad.

MOTION by Councilor Carpenter to nominate Judy Rivers.

Mr. Rustad spoke about his background and interest in serving on the Board of Health, as well as the areas of research in which he is engaged that are pertinent to his potential role on the Board of Health.

Councilor Carpenter spoke about Ms. Rivers' experience and qualifications.

VOTING (for John Rustad): Councilor Barlow – abstain, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – abstain, Councilor Doherty – abstain, 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 (6 ayes, 7 abstentions); motion fails.

VOTING (for Judy Rivers): Councilor Barlow – aye, Councilor Bergman – abstain, Councilor Broderick – abstain, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – abstain, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – nay (7 ayes, 3 nays; 3 abstentions); motion carries.

Judy Rivers is appointed to the Board of Health with a term expiring June 30, 2025.

3.2 Board of Health: Term Expires 06/30/27

MOTION by Councilor Neubieser to nominate John Rustad.

MOTION by Councilor Litwin to nominate Bianka Cimrin.

Councilor Neubieser spoke about the underrepresentation of Ward 1 on boards and commissions, saying that equitable representation is important.

Councilor Litwin spoke about Ms. Cimrin's experience as a past City Councilor, as well as her representation of the New North End and Old North End, and her qualifications.

VOTING (for John Rustad): Councilor Barlow – abstain, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – abstain, Councilor Doherty – abstain, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – abstain, Councilor Neubieser – aye, Councilor Shannon – abstain, City Council President Traverse – abstain, Mayor Mulvaney-Stanak – aye (6 ayes, 1 nay, 6 abstentions); motion fails.

VOTING (for Bianka Cimrin): Councilor Barlow – aye, Councilor Bergman – abstain, Councilor Broderick – abstain, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – abstain, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – nay (7 ayes, 3 nays; 3 abstentions); motion carries.

Bianka Cimrin is appointed to the Board of Health with a term expiring June 30, 2027.

3.3 Parks and Recreation Commission: Term Expires 06/30/25

MOTION by City Council President Traverse to nominate Kirstin Claire Boehm.

MOTION by Councilor Neubieser to nominate Kyle Clauss.

VOTING (for Kirstin Claire Boehm): Councilor Barlow – aye, Councilor Bergman – abstain, Councilor Broderick – abstain, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Kane – abstain, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – abstain, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – aye (9 ayes; 4 abstentions); motion carries.

Kirstin Claire Boehm is appointed to the Parks and Recreation Commission with a term expiring June 30, 2025.

3.4 Police Commission: Term Expires 06/30/26

MOTION by Councilor Carpenter to nominate Robert Depper.

MOTION by Councilor Neubieser to nominate Sam Powers.

Mr. Depper spoke about his background and interest in serving on the Police Commission, including his focus on law enforcement in his role as an attorney.

Mr. Powers spoke about their background and interest in serving on the Police Commission, their lived experience and perspective, and their focus on the gravity of the position and the compassion required for it.

VOTING (for Robert Depper): Councilor Barlow – aye, Councilor Bergman – abstain, Councilor Broderick – abstain, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – abstain, Councilor Kane – abstain, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – abstain, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – nay (7 ayes; 1 nay; 5 abstentions); motion carries.

Robert Depper is appointed to the Police Commission with a term ending June 30, 2026.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 10:01 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
BHS DOWNTOWN, 67 CHERRY STREET *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 15, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (at 8:15 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom)
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

BURLINGTON SCHOOL BOARD MEMBERS PRESENT:

Clare Wool (Chair)
Kendra Sowers
Martine Gulick
Lucia Campriello
Monica Ivancic
Jean Waltz
Rida Kori
Gary Golden

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Joe McNeil
Lori Olberg
Keaton Knowles
Kim Sturtevant
Hayley McClenahan
Jessica Brown
Tom Flanagan
Nathan Lavery
Michael LaChance
Chapin Spencer

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:09 PM.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, to amend and adopt the 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).**

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:00 PM

2.1. Verbal Comments

Forum opened at 6:11 PM.

COMMENTS:

Burlington residents (in person):

- Dave Maher noted that at the previous City Council meeting he had presented data showing that liberal states tend to have higher rates of homelessness than conservative states, which is not due to more housing in conservative states. He said that it could be caused by the generous services available and more tolerant treatment of the unhoused in liberal states. He spoke about data-driven solutions to end the homeless problem, including enforcement of no-camping ordinances, transition of the generous motel program to barracks-style shelters, incentivizing sheltered people to work, and enforcement of drug laws.
- Julia Hondel spoke about the Cherry Street/Bank Street Reconnection Project, saying that not including bike lanes will have a negative impact on the City. She said that the streets that have added bike lanes in other parts of the City have led to an increase in the number of bikers. She said that bicycle lanes should be included in the Reconnection Project now, rather than after-the-fact.
- Jack Hanson said that experience has shown that installing proper and safe infrastructure leads to more bicycles on the roads. He said that Burlington has not provided for adequate infrastructure for people to feel safe when riding bicycles. He said that the City cannot continue to miss opportunities to improve bicycle infrastructure on its streets. He encouraged the Council to vote against the Reconnection Project proposal without bicycle lanes.
- Robert Bristow Johnson said that the nation is in grave danger of losing its democracy. He also said that at a local level, the City is in danger of losing its bicycle bridge. He said that there has been noticeable erosion during severe storms over the last decade, and at some point it will be deemed unsafe due to that erosion and closed.
- Sarah Judd spoke about the Elmwood Emergency Shelter pods, saying she is in favor of them, but that with them have come negative impacts to the neighborhood in terms of disturbance and crime. She said that though she supports the pods, they are an attractive nuisance and are attracting drug dealers and drug activity to the neighborhood. She said that once people leave the pods they are not supported and further, no consideration was given to how the pods were going to negatively impact the neighborhood, which makes residents feel like they are expendable.
- Michael Nedell spoke about the Emergency Shelter pods on Elmwood Avenue, saying that both CHT and CEDO have said they have zero responsibility for what occurs beyond the border of the pods, which is irresponsible and not neighborly. He spoke about the drug

activity and drug dealers preying on the individuals living in the pods. He said that security forces should be hired to do a routine patrol of the area.

- Todd Deluca spoke about being threatened and chased by a man in the Old North End, and said he would like to thank the person who called the police and the police who responded to this incident on his behalf.

Non-Burlington residents (in person):

- Shane Johnson spoke about the Bank and Cherry Street Concept Approval item, urging the Council to vote against the current street designs as proposed, because they promote an increased reliance on cars and fossil fuels and treat those without cars as second class citizens. He added that research has shown that residents of car-dependent places have higher rates of heart disease, diabetes, and chronic respiratory conditions. He said that the current design could be amended to include protected bike lanes in place of needless parking spaces.

Forum closed at 6:27 PM.

3. WORKING SESSION WITH BURLINGTON SCHOOL BOARD ON BHS/BTC UPDATE, FY26 BUDGET, AND PUBLIC AND COMMUNITY SAFETY

3.1. Working Session With Burlington School Board On BHS/BTC Update, FY26 Budget, And Public And Community Safety

Superintendent Flanagan began by presenting an overview of the Burlington School District (BSD)'s 5 Year Strategic Plan (for 2022-2027). He noted that the goal of this strategic plan is to be student-centered and responsive to the full range of identities, abilities, cultures, and languages in the community, to ensure that every student is challenged, empowered, and engaged in their learning. He also noted the five priority areas of the plan, which include belonging and well-being, deeper learning for every student, a reimagined high school, educators who look like the district's students, and building relationship-based communities through restorative practices. He said that they are making progress in a number of these areas. He said that BSD has also worked to develop an equitable budgeting model, which would provide each school with its core staffing, an allocation of non-personnel funding per student, and an Equity Allocation to provide more funding to schools with greater need. He spoke about the district's budget strategy, which creates a ratio-based allocation of staffing to each school and additional resources to individual schools based on the weighted equity allocation methodology. He said that the strategy also limits budget growth due to increases in wages, benefits, and new campus construction costs, that it ensures funding to meet the objectives of the strategic plan, and that it continues to offer robust programming. He said that the budget strategy is discussed at the Finance Committee and Board levels each year.

Superintendent Flanagan then spoke about the FY25 budget, which was developed in the midst of complex legislation around school funding and revised pupil weights. He noted that major budgetary impacts included a 5% salary increase, 16.4% health insurance premium increase, \$9.5 million increase in debt service due to bonding, and the end of ARPA funding. He said that another challenge is the Common Level of Appraisal (CLA) and its impact on the budget and taxes. He said that after the Yield Bill was ultimately passed, what would have been a 15% tax increase prior to Act 127 ultimately ended up being a 10.35% increase on the Homestead Rate. He said that this is better but still challenging. He showed the future impact of bonding for the new high school campus construction on taxes, noting that the largest impact is being felt in FY25, but that remaining borrowing could increase tax rates by an additional 2.8% (everything else held constant). He said that remaining borrowing will likely occur over two years, minimizing this impact on any given fiscal year.

Superintendent Flanagan then spoke about planning for the Fiscal Year 2026 budget. He said that contracts were negotiated in FY25, that the BHS/BTC Bond impact will likely be around a 1.6% increase, that bonding for all facilities is allocated, that the statewide commission will review school funding, and that BSD will continue to advocate for the equitable funding model provided through Act 127.

Councilor Bergman noted that he received from the State Auditor's Office a proposal related to financing education healthcare costs, and asked whether the School District is engaged in those discussions. Burlington School District Chair Wool noted that upon the recommendation of the Governor and others, the school districts in Vermont moved to a statewide bargaining mechanism for healthcare, and that they have seen double-digit increases in healthcare premium costs. BSD Attorney McNeil added that the legislature created a statewide commission for what amounts to collective bargaining for wages and benefits, and they are actively exploring the potential for level-funding or reducing healthcare premium costs through alterations in health plan design and are open to suggestions or proposals. Councilor Bergman noted that one suggestion from the State Auditor is the implementation of reference-based pricing, and asked whether this has been analyzed. BSD Attorney McNeil replied that this proposal is being looked at.

State Senator and Burlington School Board Member Gulick spoke about the bills that have passed through the legislative process related to education in the last legislative biennium. She noted that there are two sets of regulations in Vermont around education, one which regulates the public school system and one which regulates the private or independent school system. She said that these two standards vary widely in terms of equity and transparency, which she sees as problematic. She said that the commission tasked with examining the school system is grappling with whether the state should continue to have a bifurcated system and whether it needs as many schools as it has. She summarized an act related to standardizing approaches to school safety, an act related to universal school meals, an act related to standardizing approaches related to sexual misconduct at postsecondary schools, an act related to educational grant opportunities for New Americans, an act related to literacy, an act related to public libraries, an act related to homeschooling, an act related to school construction and creation of a working group, an act related to PCB testing (which never made it into law), and an act related to sharing resources beyond each school district's borders, such as bussing, transportation, and specialized services positions. She then spoke about bills that didn't make it out of committee, including a bill around shared power between the legislative and executive branch around the State Board of Education. She also said that there is an expectation that local school boards and communities will lower their costs and be as fiscally conservative as possible, given the large tax increases seen this year related to funding education.

Councilor Neubieser asked if there have been conversations about tax reform and more progressive taxes. Senator Gulick said that this is one of the proposals on the table for the committee. She spoke briefly about the history of education funding in the state, saying that the Education Fund pools resources for local school funding and distributes them in an equitable way, which isn't favored by some. She said that they should continue to fight to keep this equitable distribution methodology, as it ensures access throughout the state to a quality education.

Councilor Barlow noted that Burlington's school system has a disproportionate number of social services being provided within it and a disproportionate amount of debt service it also must fund, and said that any retooling of the education formula needs to also retool the definition of equity. Senator Gulick agreed, also noting that the City has a number of entities that don't pay property taxes as well, and it must bear the burnt of that burden.

Councilor Carpenter spoke about the additional services that the school district pays for and suggested looking for other ways to pay them than out of education funding. Senator Gulick agreed that this is a good suggestion about a complex topic. She spoke about community schools for rural schools, which are successful and have ended up being a set of wraparound, intensive, coordinated services. She agreed that there are many services being provided for out of the education fund that were historically funded elsewhere.

Councilor Litwin spoke about the intensity and frequency of events occurring at municipal libraries, saying that everyone should pay attention to how Act 150 (related to public libraries) is implemented, given that they need to work to restore the public's trust in the safety of libraries.

Councilor Grant asked if the school district has an HRA, and BSD Attorney McNeil replied that each district has HRA support per the statewide settlement regarding healthcare.

City Council President Traverse then began the discussion around public and community safety. Mayor Mulvaney-Stanak began by speaking about convening a group of community advisors (include several Burlington High School students) on public safety, over the last 6-7 weeks. She said that they provided a list of recommendations for improving community safety, and she has selected six of them that she believes can be actionable in the short-term. These include improving the public safety response within the community (such as engaging with public dispatch and knowing who to call and when), improving the customer service and engagement with the Police Department at the station itself, facilitating more public bathroom access in the downtown core of the City, improving the coordination between the Police Department, State Attorney's Office, and courts on criminal justice work and addressing repeat offenders, coordinating and using data to inform community staffing, and improving case management across partnerships in the City, such as with CSOs, CSLs, the BTV Cares program, and the Howard Center Street Outreach team. She spoke about convening a second internal working group around addressing the public safety hot spots in the City, beginning with the Fletcher Free Library. She said that they have begun working on different approaches, including more patrols by the police, CSOs, and CSLs. She said that they have also focused on improving safety in other hot spots in the City, such as the parking garages, the entrance to the urban reserve on Manhattan Drive, and the downtown BHS campus and Cherry Street corridor.

Councilor Carpenter said it would be helpful if the BSD produced a "school funding 101" for some basic materials to help educate the public on the school budget and how it impacts taxpayers. Superintendent Flanagan and school board members agreed that this type of material or handout would be helpful, given that they are all being asked the same questions. Mayor Mulvaney-Stanak noted that the City is working to produce a one-page summary explaining the municipal side of the budget and taxes, and said it would be great to also have something like this for the education side of the budget, as the City works to engage and educate the public more about the budget process so they can weigh in on the FY26 budgeting process.

Superintendent Flanagan said that BSD hears about the safety concerns around the Cherry Street corridor from parents, students, and the staff who walk between the Burlington Technical Center and Downtown Burlington High School buildings, saying that he appreciates the focus on public safety hot spots and coordinated communication and response around those hot spots, which can be helpful for students as they are walking to and from school.

Councilor McKnight stressed the importance of collaborating on actions the City and BSD can take to ensure that the community doesn't suffer from school-related gun violence, and suggested that one method could be ensuring there is proper gun storage. She spoke about a program that other municipalities and school districts in the state are rolling out, and said she hopes BSD is open to sharing and communicating resources like this. She also spoke about the importance of consistent and active communication between the City and BSD about plans around safety and security.

Councilor Litwin spoke about the conditions on Cherry Street around the Downtown Transit Center and BHS Downtown. He said that he reached out to Vermonters for Criminal Justice Reform about the security situation, given that they are in close proximity to the school and serve clients with serious mental illness and drug use. He said that he has asked them to have a stronger connection to the school's security staff, and said he has provided direct phone numbers so that the superintendent can follow up to ensure that that occurs. He noted concerns about needles around the school and that SeeClickFix takes a long time to respond to these incidents and requests for cleanup. He said that the City and BSD should consider how to secure the right-of-way (the passageway) between the school and BTC. He noted that he has asked DPW whether there is a way to avoid having students walk past the Downtown Transit Center or the CityPlace construction sites. He

encouraged the City Council and BSD to hold a student town hall to engage them in public safety topics and obtain their input and feedback. Mayor Mulvaney-Stanak noted that she is already engaging with students to convene a student dialogue in the near future.

School Board Member Ivancic said that one topic of interest she would like to jointly work on with the City Council is compensation for School Commissioners, saying that BSD is one of two districts where School Commissioners get no compensation, and it is an equity issue and affects who is able to serve on the School Board. She said that a City charter change is required to do this, and asked that the Council look into it.

Councilor Grant said she would like to receive information on how BSD and the City are addressing what is happening in Burlington with its students, and what is happening in a preventative fashion for students who are being targeted to be drug dealers (for example). She asked what the school is teaching students to provide a buffer to help them protect themselves from this. She also asked about the percentages of global majority kids in the Burlington School District, given that she has real concerns about improving equity and addressing equity issues in the City.

4. CLIMATE EMERGENCY REPORTS

4.1 Verbal Reports

Councilor Bergman noted that the Intervale is open again after the flooding. He said that people should visit the Intervale and its flooded farms and gardens to understand why people were speaking so forcefully during public comment about taking aggressive action against climate change.

Mayor Mulvaney-Stanak noted that she will begin convening a public body of community climate advisors in the month of August, and asked for any interested individuals who would like to serve on that advisory committee.

Councilor Kane noted that given the many outages nationally over the last week, the nation's electric grids are not climate-resilient. He also noted that it is impractical and unsustainable to recycle end-of-life solar panels and wind turbines. He said that given difficulties around relying on federal and state partners to engineer or legislate the way out of climate catastrophe, he said he hopes the City can view its collective role as local elected officials to incentivize residents of the City to live less energy-dependent lifestyles. He said that large-scale projects should be the way through which the City can demonstrate climate leadership and transportation demand management.

5. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

5.1 Verbal Reports

Councilor Grant said that there will be a Public Safety Committee meeting this Thursday evening. She also spoke about the public safety hot spot areas around the Marketplace Parking Garage and lower Buell Street, where more and more people are coming to use and sell drugs. She said that the City should be talking to the Governor and the Secretary of Public Safety, and figure out how to collaborate with other agencies and obtain some kind of mutual aid.

Councilor Doherty said that he has received a number of communications from constituents from Ward 8 on Orchard Terrace about some of the same problems around rampant open-air drug use, threatening behavior toward residents, violence, open-air drug dealing, and dangerous and unchecked criminality. He said that these constituents have made comments similar to that of one member of the public who spoke during public forum, around feeling expendable. He said that these issues need to be addressed head-on.

Councilor Litwin spoke about the situation around the Library and events that have occurred there related to nefarious activity. He urged the Mayor and her Administration to reach out to the United Church of Christ (the neighboring property to the Library), which has also experienced a number of public safety issues related to the same types of activity being experienced at the Library. He urged the Police Department to be proactive and be present in that neighborhood regularly.

Councilor Broderick noted that he has also received similar reports to those of Councilors Grant, Doherty, and Litwin, and that he has spoken to constituents who have voiced similar concerns. He flagged delays associated with SeeClickFix when it comes to cleaning up garage in the public rights-of-way, and asked that this be improved.

Councilor Kane echoed the concerns about Lower Buell Street, saying that he is on that street frequently and has seen the public safety conditions in that neighborhood deteriorate rapidly. He also noted deteriorating conditions in his own neighborhood, and said he looks forward to continued quality of life issues in residential areas. He said that resources that have been deployed for helping the unhoused should be directed toward the areas with encampments, to hopefully direct more activity there. He also noted a public health and safety update for a sister city (in the West Bank), noting that Israel has changed the structure of how West Bank settlements are approved in order to skirt international law, and spoke about increased annexation of land in the West Bank.

Councilor Grant noted that she is looking into what has been described as a drug takeout window between people living in the pods and people outside of the pods, and said she has given information to CEDO Director Pine about having the fencing perimeter of the pod area reviewed. She said she is also requesting a port-a-let be added across the street from the pods, since that area is currently being used frequently as an outdoor bathroom.

Councilor Shannon noted that the McKenzie House was promised a new fence between their property and the pods, given that the fence is in poor condition. She said a replacement fence should be looked into.

6. CONSENT AGENDA

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

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

6.3 April 29, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.4 April 29, 2024 Special Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.5 May 6, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.6 May 6, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.7 May 20, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.8 May 20, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.9 June 3, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.10 June 3, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.11 June 10, 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 August 12, 2024 Regular City Council Meeting.

6.12 June 10, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.13 June 10, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.14 June 24, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.15 June 24, 2024 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 12, 2024 Regular City Council Meeting.

6.16 Downtown Transit Center Property Use Agreement for Flixbus Inc. - DPW - ****AGENDA ITEM REMOVED****

6.17 Water Treatment Plant Elevator Modernization Agreement Authorization to Execute Contract with Mack Brothers Elevator - DPW/Water Resources - 1. 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; and 2. 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.

6.18 Board of Assessors Commission Report - waive the reading, accept the report, and place it on file.

6.19 Recommendation to the Board of Finance to Accept and Execute a contract in the amount of \$94,000 with a 15% contingency with ECI (Engineers Construction Inc) for the Mill & overlay of Aviation Avenue and Eagle Drive - Airport - approve and 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.

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 - approve the one day only special event outdoor entertainment permit application for Switchback Brewing Company, 160 Flynn Avenue, lawn on brewery property, Dog Days of Summer Fundraising Event, Saturday, July 27, 2024, 12 pm - 6 pm.

6.21 180 Battery Street - Outdoor Seating Encumbrance Permit Application - Kismet Kitchen - DPW - 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.

6.22 365 South Winooski Ave-Encumbrance Permit Application - Lewis Creek Builders - DPW - 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.

6.23 Tobacco License Renewal (2024-2025): Northern Lights, 75 Main Street - approve the 2024-2025 Tobacco License Renewal for Northern Lights, 75 Main Street.

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

6.25 Communication: Theresa, re: Non-citizens voting rights - waive the reading and place the communication on file.

6.26 Communication: Carolyn Hanson, re: resignation from the Police Commission - 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.

6.27 Communication: Miles Waite, Member, Conservation 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 Miles Waite thanking him for his time served as a member of the Conservation Board.

6.28 Authorization to Sign Contracts for Two-Way Radio Communication Fiber Lines with Consolidated Communications, Inc. and Burlington Telecom Business Services - Police - 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 expenditure not to exceed \$249,177 over the next five years, subject to review by the City Attorney's Office.

6.29 Authorization to Sign a Contract for Facility repairs with Farrington Construction - Police - 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.

6.30 Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community - Housing Opportunity Grant Program SFY2025 \$1,290,576.00 - CEDO - approve the acceptance of SFY25 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 1 to July 17, 2024, subject to the final review and approval of the City Attorney's Office.

6.31 Security Services for City Hall - HR/Safety Manager - approve and authorize the contract with Chocolate Thunder Security to provide security services at City Hall for a total contracted 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.

6.32 Authorization to accept an amended ARPA Grant and to execute an amended MOA for a Public-Private Partnership Stormwater Quality Project - DPW/Water Resources - 1. Approve and authorize the Director of Public Works 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; and 2. 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 the final review and approval by the City Attorney's Office.

6.33 Authorization for a \$130,000 budget neutral amendment - DPW/Water Resources - 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.

6.34 Approval to accept Planning Grant Continuum of Care VT - 501 & Permanent Supporting Housing Grant Agreements in SFY25 - CEDO: 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 - approve the acceptance of three U.S. Department of Housing and Urban Development Continuum of Care FFY23 grants - VT0030L1T012314, VT0053L1T012308, and 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.

6.35 Lease at Roosevelt Park - BPRW - 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 the review of the City Attorney's Office.

6.36 Authorization to Sign Property Lease with The Jones Payne Group, Inc. at 1200 Airport Drive, South Burlington, VT – Airport – approve and 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.

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 - authorize the Director of Aviation to enter into a contract, with the selected Media and Advertising concessions of Hagan Associates for a five (5) year term, subject to final review and approval of the City Attorney’s Office.

6.38 Recommendation to the Board of Finance to Accept and Execute a contract in the amount of \$94,000 with a 15% contingency with ECI (Engineers Construction Inc) for the Mill & overlay of Aviation Avenue and Eagle Drive – Airport – approve and 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.

6.39 Impact Fees Budget Amendments – DPW/Parking & Traffic – authorize and 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).

6.40 Approval for MuniCap, Inc., FY25-27 TIF District Administration Consultant Contract – Capital – 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.

6.41 Annual Report for 2023-24 – Cemetery Commission - waive the reading, accept the report, and place it on file.

6.42 Annual Report for 2023-24 – Parks, Recreation and Waterfront Commission - waive the reading, accept the report, and place it on file.

6.43 Lawsuit backed by conservative group challenges noncitizen voting in Burlington – vtdigger - waive the reading and place the communication on file.

6.44 AFP Vermont Launches Significant Mail, Digital Campaign, Urging Lawmakers to Oppose Act 18 (the Clean Heat Standard) - waive the reading and place the communication on file.

6.45 RITE Supports Burlington Citizens to Ensure the Rule of Law in Green Mountain State Elections – waive the reading and place the communication on file.

6.46 FIO Documents – for information only.

6.47 Resolution: Appointment 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 – waive the reading and adopt the resolution.

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) – waive the reading and adopt the resolution.

6.49 Ordinance Updates to Chapter 30 of the Burlington Code of Ordinances to Update the Vehicle for Hire Board Composition; Require Vehicle for Hire Operators to Accept Electronic Payment for Fares (TEUC) – first reading, waive the reading and refer to the Ordinance Committee with guidance to review feedback from Airport Commission

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 – first reading, waive the reading, and refer to the Ordinance Committee with guidance to review feedback from Airport Commission

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.50.

VOTING: unanimous; motion carries.

MOTION by Councilor Bergman, SECOND by Councilor Doherty, to suspend the rules and amend the deliberative agenda and move item 7.3 to be item 7.05 to take it up ahead of items 7.1 and 7.2.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.05 Communication: Mayor Emma Mulvaney-Stanak, re: City Attorney Appointment

Mayor Mulvaney-Stanak said that this item relates to appointing a new City Attorney, a position which has been vacant for two years. She introduced Jessica Brown, speaking about her background, education, and prior work experience. She noted that her legal career includes trial work, appellate work, and attorney supervision, and most recently teaching as an assistant professor of law. She noted that Ms. Brown has a deep commitment to equity and justice. She noted that if confirmed, Ms. Brown will be the first Black woman to serve in the role of City Attorney in the history of the City of Burlington. She noted that if confirmed, she will begin on August 19. She noted that Acting City Attorney Joe McNeil will continue in his role through August 19 and will support Ms. Brown's transition, if confirmed.

Ms. Brown spoke about the importance of public service in her life and career.

Councilor Shannon asked Acting City Attorney McNeil what his continued role will be after August 19th and whether that would include being a Parliamentarian. Acting City Attorney McNeil replied that he'll continue in his current role until August 19th and that details still need to be worked out for after that point. Councilor Shannon asked Ms. Brown about her vision for addressing the City's public safety issues. Ms. Brown replied that she has extensive experience working in the criminal legal system in Burlington and that her vision aligns with what the Mayor has identified as immediate next steps out of the advisory committee recommendations, as well as next steps articulated by the City Council, while simultaneously having bigger picture conversations about engaging with the unhoused to mitigate the safety issues that have arisen in that community. She said that community safety is about addressing crime and harms, but also addressing issues such as homelessness and other bigger picture issues. Councilor Shannon noted that as City Attorney, Ms. Brown would be responsible for prosecuting individuals she had previously defended, including people committing assault, robbery, public urination, and violation of trespass orders. She asked about Ms. Brown's approach for addressing these types of downtown issues. Ms. Brown replied that there are aspects of the City Attorney role that are different than her role as a public defender, and that her previous experience gives her the perspective of both holding people accountable for the harm that they caused while also considering what the City can do to try and avoid the harm in the future. She said she would prosecute violations of City ordinance from the perspective of accountability, repairing harm, and avoiding similar harm in the future.

Councilor Doherty spoke about the institution of review and appointing candidates by this body, noting that the Mayor is entitled to a great deal of deference when they make a decision about who to appoint. He said that he is supportive of this confirmation, saying that this is one of the most important jobs in the City. He asked for Ms. Brown's view of the role of City Attorney. Ms. Brown replied that the City of Burlington and its municipal corporation is the client for the City Attorney's Office, which is how she frames decision-making and the obligation of the City Attorney's Office. She said that the Office is intended to support all 18 City departments and to give the most accurate information possible to support the Mayor, City Council, and City departments.

Councilor Neubieser spoke about his work with Ms. Brown at the Chittenden County public defender's office, and spoke in support of this appointment. He spoke about the importance of neutrality in the City Attorney's Office, saying that this is essential for ensuring public trust.

Councilor Carpenter spoke about the need for more expertise on the impacts to Burlington of legislation coming from the State House. She also asked how Ms. Brown anticipates becoming embedded in the culture of Burlington, given that she will not reside in Burlington. Ms. Brown spoke about her experience in the legislature and giving testimony in her prior work at the Chittenden County public defender's office. She also said that she has been an appointee of Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, which has submitted recommendations to the legislature on the legal system in Vermont. She spoke about her residency in Washington County, saying that it would be financially difficult to relocate to Burlington, given her spouse's profession and owning a home in Washington County. She spoke about her experience working in Burlington for eight years, saying that this has allowed her to become more familiar with the City's issues, despite living in Waterbury. She said that she hopes to demonstrate through her work her commitment to Burlington and its community.

Councilor Litwin expressed support for Ms. Brown's appointment, saying that her role as a public defender has demonstrated her commitment to serving her clients.

Councilor McKnight expressed gratitude for the Mayor's actions to lift up women and women of color, expressing excitement for the appointment of Ms. Brown in this historic role.

Councilor Grant spoke about past interactions with the City Attorney's Office that didn't always protect the City in the way that it should have. She said that she hopes this appointment will demonstrate the City Attorney's role to protect residents in order to minimize liability for the City.

Councilor Shannon said that the City needs a strong prosecutor for landlords in violation of code and permit violations, and holding people accountable for harm caused in the City. She said that though she has concerns about the appointee's experience with municipal law, contract, and labor experience, she said she is supportive of the appointment.

MOTION by Councilor Grant, SECOND by Councilor Carpenter, that the City Council confirm the appointment of Jessica Brown as City Attorney and Corporation Counsel.

VOTING: unanimous; motion carries.

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

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Tobacco License Application for True-802 Cannabis, 132 Church Street.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Doherty – aye, Councilor Grant – absent, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (10 ayes; 1 nay, 1 absent); motion carries.

7.2 Approval of Four Resolutions for Annual Borrowing for FY25 for City and School

Chief Administrative Officer Schad noted that they are asking the Council to approve all four resolutions under 7.2 as a slate. She said the first relates to annual borrowing that is allowed by the City's charter, which permits the City to borrow \$7 million (\$2 million for capital needs for the City, \$3 million for the Electric Department's capital needs, and \$2 million for the School District's capital needs). She said that the

second resolution relates to borrowing \$5.8 million for additional capital expenses, which is all that remains from the \$23.8 million capital bond that was approved by voters in March 2022. She said that the third item is \$7.7 million for work the School District is doing on capital upgrades for Integrated Arts Academy, from a bond that was approved by voters in March 2017. She said that the fourth item is \$15 million for Burlington High School construction, which comes out of the \$165 million bond for that construction. She noted that they have combined this entire ask within the C/T Office, as they can get more favorable rates than if they approached each of these items piecemeal.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to approve the attached resolutions for the four items related to 7.2 (Resolution: Authorization for Capital Public Improvement Infrastructure Bonds – March 1, 2022 Voter Authorization; Resolution: Authorization for Public Improvement Bonds for Fiscal Year 2025; Resolution: Authorization for Public Improvement Bonds for School District Capital Improvements – March 7, 2017 Voter Authorization; and Resolution: Authorization for School District Capital Improvement Bonds for Burlington High School – November 8, 2022 Voter Authorization.

VOTING: unanimous; motion carries.

7.4 Mayor's Memorandum on Encampments

MOTION by Councilor Shannon, SECOND by Councilor Neubieser, to postpone this item until the City Council's August 12, 2024 meeting.

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

7.5 Resolution: Changes to City Charter Articles 62, 63, and 65 Regarding Police Oversight (Charter Change Committee)
City Council President Traverse clarified that the question before the Council will be whether or not to waive the reading and adopt the resolution, which would then warn this proposed charter change for a ballot question in November. He said that between now and then, the City Council will be required to hold two public hearings on any proposed charter change, and they are proposing to hold those hearings on August 15 and August 22. He said that after tonight's vote, there would not necessarily have to be further action by the Council in order for this to appear on the ballot in November (unless any Councilor wishes to amend the proposed charter change, based on comments made at the first public hearing).

MOTION by Councilor Bergman, SECOND by Councilor Carpenter, to waive the reading, adopt the resolution, and take the actions indicated in the resolved cause.

DISCUSSION:

- **Councilor Bergman said that this proposal is very close to what was passed out of the Joint Committee (Ordinance and Charter Change). He said that the resolution codifies three things: a commitment to a Police Commission that reflects the diversity of the City, allows the Council to delegate to the Commission certain powers to manage, audit, and monitor the City's Police Department, and eliminates ambiguity that the Department is subject to the rules and ordinances of the Council and the Mayor as chief executive officer. He said that it codifies the Commission's role in monitoring and the investigatory process, and changes the current charter, which gives sole authority in the disciplinary process to the Chief of Police. He said that it codifies the right of the Commission to receive and review all complaints of departmental**

misconduct, requires the Chief to provide the Commission with timely updates on the Chief's investigations and dispositions of alleged misconduct, and (for the highest level alleged offenses), provides that the Commission must be notified and given the chance to comment on the Chief's proposed disposition, recommend an alternative disposition, or authorize an independent investigator (with a super majority vote) to investigate the allegations and propose an alternative disposition to the Chief. He said that an added level of community oversight is that if the Commission or an independent investigator's recommendation is rejected by the Chief, the Commission has the right (with a super majority vote) to call for an independent panel to make the disposition. He said that details about this independent panel's appointment and composition are in the resolution. He noted that the disposition of the panel is still subject to the grievance and appeals process outlined in the union contract.

- Councilor Neubieser said he will support this, though he does not believe it goes far enough in terms of police oversight based on what he has heard from constituents. He said that this proposal does allow for additional transparency and communication to the community and the public.

MOTION TO AMEND by Councilor Doherty, **SECOND** by Councilor McKnight, to amend the draft charter change Section 184(e), to read "This independent panel shall consist of three to five persons appointed per ordinance;" and add a resolved clause stating "NOW, THEREFORE BE IT FURTHER RESOLVED, the Ordinance Committee shall prepare a draft ordinance outlining the composition of the independent panel authorized by Section 184(e) of the amended City Charter, if enacted, and shall transmit the draft ordinance to the City Council on or before its meeting on October 28, 2024."

DISCUSSION ON AMENDMENT:

- Councilor Doherty said that this amendment would have the appointment of the independent panel articulated in ordinance, rather than in the charter. He said that this would allow for additional time and work to fully work out who should be appointed to the independent panel. He said that this proposed charter change clarifies and codifies the community's role in police oversight in Burlington, and it provides for fairness and equity to members of the Police Department.
- Councilor Litwin said that he will support this only because it is the only way to ensure that the Council can make good on its promise to get a proposed charter change on the ballot in November for the legislature to consider during its next session in January.
- Councilor Carpenter said that putting this in ordinance rather than charter allows the Council more time to get the details of the independent panel right.
- Councilor Bergman said that the amendment takes out the clarity on who makes the appointments and there is not a chance for the public to comment about it. He also said that the appointment to the panel will now go through a much more politicized process.
- Councilor Barlow said that given that there is still disagreement on the composition of the independent panel, there should be more time allowed to get it right, and the ordinance process does that.
- Councilor Grant said that throughout this process the City has paid an extraordinary amount of attention to its officers while ignoring the effects of this process on members of the public and residents of the City. She said that the City has had to content with multiple lawsuits and has several currently active lawsuits. She said that data has shown that there are issues around policing and equity in the City. She said that it is not right to cut back the number of people from different backgrounds who can be part of this process. She said that police officers are not like other City employees. She said that the City has not done a good job ensuring that officers understand where the department needs to be with community engagement.

- Councilor Shannon said that one of her concerns with the underlying charter change was the appointment to the independent panel that would be made by the City Council, given that the timeline for that could slow the process down. She said that the Ordinance Committee will commit to the timeline for this that was laid out for it, and that she is open to alternative proposals.
- Councilor McKnight said she would not have supported the change without the amendment brought forth by Councilor Doherty, given the politicization of appointments in the underlying charter change. She said that she is concerned about that politicization in terms of what it would do to police officer attrition, as well as what it would do to public trust.
- Councilor Kane expressed grave concerns with the suggestion that the BPOA be allowed to appoint someone to this independent panel.
- Councilor Neubieser said he appreciates concerns about the politicization of the independent panel, but said it is much harder to define a non-political appointed body than it seems. He said he would like to try and build consensus and be fair to different parties, and that this proposal does bring a measure of transparency to the process.
- Councilor Broderick noted that citizens have been pushing for a charter change that entails citizen oversight of the police as opposed to what is presented here.
- Councilor Grant spoke about how all investigations begin with the Police Department, meaning that officers are always represented and protected during investigations. She said that the City needs to stop talking about fairness to officers without also talking about fairness and balance with regards to the public. She continued to challenge the idea that oversight and accountability are going to dissuade officers from working for the BPD.
- Councilor Shannon said that she does not object to the Mayor having an appointment or two, but she is not comfortable with the Mayor appointing the majority of the independent panel members. She said that she is committed to developing a process for selecting the independent panel members that isn't political and that is fair.
- Mayor Mulvaney-Stanak said that she is supportive of the underlying language in the resolution and that it represents modest improvements to the City's process. She expressed disappointment that it has taken this long to increase police oversight and accountability, and said that the residents of the City deserve a process that is more robust. She also expressed concern about the Ordinance Committee's timeline for developing the independent panel selection process, saying that it gives the Council too short of a runway to be able to get information to the public in time for a ballot vote.
- Councilor Carpenter made a friendly amendment to change the date by which the draft ordinance will be transmitted to City Council from October 28, 2024 to September 23, 2024.

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

VOTING: unanimous; motion carries.

VOTING ON AMENDMENT AS AMENDED (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 OF RESOLUTION AS AMENDED:

- Councilor Bergman expressed disappointment in the amendment but said that he will support the resolution in order to move something forward in time for voters' consideration.
- Councilor Broderick expressed disappointment in this amendment, but said that having an ordinance in time for voters' consideration is crucial, since it will help voters to understand what it is they would be voting on and would be more likely to gain their support. He said he hopes the Ordinance Committee will allow Councilors to provide input during the ordinance development process.
- Councilor Neubieser said that though he supports putting something on the ballot, he said that it is irresponsible to give voters so little time to understand an issue they are being asked to weigh in on.

VOTING ON RESOLUTION 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.

7.6 Ambulance Fee Increase – Fire

Fire Chief LaChance said that this was part of the fee study that was conducted last year. He said that the Fire Department worked with its fee vendor to come up with reasonable increases to meet some of the fiscal needs of the City. He said that when fee increases were made two years ago they were double-digit increases, and this fee increase is around 8.5%. He said that the big change in this fee increase is the ability to charge fees for non-transport, which was passed at the State level during this past legislative session. He noted that the only entity that pays for non-transport currently is Medicaid, and that they are keeping the rate at \$275 for other payers as well, to be mindful of equity concerns, though there is the possibility to change this later in the year after they evaluate preliminary data related to this change. He said that there will still be a hardship waiver process for individuals who are unable to meet these billed charges. He said that the FY25 Fire Department budget was based on an increase utilizing these funds, that they have been conservative with the forecast of this funding, and that they are hopeful that they will meet projected revenue targets.

MOTION by Councilor Shannon, SECOND by Councilor Litwin, 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.

VOTING: unanimous; motion carries.

7.7 Reconnecting Bank & Cherry Concept Approval – DPW

Public Works Transportation Engineer Ursaki said that since presenting on this to the City Council back in June, they have met with the Church Street Marketplace Commission, the Public Works Commission, the Walk/Bike Council, and the Transportation, Energy, and Utilities Committee to gather input and feedback. She said that some of the main questions are around keeping modes separate safely, general support and excitement about improving the streetscape, green stormwater infrastructure, new street trees, and pedestrian lighting, as well as the approach of designing these streets at a slow speed and pursuing a reduction in the downtown speed limit in general. She said that in discussions with the TEUC they have talked about adding a public safety kiosk, which can be explored for siting and applying for funding to construct, given that the funding for this project does not cover such a kiosk. She said that they also discussed public restrooms and drinking water fountains downtown, and that funders said that water fountains are permissible using this funding but that they are still exploring whether the funding can cover public restrooms. She said that they further discussed pedestrianizing other streets downtown and specifically

looking at the 2 eastern blocks of Bank and Cherry Streets, and have been working with Councilor Bergman on a more comprehensive transportation plan update, which could explore more pedestrianizing in the future (though it is not included in this project). She noted that pedestrianizing more of this project could result in a delay that could jeopardize funding, but could plan for it in the future.

Councilor Bergman expressed thanks to DPW for being willing to engage in planning that goes beyond the outdated transportation plans. He said that what is built through this project will be consistent with planning on future pedestrianization and amenities like a public safety kiosk and include a significant amount of green stormwater infrastructure.

Councilor Litwin said that he will support this due to the good faith expressed by DPW to engage on more public safety infrastructure in the downtown area, which is greatly needed.

Councilor Kane asked for clarity on what is permissible and not permissible under this plan, and what flexibility exists to do some forms of pedestrianization or decreasing the focus on cars (such as removing some proposed parking spaces). City Engineer Wheelock replied that this is a conceptual plan and is the general idea of the layout of the streets, where sidewalks and amenities will go, and where the curblane is. She said that there is still flexibility around what occurs at the curblane. She said that asking the state and federal governments for flexibilities around project components that seem minor can sometimes take an extremely long time to receive approval. Councilor Kane asked for clarity about the maximum amount of parking that could be removed without jeopardizing funding.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to approve 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 acknowledge the concepts for Bank Street and Cherry Street west of Church Street approved by City Council on May 21, 2018.

DISCUSSION:

- Councilor Carpenter said that there are dozens of elderly and disabled people who use the courthouse on lower Cherry Street every day, and that any design needs to accommodate those uses.
- Councilor Broderick said that he cannot support this project because it does not move the City toward a less car-dependent future, especially in the downtown core area.

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.

7.8 Resolution: Authorization to Apply to Downtown Sales Tax Reallocation Program re: CityPlace Project – 75 Cherry Street (Councilor Neubieser)

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

DISCUSSION:

- Councilor Neubieser said that this resolution allows the City to take some of the tax revenue generated by the sales tax to help make investments and build public infrastructure in the downtown area.

VOTING: unanimous; motion carries.

7.9 Great Streets Main Street Contract Amendments – DPW

MOTION by Councilor Barlow, SECOND by Councilor McKnight, 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 not to exceed \$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; and 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.

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports

None.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports

None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports

None.

11. MAYOR – GENERAL AFFAIRS

11.1. Verbal reports

None.

12. ADJOURNMENT

12.1 Motion to Adjourn

The meeting adjourned without objection at 11:57 PM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
BHS DOWNTOWN, 67 CHERRY STREET *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 15, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom)
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. CALL TO ORDER and AGENDA

Mayor Mulvaney-Stanak called the meeting to order at 10:01 PM.

1.1 Motion to amend/adopt agenda

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Resolution: Appointment of Assistant Election Officials for August 13, 2024 State Primary Election and Ward 3 Special Election (Councilor Traverse) – waive the reading and adopt the resolution.

MOTION by Councilor Doherty, SECOND by Councilor McKnight, 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 was adjourned without objection at 10:02 PM.

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL , CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 12, 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 (via Zoom)
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Jo Magee
Katherine Schad
Kim Sturtevant
Lori Olberg
Keaton Knowles

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Mulvaney-Stanak at 8:10 PM.

MOTION by City Council President Traverse, SECOND by Councilor Shannon, to adopt the agenda.

VOTING: unanimous; motion carries.

2. DELIBERATIVE AGENDA

2.1 Resolution: Condemnation of Property At 1 So. Prospect Road Owned By The University Of Vermont And State Agricultural College (TEUC)
Mayor Mulvaney-Stanak began by noting that earlier this evening, the Council approved a land swap agreement with UVM, whereby the parties will exchange parcels of property located at the same intersection. She said that UVM agrees to purchase land owned by the City underlying one of its own buildings at the same, comprising 0.2 acres in size through which UVM has agreed to pay \$182,469. She said the

parties have agreed that the value of the 0.8 acre parcel of the City proposes to take is worth \$69,489, which will be received by UVM as a credit against the amount due to the City, so that UVM will actually pay only \$112,980 to acquire the 0.2 acre parcel from the City. She said that the parties agree that the City will acquire the UVM parcel by condemnation, pursuant to 24 V.S.A. Chapter 77 because UVM is unable to sell the parcel to the City due to an issue of legal nonconformity, but that the City needs the parcel for public use for proposed projects to align the streets at the subject intersection, as explained in the staff report. She noted that this item is the last step in formalizing the parties' agreement. She said that pursuant to 24 V.S.A. Chapter 77, the City Council will hold a hearing on the proposed condemnation, and that UVM has been given or waived notice of the hearing as required by law. She said that the certified resolution and its attachments, which will include the parties' land swap agreement, and the staff memo for this item will constitute the record of this proceeding to be filed in the land records.

Mayor Mulvaney-Stanak opened the public hearing.
There were no public comments.

Mayor Mulvaney-Stanak closed the public hearing.

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to waive the reading and adopt the resolution condemning the subject property, setting the amount of compensation as described in the agreement approved earlier this evening, and making a finding of public necessity for the reasons stated in the staff memo.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to Adjourn

The meeting adjourned at 8:15 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 12, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon (at 5:25 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant (via Zoom, then in person)
Carter Neubieser
Joe Kane
Becca Brown McKnight (via Zoom)
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee (at 6:00 PM)
Katherine Schad
Joe McNeil
Kim Sturtevant
Lori Olberg
Keaton Knowles
Darren Springer
Emily Stebbins-Wheelock
Chapin Spencer
Corey Mims
Michele Boomhower
Brian Pine
Sarah Russell

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 5:22 PM.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to amend and adopt the agenda as amended to reorder items.

VOTING: unanimous; motion carries.

2. COMMUNICATION: ATTORNEY MCNEIL AND ATTORNEY STURTEVANT, RE: LITIGATION UPDATE (VERBAL) **EXPECTED EXECUTIVE SESSION**

2.1. Communication: Attorney McNeil and Attorney Sturtevant, re: Litigation Update (verbal) **expected executive session**

Acting City Counsel McNeil said that this executive session is to consult with the City Council on potential litigation and provide an update on mediation efforts on the matter.

MOTION by Councilor Doherty, SECOND by Councilor Neubieser, that the 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 Bergman, that based upon that finding, the City go into executive session to receive confidential attorney-client communications, pursuant to 1 VSA Section 313(a)(1)(F), in a pending civil litigation matter, pursuant to 1 VSA Section (313)(a)(1)(E), to include City Attorney McNeil, City Attorney Brown, Assistant City Attorney Sturtevant, and Chief of Staff Erin Jacobsen.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 5:26 PM.

The City exited executive session at 6:13 PM.

3. PUBLIC FORUM: TIME CERTAIN: 6:00 PM

3.1. Verbal Comments

Forum opened at 6:13 PM.

COMMENTS:

Burlington residents (in person):

- Bernie Carver expressed support for the resolution regarding replacing the F-35 mission at the Airport with another mission. He spoke about the impact of noise such as from the F-35s on children, older people, and pets. He also provided statistics on the number of F-35 crashes (35) since 2013.
- Sal Millinchamp spoke about the F-35 resolution, noting that the resolution estimates that the Airport will need \$5 million from the Federal Aviation Administration (FAA) every year over the next 46 years to soundproof all eligible homes, which doesn't fix the noise outside. She spoke about the negative impacts of the noise from the F-35s, and urged Councilors to support this resolution.
- Lucy Gluck spoke in support of the resolution to replace the F-35 mission with another mission at the Airport. She spoke about how the noise has affected her and her neighbors. She spoke about changing the mission to be something more related to humanitarian efforts.

- Ashley Adams expressed support for replacing the F-35 mission with another mission. She spoke about the health impacts of the extremely loud noise from the planes. She said that the F-35 mission is a stain on the community.
- Pike Porter expressed support for replacing the F-35 mission with another mission, such as a transport mission. He said that the passage of this resolution is a first step, and encouraged residents to contact Vermont's delegation continuously until they help make this change. He also spoke about how recent zoning law changes could allow for at least 3,000 units to be built in proximity to the airport.
- Katherine Bock expressed support for the resolution to replace the F-35 mission at the Airport, and urged the Council to do so.
- Jim Carrier expressed support for the resolution related to replacing the F-35 mission at the airport. He also spoke about new proliferation of nuclear weapons, noting that the F-35 could be used to carry such weapons, but also that the F-35 is problematic and maybe replaced in the near future by alternative types of aircraft.
- Joanna Rankin spoke about how the current resolution is fresh and empowers Vermont's Congressional delegation to ask the Air Force to make this change. She spoke about how those who suffer most from the F-35 noise (Winooski and South Burlington) don't have the administrative power over the Airport that Burlington has, and she urged the City to pass this resolution on behalf of those who are harmed most by this noise.
- Andre Clark spoke about his experience being unhoused and his current work to conduct street level outreach and partner with local organizations to get needed supplies to unhoused neighbors in the community. He spoke about incidents of harassment and abuse of unhoused individuals, and spoke about how homelessness is a traumatizing experience. He urged the City to reconsider its encampment policy and to work on creating safe spaces for people and long-term housing.
- Daniel Albert spoke about the negative health impacts of the F-35 noise (hearing loss, impact to brain development), and said that the government's role should not be to harm children. He urged the Council to pass the resolution to replace the F-35 mission.
- Dave Maher spoke about the Mayor's encampment memo, noting that it contains element he supports and elements he does not support. He said he is aligned with the Mayor's focus on Burlington as a magnet for the homeless due to its walkability, easy access to transportation, and location of services. He said he also supports the approach of removing encampments from City parks. He said he would like to see the urban reserve included in the same category of enforcing the no camping ordinances. He said he would urge the City to have a concerted 2-3 day Citywide effort to interrupt the drug trade by shadowing drug dealers, making arrests, and confiscating illegal drugs, with help from the UVM police, other municipalities' police forces, the State police, and the federal government.
- Jean Hopkins spoke about the excessive use of fuel for the F-35 missions, as well as the negative impacts to the City's buildings from the noise of the F-35s. She said that she supports finding a more peaceful mission for the Vermont National Guard.
- Doris Beddinger spoke about how nothing has done more to hurt the reputation of the Air National Guard than the placing of the F-35 in Burlington. She said that a more humanitarian mission that helps local people as well as the military will reverse that low opinion.
- Julia Handel spoke about how the F-35s are emitting tons of pollution, harming the environment, and harming peoples' health. She said that it also impacts education, noting that the noise is so loud that her classes in the Burlington School District have sometimes been disrupted.
- Debra Young noted that when the Air Force was considering whether to put F-35s in Burlington, they had recommended not doing it because there were too many people here who would be harmed by the air pollution, noise pollution, and disruption of the planes. She spoke about how the F-35s are disruptive to everyone. She urged the Council to pass this resolution.
- Nolan Rogers expressed support for the resolution that would replace the F-35 mission with another mission. He also expressed support for the resolution regarding issuance of bonds for BED's grid-strengthening effort. He also spoke about how the City is spending \$11,000 per month for the parking lot next to the Courthouse, and said that it is a bad use of funding.

- Cheryl Green spoke about her experience living at the edge of the most intense noise zone from the F-35s. She spoke about being outdoors when they launch and needing to protect her hearing somehow. She spoke about having to stay indoors during the times she knows they will launch.
- Heston Allison spoke about working as a contractor at one of the federal buildings downtown and said that they are the subject to both drug violence and gun violence.
- Ariel Bergen spoke about the prolific drug use in the community, noting that a number of the houses on her street seem to be drug houses. She asked the City to do something about the drug use.
- Jane McDougal spoke about needing the accessibility improved downtown for disabled people. She said that people need to understand about disabilities and how to accommodate for them. She also spoke about needing the sidewalks fixed.
- Leslie Delaney spoke about her concerns about public safety and the unhoused. She said that government works best when policies are applied equally to all. She said that the current policy allowing a small group to camp against City ordinances goes against that thinking. She asked how many of the unhoused currently camping here are Burlington or Chittenden County residents. She said the City has the responsibility to help its residents, but it does not have the responsibility to help all people. She said that a progressive agenda should not put one small group's rights above the needs of all. She said that Burlington is being taken advantage of.
- Judith Yarnell spoke about the F-35s. She noted that residents of Burlington, Winooski, and South Burlington over the last number of years have expressed their will in petitions and resolutions and have been drowned out by more powerful voices in Washington. She asked how that is democracy. She also expressed concern about the nuclear capability of the F-35s, saying that they were designed to carry tactical nuclear weapons.

Burlington residents (via Zoom):

- Sharon Bushor spoke in support of the F-35 resolution, thanking Councilor Bergman for the thorough inclusion of the history of the issue as well as a solution that has been brought forth by other states and communities in this situation and that this solution has worked for them. She said that she would like the Air National Guard to remain in Vermont but with a more peaceful and humanitarian mission. She also noted that she would like to see the City offer residents some sort of ear protection in the meantime.
- Annie Lawson spoke about the harm caused by F-35 flights, particularly the noise that causes harm to the youngest members of the community. She noted that the highest noise zone is in Winooski, which is also the most racially diverse city in Vermont. She said that this resolution is therefore also about dismantling systemic racism.
- Deb Bouton expressed support for the Air National Guard but also the resolution to replace the F-35 mission with another type of more peaceful mission that has fewer negative health impacts on the community. She said that soundproofing homes is one of the most ludicrous and expensive solutions proposed, and said that it is not feasible or practical, or even a solution. She said that passing this resolution is not a vote against the Guard, but is a vote for the community and its youth.
- Greg Hancock spoke about the issuance of revenue bonds for BED. He said that many of the items seem worthwhile but others do not, such as the McNeil Plant. He said that further analysis of the future of the McNeil Plant needs to be done before making any further investments in it. He proposed that the motion be split to separate the McNeil items from the non-McNeil items. He also spoke in support of the resolution to replace the F-35 mission at the Airport.
- Mary Fillmore spoke about a study on F-35s from Cornell University, showing that airport noise is harmful to the health and well-being of children and may cause lifelong problems. She read from an article describing the study,

Non-Burlington residents (in person):

- Roseanne Greco spoke about her military experience and having seen many examples of Congressional action such as what is being requested of Vermont's delegation in this resolution. She said that similar requests to replace weapons systems in states have been

successful. She said that given the increasingly dire reports of the harms caused by F-35 noise, it is clear that they do not belong in this community. She said that Vermont's Congressional delegation has the authority to request that the military replace them.

- Karen Aikins spoke about research she has conducted on the impacts of noise on communities. She said that many of the health impacts of noise were not understood in 2013 when the basing decision was made, but that there is now indisputable scientific evidence proving the harm of noise to hearing, cardiac health, and mental health.
- Peter Bingham spoke as a pediatric neurologist, speaking about the health effects of noise and comparing this issue to that of lead exposure in past decades. He noted that anything over 70 decibels is unreasonable, and that the F-35 exposure is well over 100 decibels.
- Ken White spoke as the pastor of the Congregational church across from the Fletcher Free Library, noting that he has to ask people multiple times per day to leave the property. He said that this is heartbreaking and that these people are suffering, but are engaging in behaviors that are anti-social, self-destructive, and unsafe. He shared several experiences he has had with this population and how it is affecting the community. He said that the City needs safe encampments and overdose prevention sites, but it also needs constraints on behaviors and to protect people from antisocial behaviors.
- Bruce Wilson spoke as the Human Rights Commissioner for the State and thanked the City for its support to help with graffiti cleanup around the City, but said that it needs further help with materials. He also spoke about being thankful for the F-35s, saying that they help protect the City.
- Megan Emery spoke as a former South Burlington City Councilor. She noted that in 2018, 55% of Burlington voters passed a non-binding referendum asking the City to halt the basing of the F-35s here, but that they Mayor at the time did not sign that resolution. She said that since then, she would bet that more than 55% of residents would like to rebase that mission away from here. She spoke about how people are gravely impacted who are in the flightpath of the F-35 mission.
- James Marclese urged the Council to vote for the resolution that would replace the F-35 mission at the airport, noting that F-35s were not designed for City life and are too loud. He said that if this were a civilian aircraft, it would have been banned long ago.
- Jean Sasany spoke about the lies and deception used to base the F-35 mission in this area. She noted the health impacts, including adverse effects on children, cardiac effects, and PTSD, as well as wasted tax dollars. She also spoke about safety concerns with the F-35s.
- Irene Caribo spoke about her work with refugees, saying that they come here seeking safety. She said it is a cruel irony that many of them have been relocated to an area where they are subjected to F-35 noise and potentially re-exposed to their past traumas.
- Michael Webster asked the Council to support the resolution to replace the F-35 mission at the airport with another mission. He spoke about how loud the F-35s are in Winooski.
- Tatiana Repnikova thanked the Council for being brave and giving residents hope, saying that she was one of the first to fight the F-35 basing here 12 years ago. She said that the City should put civilians above the military-industrial complex.
- Ben Cohen noted that John McCain called the F-35 a scandal and a tragedy, saying that it has a low operational rate and is the most expensive weapons system the country has ever had, and is a poster child for everything wrong with the military-industrial complex. He said he is appalled at the unfairness of Burlington allowing its airport to be used to operate aircraft that oppresses new Americans and low-income residents in Winooski and South Burlington, and the City has a responsibility to take care of the people that live in those towns.

Forum closed at 7:37 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Verbal Reports

None.

5. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

5.1 Verbal Reports

Councilor Grant noted that on August 15th there will be a public hearing on the proposed charter amendment and ballot language, urging people to watch or participate in it.

Councilor Shannon spoke about a press release received over the weekend regarding an individual who burglarized Burlington City Arts, was arrested, released, proceeded to be in violation of other trespass orders, was apprehended, was released again, and then violated trespass orders at St. Joseph's and interrupted mass, was apprehended, and was released for a third time. She said that the community isn't safe when its judicial system seems to be unable to hold people accountable and protect the community.

Councilor Grant suggesting a working session in the future on Vermont laws around bail and answer frequently asked questions about why people who are arrested are released.

6. CONSENT AGENDA

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

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

6.3 Communication: Andrea Marlon, re: thank you for clearing sidewalk of dumped furniture! – waive the reading and place the communication on file.

6.4 Communication: William White, re: What is happening to the crown jewel of downtown Burlington? – waive the reading and place the communication on file.

6.5 April 29, 2024 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting.

6.6 April 29, 2024 Special Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 15, 2024 Regular City Council Meeting

6.7 May 6, 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 July 15, 2024 Regular City Council Meeting.

6.8 May 6, 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 July 15, 2024 Regular City Council Meeting.

6.9 May 20, 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 July 15, 2024 Regular City Council Meeting.

6.10 May 20, 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 July 15, 2024 Regular City Council Meeting.

6.11 June 3, 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 July 15, 2024 Regular City Council Meeting.

6.12 June 3, 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 July 15, 2024 Regular City Council Meeting.

6.13 June 10, 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 July 15, 2024 Regular City Council Meeting.

6.14 June 10, 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 July 15, 2024 Regular City Council Meeting.

6.15 June 10, 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 July 15, 2024 Regular City Council Meeting

6.16 June 24, 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 July 15, 2024 Regular City Council Meeting.

6.17 June 24, 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 July 15, 2024 Regular City Council Meeting.

6.18 Acceptance of 2A Grants for the Fletcher Free Library's Restoration & Preservation Project for the 1904 Carnegie Building portion of the Library - 1. Approve and authorize the Director of the Fletcher Free Library to accept and execute the Award Agreements with the following 2 funders for the Restoration & Preservation Project: NPS to accept a grant amount of \$500,000 with a local match of \$500,000 in City Capital funds, and ACCD to accept a grant amount of \$20,000 with a local match of \$20,000 in City Facility Capital funds. For both grants, the project costs are to be paid upfront by the City of Burlington and then reimbursed by NPS and ACCD for a total of \$540,000. These funds are to be added to previously-accepted NEH grant and matching funds requests of \$981,700 for a total FFL Restoration & Preservation Project budget of \$2,021,700.00, subject to final review and approval by the City Attorney's Office and Chief Administrative Officer; and 2. Approve and 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 support the proposed Fletcher Free Library's project budget for FY25 subject to final review and approval by the City Attorney's Office.

6.19 Burlington Police Department Front Canopy Renovation - BPRW - approve and authorize the execution of a contract with Polli Construction, Inc., for a price not to exceed \$174,175 for the Burlington Police Department Canopy Renovation project, and to authorize a project contingency in the additional amount of \$17,000 for a total authorized project expenditure not to exceed \$191,175; and to further authorize Cindi Wight, Director of Parks, Recreation, and Waterfront, to execute the contract, any related documents, and contract amendments needed to carry out the project and utilize the contingency as necessary, subject to the review of the City Attorney's Office.

6.20 Creation of one position at CJC - CJC/HR - approve the creation of the Data, Communications and Operations Specialist position within CEDO, a Limited Service, Full-time, Union, Grade 14, position.

6.21 Court Diversion Grant Amendment #02100-FY24/25-CN - CJC -approve the acceptance of the State of Vermont Grant Amendment Award #02100-Fy24/25-CN, in the amount of \$632,522, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize CEDO Director Brian Pine to sign the grant agreement, and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby.

6.22 Department of Corrections Grant: "Safer Communities" (Grant Amendment #03520-1578) - CJC - approve and 1. Authorize the CEDO Director to accept and execute a second amendment to the State Grant #03520-1578 in the amount of \$357,160 for FY25 subject to review and approval of the City Attorney and to take such further actions and execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby; and 2. Authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY25 budget lines associated with the grant.

6.23 Approval to Enter into Contract with Sandri Energy LLC, for the City of Burlington's Fuel Supply - DPW - authorize the Department of Public Works Director, Chapin Spencer, or their successor or designee: 1. To enter into a five-year agreement with Sandri Energy, LLC, to supply the City of Burlington with gasoline and diesel fuel services, for a price of \$0.10 over Sunoco rack price at their Burlington Vermont terminal, subject to review and approval of the City Attorney's Office; 2. To execute future extensions following the initial five-year term of the agreement approved as to form by the City Attorney's Office, for so long as any increase in price over Sunoco rack price at the Burlington Vermont terminal does not exceed the increase in CPI-U from the effective date of the agreement.

6.24 FY25 Vehicle Purchase Recommendations - DPW - 1. Approve the proposed FY25 Fleet Purchasing List as detailed in Attachment E cost chart, and authorize the Director of the Department of Public Works to purchase the vehicles listed therein, for a total authorized expenditure in an amount not to exceed \$343,200.00; 2. Approve and authorize the Chief Administrative Officer to increase the foregoing authorization if necessary by not more than 15% by budget-neutral amendment, without further approval from the Board of Finance or City Council; and 3.

Approve and authorize the Director of the Department of Public Works or designee to dispose of the FY25 replaced vehicles/equipment through any of the following means, as they shall in their reasonable judgement determine to be in the City's best interest, and to take such further actions and execute such further instructions approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby: auction the vehicles/equipment through any of various online public auctions; by trade-in where vehicle/equipment is being purchased; or, if the vehicle is of no value to the vendor, Fleet Management will have the vehicle/equipment hauled away for scrap at the current market price.

6.25 Fleet Telematics – DPW - authorize the Chief Innovation Officer to enter into a three (3) year contract with Samsara Incorporated, to supply the City Fleet with their Telematics software & equipment as stated in Samsara's quote #Q-1396189, for a maximum limiting amount not to exceed \$178,666.16., subject to review and approval of the City Attorney's Office.

6.26 BSD Lease at Miller Community Recreation Center – BPRW – approve and authorize the lease of space in the Miller Center located at 130 Gosse Court, to include shared use of the gymnasium, as well as exclusive use of the designated teen center space, two adjacent offices, and a storage closet off of the gym, to the Burlington School District for the 2024-2025 school year, 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.

6.27 Lease of McKenzie Park – BPRW – approve and authorize the lease of 22.32 acres of McKenzie Park to the Intervale Center for a ten-year period for commercial agricultural purposes, 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.

6.28 Authorization to Sign a Contract for Body – Worn Cameras, Conducted Electrical Weapon, and Storage for BWC Footage with Axon Enterprises, Inc. – Police - approve and authorize the Chief of the Burlington Police Department to enter into an agreement with Axon Enterprises, Inc., to purchase new Body-Worn Cameras, Conducted-Electrical Weapons, unlimited BWC Footage Storage, and various technical software support solutions outlined in the attached proposal with Axon Enterprises, Inc. not to exceed \$1,393,969.92 over a 5-year term, subject to review by the City Attorney's Office.

6.29 FY2024 Annual Report – Board for Registration of Voters – waive the reading, accept the report, and place it on file.

6.30 FIO Documents – for information only.

6.31 UVM – City Land Swap at Pearl and Prospect Intersection – DPW – approve and authorize the proposed land swap agreement with the University of Vermont, as outlined in the attached Agreement and summarized in this memo, and to authorize the necessary actions to effectuate the agreement.

6.32 Communication: Burlington Housing Authority Board, re: Update on the Situation at Decker Towers and Other BHA Properties – waive the reading and place the communication on file.

6.33 Authorization to Award and Execute the Construction Contract for Bridge Rail Repair – DPW – approve and authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. in an amount of \$456,789.00 with use of up to \$45,678.00 in contingency for a total of \$502,467.00 for construction services related to the Bridge Rail Repair contract, subject to review and approval of the Office of the City Attorney.

6.34 555 Shelburne Street – Gravel Wetland Encumbrance Permit Application South Meadow Upper Tier Condominium Association/Pomerleau Real Estate – DPW - approve the Encumbrance Permit Application for South Meadow Upper Tier Condominium Association, and Antonio B. Pomerleau, LLC, for the address located at 555 Shelburne Street and 1074 Pine, requesting use of City owned property for a stormwater outfall pipe, 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.

6.35 Special Event Outdoor Entertainment Permit Application (three days only): SEABA, Art Hop, South End Arts District - approve the three day only special event outdoor entertainment permit application for SEABA, Art Hop, South End Arts District, September 6-8, 2024, various locations and times.

6.36 Burlington Fire Department – Lateral Hiring – Fire – approve and authorize the Chief of the Burlington Fire Department to execute a Memorandum Of Understanding with the Burlington Fire Fighters Association, allowing for the hiring of experienced firefighters/EMTs through a lateral hiring process, subject to the final review and approval of the City Attorney’s Office.

6.37 Approval to Execute the Nissan Corporate Resolution – C/T – approve and authorize the Chief Administrative Officer or designee to execute the Nissan Corporate Resolution.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to approve the consent agenda and take the actions indicated for items 6.1-6.37.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Resolution: In Remembrance of William “Bill” J. Keogh Sr. (Councilors Traverse, Neubieser, Shannon, Bergman, Barlow, Brown McKnight, Carpenter, Litwin, Doherty)

MOTION by Councilor Shannon, SECOND by Councilor Litwin, to adopt the resolution and ask that a copy of it be sent to Mr. Keogh’s family.

Councilor Shannon read the resolution into the record:

That WHEREAS, William (Bill) Keogh has passed at the age of 93 years; and

WHEREAS, Bill Keogh was a lifelong Burlingtonian with tremendous love for this City and boundless energy to constantly attempt to improve it; and

WHEREAS, Bill maintained fantastic athleticism from his high school teams to his adult life, playing organized basketball into his eighties and also being a dedicated runner and bicyclist; and

WHEREAS, Bill brought the same energy and enthusiasm to his service to the City, serving it for more than 60 years in such capacities as Superintendent of the Parks Department, member and Chair of this City Council, member of the City’s Board of Finance, member and Chair of our Airport Commission, Representative from Burlington to the Vermont House of Representatives and Reporter of City activities; and

WHEREAS, throughout his long life, Bill never lost his humility, his abundant sense of humor and his abiding interest in the affairs of his City, his State and his Country; and

WHEREAS, Bill was a constant and continuous friend to all those he encountered along life’s pathway, including those whose political beliefs were different than his “Blue Dog Democrat” persuasion; and

WHEREAS, Bill was always able to maintain his sense of humor, even when having serious discussions of matters of significant consequence throughout his life of service; and

WHEREAS, above all else, Bill was dedicated and loyal to his children and family and most prideful of their accomplishments in life; and

WHEREAS, it seemed to this City Council that Bill would always be among us doing good work on behalf of this City;

NOW, THEREFORE, BE IT RESOLVED that the City’s Mayor, Emma Mulvaney-Stanak and this City Council express both their most sincere thanks and appreciation to Bill Keogh’s family for Bill’s incredible service to Burlington, and its most sincere condolences to all of Bill’s friends and family on Bill’s passing;

DISCUSSION:

- **Mayor Mulvaney-Stanak spoke about the level of public service that Mr. Keogh offered to the City of Burlington, and she honored his service to the City, as well as his kindness, his mentorship, and her experience working with him as fellow City Councilors a number of years ago.**
- **City Council President Traverse thanked Attorney McNeil for drafting this initial resolution.**

VOTING: unanimous; motion carries.

7.2 Indoor Entertainment Permit Application (2024-2025): Tap House Beer & Garden, 160 Flynn Avenue, Suite 1

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Indoor Entertainment Permit Application for Tap House & Beer Garden, 160 Flynn Avenue, Suite 1 with all standard conditions.

VOTING: unanimous; motion carries.

7.3 Outdoor Entertainment Permit Application (2024-2025): Tap House Beer & Garden, 160 Flynn Avenue, Suite 1

MOTION by Councilor Shannon, SECOND by Councilor Broderick, to approve the 2024-2025 Outdoor Entertainment Permit Application for Tap House & Beer Garden, 160 Flynn Avenue, Suite 1 with all standard conditions.

VOTING: unanimous; motion carries.

7.4 Resolution: November 5, 2024 Special City Meeting—Issuance of Revenue Bonds—For Burlington Electric Department—Net Zero Energy And Grid Reliability Projects (Board of Finance)

General Manager Springer began by presenting information on the issuance of a potential revenue bond for BED. He noted that the Electric Commission and Board of Finance voted unanimously to recommend this to the City Council. BED Chief Financial Officer Stebbins-Wheelock began by noting the revenue bond issuing authority for BED in the City, noting that bond issuance requires voter approval from Burlingtonians, that bonds are payable solely from BED rates and revenues, not the City's General Fund or property taxes, and that BED bonds are solely an obligation of BED, not of the City. She noted that BED has issued revenue bonds several times since 1981, such as to fund the construction of the McNeil Plant, to fund the smart grid infrastructure, and for the initial Net Zero Energy bond of \$20 million. General Manager Springer noted that this bond would build on that prior Net Zero Energy revenue bond. Chief Financial Officer Stebbins-Wheelock spoke briefly about historic underinvesting in capital expenses to account for depreciation, despite budgeting for capital investments. General Manager Springer then provided details of proposed investments with the proposed new Net Zero Energy and Grid Reliability bond. He noted that it would continue grid upgrades to increase capacity to add more electric vehicles, heat pumps, and geothermal systems, complete technology systems upgrades, invest in renewable plants, support the City's EV fleet conversion, and invest in 88 new public EV charging stations (including 38 fast chargers). He said that the bond would carry the City through 2029 in terms of investments. Chief Financial Officer Stebbins-Wheelock spoke briefly about debt service on the existing BED revenue bond and a potential debt service schedule for the proposed bond. General Manager Springer noted that the proposed bond would reduce near-term rate pressure to reach 120 days cash on hand, comparing the projected FY26 rate pressure without the revenue bond as needing a 12.8% rate increase, and with the revenue bond as a 2.0% increase.

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

DISCUSSION:

- **Councilor Litwin asked for confirmation of what would occur for rate-payers' utility rates with and without the bond. General Manager Springer replied that with the bond, there is a reduction in the rate near-term and an ability to moderate rate increases in the near-term if needed. He said that without the bond, if BED were to still pursue all the noted projects and maintain BED's financial metrics, there would be significantly higher rate pressure. He said that if the bond proposal didn't advance, BED would not be able to invest in the system at a level that Burlingtonians expected for reliability, but they also wouldn't be able to invest in climate-related actions and would face challenges from a capital standpoint. Councilor Litwin encouraged BED to develop strategies to communicate these points and concepts to all members of the community.**

VOTING: unanimous; motion carries.**7.5 Champlain Parkway Project Final Construction Contract – Award Authorization and Public Process – DPW**

Director Spencer said that this item seeks the Council's support to execute a \$14.4 million final construction contract for the Champlain Parkway. He emphasized the collaboration between local, state, and federal government in a number of large DPW projects, and said that in a number of these they have set up robust monitoring operations to determine whether any adjustments are needed once projects are completed. He said that they would also look to follow that process for the Champlain Parkway Project as well. He said that they will continue to support public engagement during this process to reduce negative impacts as much as possible. He said that this project has taken up too much bandwidth in the City over too many decades, and completing it will allow DPW to turn to a suite of new projects.

Michele Boomhower, Director of Policy, Planning, and Intermodal Development at the Vermont Agency of Transportation (VTrans), spoke about how this iteration of the project is community focused, has a multi-modal framework that would support the residents of the project area, allow for housing developing near the project area, and benefit the businesses in the project area. She said that they are excited to have completed the first phase of the project, as well as the fact that the construction bid for the final phase of the project came in 42% lower than the engineering estimate for the project. She said that the State looks forward to support the City to complete the project in a timely manner and to support the City on other transportation projects that will support Burlington's community objectives.

Senior Public Works Engineer Mims said that this item seeks approval to award a final construction contract for the Champlain Parkway Project. He said that this is for the final phase of the project, and would entail finishing work on Pine Street from Kilburn to Main Street and conducting improvements along that roadway, and redeveloping the section of roadway and ramps that connect to I-189. He said that they anticipate awarding this contract in the fall, with a project timeframe of September 2024 to Summer 2026. He said that they received 4 bids for this project, and that they came in below what was estimated for the engineering assessment of the contract. He said that the lowest bid came in at \$14.4 million. He spoke briefly about the South End Construction Coordination Schedule, that includes other projects in addition to the Champlain Parkway Project, such as the Main Street Great Streets project, the CityPlace project, and the Railyard Enterprise project.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to authorize the Director of Public Works to execute a contract with Engineers Construction, Inc. (ECI) in an amount up to \$14,392,262.50 with \$1,439,226.25 (10%) in contingency funds, totaling up to \$15,835,613.75, for the Champlain Parkway Final Construction Contract, subject to the final review and approval by the Office of the City Attorney, and to: 1. Request the Department of Public Works provide the City Council a full briefing at a September 2024 Council meeting on the status of the South End Construction Coordination Sequence and the Railyard Enterprise Project in specific; 2. Make best efforts to front load the installation of the Champlain Parkway final construction contract's improvements between Maple Street and Main Street including the installation of traffic signals such that the signals

are operational for up to 6 months, but in no case fewer than 3 months, prior to the opening of the project's interstate connection; 3. Have the Department of Public Works and the Transportation, Energy, and Utilities Committee develop a plan for post-construction traffic monitoring and public feedback, including proactive outreach to the King and Maple neighborhood, and present the results to the City Council every year for the first two years after the Champlain Parkway project is completed; and 4. Based on the traffic data and public feedback collected, advance any appropriate additional improvement or traffic mitigation necessary.

DISCUSSION:

- Councilor Litwin thanked DPW for working with the Council on this amended motion language, which allows him to support this item tonight. He spoke about the pressure on the King/Maple neighborhood and said that traffic flow improvement measures will be critical for that neighborhood. He asked about the right-of-way timeline, and Senior Public Works Engineer Mims replied that it is a longer timeline due to the unpredictable nature of the timing of securing a number of rights-of-way.
- Councilor Bergman said that he has been supportive of this project on the condition that the Railyard Enterprise Project would be moving to completion in tandem. He expressed support for this recommended amendment. He said that he still anticipates congestion in the King/Maple neighborhood, but will continue to fight for the health of that neighborhood and against environmental racism.
- Councilor Broderick asked whether traffic monitoring will be conducted between when the signals are installed and when the interstate is opened up to the rest of the Champlain Parkway. Senior Public Works Engineer Mims replied that they can look at setting up monitoring in this interim phase. Councilor Broderick noted that he lives in the King/Maple neighborhood and also sees concerns with increased traffic in that neighborhood due to this project.
- Councilor Grant spoke about concerns of environmental racism with this project, given the potential negative impacts on the King/Maple neighborhood, which is a very diverse, low-income neighborhood in the City. She noted that the Railyard Enterprise project has not moved with the same speed as this project, and noted that this project would not have been sited in that neighborhood if the racial and economic backgrounds of the people living in that neighborhood were different.
- Councilor Shannon spoke about her past opposition to this project, and about the work Director Spencer has done with State and federal partners to turn this project into something she has been able to support. She said that its goals are to increase access to downtown as well as relieve traffic to South End neighborhood streets, which she believes it will do effectively. She said that she has talked to many residents in the King Street neighborhood, who still support this project even if there is no new road related to the Railyard Enterprise project. She said that the development that is making traffic worse is going to occur with or without this project, and said that she is hopeful that installing traffic lights will help alleviate it.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, 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, (10 ayes; 2 nays); motion carries.

7.6 Mayor's Memorandum on Encampments

Mayor Mulvaney-Stanak began by saying that this item provides an update on the larger conversation around Burlington's response to the housing emergency and specifically around people who are unhoused in the community. She said that in July they had intended to update the Council on the current status of resource placement (dumpsters, portalets, and the three sites that were proposed in June), but are sharing that update now. She said that they have placed these resources at two of the three sites and that there have been no issues reported, and

this shows that having some level of support for folks is helpful. She said that the third site is the Old Dump Road off Manhattan Drive, but that placing resources at this site required more conversation with neighbors. She said that this conversation highlighted that there are a number of issues at that site, and there were concerns about drug dealing and increased activity of that nature, given the chronic lack of public safety support in that area. She said that this led to her prioritizing safety first in that area, and the placement of support items second. She said that in terms of emergency housing, her focus has been around getting more emergency short-term shelter beds online, given that camping is not a viable policy. She said that they have been working with state and other partners to get more emergency shelters online, especially low-barrier shelters. She then spoke about overdose prevention centers (OPCs) and how the City was chosen to site the state's first OPC. She said that they are engaging with individuals who stood up an OPC in Providence, Rhode Island, to learn more about their experience. She said that she is also working with municipal leaders in surrounding towns on these topics as well.

Special Assistant Russell began by noting that in her work specifically, they are trying to identify more low-barrier emergency capacity for shelter within the county. She said that this has entailed more work with the state's Agency of Human Services (AHS) to expand emergency shelter capacity (specifically from December 1 – March 31), and the City has applied for some of this funding and in its proposal it highlighted the need for shelter during all times of the year, not just those winter months. She spoke about work to identify locations for emergency shelter spaces. Director Pine emphasized that housing is the overarching goal of the City, and it works to increase the supply over housing overall.

Councilor Grant noted that more cutbacks to services and emergency shelter are coming in September and asked if there are estimates on how that will impact Burlington. Special Assistant Russell replied that there are 230 households in motels as of last week, and that any household that reaches the 80 day maximum will lose that motel space, so it could be up to the full 230, depending on when they entered the program. She said that this impact could begin to be seen in the end of September and beginning of October.

Councilor McKnight spoke about the predatory behavior of drug dealers at the Elmwood Shelter pods, and asked what the options are for taking a holistic view of the impact of any new shelter on the neighborhood into which it is being placed, given the experience of neighbors and residents around the Elmwood Shelter and the negative impacts felt in that location. She said that a more articulated and dedicated level of law enforcement in any shelter site would help garner public support for this. Special Assistant Russell spoke about the challenges of funding neighborhood-wide security staff with a State partner grant. Mayor Mulvaney-Stanak noted that the Old North End has had issues around drug dealing for decades and the City has been working with the police department, which has the resources to coordinate with the State's attorney office and District Attorney. She cautioned people to be careful about linking things where those connections might not necessarily be causal, in order to have the most constructive dialogue around these complex issues.

Councilor Litwin confirmed that 7 out of 10 currently unhoused people need access to low barrier shelter beds (due to substance use disorder or other health disorders). He said that the City needs to continue having a discussion about 58 Pearl Street, and noted that they have heard from many members of the public and from the police about concerns around increased drug activity and crime in areas with shelters such as the Elmwood pods. He said it is important to talk about the implications of siting shelters in neighborhoods. He spoke about the continued need for needle cleanup at one of the encampments. He said he would like to hear more from the Police Chief or Fire Chief in these public safety work sessions around encampments. He said he will continue to oppose camping in the urban reserve, but supports providing services to the unhoused. He said he would also like to discuss the encampments in the CommStat meetings.

Councilor Barlow said the City should look at the impact of siting the Elmwood Shelter where it is, to determine what effects it has had on the neighborhood. He noted that the shelter has had to invest \$50,000 in security upgrades for the facility, and that they should take security in the broader neighborhood into account when siting other shelters. He noted that 80% of shelters in Chittenden County are in Burlington, and

asked what neighboring communities are doing to create shelter capacity. Director Pine noted that surrounding neighborhoods have supported converting motels into housing to serve formerly unhoused individuals and have done so. He said that Vermont doesn't have a tool for compelling regional cooperation, other than collaboration.

Councilor Kane asked how the sheltering on public lands policy is enforced and whether there is discretion. Special Assistant Russell replied that the City is utilizing the policy to conduct an assessment of campsites that are on public lands to determine the needs relate to social service intervention, referrals, safety challenges, or any way the City needs to respond to the individuals, especially in Parks. She said that individuals are generally noticed within 24-48 hours. She noted that they are considering proximity to recreation spaces in their assessments. She said there have been no conflicts in camps that are in closer proximity to the resources that have been made available to them.

Councilor Shannon said she would like the City to focus more on moving people on once they are helped, saying she is hearing an increased sense of hopelessness from the unhoused. She said she has also heard that people are not taking advantage of treatment, and that being unhoused is difficult to maintain sobriety. She said that providing spaces for individuals to store their possessions while they are in treatment could help the uptake in treatment services. She emphasized the importance of stability. She said that while other towns don't have the resources to provide housing, neither does Burlington. Special Assistant Russell noted a pilot program started 3-4 weeks ago with CJC where they have purchased storage containers for people with whom they were engaged, to leave their belongings there while they were in treatment.

Councilor Neubieser reiterated that everyone in City government is working on this the best they can.

Councilor Carpenter asked how many of the 228 individuals who need low barrier shelters really need more than that, such as wraparound services. She also noted that this seems as though this removes the responsibility of the State in this issue, and encouraged the City to keep the State engaged and not relieve them of the burden of helping to solve this issue. Special Assistant Russell noted that the Chittenden County Homeless Alliance collects the data on which individuals need what type of shelter. She noted that they also determined that 25 additional beds are needed for medical respite. She noted that 58 Pearl Street is one location out of several being considered, and that the goal is to expand permanent shelter capacity.

Councilor Doherty reiterated a point of tension, which is that it is not the role of municipalities to manage shelters or provide these needed social services, while being faced with a deficit of 300 low barrier shelter beds. He expressed concern with this tension, because these municipalities do not have the resources to take this on. He noted that creating Section 8 motel rooms is not the same as creating low barrier shelters, and other municipalities need to take on their equitable portion of this burden. He said that it is a legitimate assertion that there is crime and criminality with the services being provided, and unless this is addressed ahead of time, he will be reluctant to provide additional services.

Councilor McKnight said that her former comments were not blaming the unhoused for the safety challenges in Burlington, but was speaking up for the people who are struggling at the Elmwood pods and that safety patrols that disrupt organized drug crime will help save and improve lives for residents. She said that when the Mayor dismisses her concerns and tells her to be careful with language, she is creating a situation in which the City cannot plan for the safety of the community without be accused of prejudice against the unhoused, and is not productive.

Councilor Grant said the City has a number of equity issues around drugs, and that she has begged the City in the past for resources to deal with drug crime in the Old North End and Central District. She noted concerns with siting the Elmwood pods where they are, given the

proximity to known drug houses. She said that it was still sited there, despite these concerns and despite asking for more resources multiple times.

Mayor Mulvaney-Stanak said she and her staff will coordinate responses to the number of requests for data that were made at this meeting, and will continue to share updates on developing relationships with surrounding town managers on collaborating on this issue. She spoke about the importance of a unified front to tackle this issue, both at the local, regional, and state levels. She urged the Council to remain in a collective and collaborative space on this.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to suspend the rules and complete the remainder of the deliberative agenda. Councilor Litwin made a friendly amendment to cap the meeting to end the deliberative agenda at 11:00 PM, unless revisited.

VOTING (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 – nay, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (11 ayes; 1 nays); motion carries.

7.7 Mayor's Update on Community Safety

Mayor Mulvaney-Stanak provided a summary of the memo that was drafted on this issue. She spoke about the millions of dollars provided in FY25 to specifically prioritize and address community safety issues in a multi-faceted way. She spoke about her convening of 4 meetings with 20+ community members each to speak specifically about community safety issues and potential solutions. She said this includes increasing customer service (front desk) presence at the Police Department for ease of navigation, and improving case management and communication with community partners. She also noted that they are hiring a Senior Advisor on Community Safety, Ingrid Jonas, who is a retired Vermont State Police Officer, and spoke briefly on her background. She spoke about the hot spots in the City and keeping an eye on them to figure out which strategies to employ and where. She noted that there will be a public forum hosted by the Mayor's Office on September 5th at 5:30 to allow the public a forum to speak, as well as provide updates.

Councilor Neubieser expressed appreciation for the Mayor and her staff's approach to addressing public safety in a transparent way.

Councilor Broderick asked about the management of hot spots and implementation of strategies for improvement, and asked what successes and challenges have been seen there. Mayor Mulvaney-Stanak noted that they began by addressing hot spots at the library, which then moved to the parking garages, and then moved to Buell Street, once the previous locations had been addressed, which is why this work is so complicated. She said that some of the successes are around increased coordination, communication, and patrols between departments with real-time information. She said that this also includes increased communication with community partners, such as the church community. She also spoke about successes around supplementing resources where there are gaps, such as utilizing the sheriff's office resources at the parking garages. She said that Buell Street has posed a significant challenge.

Councilor Kane asked about increased patrols on Buell Street and asked for further details on those. Mayor Mulvaney-Stanak replied that there was a drug bust on Buell Street 2-3 weeks ago, which required coordination with the District Attorney to coordinate maneuvering, strategizing, and evidence collection. She said she will get back to the Councilor with more information on what those additional patrols entail. Councilor Kane asked for more detail about coordination between the Police Department and CJC, asking whether CJC could be better utilized on precharges and conditions of release. Mayor Mulvaney-Stanak replied that CJC is well utilized for cases where it is appropriate, but she is

meeting with the State Attorney's Office on how best to improve the situation while acknowledging that courts continue to be backlogged. She said that this will also be part of the City's legislative agenda for 2025.

Councilor Doherty said he is glad to hear that the Mayor's Office is working on pretrial supervised release, which is a tremendous concern in the community, and said he looks forward to an update. He said that he, like Councilor Kane, does not feel that the Buell/Orchard hot spot has been addressed yet. He said that the criminal conduct has become flagrant and there does not seem to be a sense that anyone needs to hide their criminal activity, which is a big difference between now and several years ago. He expressed hope that the Mayor can use her position to push law enforcement leaders to coordinate and work together and come up with hard, strategic responses to this.

Councilor Grant noted an email she was part of from February 15, 2022, where residents cited concerns with open-air drug dealing. She said that many people have seen open-air drug dealing for years now, but they have now seen it in different places in the City than it used to be. She said she is thankful for the new strategies being put in place, and the intention to include more people in the public safety conversations. She said that people continue to feel that they are living in completely different cities based on the way they are treated and the way their concerns are responded to (or not responded to).

Councilor Litwin agreed with other Councilors about Buell Street. He noted that the churches on and around Buell Street are also used for meetings for people in recovery, and said that these people need to be able to continue to get this support without having to be exposed to drug use and dealing. He noted anecdotally that the postal worker whose route is on Buell Street has refused to deliver mail there. He also reminded the public about Act 150, which was updated to include penalties to criminalize threatening activities in a number of environments (schools, churches, libraries, polling places, federal/state/municipal buildings). He asked if the Mayor would be willing to post this language at any of the spaces that fall under that law. Mayor Mulvaney-Stanak replied that she will review the statute and get back to Councilor Litwin. Councilor Litwin said he would also like to know if State Attorney George or the Police Department are planning or already have charged anyone under this amended law.

Councilor Carpenter acknowledged the work of the Mayor and her office, and said that lack of communication and coordination has been a problem, and expressed hope that this will be improved with the hiring of a new senior advisor on public safety.

7.8 Resolution: Requesting Vermont's Congressional Delegation Request The Secretary Of The United States Air Force Replace the Current F-35 Mission With One That Causes No Harmful Noise To The People Living Around The Airport, And One That Is Fully Compatible With Residential Neighborhoods (Councilor Bergman)

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

DISCUSSION:

- **Councilor Bergman thanked the various individuals who have had input into and have supported the resolution. He spoke about the known harmful health effects of the noise of the F-35s, the known harmful impacts on housing, and that they know that the City needs a different mission at this airport that is good for peoples' health and the economy, as well as knowing that the Congressional delegation has the power to ask that the mission be changed. He said that this resolution asks the City to act in solidarity with the neighbors most harmed and affected by the F-35 mission. He said that this resolution also seeks to work collaboratively with other communities affected by this situation, as well as form a multi-partisan Council committee to follow up with the delegation and report back to the Council regularly about progress.**

- Councilor Neubieser expressed appreciation for residents who have voiced their concerns with the mission, and their support for this resolution. He said he has opposed the F-35s in Burlington since 2018, saying they have been a waste of federal tax dollars. He spoke about the scientific evidence that the noise from this mission causes harm, as well as exacerbates the region's housing issues by driving up land acquisition costs and the removal of desperately needed homes from the housing supply.
- Councilor Litwin offered several friendly amendments to the resolution, that would add after Line 57: "WHEREAS, the City of Burlington, with the support of the Vermont Air National Guard, has used these funds to support noise mitigation efforts through a Noise Compatibility Program (NCP) and Implementation Plan approved by the FAA whereby the City has been actively installing sound insulation in impacted residential properties, previously installed active noise monitors in surrounding communities, and constructed a Positive Ventilation and Sound Insulation project at the Chamberlin School in South Burlington; and WHEREAS, the Vermont Air National Guard has fully participated in the City of Burlington's noise mitigation efforts, including by, but not limited to, supporting the Technical Advisory Committee for the NCP and Implementation Plan, providing vital data for the development of a Noise Exposure Map, and continuously advocating through our Congressional Delegation and FAA for additional federal funds dedicated to noise mitigation; and"; add after Line 161: "WHEREAS, since it was originally recognized in 1946, the Vermont Air National Guard has flown more than eight different missions and Vermonters have consistently appreciated and been grateful for their dedication to the defense our nation and local communities, the community stewardship exhibited by hundreds of service members and their families, and the essential contributions they have made to the capital infrastructure and operations of the airport; and" and add to the last resolved clause: "...This committee shall exist until a formal response is received from either the United States Air Force or the Congressional Delegation, at which point the committee shall prepare and submit a final report to the full Council, summarizing the committee's work, the response received, and any recommendations on next steps; and BE IT FURTHER RESOLVED that the City Council respectfully requests that the Mayor meet with the leadership of our airport and the Vermont Air National Guard and, on or by October 1, 2024, report back to the City Council on the status of collaborative noise mitigation efforts, VTANG's contributions to the airport's capital infrastructure, and how, if at all, this resolution may impact VTANG's future operations at the airport."
- Councilor Litwin said he is incredibly supportive of the national guard, but is also incredibly supportive of his community.
- Councilor Barlow said he is not supportive of this resolution, noting that this question has been asked of the Air Force before and there was no new information shared tonight. He expressed disappointment that the City is revisiting such a settled issue when there are so many other urgent matters it is facing. He said that VTANG continues to implement planned noise mitigation improvements around the Airport. He said the resolution makes a flawed assumption that the City can replace the mission with another one that preserves the jobs and economic benefits of this mission. He said the federal government has invested over \$100 million into the Airport as a result of the F-35 mission, and said that funding and employment are directly tied to the F-35 mission. He noted that VTANG employs over 1,000 people and provides firefighting and emergency response services at the Airport.
- Councilor Doherty said that he supports much of what Councilor Barlow said, but that he will be voting in support of this resolution because he has great faith in Vermont's Congressional delegation, and that he trusts them to make the decision that is best for the community. He said that acknowledging the sacrifice and service of the Air Guard are incredibly important when discussing this issue.

MOTION by Councilor Bergman, SECOND by Councilor Broderick to suspend the rules and complete the deliberative agenda and Mayor's Updates by 11:45 PM.

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Councilor Grant spoke about the effects of this mission on neighboring communities, and said that Burlington needs to be a better neighbor. She said that if this mission is replaced, it will likely be with another military mission, such as drone training. She expressed appreciation for the noise mitigation attempts, but said it is not enough.
- Councilor Kane spoke about the genocide being committed with the F-35s, and asked for a moment of silence.
- Councilor Neubieser said there is nothing in this resolution that should be equated with not recognizing the sacrifices made by and services of the Air Guard.
- Councilor Doherty clarified that the Air Guard is not involved in genocide.

VOTING ON RESOLUTION AS AMENDED (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 – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye, (11 ayes; 1 nays); motion carries.

7.9 Resolution: Changes To City Charter Articles 62, 63, and 65 Regarding Police Oversight Short Form Ballot Question (Councilor Bergman)

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

DISCUSSION:

- Councilor Bergman called attention to Lines 134-148 to summarize the relevant points of this issue.
- Councilor Shannon said the language is confusing, and asked about the process of adopting this tonight if changes are brought forth during the public hearings on this issue. City Attorney McNeil replied that yes, based on comments at the first public hearing (but not necessarily at the second public hearing), amendments can be reflected in the measure, which can be reflected on the short form. Chief Administrative Officer Schad confirmed that if something changed at the meeting on the 15th it would be able to be reflected and changed.
- Councilor Litwin noted that on lines 95, 96, and 112, "his or her" should be changed to "they", to follow best inclusive practices.
- Councilor Carpenter emphasized the importance of the full Council attending the public hearing on the 15th. She also asked about the feasibility of including the entire charter change along with the ballot, rather than just the short form. Chief Administrative Officer Schad replied that because this is a state election, the City has less say in how the ballot items ultimately appear. She said it is unclear whether the state would allow the City to include the entirety of the language along with mailed ballots, and that it is an ongoing discussion with the state. City Attorney McNeil said that they will try to make the short form as legible and understandable as possible, but while also trying to ensure that the full question is available at the ballot box (and in mailings).

VOTING: unanimous; motion carries.

7.10 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 (Ordinance Committee)

Councilor Barlow noted that both items 7.10 and 7.11 came from the Vehicle for Hire Licensing Board, and that they are suggested improvements to the taxi system in the City. He said that 7.10 mandates that taxis operating at Burlington out of the taxi queue for trips 50 miles or less use their meters to charge people. He said that 7.11 says that taxis must accept two forms of major debit or credit cards, as they can currently operate on a cash-only basis. He said that 7.11 also gives the Vehicle for Hire Licensing Board the ability to participate without a full quorum, by allowing the chair of the TEUC to appoint a member on the Vehicle for Hire board during a meeting if it doesn't have a quorum.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the second reading and adopt the Appendix to the Burlington Code of Ordinances for item 7.10, and to waive the second reading and adopt the ordinance as amended by the Ordinance Committee for item 7.11.

VOTING: unanimous; motion carries.

7.11 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 (Ordinance Committee)
See 7.10 above.

8. COMMITTEE REPORTS

8.1. Verbal reports
None.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. MAYOR – GENERAL AFFAIRS

11.1. Verbal reports
Mayor Mulvaney-Stanak spoke about staff changes in her office, noting the hiring of a new executive assistant. She noted that Ingrid Jonas will begin as the Senior Advisor on Public Safety, and that Jessica Brown will begin her role as City Attorney next week. She thanked City Attorney McNeil for his service to the City in this temporary role. She noted that this week she will begin work on goal-setting with department heads to guide their work for the next year, which will also play a role in who she appoints next fiscal year. She spoke about Memorial Auditorium, noting that the engagement process will begin in September with the public on the future of the block. She said that the Racial Equity, Inclusion, and Belonging (REIB) staff have been working over the last several weeks on a clearer vision statement to begin engaging with community partners and the City Council and REIB Committee. She said that her office has been working with the Police Department on proactive community engagement, trust building, and relationship building in various neighborhoods. She spoke about rolling out the Operational Efficiency study's findings and results. She said that 7 General Fund departments were studied in this report, and she will be meeting with each of these department heads between now and September 9th and will bring this to the Council for a work session on

September 9th. She said she is working with department heads to provide regular updates to the Council every two weeks. She spoke about meeting with regional town managers and coordinating advocacy work on a State level. She said she is also asking for departments' and City Council's legislative priorities to take to legislators, noting that being proactive with potential ideas for bills now is a prudent idea.

12. ADJOURNMENT

12.1 Motion to Adjourn

The meeting adjourned without objection at 11:39 PM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
CITY HALL , CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 12, 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 (via Zoom)
Evan Litwin
Marek Broderick
Emma Mulvaney-Stanak

OTHERS PRESENT:

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

1. CALL TO ORDER and AGENDA

City Council President Traverse called the meeting to order at 8:09 PM.

1.1 Motion to amend/adopt agenda

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Resolution: Ratification of City Clerk's Designation of Pairs of Representatives to Deliver Ballots Pursuant to 17 V.S.A. 2538: Authority to Make Such Designations for Future Elections (Councilor Bergman) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor 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 was adjourned without objection at 8:10 PM.

**BURLINGTON CITY COUNCIL
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL
OR
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 15, 2024
DRAFT**

MEMBERS PRESENT:

Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Melo Grant (via Zoom)
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Sarah Montgomery

1. CALL TO ORDER

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

2. FIRST PUBLIC HEARING ON PROPOSED AMENDMENTS FOR NOVEMBER 5, 2024 SPECIAL CITY MEETING

2.1. First Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting

City Council President Traverse began by noting that statute requires two public hearings on this potential charter change prior to it appearing on the November election ballot. He noted that the first public hearing is tonight and the second will be held on August 21, 2024. He noted that any amendments that arise based on feedback heard during the public hearings could be brought for consideration to a Special City Council meeting after the second public hearing on August 22nd. He noted that any amendments will also require a revised short-form ballot item description.

City Council President Traverse opened the public hearing.

Councilor Grant expressed deep concern about not showing the proper balance of representation for a public oversight body moving forward, noting past occasions where the Chief of Police has attended and participated in Police Commission meetings while members of the public and even members of the City Council have not been present or represented. She spoke about her experience as a Police Commissioner and not being able to discuss specific examples of untrue arguments in the context of police investigations, as she is bound by confidentiality and the rules around executive session, which has been difficult. She noted a significant amount of public concern for officers, which isn't necessarily

justified because officers have conducted themselves in ways that are in violation of their directives and policies, which have led to lawsuits. She noted distrust with the complaint process and concern from people about retaliation if they lodge a complaint against the Police Department. She said that the community needs to heal, rather than continuously experience pushback when they strive for something better. She said that this proposed charter change is better than nothing, but not by much.

City Council President Traverse closed the public hearing.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned at 6:15 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL
OR
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 22, 2024
DRAFT**

MEMBERS PRESENT:

Sarah E Carpenter
Tim Doherty
Ben Traverse
Melo Grant (via Zoom)

OTHERS PRESENT:

Joe McNeil
Jessica Brown
Keaton Knowles

1. CALL TO ORDER

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

2. SECOND PUBLIC HEARING ON PROPOSED AMENDMENTS FOR NOVEMBER 5, 2024 SPECIAL CITY MEETING

2.1. Second Public Hearing On Proposed Amendments For November 5, 2024 Special City Meeting

City Council President Traverse began by noting that statute requires two public hearings on this potential charter change prior to it appearing on the November election ballot. He noted that the first public hearing was August 15 and the second is being held tonight. He noted that any amendments that arise based on feedback heard during the public hearings could be brought for consideration to a Special City Council meeting after the second public hearing tonight. He noted that any amendments will also require a revised short-form ballot item description. He further noted that the Council has not received any amendments to date.

City Council President Traverse opened the public hearing.

Councilor Carpenter noted that the charter language was modified slightly to change gendered references to they/them to be more inclusive.

Assisting City Attorney McNeil said that at the last City Council meeting Councilor Shannon had also noted that the short form ballot question language was confusing, and he added the City Attorney's Office has attempted to revise the language to make it more clear by separating the provisions in the short form language into four paragraphs. He also suggested there be a further resolved clause in accordance with the

requirements of the statute to note that a complete copy of the charter change be available at the Clerk's Office and online for inspection. He further noted that there were minor edits that were also made.

Councilor Grant reflected on the fact that the public was previously engaged on police oversight and accountability and had voted on a ballot item around this, and that the number of yea voters was not insignificant, even though it did not pass. She said that this contrasts with the lack of input at these two public hearings, and said that people have become disconnected or discouraged on this issue, and reflects a failure of the City.

Trish O'Kane expressed supports for the amendment and echoed Councilor Grant's frustration on this issue. She said that the City needs police oversight that is as independent as possible and places a strong emphasis on expertise. She spoke about how civilian oversight can build public trust in the City and in the Police Department, will attract better police officers, and will save public money by preventing lawsuits related to police use of force or other misconduct.

City Council President Traverse closed the public hearing.

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned at 6:18 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
SPECIAL MEETING
BUSHOR CONFERENCE ROOM 1ST FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 22, 2024
DRAFT**

MEMBERS PRESENT:

Gene Bergman
Mark Barlow
Sarah E Carpenter
Ben Traverse
Tim Doherty
Melo Grant (via Zoom)
Carter Neubieser (via Zoom)
Joe Kane (via Zoom, at 7:36 PM)
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Joe McNeil
Jessica Brown
Keaton Knowles

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 7:32 PM.

MOTION by Councilor Litwin, SECOND by Councilor Carpenter, to adopt the agenda.

VOTING: unanimous; motion carries.

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

2.1. Verbal Comments

Forum opened at 7:33 PM.

There was no public comment.

Forum closed at 7:34 PM.

3. DELIBERATIVE AGENDA

3.1. Potential Amendments to Police Oversight Charter Change

Assisting City Attorney McNeil reviewed the proposed amendments to the charter change language. He noted that in Lines 95-97, 111-112, and 121-122 the "his/her" language was altered to be gender-neutral and more inclusive. He also noted that the City Attorney's Office revised the language to be less confusing by splitting the language into four paragraphs. He also noted an addition on Line 151 to reflect requirements in State statute that a complete copy of the proposed charter change is available for inspection in the City Clerk's office and a copy will be made available to members of the public online and upon request.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to amend the charter change and short form ballot language as outlined above and reflected on CivicClerk.

DISCUSSION:

- **Councilor Neubieser asked about the addition of "stated intent" to the short form language. Assisting City Attorney McNeil replied that in the body of the text of the amendment, this not mandatory language but is guidance language from the City to the voters and is a recommendation as opposed to a mandate. Councilor Neubieser asked when the makeup of the board will be known. Councilor Bergman said that the Ordinance Committee is working through the details of the qualifications and are hoping to have a proposal come out of its next meeting.**

VOTING: unanimous; motion carries.

3.2 Potential Amendments to Short Form Ballot Language

See #3.1 above.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned without objection at 7:47 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
CONTOIS AUDITORIUM, 2ND FLOOR, 149 CHURCH ST *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 9, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Emma Mulvaney-Stanak (via Zoom)
Erin Jacobsen (at 6:53 pm)
Joe Magee
Katherine Schad
Jessica Brown
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Sarah Montgomery
Brian Pine
Darren Springer
Betsy Lesnikoski
Rodney Dollar
Munir Kasti
Nic Longo

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:09 PM.

MOTION by Councilor Litwin, SECOND by Councilor Broderick, to amend and adopt the agenda as follows:

- **Add to the consent agenda item 5.30 Communication: Judith Yarnell, re: Comments for Mark Barlow, City Councilor;**

- **Add to the consent agenda item 5.31 Communication: Nicholas Persampieri, re: City Council Meeting, 9/9/24 Agenda item No. 6.6. Two RFPs Related To McNeil and Forestry;**
- **Remove from the consent agenda item 5.10 Request to accept a Federal Aviation Administration (FAA) Grant for Residential Sound Insulation Project (RSIP) Phase 4 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc and Jones Payne Group, Inc. (JPG), respectively – Airport and place it on the Deliberative Agenda as item 6.7 (per Councilor Bergman).**

VOTING: unanimous; motion carries.

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

2.1. Verbal Comments

Forum opened at 6:44 PM.

COMMENTS:

Burlington residents (in person):

- John Mainen spoke in favor of a strong response to the public safety crisis that is plaguing the City and urged the Council to pass the resolutions before it tonight. He said that he owns a shop downtown and experiences chronic shoplifting, but has stopped calling the police due to the amount of paperwork required and the seeming inaction by the police to do anything meaningful. He also spoke about deteriorating conditions at the library.
- Bram Kranichfeld spoke as the Franklin County State Attorney and a resident of the City, and expressed support for the public-safety related resolutions on tonight's agenda. He said that the City is currently experiencing a public safety crisis and commended the Police Department for facing these issues with the extremely limited resources available to them. He said that tonight's resolutions could help improve morale and recruitment efforts for the City's police department.
- Shakuntala Rao spoke in support of the four resolutions related to public safety as someone who has interacted with the police department and someone who has witnessed the City's gun violence. She said the resolutions will give the police department what they need to work in the most efficient and safe manner they can.
- Andy Vota spoke in support of the public safety resolutions before the Council tonight, saying that the City must do more to support its public safety officers. He said that the City needs to send a message to its first responders by investing in their physical workspaces, as well as innovate to address staffing and recruiting challenges. He said the City needs to increase both deterrence and swift consequences for illegal actions in the community.
- Caroline Quinn spoke in support of the public safety resolutions before the Council tonight. She spoke as a resident on Elmwood Avenue, near the Elmwood Shelter pods, saying that she is surrounded by people using and selling drugs in the open on a daily basis. She spoke of a number of negative interactions she has had with individuals engaging in illicit activity, and said that she has received little to no support or help from the Police Department when she has called. She said it would be a comfort to see the police be more responsive to the needs of citizens when they call.
- Polly Mangan spoke in support of stronger responses to the City's public safety challenges. She spoke about how she no longer goes to the library due to public safety concerns. She also spoke about dangerous conditions around some of the City's churches downtown, as well as the many discarded needles that litter the walking paths, greenways, sidewalks, and beaches of the City.
- Mike Conroy expressed concern for the state of the City and expressed support for the resolutions before the Council tonight, saying that improving conditions for the police department should be the City's top priority.
- Jim Carrier said that four years ago, the Council was asked to do something about the police department, given actions by certain individual officers and loss of trust from the BIPOC community, resulting in impulsive cuts to the department of 30%. He said that efforts to reduce bias and disparities have resulted in progress, though they are slow-going. He cautioned against yet another

impulsive action to make sweeping changes and lift caps on the police, essentially leap-frogging the Mayor's well thought-out plan to build back public safety.

- David Maher expressed support for the public safety resolution, saying that two items in them should be implemented as soon as possible (the need for secure facilities to hold suspects locally, and expanding relationships with outside agencies). He recommended a citywide interruption of the drug trade, which will require help from the state police, county sheriffs, and police forces from surrounding municipalities.
- Barbie Alsop noted that the Police Department has had difficulty maintaining its current number of officers, and asked why the Council would want to raise the cap from 87 to a higher number, given the difficulty of even hiring 87 officers. She said that this resolution is performative and do not address underlying issues.
- Romeo van Hermann spoke about the need for programs to rehabilitate the most vulnerable populations in the City while also ensuring the safety of businesses, residents, and visitors to the City. He said that raising the number of police officers does not necessarily solve the City's public safety problems.
- Nancy Harkins spoke in support of the resolution to protect Burlington from gun violence by banning guns in bars. She noted that drinking alcohol impairs judgment and can lead to violence, and that a measure to ban guns in bars is long overdue in the community.
- Abby Duke said that people in the community should be and feel safe, and that it is the responsibility of civil servants to accomplish solutions that put effectiveness and impact over ideology. She spoke in favor of the four public safety resolutions before the Council tonight, saying that the City needs to use all strategies at its disposal to make these improvements.
- Nick Persampieri spoke about the McNeil Plant, noting that it has sustained losses of \$9.8 million in the last fiscal year. He said the City should study whether McNeil should continue to operate or should be replaced with alternatives prior to investing in other studies, such as the two that are being proposed tonight. He said that an emissions reductions study should include an option to power McNeil with alternative fuels. He also spoke in support of the four public safety measures in front of the Council tonight.
- Jane McDougal spoke about needing more police officers on the streets. She spoke about her experience living at Cathedral Square and that residents feel unsafe going out at night. She spoke in favor of increasing the number of police officers in the City.
- Caryn Long said that lagging recruitment for police officers is a national problem, that the City needs laws to prohibit guns in bars and all public places, and that citizens can vote for stricter gun laws and stricter background checks. She said the current public safety challenges are not the new normal that needs to be accepted, and that the Council can move forward effectively and collaboratively to improve public safety.
- Grace Ahmed spoke about the resolution relating to improving recruitment for emergency first responders and examining the cap on the number of sworn police officers. She noted that the resolution calls for a report to the City Council by December 9th to include updates on staffing levels, recruitment, and recommendations on the number of CSOs, CSLs, and sworn officers. She said that police caps may not be the right question to be discussing.
- Rachel Margolis spoke in support of the resolution to strengthen and support the police department and also spoke about the situation at the Fletcher Free Library, saying that she may have to join the South Burlington library if the situation does not improve and the public does not feel safe going to the library.
- Suzanne Sugar spoke about her prior reservations around the proposal to support encampments without a plan to transition those individuals into more permanent housing. She spoke about how the downtown feels like a warzone and emphasized the importance of supporting the City's police department. She said that a Civilian Oversight Board is a big impediment to attracting officers and that a safe injection site is not a good idea and that it will attract more drug users.
- Zachary Cummings spoke about his experience as a resident of the City, saying that the Howard Center Safe Recovery program is in his neighborhood. He said that while he supports harm reduction, he said that the site is facilitating a hunting ground for drug dealers

and youth to sell drugs and abuse individuals. He advocated for lifting the police cap so that he and his family feel safe to live in their neighborhood again.

- Lee Morrigan spoke about how a large number of City employees are often forgotten in the context of the public safety conversation. They noted that the Parks and DPW staff are the ones who clean up the needles and biowaste, and that the installation of portalets and dumpsters has made a large improvement on the amount of human waste on the streets. They encouraged the Council to remove the phrase “substance misuse” from any resolution, given that it is an old and stigmatizing term now.

Burlington residents (via Zoom):

- Robert Kiernan spoke about the current wave of communication and demonstrated concern from citizens, the press, and the Mayor around public safety, and said this demonstrates an opportunity for the City. He spoke about anti-police bias in Burlington and said he hopes that this can eventually translate into more positive support for the work of the Police Department.
- Pike Porter spoke about the Department of Public Service’s concerns about enormous losses at the McNeil Plant and said that it is irresponsible to move ahead with the planned RFPs proposed by BED until McNeil’s finances are in order. He said that McNeil is costing rate-payers millions of dollars a year and is a large source of pollution. He said that if the RFPs move forward, the forestry study should include a clear carbon assessment.
- Ashley Adam spoke about the RFPs related to McNeil, saying that any decisions around them should be informed by science. She noted that carbon pollution from wood burning is many times worse than fossil fuels. She said that McNeil is the largest point source of greenhouse gas emissions in the state. She said the City intentionally deceives the public by not counting carbon pollution from wood combustion in its net zero energy calculations and roadmap. She said she hopes McNeil’s financial losses will be a wakeup call for the City.
- Rev. Mark Hughes spoke about the June 2020 resolution that cut the number of police officers and put more resources into alternatives, created the REIB department, and other measures to support minorities within the City. He noted that the racial justice work in that resolution has languished and the REIB department is not even funded enough to staff a director for its mission. He urged the Council to take a close look at all of the measures included in the four public safety resolutions.
- Sharon Bushor spoke about the public safety agenda items. She said that as a Councilor in 2014, she supported a measure that would eliminate guns in bars, and she still supports this measure. She pointed out that there is more gun violence outside of bars than in them. She spoke about the proposal for a new police facility and asked whether the City is still at its bonding cap (due to the new high school construction), and expressed concern about additional financial burden on taxpayers. She also said that she would like the public to have an opportunity to put forth solutions to the public safety issues the City is facing.
- Nolan Rogers spoke in support of cancelling the lease for the parking lot behind the Edward J. Costa courthouse, saying that it is just costing the City money. He expressed support for the BED RFPs but also supported Nick Persampieri’s points about examining McNeil alternatives. He then spoke about the public safety resolutions and said he would like to see the Council work more collaboratively on these.
- Patricia Pomerleau spoke as a resident and commercial property-owner. She said that sales in Burlington are down 7% year-to-date, despite \$12 million that was brought into the City by visitors during the eclipse in April. She said that though reports say otherwise, incidents in the downtown area are not down and that merchants are dealing with shoplifters, open drug use, and having the homeless in their doorways. She spoke about the importance of businesses for the City’s revenue. She spoke in support of more measures to support the police department.

Non-Burlington residents (in person):

- Will Dodge spoke about the severity of the concerns over public safety in Burlington, particularly on behalf of professionals in the community. He spoke about his large law firm in the downtown and how it has loved being located at the gateway to the City. He said

that they are now considering relocating the firm out of Burlington, given concerns that staff have raised about the deteriorating public safety situation. He spoke about unauthorized intrusions into their offices, problems with overdoses around the firm's location, and families and staff who are fearful of going out into the neighborhoods they used to enjoy visiting.

- Thahita Mateen spoke as a public affairs specialist with the U.S. Small Business Administration about the disaster recovery that is still occurring in the Burlington area, saying that they work with business owners and their working capital as well as homeowners, renters, and non-profit organizations. She spoke about how to access federal aid related to disaster recovery.

Non-Burlington residents (via Zoom):

- Nate Besio spoke in support of the resolution that would form the Burlington Advisory Committee on Accessibility. He spoke about working on the current committee and that members have left because the committee was previously never formally recognized. He noted that this is a good step to get more recommendations to the City on behalf of those living with disabilities (noting that the according to the CDC, 24% of Vermonters are living with some form of a disability).

Forum closed at 7:48 PM.

MOTION by Councilor McKnight, SECOND by Councilor Bergman, to suspend the rules and move immediately to item 6.1, after which the Council will return to the regular order of its agenda.

VOTING: unanimous; motion carries.

3. CLIMATE EMERGENCY REPORTS

3.1 Verbal Reports

None.

4. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

4.1 Verbal Reports

Councilor Grant urged anyone who hasn't watched it to review the July Public Safety Committee meeting, as the presentation from the recruitment team was extremely informative. She said that the City has a severe problem with recruitment for its police force. She noted that the next Public Safety Committee meeting will be on September 19th at 8:15 AM. She also thanked the Mayor for getting the Public Safety Committee meeting recordings onto Town Meeting TV so that they are more accessible to the public.

Mayor Mulvaney-Stanak said that the Community Public Safety Forum was rescheduled to September 19th at 5:30 PM. She also noted that the City has been experiencing some troubling events, especially in the last two weeks, and expressed condolences to the victims and their loved ones, as well as the community as a whole. She spoke about need to address the issue as a whole community. She expressed appreciation for first responders during these emergencies, as well as the work of the Fire Department, Emergency Medical Technicians, police officers, Community Justice Center staff, and Church Street Marketplace staff. She said that after the Red Square shooting, the City identified immediate ways to improve its public safety response and coordination with its departments, including coordination for victim support services, crowd and traffic control, and outreach. She spoke about convening a working group among downtown business stakeholders to address concerns with training, support, coordination, and removing guns from bars. She spoke about her legislative work on common sense gun control and reform. She spoke about the hot spot strategy begun in the spring, and actions taken when hot spots for public safety concerns are identified across the City. She expressed concern about the number of youth getting involved with gun possession and group

behaviors that are leading to violent outcomes, saying that a coordinated upstream anti-violence strategy needs to be implemented. She finally spoke about Ingrid Jonas as the new Special Assistant on Public Safety, saying that she has started to implement the six core recommendations around tangible next steps to improve public safety.

Councilor Shannon said that constituents still do not know what to do or who to call if a tent is pitched in their yard or their neighborhood or what to do or who to call if someone is laying on the ground and does not look well. She said that as the City continues to develop its communication and guidance resources, she hopes these questions are addressed. Councilor Grant said that the ongoing procedure for reporting encampments or tents where they are not allowed is to use the See Click Fix page on the City's website. She also said that if someone needs a wellness check then 911 should be called. Councilor Neubieser also noted that City staff presented this process extensively to the Parks, Arts, and Culture Committee in the spring and that those minutes are available for people to review. Councilor Litwin said that he would like the See Click Fix application improved to allow for a clearer way to report on encampments. He also noted that there have been reports that it takes up to two weeks for an urban park ranger to follow up on encampment reports.

5. CONSENT AGENDA

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

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

5.3 Authorization to Accept a Work of Public Art from the Parks Foundation to the City – BCA – approve and authorize the Director of BPRW to accept a Public Art donation as described in Attachment A with a total value of \$37,865 from the Parks Foundation, and to execute all necessary documents thereto upon final review and approval of the Chief Administrative Officer and the City Attorney's Office.

5.4 Reclassification of three (3) Parking Maintenance Workers – DPW/HR - approve the reclassification of three (3) Parking Maintenance Workers, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 11 role in the Parking and Traffic Division to three (3) Parking Maintenance Workers, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 14 role.

5.5 Authorization to Accept State Grant for the Voices of St. Joseph's Orphanage Memorial Project – BPRW - – approve and authorize the acceptance of grant funds of \$85,000 from the State of Vermont Center for Crime Victim Services for the Voices of St. Joseph's Orphanage Memorial Project and authorize the Director of Parks, Recreation, and Waterfront to execute the grant agreement and all documents necessary to accept the funding, subject to the final review and approval of the City Attorney's Office.

5.6 Acceptance of Grant Funding AFG – Fire – approve and authorize the Burlington Fire Department to accept a grant from FEMA in furtherance of enhancing and expanding the department's training programs in the area of firefighting, in the amount of \$222,060.00, obligating the City to a 10% local match in an amount not to exceed \$20,187.28, subject to final review by the Chief Administrative Officer; and, further authorize the Chief Engineer to execute a grant agreement with FEMA to accept such funds, subject to final review by the City Attorney's Office.

5.7 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant for design and construction of one additional automated exit lane (exit lane breach control systems) at both the North and South Terminal areas – Airport – approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration (FAA) to accept an amount up to \$232,243, with a 15% contingency, totaling up to \$267,079/45, as allowed under the grant, for design and construction of one additional automated exit lane (exit lane breach control systems) at both the North and South terminal areas, subject to review and approval by the City Attorney's Office.

5.8 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant for the Terminal Integration Project (TIP) additional eligible items – Airport – approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration (FAA) to accept an amount up to \$349,248.00, for the Terminal Integration Project (TIP) additional eligible items, subject to review and approval by the City Attorney's Office.

5.9 Request to accept a Federal Aviation Administration (FAA) Grant for the Runway 15-33 Rehabilitation Project and execute Contracts for Construction and Inspection Services for the Project with SD Ireland Inc. (SD) and Stantec Consulting, Inc. (Stantec), respectively – Airport –

1. Approve and authorize the Director of Aviation to accept and execute a grant from the Federal Aviation Administration in an amount up to \$10,445,434.00 with a 15% contingency totaling up to \$12,012,249.10 for the Runway 15-33 Rehabilitation, subject to review and approval of the City Attorney's Office; 2. Approve and authorize the Director of Aviation to execute a contract with S.D. Ireland Inc. in the amount of up to \$10,227,000.00 with a 15% contingency totaling up to \$11,761,050.00 for the Runway 15-33 Rehabilitation construction, subject to review and approval of the City Attorney's Office; and 3. Approve and authorize the Director of Aviation to execute a contract with Stantec Consulting in the amount of up to \$534,651.00 with a 15% contingency totaling \$614,848.65, as allowed by the grant for project scope that includes project inspection fees, subject to review and approval of the City Attorney's Office.

5.10 Request to accept a Federal Aviation Administration (FAA) Grant for the Residential Sound Insulation Project (RSIP) Phase 4 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc and Jones Payne Group, Inc. (JPG), respectively – Airport **NOW AGENDA ITEM 6.7**

5.11 Request to Accept and Execute a Federal Aviation Administration (FAA) Reimbursable Agreement (RA) Grant for the FAA Technical Operations (Tech Ops) administrative oversight and review of design and construction related to a FAA-owned electrical conduit relocation required for the Airport's Development of a new Snow Removal Equipment (SRE) Building – Airport – approve and authorize the Director of Aviation to execute a grant from the Federal Aviation Administration, to accept an amount up to \$42,086.00 with a 15% contingency, totaling up to \$36,898.00, as allowed under the grant, for FAA Technical Operations administrative oversight and review of design and construction aspects related to a FAA owned electrical conduit relocation, subject to the review and approval by the City Attorney's Office.

5.12 Classification of a Part-Time Custodian in the Department of Parks, Recreation and Waterfront – BPRW - approve and authorize the creation and classification of the Custodian I- Facilities position, a regular, limited part-time, non-exempt, Grade 9 position in the Department of Parks, Recreation & Waterfront.

5.13 Communication: Ben Traverse, City Council President, re: Tri-Partisan Committee on VTANG Mission – waive the reading, accept the communication and place it on file.

5.14 Declaration of Elected Candidate Ward 3 Special Election – August 13th, 2024 – C/T – waive the reading, accept the communication and place it on file.

5.15 Reclassification of one (1) DPI – Administrator position to Permit Tech – DPI/HR - approve the reclassification of Department of Permitting and Inspections Administrator, a Regular, Full-time, Non-Exempt, AFCSME, Grade 14 position to a Permit Technician, Trades Division, a Regular, Full-time, Non-Exempt, AFCSME, Grade 15 position.

5.16 Fletcher Free Library Security Guard Contract - 6 months - Library - approve the execution of a Contract Agreement and any related documents needed to carry out said contract with Chocolate Thunder, LLC, for a 6-month contract of security guard services for the Fletcher Free Library at a rate of \$50.00 per hour for the first security guard, and \$47.50 per hour for the second security guard in an amount for the first security guard in an amount up to \$93,000 with a contingency of \$6,000.00 for a total maximum limiting amount of \$99,000.00, upon final 5 Court Diversion Grant Amendment #02100-FY24/25-CN – CJC – 1. Approve the acceptance of the State of Vermont Grant Amendment Award #02100-FY24/254-CN, in the amount of \$669,022, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2025, and to authorize the CEDO Director, Brian Pine, to sign the grant agreement, and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby; and 2. Approve and authorize CEDO Director Brian Pine to accept future grand amendments increasing the amount of the foregoing grant and to take such further actions or to execute such further instruments as may be necessary or convenient to effectuate the transactions contemplated hereby.

5.18 Authorization to Accept Pollution Control Grant Funding and Execute the Grant for Wastewater Treatment Facility SCADA/PLC Improvements and Disinfection Improvements – DPW – Water Resources - approve and authorize the Director of the Department of Public Works be authorized to 1. Execute a grant agreement with Vermont DEC for up to \$113,136.00 for the WWTF SCADA and PLC Improvements Project, subject to final review and approval of the City Attorney's Office; and 2. Execute a grant agreement with Vermont DEC for up to \$901,499.00 for the WWTF Disinfection Improvements Project, subject to final review and approval by the City Attorney's Office.

5.19 Authorization to execute an Assignment and Assumption Agreement by and between Mirabelle's Inc. and Mirabelle's Bakery, LLC – Airport – authorize the Mayor of the City of Burlington to execute the Assignment and Assumption Agreement between Mirabelle's Inc. and Mirabelle's Bakery, LLC in regards to the leasing of the Airport's business premises located at 3060 Williston Road, Suite 8, South Burlington, VT subject to final review and approval by the City Attorney's Office.

5.20 Request for Approval of a \$135,986 Budget Neutral Amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport – Airport – approve a budget neutral amendment in the amount of \$135,986 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by modifying the accounts as described in the affiliated memorandum.

5.21 Communication: Mayor's Office, re: Agreement between City of Burlington and COTS re: 58 Pearl Street acquisition and the provision of low-barrier emergency shelter for winter 2024-2025 – waive the reading, accept the communication and place it on file.

5.22 11 BED U.S. Department of Energy Grid Resilience & Innovation Partnership Grant – 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 the grant agreement for the U.S. Department of Energy Award DE-GD0000904.

5.23 Authorization to Provide CCRPC With Local Match for VT-127 Shared Use Path Scoping and Feasibility Study – BPRW – approve and authorize the Director of Parks, Recreation, and Waterfront to enter into an agreement with the Chittenden County Regional Planning Commission, obligating the City to provide an amount not to exceed \$25,162 of Bike Path Maintenance Funds to the CCRPC to act as the 20% local funding match for the VY-127 Shared Use Path Scoping and Feasibility Study grant accepted by the CCRPC from the Federal Highway Administration and totaling \$100,646 in granted funds, subject to review by the Chief Administrative Officer and City Attorney's Office.

5.24 Reorganization of the Assessor's Office including the reclassification of two (2) positions – Assessor/HR - approve the 1. Reclassification and retitling of the Associate Assessor, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 16 role to Assessment Specialist, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 18 role in the Assessor's Office and authorize retroactive pay from 04/15/2024 to 09/06/2024 not to exceed \$2,000; and 2. Reclassification and retitling of the Assistant Residential Appraiser, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 16 role to Assessment Analyst, a Regular, Full-Time, Non-Exempt, AFCSME, Grade 17 role in the Assessor's Office and authorize retroactive pay from 04/15/2024 to 09/06/2024 not to exceed \$1,900.

5.25 Reorganization of the Assessor's Office including the reclassification of the City Assessor – Assessor/HR - approve the reclassification of the City Assessor, a Regular, Full-Time, Exempt, Non-Union, Grade 22 role to City Assessor, a Regular, Full-Time, Exempt, Non-Union, Grade 28 role in the Assessor's Office and authorize retroactive pay to April 15th, in an amount not to exceed \$8,600.

5.26 Communication: Burlington Board of Health, re: Gun Violence – waive the reading, accept the communication and place it on file.

5.27 Ordinance: An Amendment to Chapter 22, Section 1, Parks Enumerated: REMOVAL OF RIVERSIDE AVENUE_NUMBER 10 (Councilor Barlow) – first reading, waive the reading, suspend the rules, and place the amendment to Chapter 22 of Burlington City Ordinances as detailed in the attached ordinance form in all stages of passage.

5.28 Ordinance: Comprehensive Development Ordinance ZA-24-04, Neighborhood Code ZA (Office of City Planning, Planning Commission) – first reading, waive the reading and refer to Ordinance Committee.

5.29 Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Traffic Division of Public Works Department – CT/DPW – waive the reading and adopt the resolution.

5.30 Communication: Judith Yarnell, re: Comments for Mark Barlow, City Councilor – waive the reading and place the communication on file.

5.31 Communication: Nicholas Persampieri, re: City Council Meeting 9/9/24, Agenda Item No. 6.6 Two RFPs Related to McNeil and Forestry – waive the reading and place the communication on file.

MOTION by Councilor Doherty, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 5.1-5.31.

6. DELIBERATIVE AGENDA

6.1 Resolution: Congratulating The Burlington American 10-to-12 Year-Old Little League Baseball, All-Stars For Their Vermont State Championship And Proclaiming July 27, 2025 "B.A. All The Way Day" (Councilor Traverse)
City Council President Traverse read the following resolution into the record:

"That WHEREAS, on July 27, 2024, the Burlington American 10-to-12 year-old Little League Baseball All Stars won the Vermont State Championship by defeating Essex Town 9-7; and WHEREAS, this was Burlington American's first State Championship since 1971 and the first time a Little League team representing Burlington won the State Championship since 1992; and WHEREAS, to reach the State Championship, Burlington American won the local District I Championship, its first District I title since 2004, by besting Champlain Valley 6-4 on July 13, 2024; and WHEREAS, after winning the State Championship, Burlington American advanced to proudly represent Vermont in the New England Regional Tournament; NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of Burlington applaud the Burlington American 10-to-12 Year-Old All-Stars for their historic achievement and congratulate the players and coaches who represented this outstanding team: James Agnew #12, Justin Heilenbach, Manager Devon Bolton # 11, Tim Loescher, Coach, Parker Hagan #13, Mike O'Sullivan, Coach, Finch Heilenbach #27 Chad Nichols, Coach, Illo Heilenbach #1, Rich Price, Coach, John Loescher #10, Calvin MacHarg #19, Emery Nichols #15, Owen O'Sullivan #5, Wesley Price #7, Felix Rubinchuk #9, Matthew Weinberger #8. BE IT FURTHER RESOLVED that in commemoration of the one-year anniversary of their historic achievement, the Mayor shall issue a proclamation declaring July 27, 2025 "B.A. All the Way Day."

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

VOTING: unanimous; motion carries.

6.2 Resolution: Honoring The Service Of Representative Curt McCormack (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Carpenter, to adopt the resolution, which he read into the record: "That WHEREAS, Curt McCormack has provided a lifetime of service to the City of Burlington, the State of Vermont and the United States of America. Throughout his career he served as the Vermont Bicycle/Pedestrian Coordinator, Vermont Low Income Advocacy Council Advocate, Director of Advocacy Vermont Public Interest Research Group and was a Peace Corps volunteer; and 5 WHEREAS, Curt McCormack served in the Vermont legislature representing Rutland from 1983-1996 and then Burlington's Old North End from 2013-2022, a combined 22 years in the legislature. He chaired the Committee on Natural Resources and Energy for five years in the 1990's and the Joint House/Senate Energy 8 Committee. He also served as the Chair of the House Transportation Committee from 2019-2020; and WHEREAS, Curt McCormack has an incredible legislative track record. He was the sponsor of Act 78, Vermont's comprehensive solid waste law and the first-in-the-nation 1989 law that regulated Chlorofluorocarbons (CFCs), the creation of the Ethan Allen Express Amtrak train service, and more recently ensured the annual transportation bill had impactful climate initiatives in it. In fact, Curt may be the first legislator to serve as the Chair of Transportation not to own a car; and WHEREAS, Curt McCormack has a strong commitment to fighting climate change and used any opportunity he could to make a difference from serving as Vice Chair of the National Conference of State Legislatures (NCSL) Environment Committee, a member of NCSL High Level Radioactive Waste Repository Task Force, Co-Chair of the New England Recycling Council, House of Representatives appointee to the Vermont Low-Level Radioactive Waste Commission, Vice Chair Vermont Rail Council; and NOW, THEREFORE, BE IT RESOLVED that the City of Burlington honors and thanks Curt McCormack for his legacy fighting for the environment and service to our community."

DISCUSSION:

- **Councilor Bergman said that Mr. McCormack’s commitment to the environment is unsurpassed and that he worked continuously to make equitable and ecological transportation options a priority. He thanked him.**
- **Councilor Carpenter echoed these sentiments, also thanking Mr. McCormack for his work to support affordable housing.**
- **Mayor Mulvaney-Stanak spoke about Mr. McCormack’s extensive work to advocate for transportation and demonstrate that there are ways to get around the state without a car and be less reliant on single-use vehicles.**

VOTING: unanimous; motion carries.

6.3 Resolution: Recognizing And Celebrating The Importance Of Older Workers And Celebrate National Employ Older Workers Week (Councilor Carpenter)

Councilor Carpenter noted that this resolution came from a request from the City’s Council on Aging and that it asks the City to sign on to AARP’s pledge about recognizing and celebrating older people in the workforce. She said that this is a demographic that has a lot to offer still and that the City and community need to be creative about how to best create opportunities to leverage their skills, such as creating part-time work.

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

VOTING: unanimous; motion carries.

6.4 Resolution: Formalization of Burlington Advisory Committee On Accessibility (Full City Council)

Councilor Carpenter said that the City has had an Accessibility Committee on and off for the last two decades, but that it had not previously been formalized. She said that this resolution formalizes the Committee and makes it a standing committee. She said that the resolution asks each City department to elect a liaison around accessibility issues, as one action, and that it also asks the Human Resources department to provide staffing support to the Committee.

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

DISCUSSION:

- **Councilor Bergman said that this formalization for the committee has been long overdue, as accessibility needs to constantly be reviewed and assessed, as those needs change over time.**
- **Councilor Litwin noted that this resolution and committee will help the City meet its inclusivity goals.**

VOTING: unanimous; motion carries.

6.5 Creation of the NPA Public Engagement Specialist Position – CEDO/HR

4.3 Creation of the NPA Public Engagement Specialist Position – CEDO

Director Pine said that this relates to the creation of a part-time position that had previously been staffed as a temporary position. He noted that they are also requesting increasing the hours for this position from 20 hours per week to 30 hours per week. He noted that the workload justifies this position at this level. He noted that the incumbent just left the position and that staff are filling in on an ad-hoc basis while they look to hire for a replacement.

MOTION by Councilor Neubieser, SECOND by Councilor McKnight, to approve the creation of the NPA Public Engagement Specialist, a part-time, permanent, non-exempt, AFSCME, Grade 14 position in the Community and Economic Development Office.

VOTING: unanimous; motion carries.

6.6 Two RFPs related to McNeil and Forestry – BED

General Manager Springer began by noting that this item relates to two RFPs that were called for in the November 2023 City Council District Energy resolution. He said that there were a number of tasks for BED outlined in this resolution, also including a Request for Information for a wood chip dryer that would improve efficiency at the McNeil Plant, which was fielded in December of 2023. He noted that BED's FY25 budget includes funding for both RFPs, as well as funding for the engineering work on the wood chip dryer. He said that the Electric Commission and Transportation, Energy, and Utilities Committee (TEUC) have both reviewed these RFPs. He spoke about how the RFPs each relate directly to the language in the resolution. He said that he is particularly interested in how the RFPs can inform use of the McNeil site in more innovative ways, such as with battery storage and other technology and demonstration projects. He also spoke about interest in learning how to assess the emissions footprint of a plant like McNeil, and learning what other kinds of renewable energy could be used at the plant, absent wood chips. He emphasized that BED is not interested in moving away from renewable energy. He noted that two public forum speakers are in litigation with BED at the Public Utilities Commission on the question of McNeil's economics, and that there will be more information that comes out of that process in October.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to authorize the General Manager of the Burlington Electric Department or their designee to post the two RFPs subject to review and approval by the City Attorney's Office.

DISCUSSION:

- **Mayor Mulvaney-Stanak noted that though RFPs don't normally come to the Council from BED, this is a step to increase transparency to the public around the McNeil Plant. She said that this is also a first step toward identifying alternatives for McNeil and where it is possible to innovate and improve efficiencies. She emphasized that she will not sign off on any alternatives that include nuclear power.**
- **Councilor Bergman said this is an important step for the City to take. He acknowledged the importance of an economic feasibility study as raised during public forum, but said he would like to wait for resolution of the docket before the Public Utilities Commission prior to taking any additional action related to that potential study. He noted a request from the public to include more explicit language on the climate and carbon impact of logging, and asked General Manager Springer to confirm that the RFP as written allows for that. General Manager Springer replied that the forestry RFP will provide important information about the climate impacts of sustainable harvesting and sequestration.**
- **Councilor Kane asked about the process for pursuing an economic viability study. General Manager Springer replied that by October 11, 2024 BED will be filing in the PUC docket information about the holistic economics of the McNeil Plant that will address the economic concerns raised tonight, and said more information should be available to the Council and the public after that point. He emphasized his commitment to continuing to pursue renewable energy. He spoke about the importance of evaluating emissions on a lifecycle basis and holistically, rather than looking at just stack emissions.**
- **Councilor Broderick said that he did not support these RFPs in committee only because he believes that the Council needs the economic data prior to continuing to spend rate payer money on studies that seek to extend the life of the McNeil Plant. He said that he thinks these RFPs are important, but said that sequentially, an economic study should have come first.**

VOTING (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 – nay, Councilor Shannon – aye, City Council President Traverse – aye (10 ayes, 2 nays); motion carries.

6.7 Request to accept a Federal Aviation Administration (FAA) Grant for the Residential Sound Insulation Project (RSIP) Phase 4 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc and Jones Payne Group, Inc. (JPG), respectively – Airport ****WAS CONSENT AGENDA ITEM 5.10****

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to 1. Approve and authorize the Director of Aviation to accept and execute a grant from the Federal Aviation Administration in an amount up to \$3,563,164.00 with a 15% contingency totaling up to \$4,097,638.60, as allowed under the grant subject to review and approval of the City Attorney's Office; 2. Approve and authorize the Director of Aviation to execute a contract with Strong Tower in the amount of up to \$1,954,186.00 with a 15% contingency totaling up to \$2,247,313.90 as allowed by the grant for construction activities for 16 homes, subject to review and approval of the City Attorney's Office; and 3. Approve and authorize the Director of Aviation to execute a contract with Jones Payne Group in the amount of up to \$1,542,568.82 with a 15% contingency totaling \$1,773,954.14 for noise program oversight, subject to the review and approval of the City Attorney's Office.

DISCUSSION:

- Councilor Bergman noted that while the City is receiving a significant FAA loan for this work, there is a 10% City share of it, which will be covered by a facility charge program. He pointed out that this is all due to the impact of basing the F-35s and F-16s at the Burlington Airport. He said it is important for the public to see the economic downside of this basing. He asked for more details on how the cost of this will be covered by fees applied to passengers' airline tickets as a facility charge. He also asked about the timeline and trajectory of this noise mitigation retrofitting for the houses in question. Aviation Director Longo explained that the Passenger Facility Charge (PFC) is an FAA program that is longstanding and highly regulated. He said that BTV currently collects about \$3 million annually from PFC funds, and it must obtain FAA approval for any proposed spending of those PFC dollars. He said that BTV uses PFC funds for all airport improvement projects, not just related to noise mitigation. He said that the Airport continues to advocate for additional funding for noise mitigation from the FAA.
- Councilor Litwin asked for confirmation that there would be no increase in the PFC due to this program, but that this simply proposes using the existing \$4.50 PFC charge to help fund the local match related to this grant. Director Longo confirmed this.

VOTING: unanimous; motion carries.

City Council President Traverse called for a brief recess of the City Council at 9:08 PM.

The City Council resumed its meeting at 9:34 PM.

6.8 Resolution: Protecting Burlington From Gun Violence (Councilors Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon)

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

DISCUSSION:

- Councilor Bergman emphasized the importance of collaboration on this public safety-related work, and said that this amended resolution does so. He noted that the City's ordinances already prohibit the discharge of a gun within City limits, as well as imposes a maximum \$500 fine for doing so. He said that the Ordinance Committee will examine whether this resolution will have actual impact, given current ordinance.
- Mayor Mulvaney-Stanak said this resolution is an opportunity to send a clear message to the State General Assembly that Vermont has a long way to go to get more sensible gun policies enacted as law. She expressed appreciation for the amendments offered by the Progressive Caucus to start naming anti-violence measures in resolutions such as this. She spoke about effective and studied actions that communities can take to deter crime and violence. She emphasized the importance of engaging the State as a critical partner in conducting education around safe gun storage and leveraging other resources to make this a stronger, unified effort at the state level.
- Councilor Doherty noted that gun violence is the leading cause of death in children ages 1-19 in the United States, which is a failure of policy and political leadership in this country. He agreed with the Mayor that a patchwork response will not be adequate, but the City should have the latitude to make decisions for its best interests.
- Councilor Neubieser spoke about the ripple effects of gun violence in the community, state, and country, noting these effects from last weekend's shooting at Red Square. He expressed support for this resolution.
- Councilor Grant expressed support for the resolution, as the amendments have helped to get the Mayor and others to a place where it can be supported. She expressed exasperation over the lack of mention of prevention in these conversations, including a discussion about the source of guns in the community and the fact that children are being recruited by drug traffickers in the community. She expressed frustration that the Central District was not consulted when this resolution was drafted, and said that all Councilors need to be involved in the process of legislating in order to ensure collaboration and cooperation.
- Councilor McKnight spoke about the continued effects of gun violence and shootings in schools around the country. She noted that Vermont has one of the most permissive sets of gun laws in the country. She said that guns brought to Burlington to commit violence are not welcome here. She said that until children and members of the community are no longer killed and traumatized by these weapons, she will not tiptoe around Second Amendment rights and affirmed her support for more restrictive laws related to buying, selling, and carrying guns in public spaces in Burlington, as well as bans on assault weapons.
- Councilor Kane echoed Councilor Grant's comments, saying that it is disappointing that the sponsors of this resolution failed to collaborate, given the various opportunities they could have had to do so, as well as failure to leverage the Mayor's work on this issue at the state level.
- Councilor Shannon noted that Councilors do not need to confer with each other on every resolution, and that Open Meeting Law also prohibits Councilors from conferring with each other as a whole outside of the public meeting process. She said that if more discussion is needed, it can be discussed during Council meetings or referred to committee for further discussion.

VOTING: unanimous; motion carries.

6.9 Resolution: Improving Recruitment For Emergency First Responders And Reexamining The "CAP" On The Number Of Sworn Police Officers And Burlington Police Department Personnel (Councilors Doherty, Barlow, Carpenter, Litwin, McKnight, Shannon, Traverse)

MOTION by Councilor Doherty, SECOND by Councilor Shannon, to waive the reading and adopt the resolution as amended and posted on CivicClerk.

DISCUSSION:

- Councilor Doherty said that the size of the Police Department should not have been politicized and should be determined by the law enforcement needs of the City and balanced by budgetary constraints. He said that an 87 person cap on sworn officers is woefully out-of-date, especially given the current public safety situation in the City. He said this resolution sets up a process to ask the Police Department and other stakeholders to assess the needs of the Police Department and City and report back with what a more updated number of police officers should be. He said that this in no way undermines racial justice efforts, as there is not a direct relation between the number of officers and an equitable police department. He said the Police Department needs to be right-sized and well-trained, which will put it in a better position to continue its racial equity efforts. He said addressing this effort now sends a message about this body's commitment to public safety in the City and support of its sworn officers.
- Councilor Bergman said that the assessment and report-out will be conducted with the Public Safety Committee and the Administration as active participants, and will allow for the opportunity at the end of the process for the Council to look at these recommendations. He expressed support for this amended resolution and engaging in the process once more information is gathered through the report-out.
- Councilor Neubieser expressed support for the resolution. He requested that for important resolutions such as the four resolutions related to public safety in front of the Councilor tonight, he would like to have more time to review the resolutions prior to voting on them, given their importance and the high-priority topic to which they relate.
- Councilor Broderick echoed others' sentiments about this important topic. He said that the City needs to do better on recruiting for more officers. He said that conversations about the cap are irrelevant, given that the City can't even recruit to staff up to the cap at this juncture.
- Councilor Grant spoke about actions that have been taken that haven't panned out, such as increasing funding for salaries and retention bonuses to motivate officers to apply to work in Burlington but then advertising the wrong salary rate in the job listing. She said that BPOA has one of the best contracts in the country, according to the Police Department, but that the City is not properly advertising itself as a place for officers to come work. She said there is no strategic social media effort nor strategic digital advertising campaign, though she has brought it up to a number of individuals in leadership. She noted that retention issues have been occurring since 2019, but that hiring has masked that turnover. She said she cannot support this resolution because it is performative and symbolic.

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

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Councilor Litwin noted that the BPOA commented that the staffing recommendations for an 87-officer cap from the CNA study reflect levels that are wholly inadequate to effectively serve the City. They further commented that recruitment is the central issue, and said that lifting the cap would have a positive impact.
- Councilor Carpenter said that the focus of this resolution is to examine what would help on both temporary and permanent bases to improve recruitment and retention.

- Councilor Shannon said this resolution is being brought forward because it has been asked for. She said it is critically important to the department to hire more officers to relieve the burden of current officers. She said that this resolution demonstrates that the City values and supports its officers, and that a well-trained, well-staffed, and well-managed department is a reflection of a City commitment to public safety, equity, and enforcement. She expressed gratitude to the Mayor for addressing City employees' needs related to the hiring process for officers.
- Councilor Barlow agreed with Councilor Grant that hiring practices need to be improved and said he looks forward to innovating in this space.
- Councilor Kane said that in reviewing past Public Safety Committee and other meetings, he feels that the cap on the number of sworn officers is irrelevant, and spoke about other alternatives, such as offloading certain work to the Fire Department that is more appropriate for non-gun-carrying responders. He said that this shift can protect the valuable time of sworn officers and protect the public. He suggested increasing the number of CSOs, CSLs, and urban park rangers, as well as increasing civilian oversight of the police. He said he would much rather have the Chief and Police Department spend time fixing its broken priority response plan than relitigating the cap on the number of sworn officers.
- Councilor McKnight said this resolution takes the concrete step of removing what has been a clearly-identified hurdle to recruitment (i.e., the cap on sworn officers). She said that this resolution deals with and focuses on improving recruitment, which has been cited as one of the most important strategies for improving public safety.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, 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 (9 ayes, 3 nays); motion carries.

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

Councilor Litwin spoke about the shooting at Red Square over the past weekend. He spoke about the City's shared interest and commitment to following the standards of the Department of Justice by addressing hot spot criminal activity in the City through increased police presence and visibility. He said that this resolution does that, and looks at public safety through a multi-faceted lens and provides the opportunity for collaboration with the Fire Department's Crisis Response Team (CRT), CLSs, and other community groups such as the Howard Center's Street Outreach Team. He said that he would like to establish a place where residents, businesses, and visitors can quickly seek assistance, which would help restore confidence in coming downtown. He said this resolution provides for the hiring of a consultant, if needed, as well as an additional \$20,000 to help with operating costs. He said he has approached both DPW and the Church Street Marketplace Commission about establishing such a hub, and spoke about his collaboration with other Councilors, staff, and constituents about this.

MOTION by Councilor Litwin, SECOND by Councilor Bergman, to postpone this item until the City Councilor's September 23, 2024 meeting.

DISCUSSION:

- Mayor Mulvaney-Stanak said that more work needs to be done to reflect in this resolution the work that is being done by her Administration, including staffing the front entrance of the Police Department building.

VOTING: unanimous; motion carries.

6.11 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)

Councilor Shannon noted that many feel that the current condition of the Police Station is a matter of concern, but said she will ask that it be postponed until the next City Council meeting to ensure robust discussion.

MOTION by Councilor Shannon, SECOND by Councilor McKnight, to postpone this item until the City Councilor's September 23, 2024 meeting.

DISCUSSION:

- **Mayor Mulvaney-Stanak said that she appreciates the extra time to prepare updates to inform the Council of the work that is already underway around this item. She also spoke about potentially dovetailing this with the discussions about the Memorial Block redevelopment and public engagement process.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

None.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

None.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

None.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 11:00 PM.

RScty: AACoonrad

**BURLINGTON BOARD OF CIVIL AUTHORITY
CONTOIS AUDITORIUM, 2ND FLOOR, 149 CHURCH ST *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 9, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Lori Olberg
Keaton Knowles
Sarah Montgomery

1. CALL TO ORDER and AGENDA

Mayor Mulvaney-Stanak called the meeting to order at 8:22 PM.

1.1 Motion to amend/adopt agenda

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Resolution: Ratification of Appointments of Assistant Election Officials re: August 13, 2024 State Primary Election and Ward 3 Special Election (Councilor Traverse) – waive the reading and adopt the resolution.

MOTION by Councilor Bergman, SECOND by Councilor 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 was adjourned without objection at 8:23 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 9, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Lori Olberg
Keaton Knowles

1.0 AGENDA

City Council President Traverse called the meeting to order at 8:23 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): Santiago's, 3 Main Street – approve the 2024-2025 Third Class Liquor License renewal for Santiago's, 3 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 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 8:24 PM.

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL , CONTOIS AUDITORIUM *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
Emma Mulvaney-Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Kim Sturtevant
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Sarah Montgomery

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Mulvaney-Stanak at 9:38 PM.

MOTION by City Council President Traverse, SECOND by Councilor Neubieser, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Communication: C/T Office, re: Openings Burlington City Commissions/Boards – waive the reading, accept the communication, and place it on file.

MOTION by City Council President Traverse, SECOND by Councilor Barlow, to adopt the consent agenda and take the actions as indicated for items 2.1-2.2.

VOTING: unanimous; motion carries.

3. 2024 BOARD APPOINTMENTS

3.1 Conservation Board: Term Expires 6/30/27

MOTION by Councilor Neubieser to nominate Ethan Ely to the Conservation Board.

MOTION by Councilor Barlow to nominate Peter Smiar.

Mr. Ely spoke briefly about his background, education, qualifications, and interest in serving on the Conservation Board.

Councilor Bergman asked Mr. Ely about his skills related to stormwater and floodwater mitigation. Mr. Ely spoke about flood mitigation options and activities in his work as a stormwater engineer in Waterbury.

VOTING (Ethan Ely, 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.

Ethan Ely is now a member of the Conservation Board.

3.2 Retirement Board: Term Expires 6/30/27

MOTION by Councilor Neubieser to nominate Paul Olsen.

VOTING: unanimous; motion carries.

Paul Olsen is now a member of the Retirement Board.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 9:51 PM.

RScty: AACoonrad

**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

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CONTOIS AUDITORIUM *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
Evan Litwin
Marek Broderick
Becca Brown
McKnight
Emma Mulvaney-
Stanak

OTHERS PRESENT:

Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Kim Sturtevant
Erik
Ramakrishnan
Lori Olberg
Keaton Knowles
Sarah
Montgomery

1. AGENDA

City Council President Traverse called the meeting to order at 9:51 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 2024 Cannabis License Renewals: see attached list – approve and authorize transmission of local approval of the following local cannabis control license renewal applications to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local licenses: Garcia’s Cannabis Collective and Heybud Dispensary.

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

VOTING: unanimous; motion carries.

3. 2024 LOCAL CANNABIS CONTROL COMMISSION APPLICATION

3.1 Full Tank Flower LLC, d/b/a Full Tank Flower, 150A Church Street

MOTION by Commissioner Shannon, SECOND by Commissioner Broderick, to approve and authorize transmission of local approval of the following local cannabis control license application to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Full Tank Flower LLC, d/b/a Full Tank Flower, 150A Church Street.

4. ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 9:52 PM.

Lori Olberg

From: Ashton MacKenzie <802-829-1624@ashtonmackenzie.com>
Sent: Friday, September 20, 2024 12:07 PM
To: City Council; Evan Litwin; Lori Olberg
Subject: Adopt Neighborhood Code Without New Restriction On Building Height

[WARNING]: This email was sent from someone outside of the City of Burlington.

Dear City Council and Evan Litwin,

I recently became aware that the Ordinance committee decided to limit the height of secondary structures to the height of the primary building. I believe this was against the advice of both the planning commission and staff, who have expertise in this matter. Why are we stepping away from the progress the Neighborhood Code brings us in our housing crisis and sustainability goals?

Is there anyone in this town who can afford to completely redevelop a lot to get more potential out of already inhabited land within city limits? Last I heard, we want to limit sprawl and encourage infill development, especially in the New North End, to increase the tax base up here to be commensurate with the cost of providing utilities and municipal services in this area. How are we supposed to justify the removal of affordable housing in older buildings in the rare event some miracle financing allows housing to be developed according to these new restrictions?

Larger lots with a bunch of space that landowners want to put additional housing on can be developed to three stories while keeping the character of a quaint New England town, and to be honest I haven't heard anything from construction workers or contractors in this area that makes it seem economically feasible to put in a building that isn't big enough. I'm genuinely curious as to what our plan is for housing our neighbors if it isn't... build more housing.

Adopt the Neighborhood Code 2A without this change, please, so that we can do the right thing and bring more units of housing up in our city to address the cost of living crisis. I pay my taxes to this city without the expectation that I have the right to tell other people they can't provide more housing during a shortage, I expect my neighbors to do the same. We're in this together and only by working together to build more housing can we combat the housing crisis and get homeless Vermonters sheltered.

Thanks

Ashton MacKenzie

Ward 7

--

Ashton MacKenzie

yes that is a real email address and yes it is also my phone number



To: Board of Finance, City Council
From: Mary Danko, Director, Fletcher Free Library
CC: Tony Berry, Human Resources Manager
Date: 10/7/24
Re: Creation of two (2) new positions

Executive Summary

The Fletcher Free Library is requesting:

- Creation of Library Patron Specialist Lead, a Regular, Full-time (40 hours), non-exempt, AFSCME, Grade 15, position in the Fletcher Free Library.
- Creation of Library Patron Specialist, a Regular, Part-time (28 hours), non-exempt, AFSCME, Grade 14, position in the Fletcher Free Library.

Background

The establishment of a Library Patron Specialist program would provide meaningful, important, sustainable and economical staffing in our Libraries that would ensure library safety through a consistent security presence, patron relationship building, and positive enforcement of our Library's rules, policies and ordinance.

Instead of hiring outside contractors to provide Library security, the City would hire 2 Library Patron Specialists. One position would be a full-time position and be the program lead. The other position would be part-time. These two positions would cover all open hours, allow for some overlap, and allow for some extra time before opening & before closing. This program would need some startup funds for equipment and supplies.

In conjunction with Human Resources, we have looked at the Urban Park Ranger Program and the BPD CSO Program in helping to model a quality program. It is our desire that these positions will work closely with all City departments and the appropriate staff to maintain a welcoming and safe environment at the Library for everyone in our community.

The Library has its own ordinance for behaviors and its own trespass system that is effective. Maintaining this system is important in order to be effective and regular staffing will help to ensure this.

We have had wonderful support from AFSCME for the support of this program and the addition of these positions.

Why bring Library Safety & Security in-house?

- Build lasting and meaningful relationships with our Library patrons that encourage positive patron behavior and help to keep that behavior sustainable so that all patrons enjoy the free resources of the Library in harmony.
- Ensure the Library is welcoming to all patrons.
- Increase education and adherence of the rules, regulations, and ordinances related to the Library which will improve the experience of all patrons in our Library.
- Provide basic assistance and information to all library patrons and library visitors from the Security Desk. The Library often sees visitors from out of town that want to view our beautiful building or use some our tech center or free Wi-Fi.
- Conduct routine inspections of our building and grounds which benefits our inside patrons as well as being a security presence for our outside grounds.
- Encourage and monitor adherence to ordinances, rules, and regulations.
- Provide a reliable security program to the Library that is not dependent on outside vendors.
- Provide a security program that works with Burlington Police Department in alignment with the City's values of equity.
- Ensure budgetary financial stability with having City employees instead of a contracted vendor.
- Have an in-house, reliable program at almost the same cost and providing a small savings.

Financial Impact

The projected financial impact of the two positions is listed below based on FY25 and one year of service for simplicity. The two positions are included:

Costs	YEARLY-52 weeks					
Current Contracted Security						
Rate	Hours per week				Weeks per year	Total
\$50.00	58				52	\$150,800.00

47.5	14				52	\$34,580.00
	72				TOTAL	\$185,380.00
Projected Staffing Costs						
Lead- Grade 15						
Rate	Fica (7.5%)	Benefits	Total hourly rate	hrs. per week		Total
\$27.0059	\$2.03	\$29.03	\$58.06	40	52	\$120,767.59
Part-Time- Grade 14						
\$25.4533	\$1.91	\$17.72	\$45.08	28	52	\$65,639.83
			sub totals	68		\$186,407.42
SUBS - as needed						\$2,750.00

					TOTALS	\$196,657.42
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					Difference	(\$11,277.42)
Supplies, Equipment, Misc. (One time costs)						\$7,500.00
TOTAL						\$204,157.42

We have already budgeted \$185,000 for Library Security in the FY25 budget and we have additional funds added to our Security budget line by direction of the Mayor for a variety of Library security and safety improvements. This combination of funds shall enable us to hire for these positions in January or February allowing for some overlap in staffing as we begin this new program.

Motions

Board of Finance Motion:

To recommend that City Council approve the:

- Creation of Library Patron Specialist Lead, a Regular, Full-time (40 hours), non-exempt, AFSCME, Grade 15, position in the Fletcher Free Library.
- Creation of Library Patron Specialist, a Regular, Part-time (28 hours), non-exempt, AFSCME, Grade 14, position in the Fletcher Free Library.

City Council Motion:

To approve the:

- Creation of Library Patron Specialist Lead, a Regular, Full-time (40 hours), non-exempt, AFSCME, Grade 15, position in the Fletcher Free Library.
- Creation of Library Patron Specialist, a Regular, Part-time (28 hours), non-exempt, AFSCME, Grade 14, position in the Fletcher Free Library.

City of Burlington

Job Description



Position Title: Library Patron Specialist Lead

Department: Library

Reports to: Assistant Director

Pay Grade: 15

Job Code:

Exempt/Non-Exempt: Non-Exempt, Full Time

Union: AFSCME

Remote Work Rating Tier: 1

General Purpose:

This position is responsible for providing a variety of patron behavior supports including the management of patron behavior and general safety in Library buildings and our Library grounds. This position is the Lead for the Library Patron Specialists and includes providing on-site leadership, direction and professional expertise for the Fletcher Free Library's Patron Specialist Program. They will build meaningful relationships with our patrons at our Libraries through active engagement, visibility and education. This position will help ensure our Libraries are welcoming and user friendly to all Burlington residents and visitors through the education and enforcement of our Library Ordinance. This includes writing trespasses and managing the trespass system. This position will also assist patrons in need of social services in coordination with the various social service agencies in Burlington, as well as the Burlington Police Department. This position will provide Safety & Security training and processes for the staff, and will partner with the Burlington Human Resources Department and with the Burlington Police Department when appropriate.

This position includes one weekend day and one evening shift per week.

Essential Job Functions:

(This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Develop relationships with Library patrons, as well as relevant community service providers to ensure all patrons are welcome and have a pleasant experience in our Libraries.
- Provide basic assistance and basic information to our patrons. Refer higher level inquiries to librarians and library staff.
- Develop and lead Safety and Security Trainings and processes for the staff. Partner with the Burlington Human Resources Department, the City's Safety Manager, and with the Burlington Police Department when appropriate. Training may include, but is not limited to: de-escalation, mental health first aid, active shooter, stop-the-bleed, and basic first aid.
- Conduct routine inspections of the Library's buildings and grounds. Enforces rules, policies and ordinances

- Completes required paper work, including but not limited to: trespasses, trespass reports, non-incident reports, first report of accident reports, log of activities, patron specialist schedules, etc.
- Encourage and monitor adherence to Library ordinance.
- Work in-conjunction with other City Departments, as well as Burlington social service organizations to assist those in need of social services.
- Participates in the hiring process including but not limited to screening, rating interviewing and recommending applicants for Patron Specialists, both regular and temporary staff.
- Assist Assistant Director in Implementing training
- Assist with appeal and restorative justice processes as needed.
- Responsible for documenting, monitoring and enforcing ordinances as needed. Use de-escalation practices to achieve compliance as much as possible.
- Responsible for documenting, monitoring all incidents, including those with a trespass issuance and those without.
- Use de-escalation practices to achieve compliance as much as possible.
- Manage and utilize the Library's camera system.
- Manage the research, purchase and maintenance of first aid and safety equipment for the Library. Includes, but not limited to First Aid kits, Walkie-Talkies, etc.
- Assist with employee and public safety at all times during emergencies by implementing crowd control measures and training staff on applicable emergency procedures in accordance with facility compliance and City policies.
- Maintain working records related to Federal, State and local laws, regulations, guidelines and OSHA/VOSHA safety standards. Train seasonal staff on all requirements.
- Respond to inquiries regarding Library use, resolve conflicts that arise between users with competing agendas or needs, convey and enforce facility rules, etc.
- Successfully mitigate user issues that may arise through direct communication, de-escalation techniques and effective customer service methods.
- Develop schedules in coordination with staff to maximize coverage.
- Maintain a preventative maintenance program on assigned equipment.
- Participate and assist in coordinating City initiatives or events as required.
- Position may require the operation of City vehicles and/or personal vehicles in order to conduct City business.
- Assist with programming set-ups and break-downs as needed. Includes moving tables, chairs and miscellaneous library furniture.
- Assist with opening and closing of Libraries to ensure operability.
- Regularly meet with other City Departments and External Organizations to mutually work towards the goal of safe Library for our patrons.
- All other duties as assigned.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- At least two years of experience in a role requiring similar skills such as Social Work, Criminal Justice, Security, or Customer Service. Additional experience may be substituted for a degree requirement on a two-for-one per year basis.
- Experience in conflict resolution, de-escalation, and public service is preferred.
- Ability to obtain a valid driver's license within 45 days of hire and the continued maintenance of a valid driver's license. Operation of a City vehicle or personal vehicle to conduct City business without

providing proof of a valid driver's license to Human Resources will not be permitted. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to operation of any City vehicles or non-City vehicles for City business.

- Ability to work flexible hours when the position requires to meet the changing demands of activity in the parks.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies. Ability to work varied shift times, including some late nights and holidays and weekends. Ability to act as an ambassador of Burlington to ensure the safety and enjoyment of all users in line with the Department's goals and objectives.
- Ability to communicate effectively and professionally both orally and in writing. Ability to provide professional and courteous customer service.
- Ability to manage ever-changing situations quickly and reasonably required.
- Must be first aid certified or have the ability to become so within a reasonable amount of time after being hired.
- Must be able to work outside in all types of weather.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Proof of COVID-19 vaccination required, reasonable accommodations will be considered.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

X	seeing
X	color perception (red, green, amber)
X	hearing/listening
X	clear speech
X	touching
X	dexterity x hand x finger
X	reading – basic
	reading – complex
X	math skills – basic
	math skills – complex
X	writing – basic
	writing – complex
X	analysis/comprehension
X	judgment/decision making
X	clerical
X	inside
X	outside
X	works alone

X	works with others
X	face-to-face contact
X	verbal contact w/others
X	ability to move distances within warehouses and offices
X	lifting (specify pounds: 30)
X	carrying (specify pounds: 30)
	climbing
X	driving
	ability to mount and dismount forklift
X	pushing/pulling
X	shift work
X	moving objects
	pressurized equipment
X	extreme heat
X	extreme cold
	high places
X	noise
X	fumes/odors
X	dirt/dust
	hazardous materials
	electrical equipment
	mechanical equipment

Supervision:

Directly Supervises: 0

Indirectly Supervises: 1

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Revision Dates: Created April 2023

City of Burlington

Job Description



Position Title: Library Patron Specialist

Department: Library

Reports to: Assistant Director

Pay Grade: 14

Job Code:

Exempt/Non-Exempt: Non-Exempt, Part-Time (28 hours/week)

Union: AFSCME

Remote Work Rating Tier: 1

General Purpose:

This position is responsible for providing a variety of patron behavior supports including the management of patron behavior and general safety in Library buildings and our Library grounds. They will build meaningful relationships with our patrons at our Libraries through active engagement, visibility and education. This position will help ensure our Libraries are welcoming and user friendly to all Burlington residents and visitors through the education and enforcement of our Library Ordinance. This includes writing trespasses and managing the trespass system. This position will also assist patrons in need of social services in coordination with the various social service agencies in Burlington, as well as the Burlington Police Department. This position will provide support for Safety & Security training and processes for the staff, and will partner with the Burlington Human Resources Department and with the Burlington Police Department when appropriate.

This position is 15 hours a week and includes one weekend day and one evening shift per week.

Essential Job Functions:

(This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Develop relationships with Library patrons, as well as relevant community service providers to ensure all patrons are welcome and have a pleasant experience in our Libraries.
- Provide basic assistance and basic information to our patrons. Refer higher level inquiries to librarians and library staff.
- Assist with Safety and Security Trainings and processes for the staff. Training may include, but is not limited to: de-escalation, mental health first aid, active shooter, and basic first aid.
- Conduct routine inspections of the Library's buildings and grounds. Enforces rules, policies and ordinances.
- Completes required paper work, including but not limited to: trespasses, trespass reports, non-incident reports, first report of accident reports, log of activities, patron specialist schedules, etc.
- Encourage and monitor adherence to Library ordinance.
- Work in-conjunction with other City Departments, as well as Burlington social service organizations to

assist those in need of social services.

- Assist with appeal and restorative justice processes as needed.
- Responsible for documenting, monitoring and enforcing ordinances as needed. Use de-escalation practices to achieve compliance as much as possible.
- Responsible for documenting, monitoring all incidents, including those with a trespass issuance and those without.
- Use de-escalation practices to achieve compliance as much as possible.
- Operate Library's Camera system as required.
- Assist with employee and public safety at all times during emergencies by implementing crowd control measures.
- Respond to inquiries regarding Library use, resolve conflicts that arise between users with competing agendas or needs, convey and enforce facility rules, etc.
- Successfully mitigate user issues that may arise through direct communication, de-escalation techniques and effective customer service methods.
- Participate and assist in coordinating City initiatives or events as required.
- Position may require the operation of City vehicles and/or personal vehicles in order to conduct City business.
- Assist with programming set-ups and break-downs as needed. Includes moving tables, chairs and miscellaneous library furniture.
- Assist with opening and closing of Libraries to ensure operability.
- Regularly meet with other City Departments and External Organizations to mutually work towards the goal of safe Library for our patrons.
- All other duties as assigned.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- At least two years of experience in a role requiring similar skills such as Social Work, Criminal Justice, Security, or Customer Service. Additional experience may be substituted for a degree requirement on a two-for-one per year basis.
- Ability to obtain a valid driver's license within 45 days of hire and the continued maintenance of a valid driver's license. Operation of a City vehicle or personal vehicle to conduct City business without providing proof of a valid driver's license to Human Resources will not be permitted. A valid driver's license shall be defined as a current state of residence-issued license to operate a motor vehicle on public roadways. Position also requires the ability to be covered under the City's vehicle insurance policy prior to operation of any City vehicles or non-City vehicles for City business.
- Ability to work flexible hours when the position requires to meet the changing demands of activity in the parks.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies. Ability to work varied shift times, including some late nights and holidays and weekends. Ability to act as an ambassador of Burlington to ensure the safety and enjoyment of all users in line with the Department's goals and objectives.
- Ability to communicate effectively and professionally both orally and in writing. Ability to provide professional and courteous customer service.
- Ability to manage ever-changing situations quickly and reasonably required.

- Must be first aid certified or have the ability to become so within a reasonable amount of time after being hired.
- Must be able to work outside in all types of weather.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Proof of COVID-19 vaccination required, reasonable accommodations will be considered.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

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X	color perception (red, green, amber)
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	reading – complex
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	math skills – complex
X	writing – basic
	writing – complex
X	analysis/comprehension
X	judgment/decision making
X	clerical
X	inside
X	outside
X	works alone
X	works with others
X	face-to-face contact
X	verbal contact w/others
X	ability to move distances within warehouses and offices
X	lifting (specify pounds: 30)
X	carrying (specify pounds: 30)
	climbing
X	driving
	ability to mount and dismount forklift
X	pushing/pulling
X	shift work
X	moving objects
	pressurized equipment
X	extreme heat
X	extreme cold

	high places
X	noise
X	fumes/odors
X	dirt/dust
	hazardous materials
	electrical equipment
	mechanical equipment

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Revision Dates: Created April 2023

Board of Finance and City Council Submission Checklist

Department: Fletcher Free Library Submitter: Mary Danko

Title/Subject: Library Patron Service Specialists

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	10/7/2024

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	9/10/2024	Mary Danko
Mayor's Office informed and approved memo	Yes	9/26/2024	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.	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	10/3/2024	Kimberlee Sturtevant
CAO has reviewed budget, financing, and memo	Yes	9/26/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	Click or tap to enter a date.	Tony Berry
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	Yes	Job Descriptions
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.

Fletcher Free Library
City of Burlington
October 2024

Library Board of
Commissioners

Mary Danko
Director of Library
Grade NU 26 SM

Emer Feeney
Assistant Director
Grade NU 21 SM

Gale Batsimm
Development
Manager
Grade NU 18 80%

Cindy Carey
Financial Assistant
Grade 15 50%

Rebecca Thompson
Development &
Communications
Administrative Support
Grade 14 50%

Geoffrey Mills
Library Assistant I NNE
Grade 14 50%

Michelle Lee
Circulation Manager
Grade NU 18

Peter Berghoef
Technical and
Digital Services
Manager
NU Grade 18

Megan Butterfield
Librarian I – Youth
Services Manager
Grade 18

Barbara Shatara
Adult Services
Manager
NU Grade 18

Hayley Martin
Library Assistant
Volunteer Coordinator
Grade 14

Tenzin Dhondup
Library Assistant
Inter Library Loan
Grade 14

Maxamed Ibrahim
Library Assistant
Circulation
Grade 14 50%

VACANT
Library Assistant
Circulation
Grade 14 50%

Harrison Mitchell
Library Assistant
Circulation
Grade 14 50%

Margaret Ellis-Green
Library Assistant
Circulation
Grade 14 58%

VACANT
Library Assistant
Circulation
Grade 14 50%

Sage Deleon
Library Computer
Assistant
Grade 15 50%

Claude Tshiya
Library Computer
Assistant
Grade 15

Erin Murphy
Library Technical
Assistant
Grade 14

Nga Pham
Library Technical
Assistant
Grade 14

Susannah Rossier
Reference &
Cataloger
Grade 17

Miriasha
Borsykowsky
Teen/Tween
Librarian
Grade 17

Rebecca Thompson
Early Literacy
Outreach Program
Coordinator
Grade 10 LS

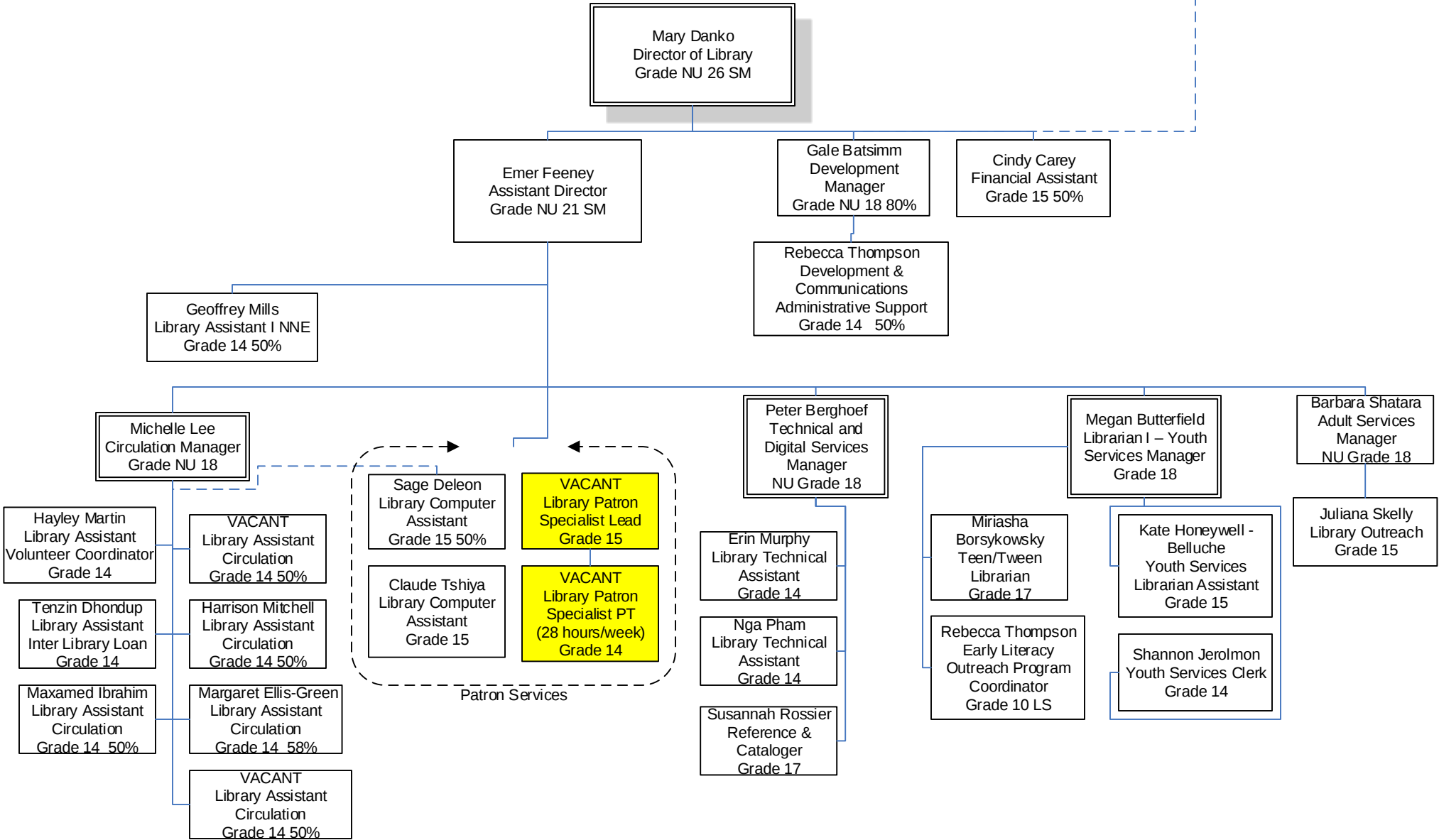
Kate Honeywell -
Belluche
Youth Services
Librarian Assistant
Grade 15

Shannon Jerolmon
Youth Services Clerk
Grade 14

Juliana Skelly
Library Outreach
Grade 15

Fletcher Free Library
City of Burlington
Proposed October 2024

Library Board of
Commissioners



Lori Olberg

FOR INFORMATION ONLY

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Friday, September 20, 2024 5:16 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

[WARNING]: This email was sent from someone outside of the City of Burlington.

For more information,
contact the City Clerk's Office

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

Below are current activities for which you have been signed up to receive notifications. To view the details of these activities please [visit the ENB](#). When one or more activities that match your specific criteria is posted to ENB, you will receive a single email notification compiling the information. If you have been signed up to receive updates step-by-step throughout the review process for these activities the updates will appear in the second half of the email.

To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
ENB Support
Vermont Agency of Natural Resources

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status
Federal Pretreatment Individual Permit	Post Apartments Housing Limited Partnership - VFW Post 782 - Burlington	3-1583.2404	Post Apartments Housing Limited Partnership - VFW Post 782 - Burlington	Burlington	A draft decision for this activity has been reached and may be reviewed by visiting the ENB. Comments may be submitted through the ENB when the public comment period is open. The administrative record set for this activity has been modified. Please visit the ENB to view the activity profile. The Department is now accepting	2024-09-20	Draft Decision - Public Comment Period

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Thursday, September 19, 2024 5:14 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

[WARNING]: This email was sent from someone outside of the City of Burlington.

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

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To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
 ENB Support
 Vermont Agency of Natural Resources

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status
General Permit 3-9004 Notice of Intent: Discharges to Surface Waters from Petroleum-related Remediation Activities	SB Collins - North Ave Mobil	3- 4307.2409	SB Collins - North Ave Mobil	Burlington	A final action for this activity has been reached and may be reviewed by visiting the ENB. The appeal period is open for 30 days following the final decision date. The administrative record set for this activity has been modified. Please visit the ENB to view the activity profile.	2024-09-19	Final Decision Reached - Appeal Period

FOR OFFICIAL USE ONLY

Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Tuesday, October 1, 2024 11:24 AM
To: Lani Ravin; 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; Lani Ravin
Subject: RE: E-CoS Regarding Monthly Information for LUP 4C1043-1A for September 2024
Attachments: CoS UVM LUP 4C1043-1A 2024.09.pdf; 20240910_20240912 ACT250 Counts.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 October 1, 2024, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot for September 2024, by electronic mail to those with email addresses as indicated above, as attached.

Thank you,

Lani Ravin

FOR OFFICIAL USE ONLY

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Thursday, September 26, 2024 5:17 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder.Update by Location

[WARNING]: This email was sent from someone outside of the City of Burlington.

You are receiving this message because you have been signed up to receive email notifications via the Vermont Agency of Natural Resources' Environmental Notice Bulletin (ENB). These notifications are intended to inform you of environmental activities relevant to your town or organization based on location or activity type.

Below are current activities for which you have been signed up to receive notifications. To view the details of these activities please [visit the ENB](#). When one or more activities that match your specific criteria is posted to ENB, you will receive a single email notification compiling the information. If you have been signed up to receive updates step-by-step throughout the review process for these activities the updates will appear in the second half of the email.

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Regards,
ENB Support
Vermont Agency of Natural Resources

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status
Federal Pretreatment Individual Permit	Rhino Foods, Inc.	3-1585.2408	Rhino Foods, Inc.	Burlington	In Review

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, September 26, 2024 3:40 PM
Subject: ANR Press Release - 2024 State and Local Government Municipal Day

[WARNING]: This email was sent from someone outside of the City of Burlington.

PRESS RELEASE

For Immediate Release – September 26, 2024

FOR INFORMATION ONLY

Contact:

Emma Ramirez-Richer, 802-828-0316, emma.ramirez-richer@vermont.gov

Kelly Hughes, 802-828-1295, kelly.hughes@vermont.gov

Jennifer Mojo, 802-923-6647, jennifer.mojo@vermont.gov

OFFICE OF THE ATTORNEY GENERAL
VERMONT
SEP 27 2024 10:00 AM
EMMA RAMIREZ-RICHER

2024 State and Local Government Municipal Day
Trainings for Vermont's Local Officials and Volunteers

Montpelier, VT – The Agency of Natural Resources is announcing its eleventh annual State and Local Government Municipal Day in partnership with the Agency of Agriculture, Agency of Transportation, Vermont Emergency Management, and the Natural Resource Board. The day-long event is dedicated to strengthening the partnership between the state and local government by providing the most up-to-date information to municipal employees and partners.

Municipal Day will take place on November 1, 2024, at National Life in Montpelier from 7:45 am-3:45 pm. Register now to [reserve your spot for this in-person event](#).

Registration will remain open until the day of the event. The full-day session costs \$35 and includes breakfast pastries and a lunch buffet. Review the [full agenda, including a descriptive list of workshops](#).

This year, the event will spotlight biodiversity and its importance on a landscape faced with more frequent and intense climate-related events such as floods, wildfires, and presence of diseases and invasive species.

"The collaboration between local and State government, across a wide-range of areas – from land-use decisions to improving climate resilience to managing invasive species – is essential to meeting our biodiversity goals and stewarding Vermont's unique natural resources," says ANR Secretary Julie Moore. "Municipal Day is an invitation to gather in-person and work towards the goals we share for our natural resources, biodiversity, and beyond."

Attendees over the years have described the opportunity to connect face-to-face with state staff helpful in advancing municipal projects of both modest and ambitious scales.

After opening remarks and a chance for questions with the Fish and Wildlife Department Botanist Grace Glynn, participants will split off to attend trainings, discussions, and workshops of their choice to learn more about the tools available to support their communities.

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Thursday, September 26, 2024 11:58 AM
To: dmasse@aam15.com; lani.ravin@uvm.edu; dmasse@aam15.com; Derick.Read@krebssandlansing.com; Sarah Montgomery; burlingtontownclerk; Lori Olberg; Benjamin Traverse; Andrew Montroll; Act250.Agenda@vermont.gov; citycouncil@southburlingtonvt.gov; jlouisos@sburl.com; permitting@ccrpcvt.org; Act250.Essex@vermont.gov; hrees@southburlingtonvt.gov; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: 4C0233-11 Land Use Permit -- AAM Burlington Hotel, LLC
Attachments: Permit_Certificate of Service_Exhibit List 4C0233-11.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hello,

Please see attached Act 250 Land Use Permit, along with a Certificate of Service and Exhibit List.

Thank you,

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street

Essex Junction, VT 05452

Adriene Katz NRB Technician

Tel.802-879-5614 | Act250.Essex@vermont.gov

<https://nrb.vermont.gov>

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Tuesday, September 24, 2024 5:15 PM
To: burlingtontownclerk
Subject: Vermont Environmental Notice Bulletin Stakeholder Update by Location

[WARNING]: This email was sent from someone outside of the City of Burlington.

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To modify the subscription, please contact the staff person listed on the individual activity page or the ENB Administrator at anr.enbadministrator@vermont.gov.

Regards,
ENB Support
Vermont Agency of Natural Resources

Changes to Activities I'm Following

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Most Recent Update	Date	Status
Category 1 Underground Storage Tank - Operating/Renewal	NJ Beverage LLC	587-18291	NJ Beverage LLC	Burlington	A final action for this activity has been reached and may be reviewed by visiting the ENB. The appeal period is open for 30 days following the final decision date. The administrative record set for this activity has been modified. Please visit the ENB to view the activity profile.	2024-09-24	Final Decision Reached - Appeal Period

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Tuesday, October 1, 2024 3:53 PM
To: justinw@burton.com; MikeF@burton.com; ericb@burton.com; John.caulo@gmail.com; alex@highergroundmusic.com; alan@highergroundmusic.com; m.j.balderston@gmail.com; kmuller@vhb.com; Jenn Conley; ken.kaliski@rsginc.com; tylerb@engineeringventures.com; paulb@engineeringventures.com; mbrennan@dunkielsaunders.com; Act250.Agenda@vermont.gov; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; Act250.Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov; jennifer.mojo@vermont.gov; dpw-incustomerservice@burlingtonvt.gov; Kimberlee Sturtevant; cmcneil@southburlingtonvt.gov; hrees@southburlingtonvt.gov; jrbaker@southburlingtonvt.gov; pconner@southburlingtonvt.gov; tbarritt@southburlingtonvt.gov; steve.crowley1@gmail.com; sharon.behar@gmail.com; steve.caflischvt@gmail.com; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; christopher.clow@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; scott.dillon@vermont.gov; dumont@gmavt.net; msantos@bscgroup.com; LALogan@hotmail.com; deterrafirma@gmail.com; wlbsmithvt@gmail.com; waterslj@gmail.com; almy.landauer@gmail.com; wbratt@gmavt.net; douggoodmanphoto@gmail.com; WendyCopp@msn.com; sabrinajoymilbury@gmail.com; grayoak2@msn.com; dana.walrath@gmail.com; stephherrick@myfairpoint.net; comittina@comcast.net; redosier@comcast.net; 28sabre@comcast.net; lorihayes151515@gmail.com; harris@roen.net; mark.furnari@gmail.com; Aaron.Brondyke@vermont.gov
Subject: 4C0174-6,4C0368-3(Altered)(Remanded)(Corrected 1) Permit - Burton - Findings - COS
Attachments: 4C0174-64C0368-3(Altered)(Remanded)(Corrected 1) Permit.pdf; 4C0174-64C0368-3(Altered)(Remanded)(Corrected 1) Findings.pdf; 4C0174-6,4C0368-3(Altered)(Remanded)(Corrected 1) COS.pdf

[WARNING]: This email was sent from someone outside of the City of Burlington.

Attached please find 4C0174-6,4C0368-3(Altered)(Remanded)(Corrected 1) Permit, Findings, and a Certificate of Service.

Land Use Permit 4C0174-6,4C0368-3(Altered)(Remanded)(Corrected) and its Findings were corrected to amend condition 2 with the mutual consent of the parties. It is issued now because the consensual amendment to condition 2 only recently came to the attention of the Commission. A corrected permit and findings are hereby issued in accordance with Act 250 Rule 31(A)(4).

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Christine Commo NRB Technician
Tel.802-879-5614 | Act250.Essex@vermont.gov
<https://nrb.vermont.gov>

Resolution Relating to

APPOINTMENT OF ACTING WARD EIGHT WARD
CLERK AND ACTING INSPECTORS OF ELECTION FOR
WARDS THREE AND EIGHT FOR NOVEMBER 5th, 2024
GENERAL ELECTION AND SPECIAL CITY 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 General Election and Special City Election will occur on November 5th, 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 vacant Inspector of Election
positions in wards Three and Eight; 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 FURTHER RESOLVED that the Burlington City Council hereby
approves the following appointments for the General Election and Special City Election that will occur on
November 5, 2024:
ACTING WARD CLERKS:
Ward Eight: Martin Wolf (I), 21 Thibault Parkway
ACTING INSPECTORS OF ELECTION:
Ward Three: Charlie Giannoni (I), 63 Rose Street
Ward Three: Jeannie Waltz (P), 32 Cedar Street
Ward Eight: Susan Forrester (D), 40 College Street
Ward Eight: Autumn Leach (I), 154 Loomis Street
Ward Eight: Susan Robbins (I), 14 Lake Forest Drive

Resolution Relating to

APPOINTMENT OF ACTING WARD EIGHT WARD CLERK
AND ACTING INSPECTORS OF ELECTION FOR WARDS
THREE AND EIGHT FOR NOVEMBER 5th, 2024 GENERAL
ELECTION AND SPECIAL CITY ELECTION

RESOLUTION 6.21.

Sponsor(s): Councilor Traverse

Introduced: 10/07/24

Referred to:

Action: adopted

Date: 10/07/24

Signed by Mayor: 10/08/24

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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4 WHEREAS, the Ward Eight Ward Clerk position is vacant and there are vacant Inspector of Election
5 positions in wards Three and Eight; and

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7 appointed to serve in these offices;

8 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby approves the
9 following appointments for the General Election and Special City Election that will occur on November 5,
10 2024:

11
12 ACTING WARD CLERKS:

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15 Ward Three: Charlie Giannoni (I), 63 Rose Street

16 Ward Three: Jeannie Waltz (P), 32 Cedar Street

17 Ward Eight: Susan Forrester (D), 40 College Street

18 Ward Eight: Autumn Leach (I), 154 Loomis Street

19 Ward Eight: Susan Robbins (I), 14 Lake Forest Drive

20
21 SM/Resolutions 2024/Appointment Of Acting Ward Eight Ward Clerk And Acting Inspectors Of Election For Wards Three And Eight For
22 November 5th, 2024 General Election And Special City Election
23 10/07/24

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

Appointment Of Acting Ward Eight Ward Clerk And Acting Inspectors Of Election For
Wards Three And Eight For November 5th, 2024 General Election And Special City
Election

.....

Adopted by the City Council

October 7, 2024

Barley K. Kelly Clerk

Approved *Oct 8 24* 20

[Signature] Mayor

Vol. Page

* * * * *

Gene Bergman
Ward Two City Councilor
gbergman@burlingtonvt.gov

To: Board of Finance
From: Gene Bergman
Re: ONE Graffiti-to-Mural Project Proposal (building at the Elmwood-Intervale intersection)
Date: September 26, 2024

This memo requests \$5,500 in Council Initiative Funds to pay for 50% of the “cash” costs of an owner-community graffiti-to-mural project on 1 Intervale Ave.. This project was initiated by a community member’s request and had my early and active involvement as well as the inclusion of City staff from the City’s Business and Workforce Development staff. It has had since the onset the participation of the building owner, building tenants, residents of the nearby neighborhood, local businesses, the Nepalese community and members of the visual arts community.

The building is at the Elmwood and Intervale intersection. It is owned by a New American from Nepal and houses several New American small businesses and residential rental apartments.

The property is in the heart of the ONE. It is in the North St. Neighborhood Mixed Use District and at the entryway to the densely populated residential community adjacent to it. The city created this district to “preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city’s older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods,” according to sec. 4.4.2 of the zoning ordinance.

Graffiti defaces the storefronts of all of these BIPOC owned businesses and the residences. At times, it includes hateful language that is anti-gay or xenophobic. The graffiti extends from building to nearby waste disposal receptacle and large business-owned box truck on Elmwood Ave. This graffiti is a blight that undermines the goals of the district. It undermines the economic health of the building’s businesses, nearby businesses, and the economic health of the New American small business community.

The building has been tagged persistently for years.. The owner painted over the graffiti two times only to have it be re-tagged shortly thereafter. The City deployed its anti-graffiti team only to have the building graffitied again.

The building is also located at a major intersection for people traveling through the city on the way to and from downtown. Having it graffitied creates a very negative impression of the ONE specifically and the city generally. The building is close to two neighborhood magnet schools and the ONE Community Center, which includes a majority child care center. The adjacent sidewalks see a lot of foot traffic by families, young children and students. This graffiti negatively affects them as well.

This summer a mother living on Spring St. whose young child was upset by this graffiti contacted me and asked what the City could do to clean up the building. I responded and copied

the small business development staff of the City and other city leaders, requesting feedback and thoughts on issue. City staff reached out to the building owner to understand his perspective and needs. The owner, Chandra Pokhrel, along with his commercial tenants expressed a desire to address the graffiti problem and agreed to a meeting to discuss it further.

A meeting was held at the building to discuss the issue, potential solutions, and to better understand the project scope. Johanna Scheider, Will Clavelle, Helen Reid, Councilor Bergman, Chandra Pokhrel, Jill Krowinski, Josh Piascik from Vermont Paint Company attended.

Mr. Pokhrel expressed an interest in cleaning up the graffiti to support local businesses and the neighborhood. He shared that he'd painted the building twice in the past and didn't feel he could continue to carry the expense. The group toured the outside of the building and discussed options for painting over the extensive graffiti. Josh with Vermont Paint offered suggestions for anti-graffiti coatings and paint options. Given the size of the building, it was proposed that we do a combination of a community paint day to cover the building, but also leave spaces available to add 2-3 murals. I suggested that murals serve as a celebration of the long history of the ONE as a safe haven for immigrant and New American families.

Potential muralists were then contacted. Cost data for supplies project oversight, and organizing neighborhood volunteers was collected. Potential funding sources were identified. Based on prior communications I suggested that GBIC executive director Frank Cioffi might be interested in supporting a project of this type. Will Clavelle of the Business and Workforce Development Office agreed to reach out him. This was successful as Frank Cioffi has expressed an interest in supporting the project and potentially matching contributions offered by the city or fundraised by the community; Clark Derbes, a Burlington muralist, also agreed to lead a community paint day for this project if it moves ahead. Muralists Sarah Rutherford and Hom Phadham were contacted about the project. Both are interested.

Muralist Clark Derbes has agreed to lead a community paint day on Saturday, October 19th. This will include bright, block colors around the entire building with spaces designated at a later time for murals to be installed. Helen Reid of Spring Street has agreed to recruit 15-20 neighbors in the ONE to assist with the paint day. She is currently recruiting volunteers for the community paint day. Josh Piascik with Vermont Paint is finalizing costs related to paint and supplies.

This request is for \$5,500 from the City Council's Initiative Fund to cover the cost of the Clark Derbes's leadership of the community paint day and Muralist Hom Phadham mural. Frank Cioffi has stated he would match Councilor Initiative funds and these funds, \$5,500, will be used to support the purchase of paint supplies, paint and cover the cost of Muralist Sarah Rutherford. The labor for the community paint day will be covered by neighborhood volunteers.

Resolution Relating to

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

RESOLUTION_____

Sponsor(s): Councilors *Traverse, Barlow, Carpenter, Doherty, Litwin, McKnight, Shannon*
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:

1 That WHEREAS, the Burlington Police Department has been headquartered at the Antonio B. Pomerleau
2 Building located at One North Avenue since 1995; and
3 WHEREAS, this police station bears the name of the late Antonio B. Pomerleau, a former Burlington
4 police commissioner, developer, and philanthropist, as Mr. Pomerleau was responsible for purchasing and
5 renovating the building prior to charitably conveying the entire property to the City with generous terms; and
6 WHEREAS, with gratitude to Mr. Pomerleau and his family, the City acknowledges that after three
7 decades of use, the police station is currently outdated and in need of major renovations or replacement; and
8 WHEREAS, in its FY25 budget presentation, the Burlington Police Department and Chief Jon Murad
9 identified the outdated police station as a hurdle to recruitment, comparing it to newer facilities for the
10 Vermont State Police (built in 2023), South Burlington Police Department (renovated in 2010), Essex Police
11 Department (built in 2018), and Colchester Police Department (renovated in 2012); and
12 WHEREAS, the condition of the police station remains in a worsened state due to an arson incident
13 that occurred there on November 13, 2023; and
14 WHEREAS, the appraised value of the property at One North Avenue currently appears on
15 Burlington's Grand List as \$4,829,400; and
16 WHEREAS, the City Council regularly receives complaints and concerns from community members
17 that the Burlington Police Department currently lacks the resources to respond to incidents in a manner that is
18 acceptable to the community; and
19 WHEREAS, the City is deeply grateful for all of Burlington's emergency first responders and is
20 committed to ensuring our public safety agencies present career opportunities that are among the most
21 desirable in our region; and
22 WHEREAS, in the Pre-Development Agreement entered into by the City in or about March 2024
23 regarding the Memorial Block, the City committed to determining the feasibility of relocating the also
24 outdated Central Fire Station located in that block to a new public safety facility;

Resolution Relating to

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

25 NOW, THEREFORE, BE IT RESOLVED that the City shall begin the process of assuring our police
26 department has a modern facility that assures the health and wellbeing of employees and meets the
27 expectations of the public, and provides dignity, security and privacy for perpetrators and victims within the
28 facility; and

29 BE IT FURTHER RESOLVED that a three person committee, appointed by the Mayor and Council
30 President shall be established to develop and present a preliminary assessment of needs and options for the
31 Department, to the City Council on or by its meeting on October 28, 2024; and

32 BE IT FURTHER RESOLVED that this three-person committee shall consist of:

- 33 1. One commercial real estate professional
34 2. One architect or builder
35 3. One person with experience real estate financing; and

36 BE IT FURTHER RESOLVED that the work of the committee will be supported by the Chief
37 Administrative Officer and Chief of Police; and

38 BE IT FURTHER RESOLVED that the Council respectfully requests that the committee investigate
39 immediate, short- term, and long -term solutions, opportunities, and costs (to the extent that they may differ)
40 to address department needs; and

41 BE IT FURTHER RESOLVED that in addition to recommending relocation or renovation options that
42 will better support the Burlington Police Department and its existing recruitment challenges, the committee
43 shall also prioritize options that improve the public's ability to directly engage with the Police Department and
44 options that include secure facilities to hold suspects locally rather than in other communities, separate
45 meeting space for victims, adequate parking for police vehicles and staff, and community meeting space; and

46 BE IT FURTHER RESOLVED that in consideration of the City's current bonding capacity and
47 existing taxpayer commitments to the new Burlington High School and Technical Center, and to best expedite
48 a much-needed replacement or renovations for the existing police station, the City encourages the committee
49 to recommend options requiring limited or no contributions from Burlington taxpayers and, to that end, the
50 committee may present options that involve the sale of all or part of the property at One North Avenue and
51 utilizing those proceeds for purpose of building replacement or renovations; and

52 BE IT FURTHER RESOLVED that to the extent the existing police station remains in need of repairs
53 necessitated by the arson incident of November 13, 2023, an assessment of needed repairs and associated costs
54 shall be presented by the Mayor's Administration to the City Council at or before its meeting on October 7,

Resolution Relating to

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

55 2024, including a proposal on any budget amendments necessary to ensure these repairs are completed by the
56 end of this calendar year.

57

58 BT/Resolutions 2024/*Assuring Our Police Department Has A Modern Facility That Assures The Health And Wellbeing Of Employees, Meets The*
59 *Expectations Of The Public, And Provides Dignity, Security And Privacy For Perpetrators And Victims*
60 September 9, 2024



To: Board of Finance, City Council

From: Mary Danko, Director, Fletcher Free Library

Date: BOF/CC - 10/7/24

Re: Library Outreach Specialist Services provided by Howard Center, Inc.

SUMMARY

The Fletcher Free Library is requesting permission to enter into a contract with Howard Center, Inc. to provide Library Outreach Specialist Services by providing a Library Outreach Specialist position at 37.5 hours per week and the necessary supervision for a total of \$ 103,210.08 for a year of service.

BACKGROUND

We are excited to present an important new initiative that will significantly enhance the services we offer to our community—the Library Outreach Specialist position. This role is not just a service addition but a critical step toward fostering a safer, more supportive environment at the Fletcher Free Library. By offering low-barrier access to social and human services, this specialist will address the needs of our most vulnerable patrons, promoting wellness, safety, and community connection.

The Outreach Specialist will focus on providing immediate support to individuals facing mental health challenges, substance use issues, or unmet social service needs. Through crisis intervention, referrals, and relationship-building, the specialist will help reduce escalated behaviors and crises within the library. Importantly, this role will help us adopt a preventive approach, limiting the need for emergency services and creating a more inclusive space where all patrons feel valued and safe.

The benefits of this position are clear:

- **Low-barrier access:** Patrons will receive social services without the typical obstacles, ensuring that those in need can connect to critical resources.
- **Prevention and intervention:** By managing mental health incidents, the specialist will work to de-escalate situations and prevent crises before they occur.
- **Support for vulnerable populations:** Individuals experiencing distress will have access to immediate assistance, reducing the likelihood of emergency responses.

This position will be full-time at 37.5 hours per week, with weekly supervision from the Howard Center, ensuring a high level of professional guidance and care. The library will provide a designated workspace to support the specialist's duties, ensuring confidentiality for private consultations. A contract is being developed with the City Attorney's office.

FINANCIAL INFORMATION

The funding for this position comes from a one-time allocation of an additional \$150,000 from the city's general fund into the library's FY25 budget, which will cover both the Outreach Specialist and enhanced library security.

The cost for the contract with the Howard Center is \$ 103,210.08. The Friends of the Fletcher Free Library have generously committed an additional \$25,000 to support this project, leaving a balance of \$78,210.08 to be provided by the City. We also anticipate some initial funds needed for office set-up costs to be no greater than \$1,500. This brings the total responsibility to the City to \$79,710.08.

This funding will cover the first year of operations, and if it produces positive outcomes, we anticipate finding the funding to continue this vital partnership with the Howard Center in the future.

Attached is the job description, which outlines the essential functions and requirements for the position.

We believe this initiative will play a pivotal role in creating a safer, more compassionate environment at the library, and we look forward to discussing how it can benefit our community.

DEPARTMENT RECOMMENDATIONS & MOTIONS

Board of Finance:

"To approve and recommend that the City Council approve the execution of a contract and any related documents needed to carry out said contract with Howard Center, Inc, for a 12 month contract of Library Outreach Specialist services for the Fletcher Free Library for \$103,210.08 for which the City will be responsible for \$78,210.08 and with \$25,000 being supplied by the Friends of the Fletcher Free Library and to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney's Office and to authorize Mary Danko, Director of the Fletcher Free Library, to affect all necessary

budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25."

City Council:

"To approve and authorize Mary Danko, Director of the Fletcher Free Library, to execute a contract and any related documents needed to carry out said contract with Howard Center, Inc, for a 12 month contract of Library Outreach Specialist services for the Fletcher Free Library for \$103,210.08 for which the City will be responsible for \$78,210.08 and with \$25,000 being supplied by the Friends of the Fletcher Free Library upon final review and approval of the City Attorney's Office and to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to support the proposed Fletcher Free Library's project budget for FY25."

Board of Finance and City Council Submission ChecklistDepartment: Fletcher Free Library Submitter: Mary DankoTitle/Subject: Library Outreach Specialist

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	10/7/2024

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.

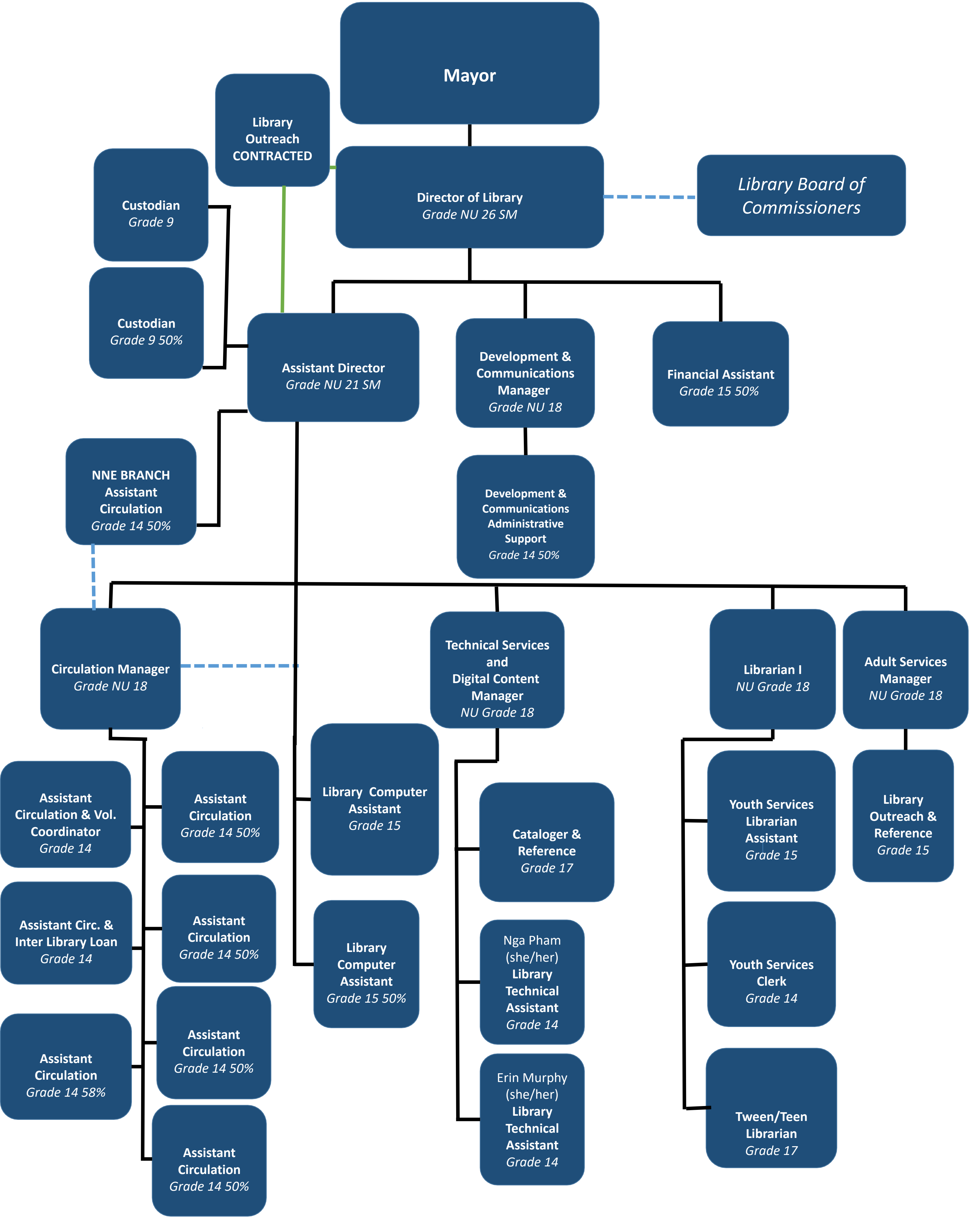
Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	9/10/2024	Mary Danko
Mayor's Office informed and approved memo	Yes	9/26/2024	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.	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	10/3/2024	Kimberlee Sturtevant
CAO has reviewed budget, financing, and memo	Yes	10/3/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	
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?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

Fletcher Free Library City of Burlington 2024





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

MEMORANDUM

TO: City Council

FROM: Erik Ramakrishnan, Esq., on behalf of Chief Administrative Officer

DATE: October 7, 2024

RE: Ordinance Amending Livable Wage Ordinance, B.C.O, Ch. 21, Art. VI

CC: Katherine Schad, Chief Administrative Officer

Context

Chapter 21, Article VI of the Burlington Code of Ordinances requires payment of a livable wage to City employees and to employees of contractors and grantees their subcontractors at any tier. To enforce the ordinance, the City hires or engages compliance monitors. The City's part-time compliance monitors retired at the end of FY24, and the City has had difficulty procuring new compliance monitors. Based on suggestions received from the former compliance monitors, the City Attorney's Office and Clerk-Treasurer's Office believe that compliance monitoring could be done in-house with existing staff if administration of the livable wage program were streamlined through technical amendments to the Livable Wage Ordinance.

Executive Summary

The proposed ordinance makes technical amendments to the City's Livable Wage Ordinance to streamline its administration so that compliance monitoring can be done in-house by existing staff. The proposed ordinance is supported by the Administration and is sponsored by the City Council President. Because the amendments are technical in nature, and to allow time for the City Attorney's Office and Clerk-Treasurer's Office to take necessary steps for the amendments to take effect January 1, 2025, both departments respectfully ask the City Council to suspend the rules and place the proposed ordinance through all stages of passage on the first reading.

Overview of Proposed Ordinance

The proposed ordinance would accomplish the following:

- Amend B.C.O. § 21-81 to: (1) authorize the City to use existing staff to monitor compliance; (2) update the definition of "employee" to eliminate language that is no longer relevant; and (3) update the rate of the livable wage to reflect the rate already in effect for FY25. The ordinance includes an inflator, but each time it is amended the language requires adjustment to reflect then-current rates.
- Amend B.C.O. § 21-82 to allow the livable wage rate to inflate based on the Consumer Price Index. This will simplify administration, resolves the anomaly that currently the rate inflates annually based on a report published biennially, and relies upon the most widely accepted metric in the U.S. to measure increases in the cost of living.

- Also amend B.C.O. § 21-82 to: (1) include additional means to notify the public annually when the livable wage rate adjusts forward, and (2) clarify how paid time off required under the ordinance will apply to short-term contracts. The amendment regarding paid time off is consistent with existing practice.
- Amend B.C.O. §§ 21-84 & 21-85 to simplify monitoring by: (1) aligning the ordinance to federal prevailing wage law for contracts covered under the Davis-Bacon Act; (2) requiring non-Davis-Bacon contractors with contracts with the City in excess of \$50,000 to provide certified payroll information with invoices. Regarding the Davis-Bacon Act, federally funded construction contracts are already covered under a federal prevailing wage law that in most cases requires payment of prevailing wages in excess of the City's livable wage. In no case can a covered employee be paid less than a minimum wage set by the federal government for federally funded construction contracts, which is only slightly less than the City's current livable wage rate (i.e., \$17.20 versus \$17.96). Traditionally, most of the City's monitoring activity has been focused on contracts already covered under the Davis-Bacon Act, which is duplicative because a prevailing wage law already applies to those contracts. Currently, compliance with a collective bargaining agreement is deemed compliance with the ordinance, and this provision would work similarly. Current highway construction project wage rates under Davis-Bacon are available here: <https://sam.gov/wage-determination/VT20240059/0>.
- Amend B.C.O. § 21-85 to allow the Chief Administrative Officer to exercise existing rulemaking authority without first coming to the City Council. However, language is included that would require the rulemaking process to be transparent, and the City Council would retain ultimate control over rules promulgated.
- Amend other provisions of the ordinance to: (1) clarify enforcement authority; (2) indicate that the amendments will take effect on January 1, 2025, and (3) allow information sharing with the Vermont Department of Labor in case opportunities for cooperation in the enforcement of state and local wage laws arise that will avoid duplication of effort.

Next Steps

If the City Council accepts staff's recommendation to place the proposed ordinance through all stages of passage on the first reading, then the City Attorney's Office and Clerk-Treasurer's Office will immediately begin to develop a simplified form of certified payroll record and to establish Standard Operating Procedures through the Chief Administrative Officer's rulemaking authority, so that the amendments can take effect immediately in the new calendar year.

Proposed Motion

To waive the reading of the proposed ordinance amending Chapter 21, Article VI of the Burlington Code of Ordinances (Livable Wages), to approve the first reading of the ordinance, and to suspend the rules to place the proposed ordinance through all stages of passage. (2/3 vote required.)

If the foregoing motion fails, staff asks the City Council to waive the reading of the proposed ordinance amending Chapter 21, Article VI of the Burlington Code of Ordinances (Livable Wages), to approve the first reading of the ordinance, and to refer the ordinance to the Ordinance Committee.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Traverse
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

First reading: October 7, 2024
Referred to: _____

Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

An Ordinance in Relation to

Technical Amendments to Article VI of Chapter 21 of the
Burlington Code of Ordinances, Commencing at Section 21-80,
Livable Wages, to Streamline Enforcement and Other Processes

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 21, of the Code of Ordinances of the City of Burlington be and hereby is amended by
amending Article VI (Livable Wages) thereof, commencing at Section 21-80, to read as follows:

Section 21-80, as written.

Section 21-81, Definitions:

Subsections (a) to (d), as written.

(e) *Designated accountability* monitor shall mean ~~a nonprofit organization, business, or individual~~
~~hired or retained by the city that is independent of the city contractors it is monitoring~~ one or more city
employees or a city contracted consultant tasked with responsibility for enforcement of provisions of this
article.

(f) *Employee* means a person who is employed on a full-time or part-time regular basis. In addition,
~~commencing with the next fiscal year,~~ a seasonal or temporary employee of the City of Burlington who
works ten (10) or more hours per week and has been employed by the City of Burlington for a period of four
(4) years shall be considered a covered employee commencing in the fifth year of employment. "Employee"
shall not refer to volunteers working without pay or for a nominal stipend, persons working in an approved
apprenticeship program, ~~persons who are hired for a prescribed period of six (6) months or less to fulfill the~~
~~requirements to obtain a professional license as an attorney,~~ persons who are hired through youth
employment programs or student workers or interns participating in established educational internship
programs.

(g) *Employer-assisted health care* means health care benefits provided by employers for employees
(or employees and their dependents) at the employer's cost or at an employer contribution towards the
purchase of such health care benefits, provided that the employer cost or contribution consists of at least ~~one~~
two dollar and ~~twenty-five~~ twenty-five cents (\$~~21.1520~~ 21.1520) per hour. ~~(S~~ Commencing July 1, 2025, said amount shall be

An Ordinance in Relation to Technical Amendments to Article VI of Chapter 21 of the Burlington Code of Ordinances, Commencing at Section 21-80, Livable Wages, to Streamline Enforcement and Other Processes

adjusted every ~~fiscal year two (2) years~~ for inflation, by the chief administrative officer of the city using the methodology set forth in Section 21-82(a)(1).

Remainder of section, as written.

Section 21-82, Livable wages required:

(a) Every covered employer shall pay each and every covered employee at least a livable wage no less than:

(1) For a covered employer that provides employer assisted health care, the livable wage shall be at least ~~thirteen dollars and ninety four cents (\$13.94) per hour~~ seventeen dollars and ninety-six cents (\$17.96) per hour on the effective date of the amendments to this article. Effective July 1, 2025, the chief administrative officer shall adjust this amount for inflation based upon the increase in the Consumer Price Index for all Urban Workers (Northeast Region) between March 1, 2024, and March 1, 2025. This amount shall again be adjusted every July 1 thereafter using the same methodology for each such subsequent year, provided that if the U.S. Department of Labor or successor agency ceases to publish the foregoing measure of inflation, another reasonable measure shall be used in its place.

(2) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least ~~fifteen dollars and eighty three cents (\$15.83) per hour~~ nineteen dollars and fifteen cents (\$19.15) per hour on the effective date of the amendments to this article. Effective July 1, 2025, the chief administrative officer shall set this amount as the amount set forth in the foregoing paragraph (1) increased by the amount calculated as set forth in Section 21-81(g) of this article. This amount shall again be adjusted accordingly every July 1 thereafter.

(3) Covered employees whose wage compensation consists of more or other than hourly wages, including, but not limited to, tips, commissions, flat fees or bonuses, shall be paid so that the total of all wage compensation will at least equal the livable wage as established under this article.

~~(b) The amount of the livable wage established in this section shall be adjusted by the chief administrative officer of the city as of July 1 of each year based upon a report of the Joint Fiscal Office of the State of Vermont that describes the basic needs budget for a single person but utilizes a model of two (2) adults residing in a two (2) bedroom living unit in an urban area with the moderate cost food plan. Should there be no such report from the Joint Fiscal Office, the chief administrative officer shall obtain and utilize a basic needs budget that applies a similar methodology. The livable wage rates derived from utilizing a model~~

~~of two (2) adults residing in a two (2) bedroom living unit in an urban area with a moderate cost food plan shall not become effective until rates meet or exceed the 2010 posted livable wage rates. Prior to May 1 preceding any such adjustment and prior to May 1 of each calendar year thereafter, the chief administrative officer will provide public notice of this adjustment by posting a written notice in a prominent place in City Hall by sending written notice to the city council and, in the case of covered employers that have requested individual notice and provided contact information to the chief administrative officer, by notice to each such covered employer. However, once a livable wage is applied to an individual employee, no reduction in that employee's pay rate is permissible due to this annual adjustment.~~

(b) Annually prior to May 1, the chief administrative officer shall provide public notice of the wage rates required under this section effective July 1 of the same year. Public notice shall, at a minimum, include posting online and at City Hall, issuance of a press release, and written notice to the members of the city council and the officers or steering committees of the neighborhood planning assemblies.

(c) Covered employers shall provide at least twelve (12) compensated days off per year for full-time covered employees, and a proportionate amount for part-time covered employees, for sick leave, vacation, personal, or combined time off leave. For a contract with a covered employer with a duration of less than one (1) fiscal year, the minimum number of compensated days off shall be prorated according to the length of the contract. If compensated days off are designated by the covered employer for vacation or combined leave, then covered employees shall have the ability to cash out unused leave accrued during the term of the covered employer's contract with the City.

Section 21-83, as written.

Section 21-84, Enforcement:

(a) Each service contract or grant covered by this article shall contain provisions requiring that the covered employer or grantee submit a written certification, under oath, during each year during the term of the service contract or grant, that the covered employer or grantee (including all of its subcontractors and subgrantees, if any) is in compliance with this article. The failure of a contract to contain such provisions does not excuse a covered employer from its obligations under this article. The covered employer shall agree to post a notice regarding the applicability of this section in any workplace or other location where employees or other persons contracted for employment are working. The covered employer shall agree to provide payroll records or other documentation for itself and any subcontractors or subgrantees, as deemed necessary by the chief administrative officer of the City of Burlington, within ten (10) business days from

receipt of the City of Burlington's request. For contracts or grants with a maximum limiting amount of \$50,000 or more per fiscal year not otherwise covered under the Davis-Bacon Act, 40 U.S.C. § 3141 et seq., as the same may be renumbered, renamed, or amended from time to time (the "Davis-Bacon Act"), the chief administrative officer shall develop a form of payroll record, which shall be required to accompany each invoice or other request for payment from the covered employer. All such records shall be forwarded to the designated accountability monitor for review and retention.

(b) The ~~chief administrative officer of the City of Burlington~~ designated accountability monitor may require that a covered employer submit proof of compliance with this article at any time, including but not limited to:

- (1) Verification of an individual employee's compensation;
- (2) Production of payroll, health insurance enrollment records, or other relevant documentation; or
- (3) Evidence of proper posting of notice.

If a covered employer is not able to provide that information within ten (10) business days of the request, the ~~chief administrative officer~~ designated accountability officer may turn the matter over to the city attorney's office for further enforcement proceedings.

(c) ~~The City of Burlington shall appoint one or more designated accountability monitors that shall have the authority~~ The designated accountability monitor shall have the following authority, in addition to the authority set forth in subsection (b), above:

- (1) To inform and educate covered employers and their employees about all applicable provisions of this article and other applicable laws, codes, and regulations;
- (2) To work with the ~~chief administrative officer~~ city attorney to create a system to receive complaints under this article;
- (3) To visit work sites of city contractors (and their subcontractors) or communicate directly with contractors' employees to check for compliance with this article;
- (4) To ~~assist the chief administrative officer to~~ conduct periodic audits of payroll and leave records of covered employees; and
- (5) To refer credible complaints to the city attorney's office for potential enforcement action under this article and assist in enforcement actions.

~~The designated accountability monitor shall forward to the City of Burlington all credible complaints of violations within ten (10) days of their receipt.~~

Subsections (d) to (f), as written.

(g) A violation of this article shall be a civil offense subject to a civil penalty of from two hundred dollars (\$200.00) to five hundred dollars (\$500.00). All law enforcement officers, the designated accountability monitor, the city attorney or designee, and the chief administrative officer or designee, and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any covered employee is not compensated as required by this article shall constitute a separate violation.

Subsections (h) to (j), as written.

Section 21-85, Other provisions:

Subsections (a) to (c), as written.

(d) Notwithstanding subsection (c) of this section, where employees are represented by a bargaining unit or labor union pursuant to rights conferred by state or federal law and a collective bargaining labor agreement is in effect governing the terms and conditions of employment of those employees, ~~this chapter shall not apply to those employees, and~~ the collective bargaining labor agreement shall control. Likewise for employees covered under the Davis-Bacon Act, payment of wages and provision of benefits as required under that act shall be deemed compliance with the wage rate and benefits provisions of this article.

Subsection (e), as written.

(f) The chief administrative officer of the city shall have the authority to promulgate rules as necessary or convenient to administer the provisions of this article, which shall ~~become effective upon approval by the city council~~ posted on the City's website. Whenever such rules are made or substantively amended, notice of the same and a web address providing access to the rules shall be published once in a newspaper of general circulation, and the rules shall become effective fifteen (15) days from publication. The city council may amend or repeal any published rule by motion.

Sections 21-86 and 21-87, as written.

Section 21-88, Annual reporting:

On or before April 15 of each year, the city attorney's office shall submit a report to the city council that provides the following information:

(a) A list of all covered employers broken down by department. This list also shall be provided upon request to the Vermont Department of Labor.;

(b) A list of all covered employers whose service contract did not contain the language required by this article. ~~;~~ ~~and~~

(c) All complaints filed and investigated by the city attorney's office and the results of such investigation.

Section 21-89, Effective date:

The amendments to this article shall take effect on January 1, 2025~~14~~, and shall not be retroactively applied; provided that the prior version of this article shall theretofore remain effective.

* Material stricken out deleted.

** Material underlined added.

er/Ordinances 2024/Technical Amendments: Living Wage
[date]