



City Council Meeting

Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Join from PC, Mac, iPad, or Android:

<https://zoom.us/j/91446104972>

Phone one-tap:

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Webinar ID: 914 4610 4972

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To participate in Public Forum in person, sign up at the meeting.

To participate in Public Forum via ZOOM sign up here:

<https://www.burlingtonvt.gov/citycouncil/publicforum>

****ONLINE closes one hour prior to the beginning of public forum****

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

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 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

2. Executive Sessions (30 mins.)

Subject	2.1. Executive Session for contract negotiations and related legal advice pertaining to an agreement with UVMC
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Executive Sessions (30 mins.)
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion 1: Move that the Council find that premature general public knowledge of information concerning contract negotiations of an agreement with UVMC and related legal advice would clearly place the City at a substantial disadvantage with such negotiations; Motion 2: Based upon that finding, move that the Council go into executive session to receive information regarding agreement negotiations with UVMC and receive confidential attorney-client communications. 1 VSA §313(a)(1)(A) and (F).

Subject	2.2. McNeil Commercial Items
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	2. Executive Sessions (30 mins.)
Department	Burlington Electric Department
Type	Action Procedural
Recommended Action	To find that premature general public knowledge of commercial real estate and contract 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 Burlington Electric Department staff.

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

Subject	3.1. Verbal reports
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	3. Mayor - General City Affairs (to include Climate and Public Health & Safety Emergency Updates: (up to 10 mins.)
Department	Council and Board
Type	Information

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

Subject	4.1. Verbal reports
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	4. 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

5. Public Forum: Time Certain: 6:45 pm **See above for signup instructions**

Subject	5.1. Verbal Comments
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	5. Public Forum: Time Certain: 6:45 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

6. Work Sessions

Subject	6.1. Work Session Regarding Data-Driven Community Safety: Rebuilding the BPD (25 mins.)
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Work Sessions
Department	Police Department
Type	Information Discussion Presentation
Subject	6.2. Report of the City of Burlington Reparations Taskforce (25 mins.)
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	6. Work Sessions
Department	Council and Board
Type	Information Discussion Presentation

7. Consent Agenda

Subject	7.1. Motion to adopt the consent agenda and take the actions indicated
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda and take the actions indicated
Subject	7.2. Accountability List - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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	7.3. Communication: Michael Long, re: The Council Working Together Regardless of the Party in the Majority
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.4. Communication: Owiso Makuku, re: Comment in Support of Lifting Cap of Burlington Police Force
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.5. Authorization to Sponsor The Flynn Center for Performing Arts' Co-Production & Management of the Black Experience 2025 Event - REIB
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Racial Equity, Inclusion, & Belonging (REIB)
Type	Action (Consent)
Recommended Action	to authorize the Director of Racial Equity, Inclusion, and Belonging to execute a grant agreement with the Flynn Center for Performing Arts for the production and management of the Black Experience 2025 event in an amount not to exceed \$10,000.00; subject to review by the City Attorney's Office
Subject	7.6. 141 Maple Street - Landing area for front door and ADA accessible ramp - Pathways Vermont - DPW
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Pathways VT Inc. at 141 Maple Street requesting use City Right of way for a ADA Accessible ramp and front door landing area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office
Subject	7.7. Special Event Indoor and Outdoor Entertainment Permit Application (one day only): Bern Gallery, 135 Main Street, Suite 101, Friday, February 14, 2025, 12 pm - 5 pm, DJ (inside), small speaker (outside)
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event indoor and outsdorr entertainment permit application for Bern Gallery, 135 Main Street, Suite 101, Friday, february 14, 2025, 12 pm - 5 pm, DJ (inside), small speaker (outside)

Subject	7.8. 2025-2026 Tobacco License and Tobacco Substitute Endorsement Renewals: see attached list
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the 2025-2026 Tobacco License and Tobacco Substitutement Endorsement Renewals as listed
Subject	7.9. 2025 VTRANS Certificate of Highway Mileage - DPW
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2025 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council
Subject	7.10. Grant Approval for Electric Bucket Truck - BED
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Burlington Electric Department
Type	Action (Consent)
Recommended Action	to authorize the General Manager of the Burlington Electric Department to enter into a grant agreement with the Vermont Agency of Natural Resources, as described above, to accept up to \$564,000 in grant funds to support the purchase of an all-electric bucket truck for Burlington Electric's fleet, subject to final review and approval from the City Attorney's Office
Subject	7.11. Reclassification of existing Planner position to Senior Planner - Planning
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Planning

Type	Action (Consent)
Recommended Action	to approve and authorize the reclassification of the Planner, a regular, exempt Grade 18 position to a regular, exempt Grade 19 position within the Office of City Planning
Subject	7.12. Reclassification of Operations Director to Financial and Budget Manager and Elimination of Budget Manger - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	• To approve the elimination of the vacant Budget Manager position, a Regular, Non-union, Full-Time, Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office. • To approve the reclassification of the Operations Director, a Regular, Non-union, Full-time, Exempt, Grade 24 position to Financial and Budget Manager, a Regular, Non-union, Full-time, Exempt Grade 22 position in the Clerk/Treasurer's Office.
Subject	7.13. Communication: Residents of Ward One/Eastern District, re: UVMC Proposed MOU
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.14. December 9, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.15. December 16, 2024 Regular City Council Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.16. December 16, 2024 Local Cannabis Control Commission Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.17. December 16, 2024 Local Control Commission Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.18. Communication: January 13, 2025 Regular City Council Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.19. January 13, 2025 City Council With Mayor Presiding Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.20. January 27, 2025 Full Board of Abatement of Taxes Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting
Subject	7.21. January 27, 2025 Regular City Council Meeting Minutes, Draft - C/T
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	7. 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 February 18, 2025 Regular City Council Meeting

Subject **7.22. City of Burlington and University of Vermont Medical Center Third Agreement to Extend 1999 Memorandum of Understanding and Agreement - City Attorney's Office/Planning**

Meeting February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Consent Agenda

Department City Attorney

Type Action (Consent)

Recommended Action to authorize the Mayor to sign the City of Burlington and University of Vermont Medical Center Third Agreement to Extend 1999 Memorandum of Understanding and Agreement

Subject **7.23. FIO Documents**

Meeting February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 7. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information

Recommended Action for information only

8. Deliberative Agenda

Subject **8.1. Resolution: Doubling Burlington's Investment In Affordable Housing (Councilors Neubieser, Grant, Bergman, Kane)(20 mins.)**

Meeting February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 8. Deliberative Agenda

Department Council and Board

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject **8.2. Resolution: Municipal Resolution For Downtown Transportation Fund (Board of Finance)(20 mins.)**

Meeting February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category 8. Deliberative Agenda

Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	to approve and recommend that the City Council authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of the total project budget of \$250,000, subject to approval by the City Attorney's Office
Subject	8.3. Ordinance: CDO--Performing Art Centers in the E-LM District ZA-25-04 (Planning, Planning Commission)(15 mins.)
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Planning
Type	Action Ordinance - First Reading
Recommended Action	first reading, waive the reading and refer to the Ordinance Committee
Subject	8.4. Ordinance: CDO Champlain College Bed Caps ZA-25-05 (Office of City Planning, Planning Commission)(15 mins.)
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	8. Deliberative Agenda
Department	Planning
Type	Action Ordinance - First Reading
Recommended Action	first reading, waive the reading and refer to the Ordinance Committee

9. Committee Reports

Subject	9.1. Verbal reports
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	9. Committee Reports
Department	Council and Board
Type	Information

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

Subject	10.1. Verbal reports
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor

Category	10. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

11. Adjournment

Subject	11.1. Motion to adjourn
Meeting	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	11. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

12. Informational and Non-Discrimination Statements

Subject	12.1. 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	February 10, 2025 - Regular City Council Meeting - Monday, February 10, 2025, 6:00 PM, Contois Auditorium, 149 Church Street, 2nd Floor
Category	12. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

Request for Letters of Interest as a Pre-Application for Overdose Prevention Center Pilot Program

The City of Burlington is seeking Letters of Interest (LOIs) and Pre-Applications from qualified entities to participate in the implementation of a pilot **Overdose Prevention Center (OPC)** in Burlington, Vermont. This opportunity aligns with [Act No. 178 \(2024\)](#), aimed at providing a harm-reduction response to the overdose crisis.

The successful candidate(s) will be invited to submit a full proposal for grant funding for the planning & capacity building phase, establishment and operation of the OPC. The pilot program will be funded through a subrecipient agreement with the City of Burlington supported by the Vermont Opioid Abatement Special Fund. The City of Burlington must submit a City Council approved proposal that meets or exceeds the minimum requirements in Act 178 and the [OPC Operating Guidelines](#) set forth by the Department of Health to establish a subrecipient agreement. The city is committed to working alongside the successful grantee to provide support and proposal development assistance in alignment with a collaborative procurement model.

The City of Burlington and the Vermont Department of Health encourage community collaboration and the utilization of a collective impact model to ensure broad support and engagement in this initiative.

Project Overview

The overdose crisis continues to have devastating impacts on individuals, families, and communities across Vermont. To address this public health emergency, the pilot Overdose Prevention Center (OPC) in Burlington will provide a comprehensive, evidence-based intervention aimed at saving lives, reducing harm, and connecting participants to essential services.

The OPC will serve as a safe, supervised space for individuals who use drugs to:

- Consume pre-obtained substances under the supervision of trained staff who are equipped to respond to overdoses and other emergencies.
- Access harm reduction supplies, including sterile syringes, naloxone, and drug-checking services to prevent contamination-related harms.
- Receive education on safer drug use, overdose prevention, and available treatment options.
- Connect to a continuum of care through referrals to addiction treatment, medical care, mental health services, housing support, and other social services.

The program will center the dignity, safety, and well-being of participants while prioritizing public health, community safety, and harm reduction principles. By providing a low-barrier, non-judgmental space, the OPC will not only save lives but also foster trust with people who use drugs, leading to greater opportunities for engagement in care and support services.

A strong emphasis will be placed on collaboration and shared leadership through a collective impact model, ensuring meaningful participation from community stakeholders, people with lived experience, and public health experts. This approach will help build community-wide support, reduce stigma, and address the systemic inequities that exacerbate the overdose crisis.

Eligibility: Entity must adhere to the OPC Guidelines, enter into a subrecipient agreement with the City of Burlington, and meet all city and state minimum contract requirements prior to an executed contract.

Letter of Intent (LOI) Requirements

Entities interested in this opportunity must submit an LOI that includes the following information:

1. **Organization Name and Contact Information**
2. **Organizational Fit:** Explain why your organization is uniquely suited to implement an Overdose Prevention Center (OPC) in Burlington. Include a brief description of your organization, its mission, and its experience in harm reduction, public health, or related fields.
3. **Project Vision:** Provide a high-level overview of your vision for implementing and operating an OPC in Burlington, Vermont.
4. **Organizational Capacity:** Summary of your team's relevant expertise and experience, including medical, harm reduction, and administrative capacity. Include information about the resources and partnerships currently in place or being developed and your current needs for building capacity for the project.
5. **Community Engagement:** A brief description of how your organization will engage key stakeholders, including people with lived experience and community partners in collaboration with the city of Burlington.
6. **Include statement of Understanding:** By submitting this letter of intent (LOI), we affirm that we have read, understand, and will comply with the [Vermont Department of Health Guidelines for Overdose Prevention Centers](#) as outlined in [Act No. 178 of 2024](#).

Letters of Support

Applicants are required to submit **three (3) letters of support** from stakeholders or community partners. Letters should demonstrate support for the organization's capacity to operate the OPC and highlight collaborations or commitments to the project.

Submission Process

Please submit your Letter of Intent and three letters of support to the City of Burlington by **5:00pm Wednesday, February 26, 2025**. Submissions should be sent via email to Theresa Vezina at tvezina@burlingtonvt.gov, with the subject line: "**OPC Pilot Program LOI Submission.**"

Review Process

All LOIs will be reviewed by a committee of experts determined by the Mayor's Office. Successful candidates will be invited to move on to submit a full proposal upon selection by the committee, no later than **March 12, 2025**.

For any questions or additional information, please contact Theresa Vezina, Special Assistant on OPC Implementation. Email: tvezina@burlingtonvt.gov , Phone: (802) 865-7272.

Additional Information

Any selected subrecipient(s) shall be in good standing and registered with the Vermont Secretary of State's Office to do business in the State of Vermont.

The City assumes no responsibility or liability for the response to this solicitation for LOIs.

Any costs incurred by any person or entity in preparing, submitting, or presenting an LOI are the sole responsibility of that person or entity, including any requests for additional information or interviews. The City will not reimburse any person or entity for any costs incurred prior to the issuance of the contract.

Any party responding hereto is acting in an independent capacity and not as an officer or employee of the City. By submitting an LOI, a respondent agrees to indemnify, defend, and hold harmless the City, its officers, and employees from all liability and any claims, suits, expenses, losses, judgments, and damages arising as a result of the responding party's acts and/or omissions in or related to the response.

This is a request for LOIs only. Nothing herein shall be deemed to constitute an agreement or offer of agreement with any potential respondent. The City will award, or not award, one or more subrecipient agreement in its sole and absolute discretion and reserves the right to determine the ultimate method(s) it will follow in selecting awardee(s), if any.

Any materials submitted to the City in response hereto shall become the property of the City unless another arrangement is made by written agreement between the City and the respondent. The respondent party may retain copies of the original documents.

If a respondent knows, suspects, or has reasonable cause to believe, that an error or omission exists in this solicitation for LOIs, the respondent immediately shall give the City written notice thereof.

Any and all records submitted to the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act. The determination of how those records must be handled is solely within the purview of City. All records the respondent considers to be trade secrets, as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act, or that the respondent otherwise seeks to have the City consider as exempt must be identified clearly and specifically at the time of submission. It is not sufficient to merely state generally that a proposal is proprietary, contains a trade secret, or is otherwise exempt. Particular records, pages, and sections which are believed to be exempt must be specifically identified as such and must be separated from other records with a convincing

explanation and rationale sufficient to justify each exemption from release consistent with Section 317 of Title 1 of the Vermont Statutes Annotated.

Data-Driven Community Safety: **Rebuilding the BPD**

FEBRUARY 10, 2025

Background

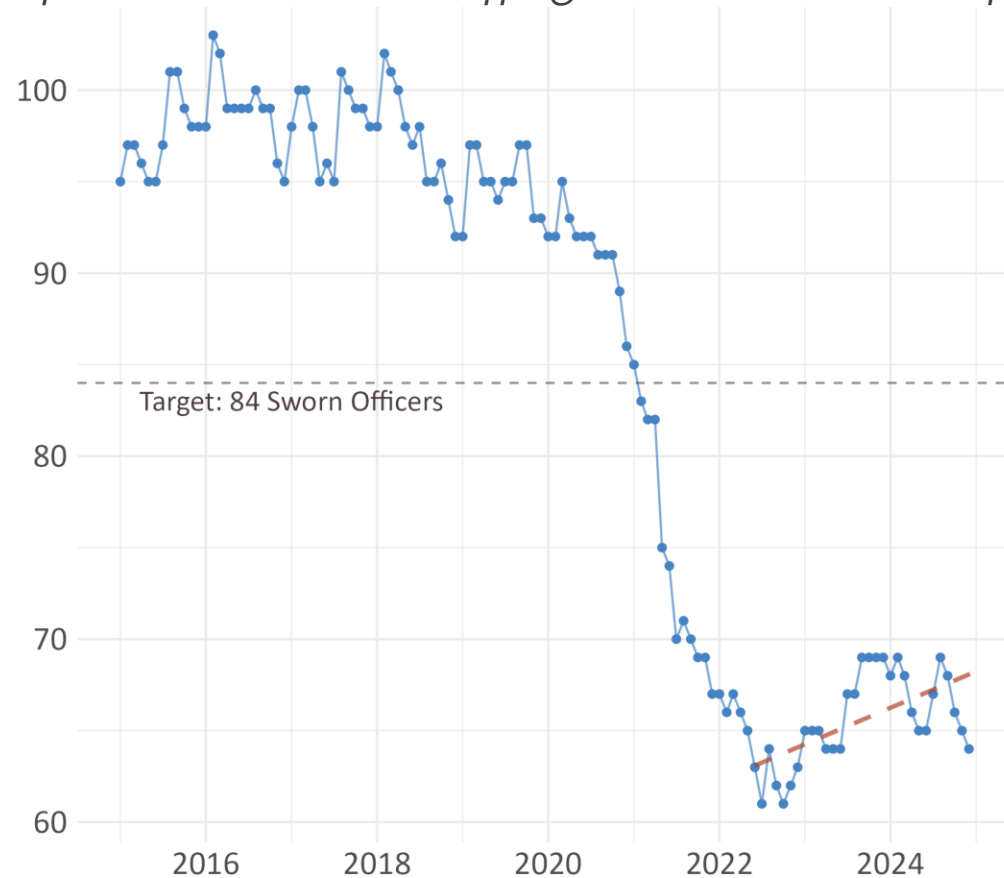
- Hiring freeze, with a goal of reducing headcount by 30%, set on June 29, 2020
 - Department limited to 74 total sworn officers
- Over next year, 22 officers resigned, dropping below the cap to 70 sworn officers
- Priority Response plan implemented in May 2021, allowing delayed or non-response to low priority types of incidents
- Hiring cap lifted to 87 October 2021
- Community Support Liaison/CARES and Community Services Officer programs expanded starting in 2021/2022
- Officer cap lifted January 2025

How do we rebuild a department that can respond effectively to all requests for service without overburdening our officers?

Recruitment

Sworn Officer Staffing

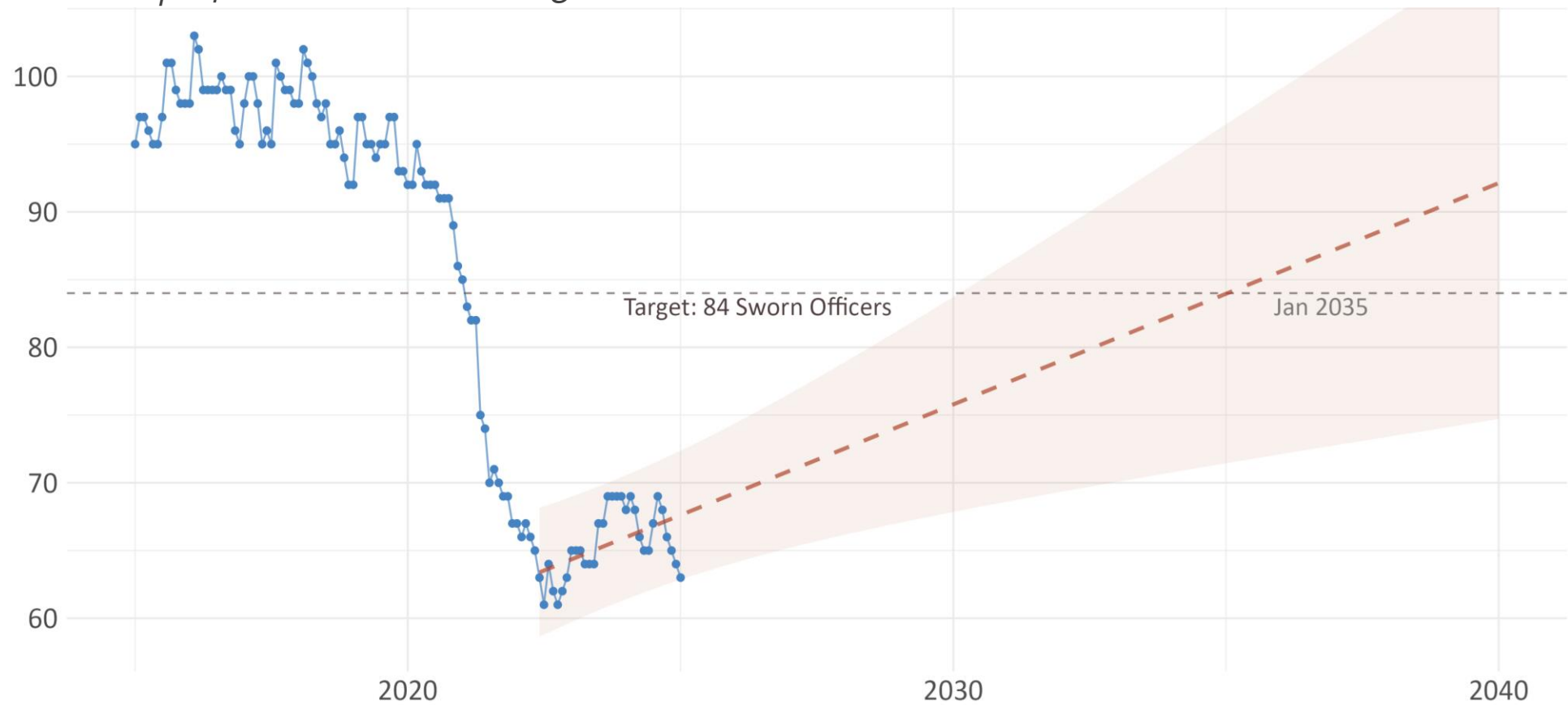
Between June 2020 and July 2021, 22 sworn officers left the department, sworn staffing would continue to fall in 2022



Source: Headcount estimated via Dec 9 Report to CC

Sworn Officer Staffing

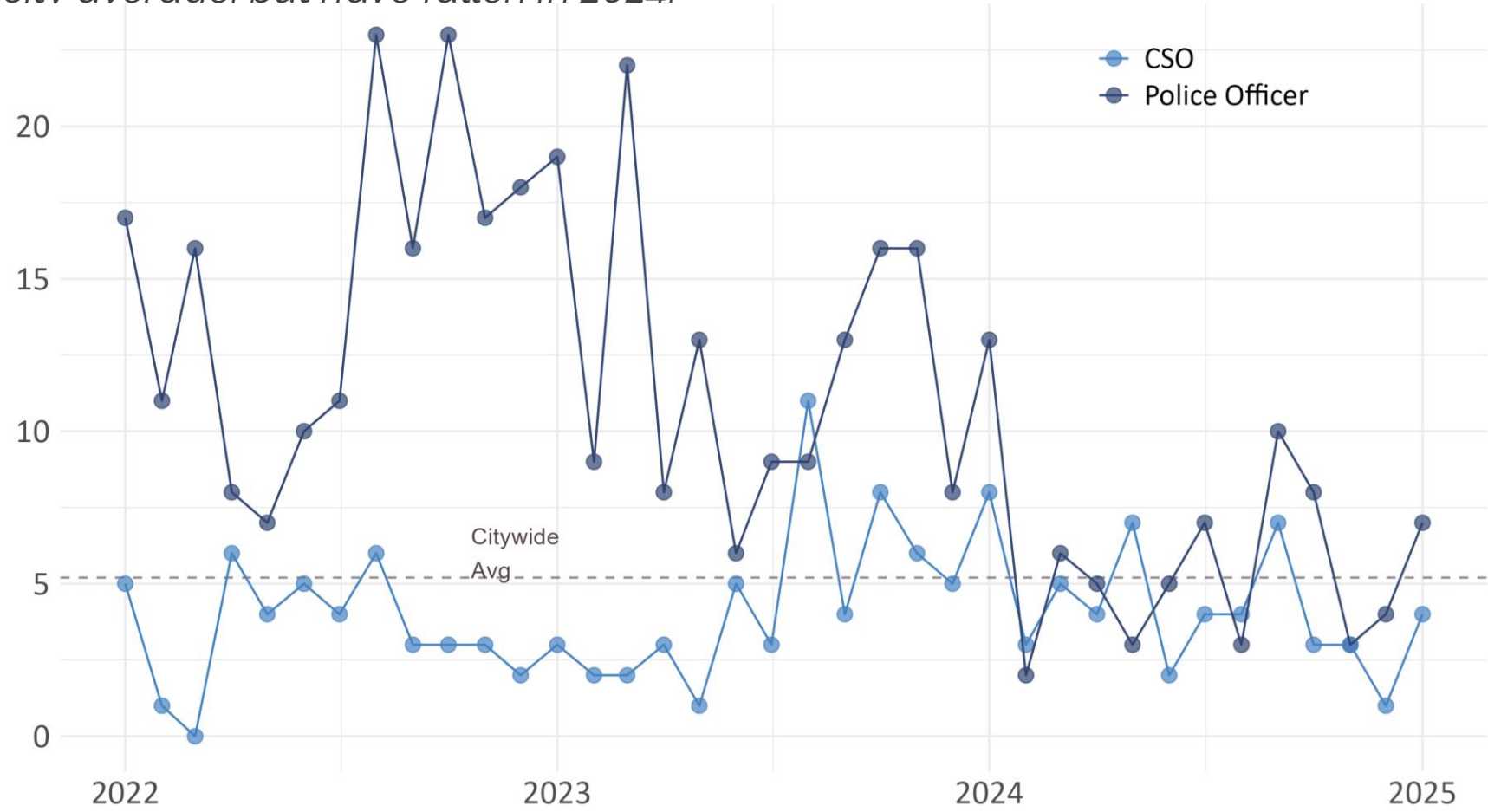
At the current rate of hiring, the department would not reach the target level of 84 sworn until late 2032.



Source: Headcount estimated via Dec 16 Report to CC

Recruitment

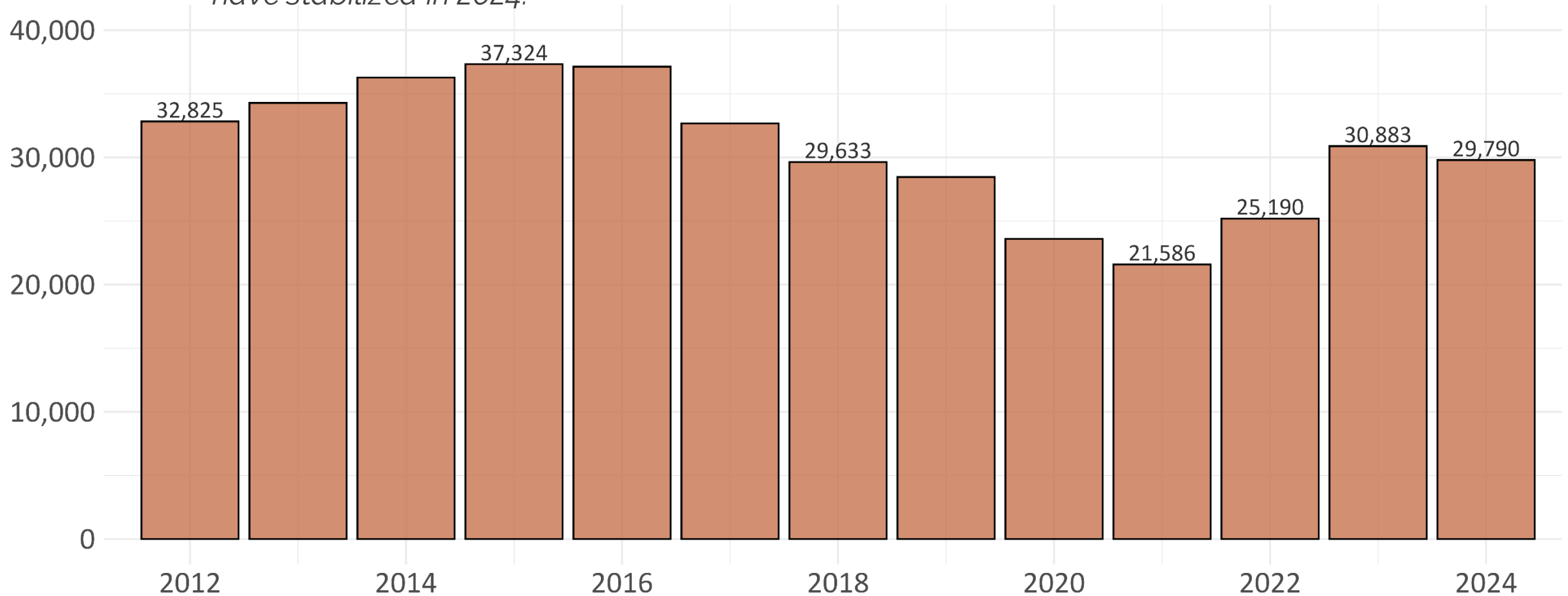
In 2022 and 2023, police officer applications consistently outpaced the city average, but have fallen in 2024.



Incident Response

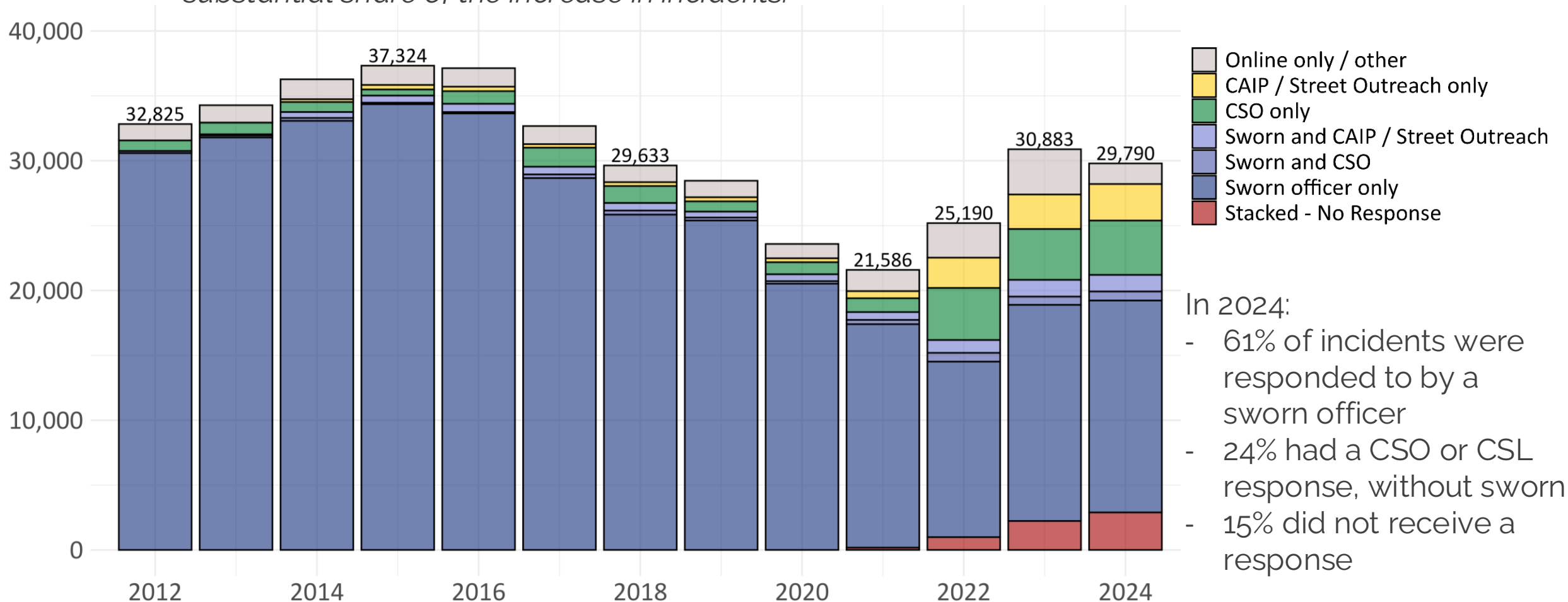
Total Incidents

Total incidents rose sharply from 2021 through 2023 to pre-pandemic levels and have stabilized in 2024.



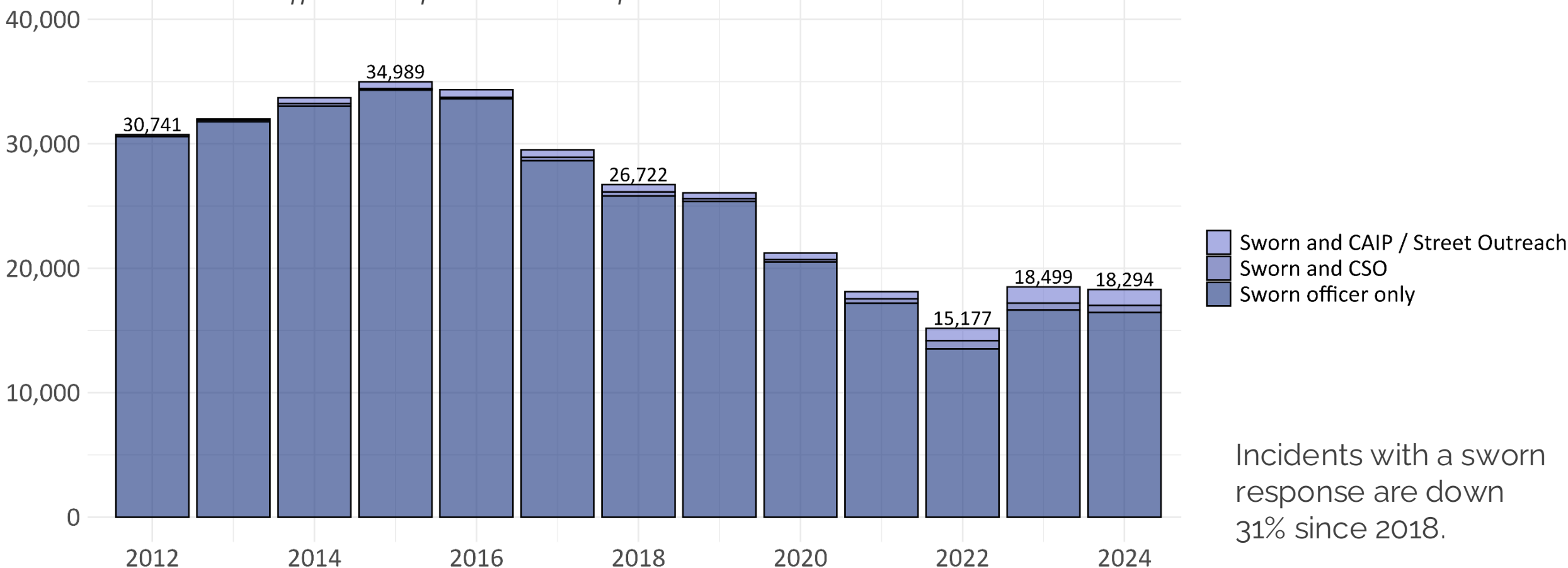
Police Incidents by Responder Type

Expanded teams of CSLs and CSOs have been able to take on a substantial share of the increase in incidents.



Incidents with a Sworn Response

Sworn officers responded to the fewest incidents in 2022.

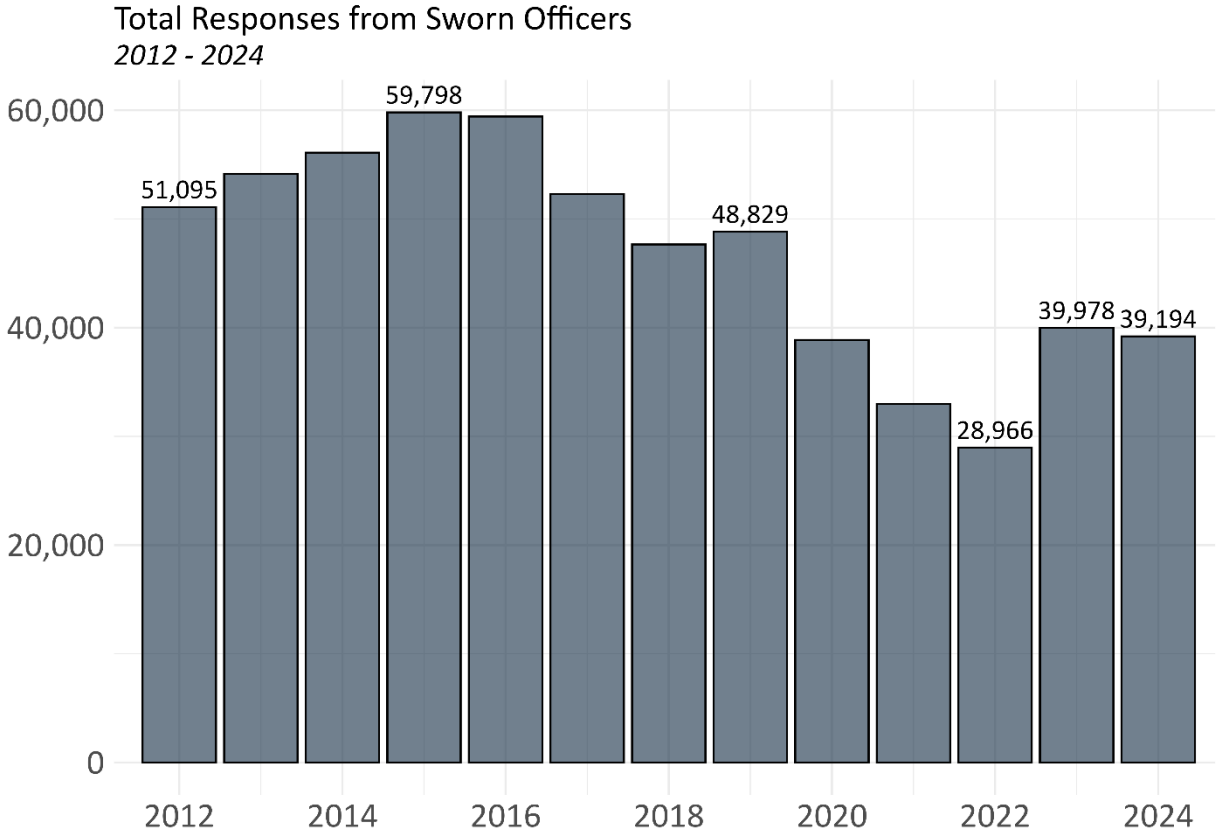


Incidents with a sworn response are down 31% since 2018.

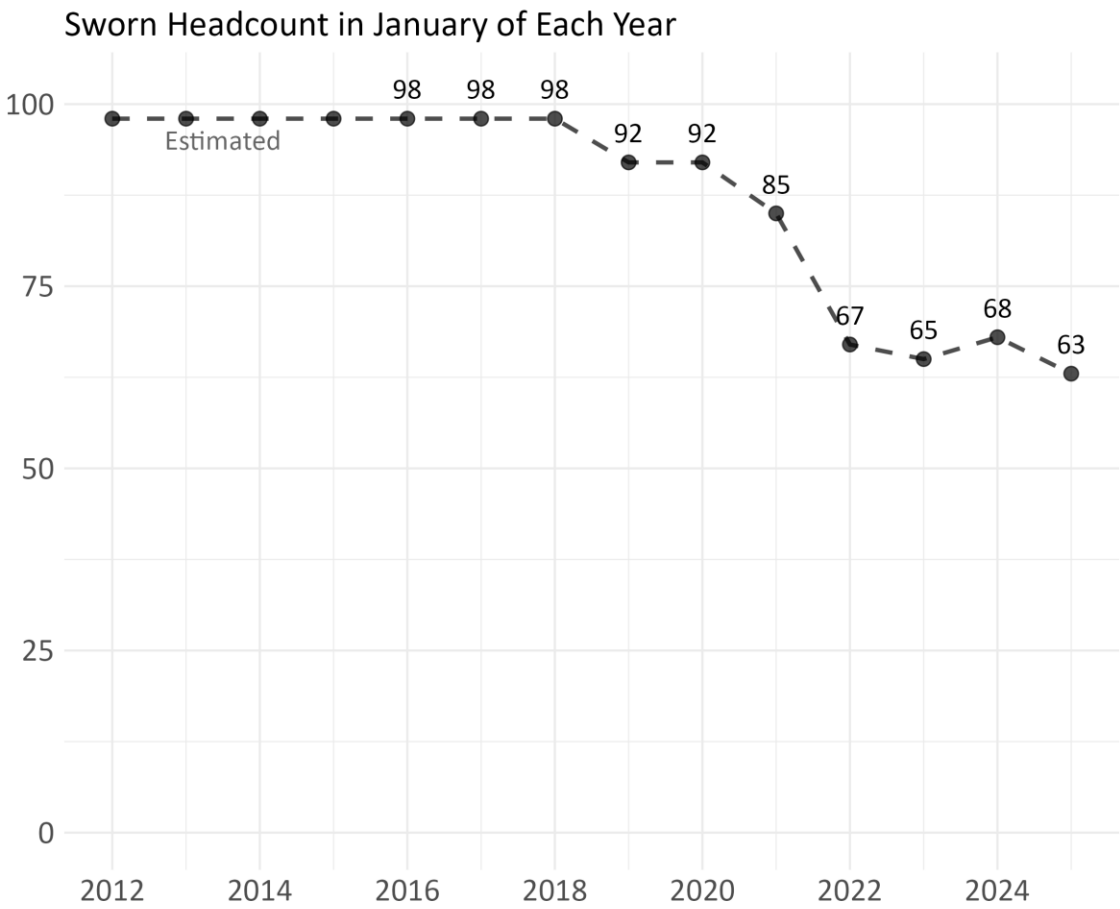
'Stacked - No Response' incidents removed
Data through 12/31/2024

Sworn Response

2023 saw a steep increase in the number of individual officer responses without a matching increase in sworn staffing.



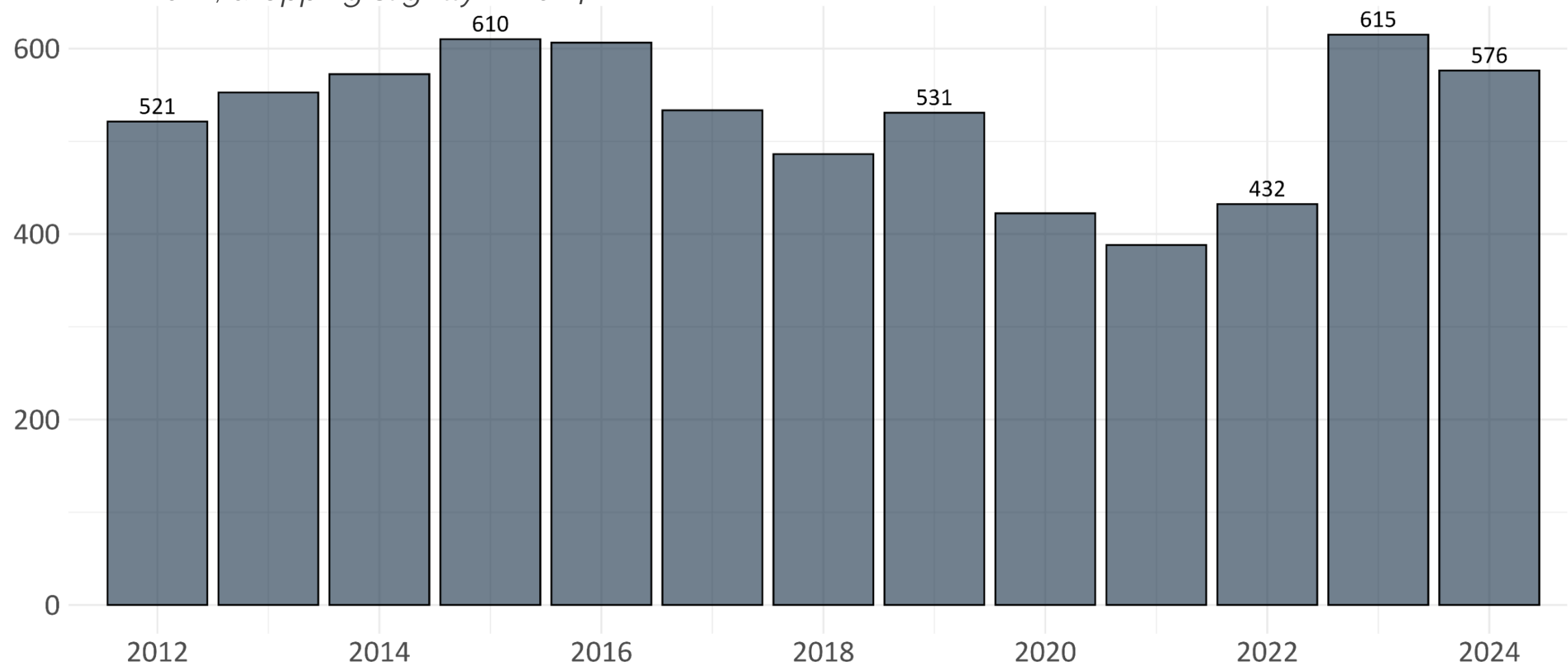
'Stacked - No Response' incidents removed
Data through 12/31/2024



Source: Headcount via Dec 16 Report to CC

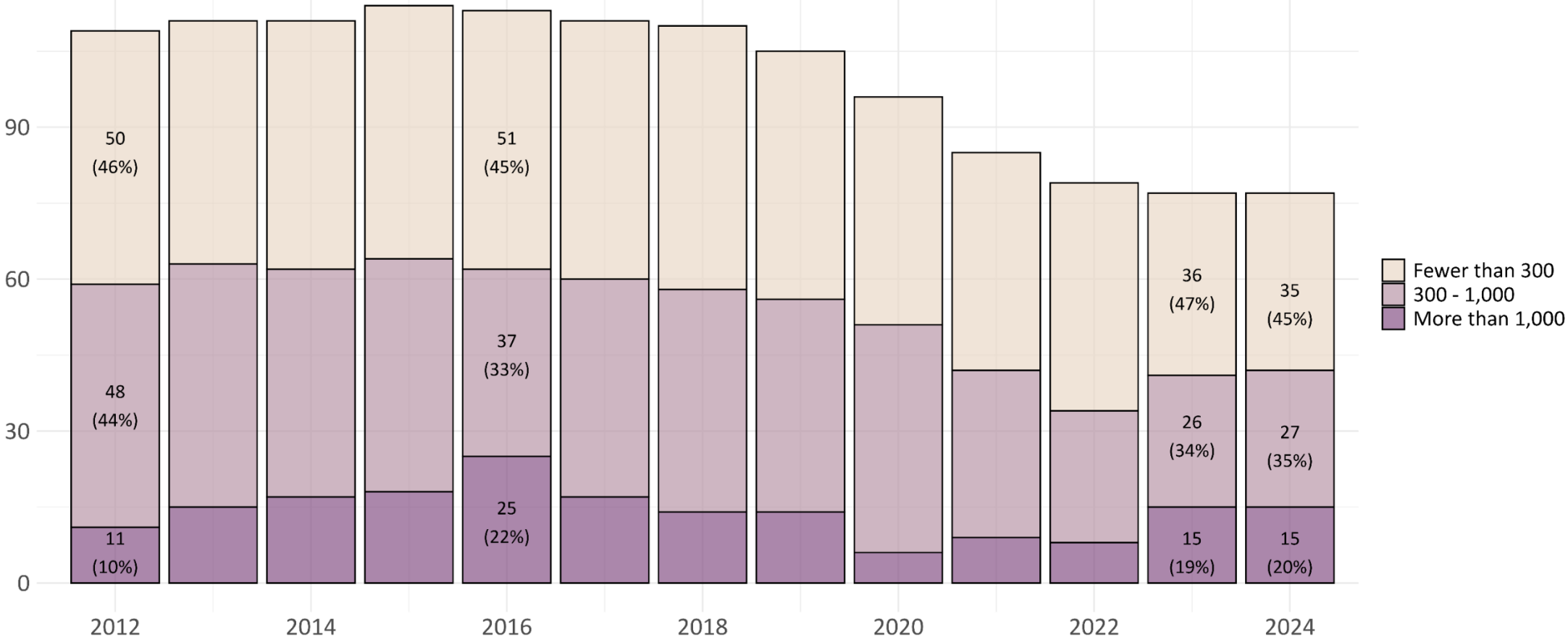
Responses per Sworn Officer

The average number of responses per officer increased by 42% in 2023 from 2022, dropping slightly in 2024.



Frequency of Responses by Officer

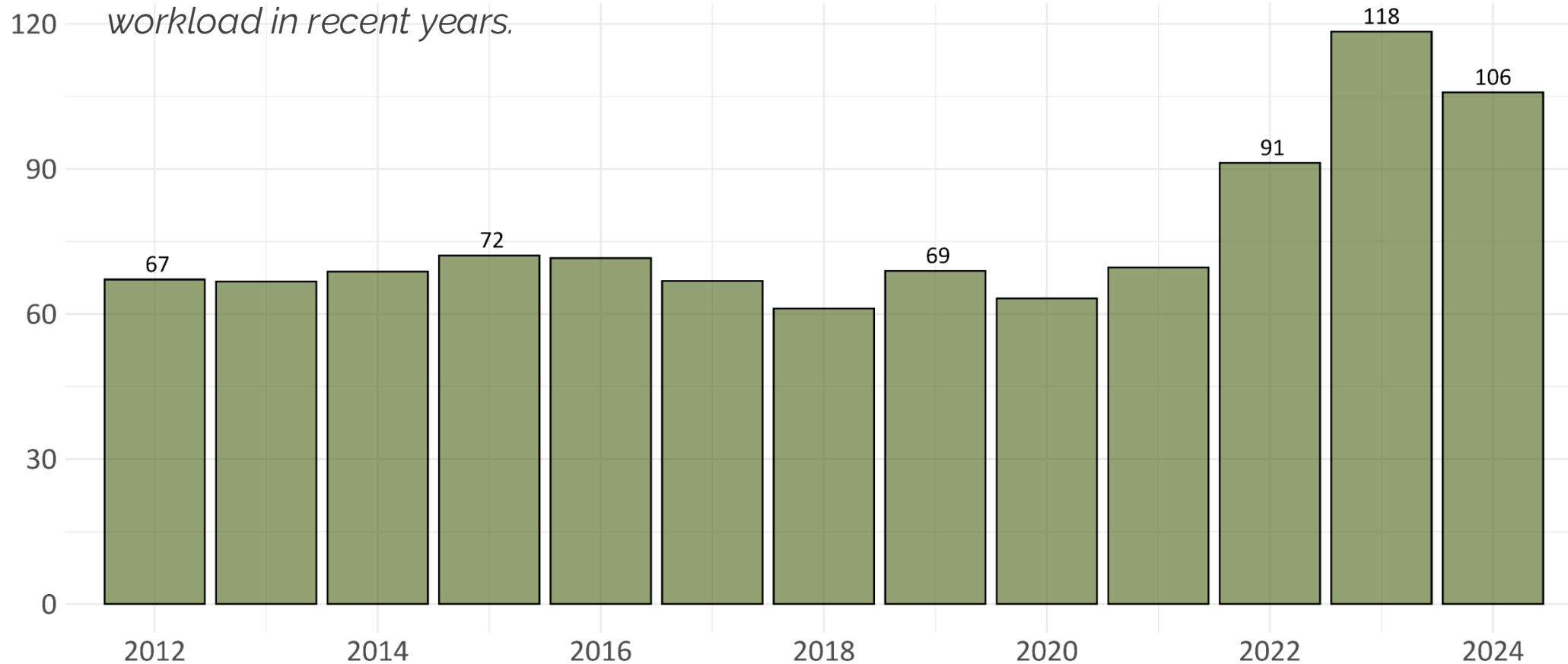
A handful of officers respond to a large volume of incidents each year.



'Stacked - No Response' incidents removed
Data through 12/31/2024

Average Priority 1 Incidents per Sworn Officer

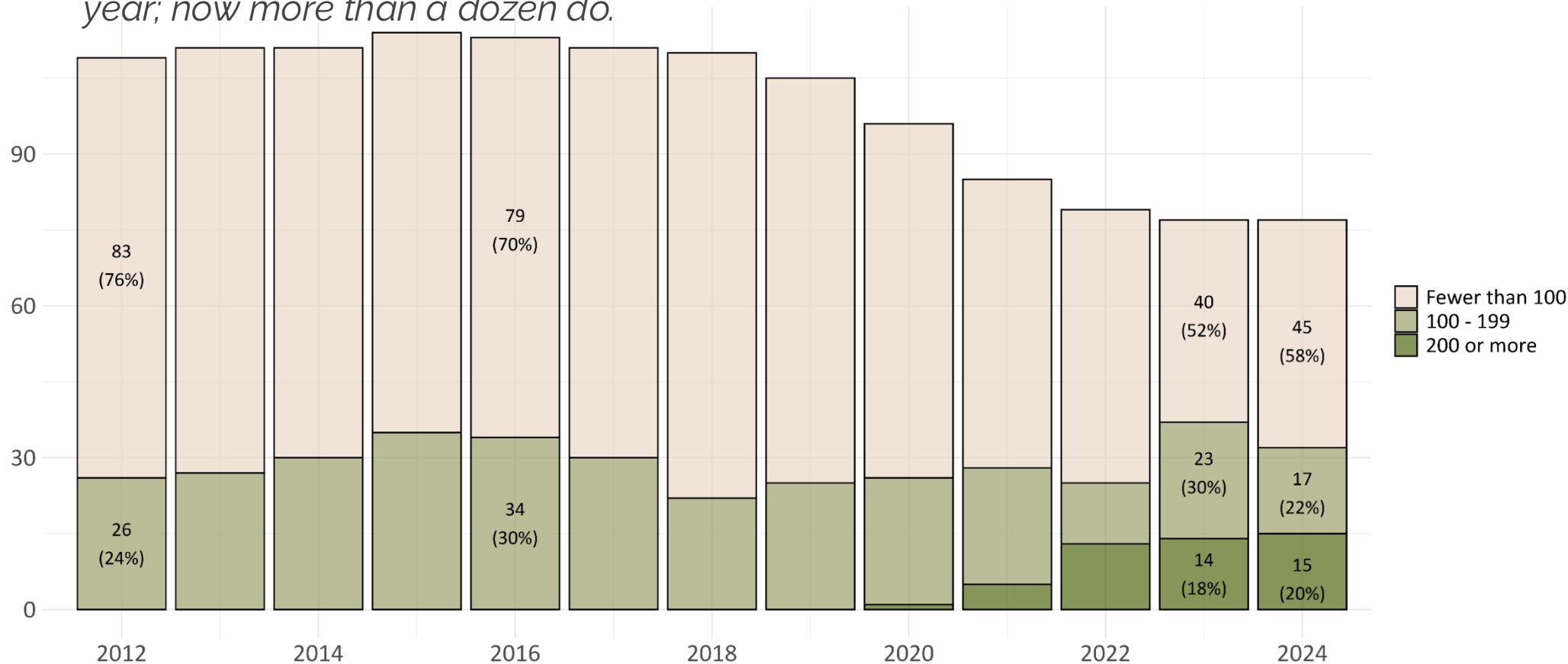
Urgent Priority 1 incidents make up an increasing share of officers' workload in recent years.



*'Stacked - No Response' incidents removed
Data through 12/31/2024*

Frequency of Priority 1 Responses by Officer

Prior to 2020, no one officer responded to more than 200 Priority 1 incidents in a year; now more than a dozen do.



'Stacked - No Response' incidents removed
Data through 12/31/2024

Appendix

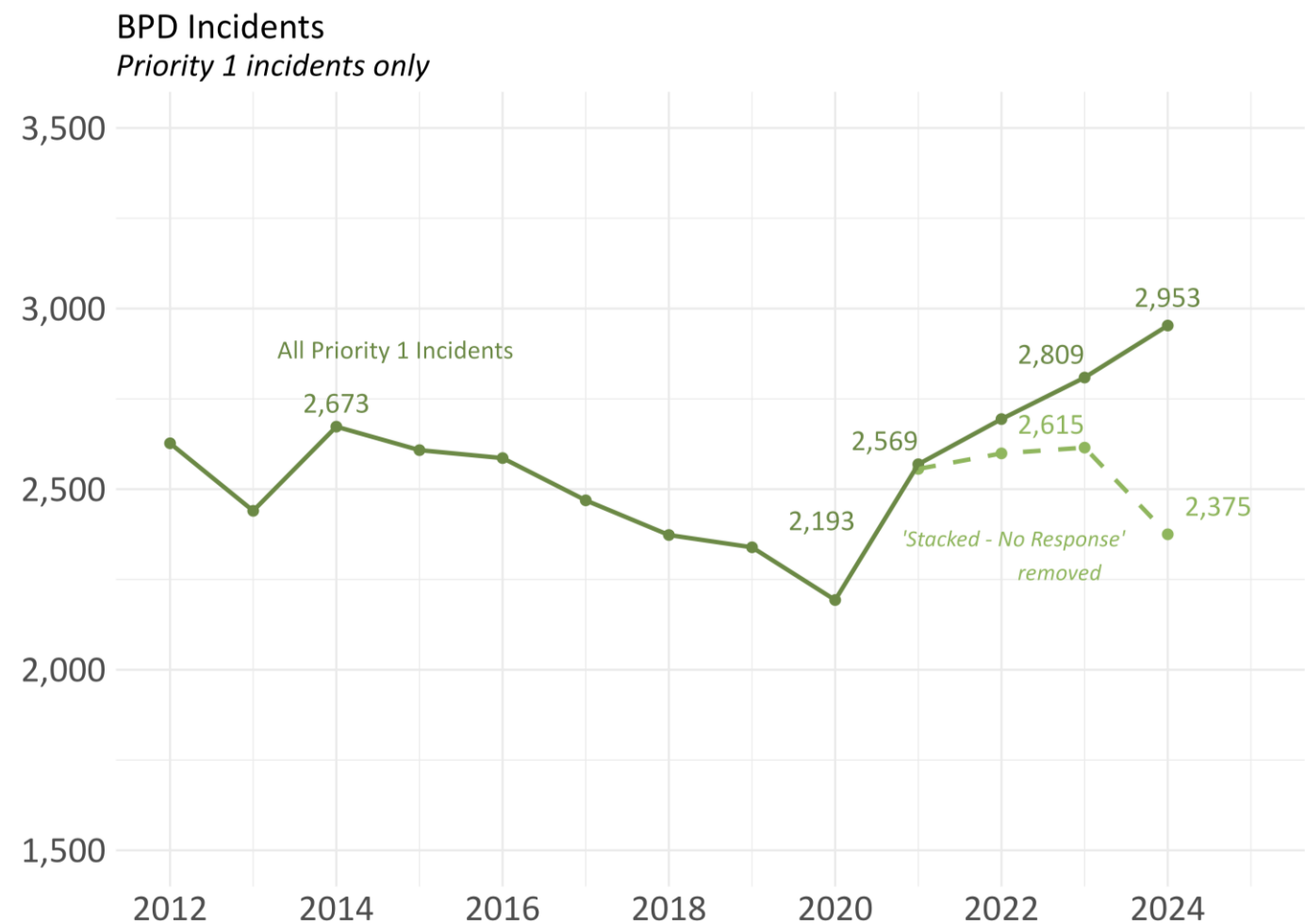
Stacked – No Response, By Incident Type

Incident types most frequently designated 'Stacked – No Response' in 2024.
Call types with fewer than 50 total incidents in 2024 removed from the table

Incident Type	2024 Total Incidents	2024 'Stacked - No Response' Incidents	2024 Stacked Percentage
Overdose	584	376	64%
Motor Vehicle Complaint	422	251	59%
Drugs	328	163	50%
911 Hangup	604	178	29%
Alarm	1,095	310	28%
Suspicious Event	3,032	577	19%
Trespass	1,292	240	19%
Intoxication	117	18	15%
Welfare Check	913	115	13%
Mental Health Issue	1,059	126	12%
Assist - Public	1,158	137	12%
Noise	432	45	10%
Threats/Harassment	554	57	10%
Disturbance	816	55	7%
Juvenile Problem	119	8	7%
TRO/FRO/ERPO Violation	76	4	5%
Assist - Agency	880	42	5%
Ordinance Violation - Other	343	15	4%
Roadway Hazard	69	3	4%
Assist - Motorist	183	7	4%

Data
through
Dec 31,
2024

Priority 1 Incidents



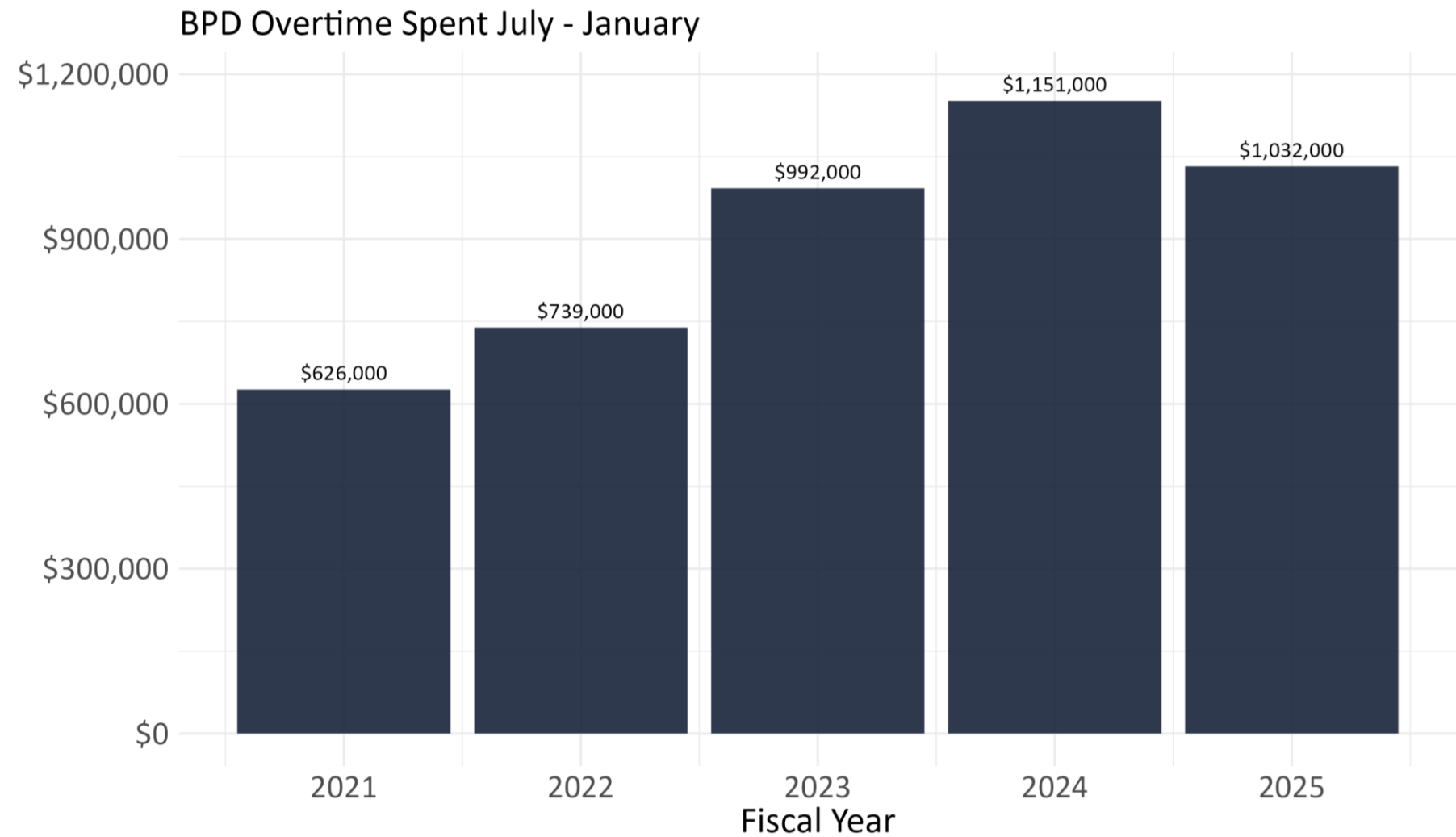
Data through 12/31/2024

Sworn Response to Priority 1 Incidents

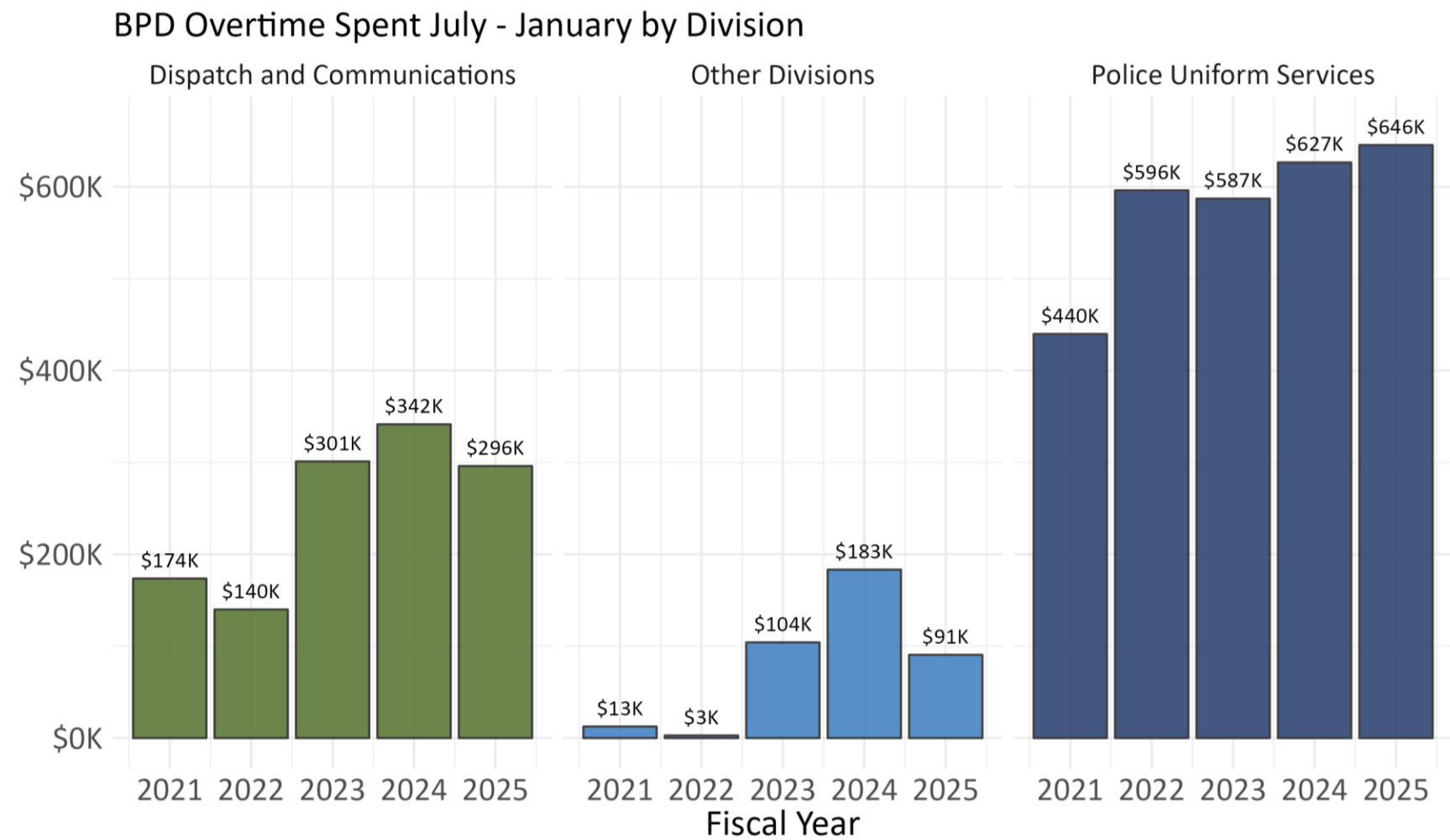


'Stacked - No Response' incidents removed
Data through 12/31/2024

Police Overtime



Police Overtime



Report of the City of Burlington Reparations Taskforce

Prepared by Pablo Bose¹ and Josie Daigle²
January 2024

I Overview – Taskforce Mandate, Composition and Activities

The Burlington Reparations Taskforce was established in August 2020 through a [City Council Resolution](#). It was created with reference to US Congressional Resolution [H.R. 40](#) and [H. 478](#), which consider reparations on a national and municipal level respectively. The resolution considers city level data across a range of socioeconomic disparities. These distinctions – including in housing access, employment rates, health outcomes, and policing practices – suggest that there are continued and marked differences in socioeconomic outcomes for African Americans and especially the descendants of chattel slavery in the US. The resolution was meant to initiate a study of the historical involvement and impacts of the institution of slavery in the City of Burlington and to develop a proposal to address said history – including the possibility of enacting reparations policies and creating a public apology on behalf of the civic government. The resolution created a taskforce to carry out this mission, whose mandate was to study and create reparations plans, recommendations, and educational outcomes regarding racial histories and contemporary relationships within the city of Burlington, Vermont.

Membership within this taskforce was determined through negotiation by several stakeholder communities. These led to appointments to the taskforce of five members, one each selected by the City Council President, the Vermont Racial Justice Alliance, the Mayor of Burlington, and the Vermont Human Rights Commission, as well as the Director of the City of Burlington’s Racial Equity, Inclusion and Belonging Department³. Current and past members are listed below:

REIB Director:	Kim Carson (2022-2024) Phet Kheomanyvanh (2021-2022, 2024-) Tyeastia Green (2020-2021)
VT HRC:	Roy Hill (2022-) Hal Colston (2020-2021)
City Council President:	Rebecca Zietlow (2020-2023)
VTRJA:	Christine Hughes (2020-)
Burlington Mayor:	Pablo Bose (2020-)

The Taskforce also included non-voting guests including experts such as William Darity, a national expert as a Professor of Economics at UNC Chapel Hill as well as participation during meetings by paid consultants including Elise Guyette, Rashad Williams, and Laura Hill.

¹ Professor of Geography and Geosciences, University of Vermont.

² Reparations Taskforce Assistant.

³ Members were selected due to their expertise and experience in various related fields (e.g. Christine Hughes is a longtime racial justice activist, Rebecca Zietlow is a nationally-recognized legal scholar on constitutional law and the Reconstruction Era, Pablo Bose is an urban geographer who studies socioeconomic disparities, Hal Colston was a VT State legislator and council member from Winooski).

Members of the public were also present during warned taskforce public meetings. The activities undertaken by the Taskforce have included monthly meetings throughout much of 2020, the first half of 2021 and again beginning in late 2023, the creation and dissemination of RFPs to solicit appropriate research on reparations-related topics, the selection and oversight of research consultants, deliberation on their reports, presentations to city council, working with researchers at the University of Vermont to supplement these studies, and developing a set of recommendations to present to the City Council of Burlington for this final report. Studies commissioned by the taskforce are included as appendices to this overview and are summarized in section 3.

II Defining Reparations

Scales

Reparations are, in their basic form, the idea that some sort of restitution should be made for a harm or injustice caused to a specific group or individual. There are a wide range of possible kinds of reparations that we can see either proposed or enacted within the US and internationally, distinguished by scale and by type. In terms of scale, reparations might operate at an international level, across borders or, nationally, across state lines. Reparations might also be conceived of in a more insular form in the US within the jurisdiction of an individual state or – as in the case of this taskforce – at a more granular or local level, that of the municipality or town. Reparations can also take on very different forms – typically we tend to imagine reparations in economic terms through cash payments or economic compensation. But there are other kinds of reparations that may take legal, cultural, land-based or more symbolic forms as well.

International reparations are intended to address violations of international human rights and humanitarian law. At this scale, reparations have often been developed in order to promote justice and make efforts to make whole groups or individuals who have experienced harms. Such efforts may emphasize either (or both) monetary compensation and satisfaction of non-material injury. Such international or multilateral actions are often difficult to enact due to the scale and scope of the harms and proposed reparations. Some representative examples include war crimes, art theft, and other violations of international humanitarian laws:

- [UN Standards of Reparations](#)
- [Unidroit Convention on Stolen or Illegally Exported Cultural Objects](#)
- [Luxembourg Agreement](#)
- [The JUST Act- Germany](#)

National reparations refer to some form of repair, whether economic, cultural, social or other (see types of reparations below), based upon historical wrongdoings instigated, supported or condoned by a national government. The intent in such reparations efforts is to deconstruct and repair the nationwide systems and relationships which resulted in this wrongdoing. Such an approach is best highlighted by H.R. 40, a reparations policy proposed in the US Congress which highlights how specific governmental policies have contributed to racial injustice in the past, and how both the legacies of such actions and ongoing federal policies continue to affect modern day

African Americans and especially the descendants of chattel slavery. National reparations can come in almost any form - often economic, but also may include some element of symbolic reparations, as well as the revision or even retraction of certain laws and legal frameworks:

- [Civil Liberties Act of 1988 \(H.R.442\)](#)
- [National African American Reparations Commission Recommendations](#)
- [H.R.6130](#)
- [NAACP Recommendations](#)

Reparations at the state level are structured in a very similar manner to those at the national level, with wider reaching policies oriented towards state specific action rather than national ones. These reparations look at state action as a whole and aim to make a particular state a more equitable place to live. Paralleling national-level reparations, such an approach is often based less on individual cases and actions, but rather seek to address wider-ranging policies which resulted in inequalities currently affecting the state:

- California
 - [Materials and Executive Summary](#)
 - [Policy Recommendations](#)
 - [Approval and Links to Extended Documents](#)
- [New York Senate Bill S1163A](#)
- [Maryland Education Reforms](#)
- [Virginia Victims of Eugenics Sterilization Compensation Program](#)

City level policies are among the most narrowly-defined, concrete and action-oriented level of reparations currently being created, often specifically citing one injustice and taking action to repair it based on that city's actions (or inactions) in creating the situation. Local policy is created to analyze and attempt to repair the city sponsored actions which lead to injustice in the first place. The resulting reparations may consist of monetary reparations for those descendants of enslaved persons, but for some cities, the broader aim is to alter ongoing and future municipal policies in order to both prevent inequality in outcomes and to uplift African American residents of the present and future. Such an approach can include changing policy, investing in business ventures, developing cultural centers, and similar actions (see types of reparations). There are also local-scale reparations carried out by other organizations such as universities, churches, community groups and other entities which attempt to create small scale reparations based specifically on that organization's history and interactions with the institution of slavery. Such examples are usually to be found on a more case-by-case basis and are often less policy based and instead look at more specific scenarios:

- [City of Evanston Local Reparations: Restorative Housing Program](#)
- [Resolution No. 20-128 \(Asheville, NC\)](#)
- [Resolution No. 20210304-067 \(Austin, TX\)](#)
- [Reparations for Burge Torture Victims Ordinance](#)

Types

Legal reparations often arise from court decisions or as a result of legislative policymaking, often in response to specific instances of injustice on an individual or group basis. In some cases, such reparative actions do not necessarily not provide a legal precedent for future actions, though they might be referenced by other jurisdictions. Examples of legal reparations might include responses to instances of police brutality, loss of property, and other similar events. Such actions often take place at the local level rather than at a larger scale:

- [42 U.S.C. 1983 - Civil action for deprivation of rights](#)
- [Reparations for Burge Torture Victims Ordinance](#)
- [Corrective Justice and Reparations for Black Slavery](#)
- [Reparations For Police Violence](#)

Cultural reparations can aid with repairing cultural harms created by both group or individual injustice, as we can see with the legacy of slavery and racial discrimination within the US. This form of reparation can take place with the return of artifacts, establishment of cultural centers, and other cultural goods. This type of reparations can be found across multiple scales, from city-based community centers to nationwide racial education policy:

- [From Slavery to Genocide: The Fallacy of Debt in Reparations Discourse](#)
- [Native American Graves Protection and Repatriation Act of 1990](#)
- [California's Cultural Reparations](#)
- [Providence, RI- Report of Reparations Commission](#)

Economic reparations include a range of different variations, and there are multiple models and forms that these can take. They might include lump sum payments, investments into properties and businesses, and specific payments over time. This is a common form of reparations, and the size and scope of payments as well as eligibility of recipients are often contested and controversial. Economic reparations are, however, one of the most concrete forms of reparative action, in which direct restitution can be made to injured parties. Some of the different institutions that have explored economic reparations (or been called upon to provide them) include governments at various levels, private corporations, non-profit and non-governmental organizations, and educational institutions:

- [Reparations and Persistent Racial Wealth Gaps](#)
- [The Economics of Reparations](#)
- [Georgetown Reconciliation Fund](#)
- [Virginia Victims of Eugenics Sterilization Compensation Program](#)

Land reparations is also sometimes referred to as land repatriation. Land repatriation not only requires giving the physical land back to the original owners but also adding legal and political frameworks to help uphold sovereignty. This form of reparations includes a call to redraw boundaries from the way that a particular area, country or jurisdiction has been historically codified and redefine the way land is structured, and property owned. There is an emphasis in

repatriation on redefining land, property, ownership and mapping through a decolonial lens. This can be done through several platforms, tools and instruments. A key example of this approach is the Indigenous land back rights movement:

- [Reparative Infrastructures](#)
- [Returning Land, Expanding Landscape](#)
- [Land Reparations and Indigenous Solidarity Toolkit](#)

Symbolic reparations primarily take the form of apologies and other ways of seeking forgiveness for past injustices. These include formal announcements, speeches, the creation of a statue, plaque, memorial or tribute, or an official document adopted by a legislature or other institutional body. This form of reparations is often paired with a more concrete form of reparations such as economic restitution. Perhaps the most essential part of this reparative form is documenting an official acknowledgement of wrongdoing and harm:

- [Reconciliation and Reparations](#)
- [Civil Liberties Act of 1988 \(H.R.442\)](#)

III Cases and Models

Various (if limited) examples of reparations in their many forms have appeared throughout modern history, and can be demonstrated in several case studies, as either enacted by governments and organizations or proposed by advocacy groups and victims themselves. One prominent US example are Japanese reparations in response to the unjustified displacement and confinement of and economic harm to Japanese immigrants and American citizens of Japanese descent during the World War 2.⁴ More than 100,000 first- and second-generation Japanese Americans as well as Japanese immigrants were removed from homes and businesses (primarily in California) and placed in relocation centers and eventually internment camps hundreds of miles away. After four decades of activism and struggle, a reparations effort was successful during the 1980s. The actual reparations consisted of returning objects (or the monetary value of said objects) taken during the original internment process (which had been documented by the federal administration) and included no monetary payouts or reparations for the injustice itself but rather for the value of goods and property lost (as long as it was documented).⁵ Victims could file claims and receive some compensation, managed through the Office of Redress Administration (ORA) for Restitution Payment, with a 10-year program and \$20,000 to each eligible person. \$1.6 billion was actually paid out, but very few people actually received the full amount.⁶ This case more represents a local reparations principle, repairing for a specific act/loss in narrow terms of economic loss rather than in terms of the injustice represented by internment itself.

⁴ Yoshida, H. (n.d.). *Redress and reparations for Japanese American incarceration*: . The National WWII Museum | New Orleans. <https://www.nationalww2museum.org/war/articles/redress-and-reparations-japanese-american-incarceration>

⁵ Sarah L. Brew, Making Amends for History: Legislative Reparations for Japanese Americans and Other Minority Groups, 8(1) LAW & INEQ. 179 (1990).

⁶ GovTrack.us. (2024). H.R. 442 — 100th Congress: Civil Liberties Act of 1987. Retrieved from <https://www.govtrack.us/congress/bills/100/hr442>

Justice for the victims of the Holocaust of Jewish and other populations during WWII also serve as another prominent example of reparative policy. There are several forms of reparations related to the Holocaust. These include economic reparations to those harmed by the Holocaust⁷, symbolic reparations via public apologies, as well as cultural reparations through art return, return of stolen property, and other kinds of restitution⁸. This scale has mainly been transnational, and reparations have often been concluded through treaties between countries and organizations. The United Nations has also been involved in some cases, as many of the actual harms were violations of international law and are matters of international importance⁹. Some can also be considered as a form of national reparations, as some reparative acts were specifically from one country to its residents.

Another significant case (and the one with the most relevance to our work) are reparations for African American communities, referencing a wide range of injustices but generally beginning with the ‘original sin’ of American slavery.¹⁰ Beyond this most prominent example, reparations for African Americans also include the many other longstanding examples of racial injustice including for the victims of Jim Crow laws, racial violence and terrorism such as lynching, disenfranchisement through barriers to political participation (such as poll taxes), racialized housing covenants, blockbusting, redlining and other forms of residential segregation, discriminatory policies in hiring, education and healthcare and other forms of discrimination experienced by African Americans.¹¹ More recently, many efforts at reparation target modern-day disparities, such as the wealth gap, housing inequality, and police brutality that continue to lead to widely disparate socioeconomic injustices based on race. Due to the wide-reaching impacts of racism, it can be difficult to target a distinctive scale and type of reparation, as both harms and policies are felt across many types, scales and levels.¹²

Finally, indigenous reparations are articulated through various processes, including territorial return, access to traditional practices (through hunting and fishing licenses), resource rights (such as oil and gas and mineral rights), land back movements, return of artwork, archeological and cultural artifacts, and monetary payments. It is important to note that such efforts have made little progress beyond proposals and have resulted in few impactful examples of actual reparations.¹³ Those that have occurred have been made primarily on a national scale,

⁷ Goshler, Constantin, “Luxembourg Agreement”, in: Encyclopedia of Jewish History and Culture Online, Original German Language Edition: Enzyklopädie Jüdischer Geschichte und Kultur. Im Auftrag der Sächsischen Akademie der Wissenschaften zu Leipzig herausgegeben von Dan Diner. © J.B. Metzler, Stuttgart/Springer-Verlag GmbH Deutschland 2011–2017.

⁸ Unidroit Convention on Stolen or Illegally Exported Cultural Objects Rome, 24 June 1995

⁹ UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> [accessed 10 January 2024]

¹⁰ Darity, William A., and A. Kirsten Mullen. *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, University of North Carolina Press, 2020. ProQuest Ebook Central, <https://ebookcentral.proquest.com/lib/uvm/detail.action?docID=6126519>.

¹¹ Kaplan, Jonathan, and Andrew Valls. “Housing Discrimination as a Basis for Black Reparations.” *Public Affairs Quarterly*, vol. 21, no. 3, 2007, pp. 255–73. JSTOR, <http://www.jstor.org/stable/40441462>. Accessed 10 Feb. 2023.

¹² Danielson, Mishael A, and Alexis Pimentel. “Give Them Their Due: An African-American Reparations Program Based on the Native American Federal Aid Model.” *Washington and Lee Journal of Civil Rights and Social Justice*, vol. 10, no. 1, 2004, pp. 89–114., <https://doi.org/https://scholarlycommons.law.wlu.edu/crsj/vol10/iss1/7>.

¹³ Dinab, Shelton, 'Reparations for Indigenous Peoples: The Present Value of Past Wrongs', in Federico Lenzerini (ed.), *Reparations for Indigenous Peoples: International and Comparative Perspectives* (Oxford, 2008; online edn, Oxford Academic, 22 Mar. 2012), <https://doi.org/10.1093/acprof:oso/9780199235605.003.0003>, accessed 10 Jan. 2024.

with some movements on a state-by-state basis.¹⁴ Indigenous reparations also come in a variety of types, often including land acknowledgements, symbolic, and cultural reparative acts.¹⁵

There are also multiple models considered by governments and academics in this area. One exploratory model created by the United Nations is the UN Standards of Reparations. The UN defines reparations as “adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law.” This definition of reparations is made for more wider ranging injustices, such as Holocaust reparations, justice for those wronged by war crimes, and other wider ranging international incidents. In order to have reparations under the UN’s definition there are 5 conditions: Cessation (assurances and guarantees of non-repetition), Restitution and repatriation, Compensation, Satisfaction, Rehabilitation. These conditions give a step-by-step list of requirements in order to fully gain reparations, highlighting the steps of compensation and rehabilitation. This definition requires the encapsulation of multiple forms of reparations – there cannot just be symbolic or monetary compensation, but a mixture of multiple forms must be employed in order to most fully repair the wrongdoing.¹⁶

Another model was created by Dr. William Darity, an economist specializing in reparations efforts. He calculates economic reparations based on a post-Civil War promise of 40 acres worth of land (which in 2024 would equal roughly \$80,000 per person). Due to his background and work, he mainly focuses on the economic form of compensation, though he has proposed multiple versions of his monetary models, most resulting in a higher sum of reparations. His work is valuable as it gives a variety of options for monetary compensation, often the most difficult part of determining reparations.¹⁷

One current model is that being developed in the State of California. California follows the UN Principles of Reparations definition, as well as the 5 conditions required in order to properly calculate and address reparations. They then break down several racial historical issues and create a step-by-step list of how to address each condition under each category. The reparations favor those descended from slaves, though some of the components apply to all Black Americans who live within California. The goal of these reparations is to take responsibility for the ways in which California and the California government have actively taken part in racism, and to undo some of the long-lasting effects.

The categories which are addressed are listed as Enslavement, Racial Terror, Policies Addressing Political Disenfranchisement, Housing Segregation and Unjust Property Takings, Separate and Unequal Education, Racism in Environment, Pathologizing of African American Families, Control Over Creative, Cultural and Intellectual Life, Stolen Labor and Hindered

¹⁴ Danika Cooper (UC, Berkeley) *Returning Land, Expanding Landscapes*

¹⁵ Native American Grave Protection and Repatriation Act, Pub. L. No. 101-601, 104 Stat.

¹⁶ UN General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> [accessed 10 January 2024]

¹⁷ Darity, William A., and A. Kirsten Mullen. *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, University of North Carolina Press, 2020. *ProQuest Ebook Central*, <https://ebookcentral.proquest.com/lib/uvm/detail.action?docID=6126519>.

Opportunity, Unjust Legal System, Mental and Physical Harm and Neglect, and the Wealth Gap. Each of these categories is then separately repaired for using the conditions created by the UN.¹⁸

A similar model can be found in Evanston, IL, which aims to address a specific case of injustice. The city recognizes that the percentage of black homeowners declined precipitously between the 1920s and 1970s, directly as a result of racist and segregationist policies. Evanston's approach has been to adopt an action-oriented form of reparations, with specific focus on housing reparations within the city. The city works both with investments into black housing ownership efforts, as well as lump sum payments to those who can prove evidence of housing discrimination in their family's time living in the city. This is determined by a committee within the city, and the benefits are distributed to those who apply via application, with the city utilizing its cannabis tax receipts to fund the program. The components of the policy include home ownership benefit, through down payment and closing cost assistance for black residents, home improvement benefits consisting of funds to repair, modernize, and improve housing within the city, and mortgage assistance benefits through money for down mortgage principal, interest, and/or late penalties for property. The city recognizes that their discriminatory housing practices (primarily through racial zoning and housing covenants) were assisted by the city and have caused ongoing racialized issues and supported the wealth gap. This model is particularly action oriented, with current, ongoing, steps taken by the city government.¹⁹

Providence, RI, uses the process of Truth, Reconciliation, and Reparations in order to address systematic racism. Eligibility for this program is available to Indigenous people, those of African descent, qualified census tracts and neighborhoods, and residents facing poverty (not reliant of the race of those residing there). This is considered a race neutral reparations policy, though the plan does specifically aim to address racism within the city. This policy is not necessarily a racial or slavery reparations policy, but rather to prevent ongoing inequality within the city. They utilize a 11-point reparations plan, including symbolic, economic, and cultural reparations efforts. By using multiple types of reparative processes, they are able to more fully address various claims, including those that are not entirely race based. They aim to repair for slavery, urban renewal, racist laws, and more. The plan is more specifically broken down in the report on reparations policy overview.²⁰

Another city, Asheville, NC, prepared a resolution suggesting a 3-phase process for reparations, with the steps being Information Sharing and Truth-Telling, Formation of a Reparations Commission, and Finalizing and Presenting the Report. Asheville's taskforce has determined 5 categories they aim to pass reparative policy for: Criminal Justice, Economic Development, Education, Health & Wellness, and Housing. Asheville does not provide direct monetary payouts, and instead aims to create generational wealth. This is an economic based policy which focuses on investments rather than personal compensation. There is also the

¹⁸ Bonta, Rob. "AB3121 Interim Report - Oag.ca.gov." *State of California Department of Justice*, 2022, https://oag.ca.gov/system/files/media/ab3121-interim-report-executive-summary-2022.pdf?aff_id=1037.

¹⁹ City of Evanston. "Reparations- Restorative Housing Program Guidelines 2021 - City of Evanston." <https://www.cityofevanston.org/>, 2021, <https://www.cityofevanston.org/home/showpublisheddocument/66184/637677439011570000>.

²⁰ Providence Municipal Reparations Commission (2022) Report of The Providence Municipal Reparations Commission

element of symbolic reparations with a formal apology on behalf of the city's participation in systematic racism and slavery.²¹

A final model of reparations was created by the NAACP, which highlights the 40 acres and a mule promises not met during Reconstruction. This would consist of a 40-acre land grant for each family of 3 or more individuals with no taxes for the first 5 years. Under social services, descendants of enslaved people get social security benefits, access to Medicare, and other old age programs earlier (due to disparities in life expectancy). These components are listed as first steps, which must be followed by a systematic overhaul of our social system completed with structural changes. This is a national reparations effort which could not be recreated at a smaller level, particularly the full recall of our social and law system. Similar to Darity, they base their suggestions on the promises which were stolen away post the Civil War but go at this from a slightly more literal approach.²²

IV Challenges and Barriers

There are multiple challenges that we can imagine confronting a reparations effort. Among these are the issues in determining funding, scale and eligibility of recipients. The vastness and entanglement of the entirety of American society in the slave economy means that there are really no parts of the country that can be held blameless in the efforts to address this 'original sin'. In this sense the City of Burlington is implicated in the US history of slavery regardless of the historical presence of actual enslaved persons within its boundaries. Yet – as some of the experts we consulted suggested – is it appropriate for a small city to try and right the wrongs of this historical injustice? Could it actually do so, given the cost and scale of the enterprise?

The very question of who pays for reparations can be one of the biggest challenges faced in getting attempts off of the ground. There are political issues that abound, especially within a country, state and city that is as deeply divided on all fronts to try and engage in such efforts. The very notion of reparations seems to demand proof of both harm and of intentionality to create harm. For a historical wrong, both can be difficult to produce. In order to create a reparations framework, there also needs to be a clear source of funding, with clear parameters of who and where this money goes towards. Determining scale of reparations can also be a clear challenge. Beyond the material and structural challenges, there is also the issue of public perception, and convincing the public that reparations are a valuable use of city funds and time. It is crucial, in any reparations effort to have a robust education and outreach strategy to engage with affected communities.

Finally, determining eligibility for any reparations program will be tricky. How does one go about – at the city level – deciding who is and who is not to be eligible for any such program? Who will be empowered at city hall to declare one applicant legitimate and another not? What types of oversight and appeals processes will be needed? Will there be different kinds of

²¹ Resolution Supporting Community Reparations for Black Asheville, Resolution No. 20-128 (2020)

²² *Reparations*. NAACP. (2022, June 13). <https://naacp.org/resources/reparations>

reparations for different kinds of harms? What sources will funds be drawn from, and will there be potential differences in compensation based on type of harm?

All of these conceptual, structural and institutional issues does not preclude the *necessity* of engaging in reparations work – the moral obligation is clear such challenges notwithstanding. But these challenges need to be addressed seriously and intentionally by the City of Burlington if it is to engage in this effort in good faith.

V Recommendations

Based on our review of the reports commissioned by this Taskforce, our research into the history, scope and scale of reparations efforts, and our own deliberations, we do not presently feel that we can provide a unified set of recommendations. Instead, each Taskforce member is providing their own recommendations.

VI Appendices

Burlington City Council Resolution 7.06

Consultant 1 Reports – History of Enslaved Persons in Burlington

Consultant 2 Reports – Approach to Studying Racialized Covenants

Consultant 3 Reports – Discrimination and Reparations

UVM Report – Use of Racialized Covenants in Burlington (Pilot Study)

Expert Review of Recommendations

Financial Report

Report Synopses

Census data on enslaved persons in Burlington and Vermont (commissioned report)

This report analyses the history of slavery, and more generally black residency, within Burlington and Vermont more fully. While slavery was immediately outlawed upon Vermont gaining statehood, slavery still very much existed within the state and city, with specific provisions hidden inside state laws allowing for forms of slavery, the utilization of roles as servants and other actions that served to advance racialized divisions within the population. The report also reviews the ways in which Vermont benefited from slavery, financially and otherwise. These effects are wide ranging over time and continue to affect the state today. Another section of report includes vignettes of black Vermonters and Burlington residents and their history in the state, highlighting the struggles and discrimination faced in what was supposed to be a non-slave state. These struggles come both from pre-civil war era US, as well as post reconstruction discriminatory practices done within Vermont. The general outcome of this report is evidence of state sponsored racially based discrimination and further information on Vermont's long history with racism.

Housing record search on racialized covenants (commissioned report on methodology, UVM report detailing search)

This report systematically searches through landholding and lease records, historical land records, archival newspapers, and census data to search for evidence of racialized covenant language within Burlington. The outputs of this report found evidence of some sort of discriminatory covenants on several properties, but there was no specifically racialized language that appear systematically within leases or other historical text. These covenants are suggestive that racialization of housing practices *may* have existed within the city on an individual basis but there is no direct evidence of systematic exclusions on the basis of race.

Overview of discriminatory laws in the US and elsewhere (commissioned report)

This is a series of reports outlining the various ways that reparations are created, and the historical context behind racism in lawmaking. Despite Vermont not being established as a slave state, there were several laws within the state and city which promoted racist ideals. This report also provides an overview of laws created within the wider United States. Another output of this report is the documentation of the history of racial harm in Vermont in areas such as healthcare, wealth disparities, education, incarceration, and land ownership. There is also a major cultural element of this type of discrimination.

Overview of models of reparation (UVM report)

This report outlines the various reparations policies and proposed models from within the United States, as well as internationally. It serves as an example of various ways that reparative policy can be implemented within specific circumstances and provides various historical and cultural definitions of what reparations can mean in a practical sense. This report highlights potential applied forms of reparations and provides background on reparative policies which have been implemented in the past.

Recommendations for City Council

1. Revisit the original City Council Resolution and consider narrowing the scope of what is intended by it. Is the intention to provide specific reparations for the City's involvement with slavery and if so, who is the intended population meant to be addressed by reparations? If the intent is to provide relief for other populations who are the subjects of racial discrimination, the City Council ought to be clear about this
2. Reconsider the area of racialized covenants as an issue requiring reparations. Our initial studies did not find evidence of this practice as a systematic issue within the City of Burlington.
3. Consider the value of the proposed apology for the City to adopt. If this is a symbolic gesture only with no material purpose or impact beyond this, I would suggest this is not a useful action; there needs to be actions specifically linked to any apology.
4. Consider what funding source would be utilized for providing adequate compensation for any reparations program. The City of Evanston's approach is one I would advocate exploring further.
5. Develop a strategy for enacting the mechanisms for providing reparations. What city department would be responsible for disbursing compensation? Who would be responsible for determining eligibility?
6. Engage in a strategy for community outreach and education to discuss with the City of Burlington populations what is meant by and what the potential there is (and need) for reparations

Funding request to City Council and what the funding would be used for

I am not going to make specific suggestions here as I do not intent to stay on the Taskforce but I think it would be important for a recommissioned Taskforce to clearly align any potential costs with activities; e.g. if outreach, hiring of new consultants and so on, what would the costs be? What would the outcomes be?

Task Force accomplishments and what yet has to be accomplished

The Task Force undertook three sets of consultant reports – one on historical presence of enslaved individuals in Burlington which was useful, one incomplete study of racialized covenants in Burlington which was not useful, and one broad review of racial justice which was not useful. The Task Force also conducted some research on the digitized land records with assistance from a UVM class which was useful and myself and a research assistant conducted a review of reparations models and histories which was useful.

What has not been completed include the following:

- A historical analysis of how the City of Burlington (including businesses and individuals) might have been involved in the institution of slavery, including through economic means
- A review of the cases and incidents of discrimination in the period following the abolition of slavery to the present in the City of Burlington as applicable to the descendants of enslaved persons
- A set of recommendations on specific reparations mechanisms and strategies for the City of Burlington to consider, either in the abstract or with reference to specific cases and populations

Process for Moving Forward

- All Taskforce positions need to be filled (City Council, Mayor, HRC, VRJA, REIB Director)
- Establish a regular reporting schedule for REIB committee and at least an annual report to City Council
- Establish a work schedule for the Taskforce
- Clear staff support and reporting lines with the City/REIB
- Identify priorities for the Taskforce and establish a clear and feasible schedule for advancing these

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

2/6/2025

	Meeting Date	Type of Document and Title	Action Requested	Updated Next Steps in the Process
1	2/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium	refer the communication to TEUC and CDNR Committees respectively for further review and engagement	TEUC Item was taken up at the March 2023 meeting. No further action taken
2	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington	refer the communication to TEUC for further review	TEUC Item was taken up at the March 2023 meeting. No further action taken
3	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia	City Council will work in collaboration with community members and organizations and the City administration to develop a plan for ongoing activities to support and amplify the voices of the LGBTQIA+ community; City Council urges Burlington’s state legislative delegation to look at current state hate crime statute to look to extend protections for schools and organizations that advocate/support LGBTQ+ (and other minoritized communities) from hate motivated targeted crimes, examine Burlington’s graffiti ordinance and consider changes that address continued defacement of public property, and graffiti that spreads hateful and harmful messages.	There have been stakeholder meetings brought forward by the Administration to address the directives in the resolution. UPDATE: Work is being done in the Legislature, a former resident created a physical Burlington trans pride flag to fly in front of City Hall in recognition of Trans Day of Visibility; the flag will fly the flag from March 15 - April 15 to celebrate Trans Day of Visibility and reboot the Trans People Belong campaign.
4	6/5/2023	Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department	The City Council requests an evaluation be done to explore Burlington CAIP becoming a department of the City , an evaluation be done to review the reporting and supervisory structure needed to support three public safety departments (police, fire and CAIP), that a report come to Public Safety Committee in October 2023, approval for the Chief of Police to accept the Department of Mental Health grant for Burlington 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	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
7	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
8	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
9	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
10	1/27/2025	Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department	Mayor to update the City Council referred to the Ordinance Committee, to report back to the City Council; CJC to report back to the City Council and Ordinance Committee	18-Feb-25
11	1/27/2025	Resolution: Establishing A Violation Reporting Incentivization Pilot (VRIP)		on or before March 24, 2025; by March 10, 2025

Lori Olberg

From: Michael Long <mjlongvt@gmail.com>
Sent: Monday, January 27, 2025 6:19 PM
To: Lori Olberg
Subject: The Council Working Together Regardless of the Party in the Majority

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

Hi Lori,

Please post this as a communication to the Council when you have a chance.

Best,

Michael

Councilors:

Politics is often petty with grandstanding, horse trading, and gotcha moments galore, but it's also a serious undertaking, a big responsibility that people depend on for the quality of their lives and sometimes even for life itself.

It has puzzled me in Burlington since Bernie that Democrats and Progressives who are not far apart on the political spectrum cannot work better together. This is frustrating for citizens and no doubt for councilors too because it brings gridlock instead of progress and fosters division instead of building alliances.

We're blessed in the upcoming council races with well-qualified candidates in contrast with some figures on the national stage who are assuming far more powerful positions they may not be even marginally qualified to fill. I hope the Democrats and the Progressives will promote their candidates for their qualifications, not for their representing an advantage over the other side.

A current and former Democratic councilor came to my door last week to drop off a brochure for the East District candidate. I shared my concern that some Democratic councilors were putting their energy into sabotaging our mayor. They assured me that they want the mayor to succeed and then I noted that coincidentally I had just watched the caucus on YouTube and there was an unmistakable emphasis on the need for Democrats on the council to provide "collaborative balance to the mayor's progressive administration." Now we all love collaboration, but we collaborate all together, not in opposition to someone else. We either win together or divided fail.

None of us are enemies and seeing one another that way —especially on the Council — will only prevent the Council from doing right by the people and the city they serve.

Sincerely,

Michael

Lori Olberg

From: Owiso Makuku <owiso@mainstreetlanding.com>
Sent: Monday, January 27, 2025 5:59 PM
To: Lori Olberg
Subject: Comment in Support of Lifting Cap of Burlington Police Force

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

Hi Lori,

Can you please forward this to whomever would read it into the public comment at tonight's (1.27.2025) City Council meeting?

My name is Owiso Makuku and I'm writing on behalf of Main Street Landing (located on Burlington's waterfront) to support lifting the hiring cap on the Burlington Police Department (BPD).

Despite the fact that it will take time to reach any sort of maximum capacity on the Burlington Police force, I believe that this support will go a long way to restore the BPD's faith and belief that they are supported by the Burlington community. Main Street Landing — and the businesses that form our specific community — have felt first hand the void created by not having a full, functioning police force. We believe that community policing is an effective means to achieving public safety, but that can't be achieved until we reach a critical number of sworn officers and support for them within the BPD in Burlington.

Thank you,

Owiso Makuku



MEMORANDUM

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

FROM: Christian Berry, Interim Director, Office of Racial Equity, Inclusion & Belonging

DATE: February 5, 2025

SUBJECT: Authorization to Sponsor The Flynn Center for Performing Arts' Co-Production & Management of the Black Experience 2025 Event

REQUEST

The Office of Racial Equity, Inclusion, and Belonging (REIB) is seeking approval and authorization to execute a grant agreement in the amount of \$10,000 in support of the Flynn Center for Performing Arts (the Flynn) to co-produce and co-manage the Black Experience 2025.

EXECUTIVE SUMMARY

Background:

The REIB has sponsored nuwave Equity Corporation and the Flynn Center for Performing Arts to produce and manage the Black Experience event for several years. The Black Experience 2025 will be held on Saturday, February 22, 2025. Ongoing support of this critical event supports the nationally recognized month-long observance of Black History Month.

The Flynn is the preeminent entertainment venue in Burlington and has been at the center of Vermont's cultural landscape for 90 years. It is well situated to host an event of this scale and importance. On average, over 200,000 people attend performances there annually. Given the sheer volume of annual performances and events, the Flynn provides extensive experiences and expertise in production and marketing. This funding to the Flynn will support in bringing in the program headliner, Ta-Nehisi Coates, in addition to a performance by SistaStrings!

Project Funding:

The Flynn's grant agreement with the Office of Racial Equity, Inclusion, and Belonging is \$10,000.00 and is included in the REIB's FY25 Community Celebrations line.

Department Contact:

If you have any questions, please contact Christian Berry, Interim Director of the Office of Racial Equity, Inclusion, & Belonging at cberry@burlingtonvt.gov or 802-923-9283.

MOTIONS

The Office of Racial Equity, Inclusion, & Belonging respectfully request the Board of Finance and City Council approve the following motions:

Board of Finance:

1. “To approve and recommend to the City Council that the Director of Racial Equity, Inclusion, and Belonging executes a grant agreement with the Flynn Center for Performing Arts for the production and management of the Black Experience 2025 event in an amount not to exceed \$10,000.000, subject to review by the City Attorney’s Office.”

City Council:

1. “To authorize the Director of Racial Equity, Inclusion, and Belonging to execute a grant agreement with the Flynn Center for Performing Arts for the production and management of the Black Experience 2025 event in an amount not to exceed \$10,000.00; subject to review by the City Attorney’s Office.”

Thank you for your continued support.

Board of Finance and City Council Submission Checklist

Department: REIB Submitter: Christian Berry, Interim Director

Title/Subject: Black Experience 2025

	Approval:	Meeting Date:
☐	Board of Finance	2/10/2025
☐	City Council	2/10/2025
☒	Concurrent	2/10/2025

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	Click or tap to enter a date.	Department Head initiated
Mayor's Office informed and approved memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	Click or tap to enter a date.	City Attorney's Office drafted the grant agreement for BX 2025 grant
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	N/A	Click or tap to enter a date.	
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

Board of Finance and City Council Submission Checklist



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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

MEMORANDUM

TO: License Committee/City Council

FROM: Alice Schwencke, Excavation Inspector, Department of Public Works

DATE: December 11, 2024

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

RE: 141 Maple Street – Landing area for front door and ADA accessible ramp –
Pathways Vermont

Request

The Applicant, Pathways Vermont, INC, d/b/a Pathways VT, owner of the establishment located at 141 Maple, is requesting approval for an ADA Accessible entry ramp and front door landing area to exist in the public right-of-way. The request, if approved, will formally permit a permanent structure within City Right of Way in front of the establishment at 141 Maple, through a License Agreement with the City.

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

Overview

Pathway Vermont submitted an encumbrance permit application to the Department of Public Works on May 31th, 2024, requesting to occupy 100 square feet of City right-of-way space on Maple Street, directly in front of the business on the public sidewalk.

The proposed new construction will occupy the area abutting the "sidewalk" area directly in front of 141 Maple. The designated 5' wide concrete sidewalk will not be impeded in any way as the proposed construction is to be minimal one foot from the pre-existing sidewalk. The landing area will consist of a concrete pad that will adjoin with the current sidewalk to provide a safe access path for building tenants. The ADA ramp will be adorned with lattice work which will face the existing sidewalk to support plant growth suited for the area and will not interfere with the passing sidewalk traffic.

The Applicant will be responsible for any future maintenance or repairs and any other conditions as defined in the License Agreement.

Recommendation

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

Thank you for your consideration of this request. Please do not hesitate to contact me directly at ASchwencke@burlingtonvt.gov or 802-495-6176

Attachment

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

Motions:

License Committee:

"To approve and recommend that the City Council approve the Encumbrance Application for Pathways Vermont at 141 Maple Street requesting use of the City Right of way for a ADA Accessible ramp and front door landing area to further recommend that the City Council authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

City Council:

"To approve the Encumbrance Application for Pathways VT Inc. at 141 Maple Street requesting use City Right of way for a ADA Accessible ramp and front door landing area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office."

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

Pathways Vermont, INC.
1 Kennedy Drive Suite L2

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and Pathways Vermont, INC., property owner of a Vermont residential home located at 141 Maple Street Vermont (“Licensee”). The business type of Pathways Vermont, INC. is a Domestic Non-Profit Corporation. The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to 141 Maple Street. The Licensee is seeking Covered ADA ramp and landing to front door which encroaches on city Right Of Way and abuts the City Sidewalk.
- D. Purpose.** This Agreement sets forth the terms and conditions for the requested use of the public right-of way.

2. DEFINITIONS

- A. “Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. “Encumbrance Fee”** means the sum of the encumbrance application fee and the square foot use fee annually set by the City.
- C. “Party”** means the City or Licensee and “Parties” means both the City and Licensee.
- D. “Premises”** means the sidewalk directly in front of 141 Maple Street.
- E. “Property”** means front porch and entryway at 141 Maple Street that are the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

- A. Effective Date.** Once executed by both parties this Agreement shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement.
- B. Term.** This Agreement shall commence on the Effective Date and expire on [04/30/2026].
- C. Termination.** This Agreement may be terminated as set forth in this §2.C. Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed

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

- i. **Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
- ii. **Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.
- iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide 7 days written notice in advance of the termination date.
- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the curbing and greenbelt adjacent to the property.
- v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install and maintain a front porch and front entryway to the building at 141 Maple Street for the term set forth in **§2.B** of this Agreement. Licensee may use and maintain the front porch entry way existing in the City's right-of-way and must be maintained and placed exactly as described in the plan approved by the Department of Public Works, which is attached hereto as Attachment B.

5. LICENSE CONDITIONS

A. ADA Ramp. The covered ADA ramp and landing to the front door at 141 Maple Street must be maintained in full compliance with the Americans with Disabilities Act (ADA) standards.

B. Property Modifications. If the property is modified in a way that affects the ADA ramp, landing, or related features, or if alterations are made that impact the existing building footprint or parking area, the covered ADA ramp and landing must be updated to meet ADA guidelines.

C. City Infrastructure and Right of Way Improvements. In the event that a City project involves right of way or infrastructure improvements on Maple Street or adjacent areas, which directly affect the existing ADA ramp and or landing, these features shall be restored or modified in coordination with the appropriate city department. Necessary updates will be made to comply with any new right of way adjustments or infrastructure changes, ensuring continued ADA accessibility and adherence to city standards.

D. Maintenance. Licensee shall maintain the stairs and porch to the satisfaction of the City, which includes maintaining them in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, and repair of the stairs and front porch. . Licensee shall pick up and sweep debris created by its use of the public right-of-way.

E. Placement. The stairs and porch shall be placed and maintained in accordance with all conditions set by the Department of Public Works and shall not impede the City's ability to maintain the road, sidewalk, parking meters, greenbelt, or any other City property. The stairs and porch shall not cause an obstruction or inconvenience to members of the public accessing the road, sidewalk, parking meters, greenbelt or any other City or private property.

5. PAYMENT FOR LICENSE

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

B. Initial License Fee. By signing this Agreement, the Parties acknowledge that Licensee has paid the City the license fee for the period beginning [01/01/2025] and ending [04/30/2026].

C. Annual Renewal Fee. The Licensee is responsible for paying the City an annual renewal fee for the duration of this Agreement until its expiration on [04/30/2026]. Such renewal fees shall be due on or before the expiration of each term, and the Licensee shall remit payment in full by the specified due date of 04/30 . Failure to make timely payment shall result in the automatic expiration of this License and the termination of all rights granted herein. The City reserves the right to adjust the renewal fee amount as set forth in Attachment A during any period of the agreement.

6. INSURANCE

A. Requirement. Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, comprehensive public liability insurance with an A or better rated insurance carrier, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted by this Agreement in an amount not less than \$1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy.

- B. Evidence.** Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured. Licensee shall also furnish the City with an endorsement indicating that Licensee shall be given 15 days' written notification prior to cancellation of such insurance for nonpayment of premium and 45 days' written notice for any other reason. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with 10 days' written notification prior to cancellation of such insurance for nonpayment of premium and 30 days' written notification for any other reason. If such endorsement is not reasonably available then Licensee shall provide the City with notification of any impending cancellations within three days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.
- C. Continuing Obligation.** Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

7. INDEMNIFICATION

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

8. RESPONSIBILITY FOR SUPERVISION:

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

9. PUBLIC RELATIONS:

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

10. PERMITS

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

11. NUISANCES PROHIBITED

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

12. INSPECTION OF WORK:

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

13. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the rights granted herein to the new owner of the Property for a period of 60 days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the 60 day period. Failure to comply with this §14 shall constitute a discontinued use under §2.C.i of this Agreement.

14. LIMITATION OF RIGHTS

Licensee acknowledges that no property interest or other right is created other than that specifically defined and limited by this Agreement.

15. WAIVER

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

16. ENTIRE AGREEMENT

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

17. MODIFICATION

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

18. THIRD PARTY BENEFICIARIES

This Agreement does not confer any rights or remedies upon any person or entity other the Parties.

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

19. ATTACHMENTS

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

Attachment A: Licensee's Application

Attachment B: Department of Public Works Encumbrance Recommendation Form.

Attachment C: Photos and Sketches of Encumbrance

Attachment D: Certificate of insurance

20. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

21. SIGNATURE PAGE

Persons signing for the Parties hereby swear and affirm that they are authorized to act on behalf of their respective Party and acknowledge that the other Party is relying on their representations to that effect.

The Parties hereto have executed this Agreement

LICENSEE

[Pathways Vermont, INC.]
[1 Kennedy Drive Suite L2]

By: _____
[Jane Van Buren / President]

Date: _____

By: _____
[Tim Wall/ Vice President]

Date: _____

By: _____
[Maura Collins/ Treasure]

Date: _____

CITY OF BURLINGTON **Mayor Emma Mulvaney-Stanak**

By: _____
Mayor Emma Mulvaney-Stanak
Duly Authorized

Date: _____

ENCUMBRANCE PERMIT AND LICENSE AGREEMENT

Pathways Vermont, INC.
1 Kennedy Drive, L2, South Burlington, VT, 05403

This Long-term Encumbrance Permit and License Agreement (“Agreement”) is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (“City”), and Pathways Vermont, Inc., a Vermont nonprofit corporation located at 1 Kennedy Drive, L2, South Burlington, VT, 05403 (“Licensee”). The City and Licensee agree to the terms and conditions of this Agreement.

1. RECITALS

- A. Authority.** Authority to enter into this Agreement exists in the City Charter and Burlington City Ordinance 27-32. Required approvals, clearance, and coordination have been accomplished from and within each Party.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Agreement.
- C. Background.** The City owns property, including the street and sidewalk right-of-way adjacent to 141 Maple Street. The Licensee has received approval to place an entry way landing area and ADA accessible ramp to the public right-of-way adjacent to the premises.
- D. Purpose.** This Agreement sets forth the terms and conditions for the allowed use of the public right-of-way.

2. DEFINITIONS

- A. “Effective Date”** means the date on which this Agreement is approved and signed by the City as shown on the signature page of this Agreement.
- B. “Encumbrance Fee”** means the sum of the encumbrance application fee, and the square foot use fee annually set by the City.
- C. “Party”** means the City or Licensee and “Parties” means both the City and Licensee.
- D. “Premises”** means the sidewalk directly in front of 141 Maple Street.
- E. “Property”** means the Landing area and ADA Ramp that is the subject of this Agreement.

3. EFFECTIVE DATE AND TERM

- A. Effective Date.** The City shall not be bound by any provision of this Agreement before the Effective Date and shall have no obligation for any performance before the Effective Date or after the expiration or termination of this Agreement. Licensee’s obligations hereunder for indemnification, defense, and restoration of the Premises and other City property shall survive expiration or termination hereof.
- B. Term.** This Agreement shall commence on the Effective Date and expire on April 30th, 2026.
- C. Termination.** This Agreement may be terminated as set forth in this paragraph (C). Upon termination, Licensee shall remove—at its own expense—all objects, materials, and other obstructions placed on the Premises. If Licensee refuses to promptly remove such obstructions,

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

- i. **Discontinued Use.** The City shall have the exclusive right to immediately terminate this Agreement should Licensee or a subsequent owner discontinue the licensed use of the premise.
- ii. **Termination for Convenience.** At any time prior to completion of services specified under this Agreement, the City may terminate the Agreement for any reason by submitting written notice via certified or registered mail to the Licensee, not less than fifteen (15) days prior to the termination date, of its intention to do so. The Licensee shall make no claim against the City by reason of such termination.
- iii. **Breach.** The City shall have the exclusive right to terminate this Agreement if Licensee is in breach of this Agreement. The City shall provide seven (7) days written notice in advance of the termination date.
- iv. **Non-Compliance.** If any of the License Conditions are not met to the satisfaction of the City, the Licensee will be responsible for restoration of the Premises, the sidewalk adjacent to the property, and any other City property damaged, destroyed, or otherwise affected by Licensee or its officers, employees, agents, customers/invitees, successors, or assigns, within seven (7) days of receiving written notice.
- v. **Renewal.** This agreement shall be renewable annually for a one (1) year term provided that Licensee submits a timely annual renewal application certifying that its renewal does not amend, modify or otherwise change the existing agreement, pays the requisite fees, and provides updated proof of insurance and all applicable endorsements, and provided that the Department of Public Works certifies that licensee is still in compliance with terms of this agreement.

4. GRANT OF LICENSE

The City hereby grants to Licensee a license to install a front door landing area and ADA accessible ramp to serve the establishment located beyond the traveled path of the public sidewalk, directly adjacent to 141 Maple, totaling an area of 100 square feet for the term set forth above. Licensee may use and shall maintain the ADA ramp and front door landing area existing in the City's right-of-way for the term set forth in §3.B of this Agreement. Licensee may use and maintain the ADA Ramp and front door landing area existing in the City's right-of-way said items must be maintained and installed exactly as described in the plan approved by the Department of Public Works, which is attached hereto as Attachment C.

5. LICENSE CONDITIONS

- A. **Maintenance.** Licensee shall maintain the front door landing area and ADA ramp to the satisfaction of the City, which includes maintaining it in a safe, proper, and working condition. Licensee shall be solely responsible for all costs associated with maintenance, upkeep, repair, and replacement of ADA ramp and front door landing area and restoration of the public right-of-way.
- B. **Placement.** The featured ADA ramp and front door landing area to be constructed and maintained in accordance with all conditions set by the Department of Public Works in the approved plan (Attachment C) and shall not impede the City's or any other private or public

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

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

6. PAYMENT FOR LICENSE

- A. **License Fee.** Licensee shall pay the City an Encumbrance Fee, as described in Attachment A.
- B. **Initial License Fee.** By signing this Agreement, the Parties acknowledge that Licensee has paid the City the encumbrance and license fee for the period beginning April 30, 2025 and ending April 30, 2026.

7. INSURANCE

- A. **Requirement.** Licensee shall maintain throughout the term of this Agreement, and any subsequent extension or renewals, commercial general liability insurance from an insurance carrier rated A-:VII or higher by A.M. Best Co. and admitted in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of privileges granted by this Agreement in an amount not less than \$1,000,000 each occurrence. The City shall be named as an additional insured on such insurance policy.
- B. **Evidence.** Prior to execution of this Agreement, Licensee shall furnish the City with a certificate of insurance and endorsement that includes the provision naming the City as an additional insured on a primary, non-contributory basis and waiving subrogation against the City. Licensee shall take all reasonable efforts to acquire an endorsement providing the City with thirty (30) days' written notification of cancellation. If such endorsement is not reasonably available, then Licensee shall provide the City with notification of any impending cancellations within three (3) days after receipt of such notice from its insurance carrier. The current certificate of insurance and applicable endorsements are attached to this Agreement as Attachment D.
- C. **Continuing Obligation.** Licensee shall provide the City with an updated certificate of insurance and applicable endorsements annually on or before the certificate's stated expiration. It is the responsibility of Licensee to ensure that a current certificate of insurance is on file with the City at all times.

8. INDEMNIFICATION

Licensee shall indemnify, defend, and hold harmless the City, its officers, officials, agents, and employees from liability for any claims, suits, expenses, losses, judgments, penalties, fines, costs (including attorneys' fees and costs), and damages arising as a result of the Licensee's acts and/or omissions, and the acts and/or omissions of Licensee's officers, directors, employees, agents,

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

9. RESPONSIBILITY FOR SUPERVISION:

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

10. PUBLIC RELATIONS

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

11. PERMITS

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

12. NUISANCES PROHIBITED

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

13. INSPECTION OF WORK

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

14. ASSIGNMENT OF RIGHTS

If Licensee sells the Property, Licensee may temporarily assign the privileges granted herein to the new owner of the Property for a period of sixty (60) days after closing. Any subsequent owner of the Property shall execute a new agreement with the City and provide proof of insurance within the sixty

(60) day period. Failure to comply with this section shall constitute a discontinued use under §3.C.i of this Agreement.

15. LIMITATION OF RIGHTS; PROPERTY TAXES

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

16. WAIVER

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

17. ENTIRE AGREEMENT

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

18. MODIFICATION

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

19. THIRD PARTY BENEFICIARIES

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

20. MISCELLANEOUS

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder shall remain in effect as necessary to effectuate the original intent of the Parties as closely as possible; provided, however, that if any provision hereof relating to indemnification or defense for the protection of the City and its taxpayers is held to be invalid and unenforceable, then this Agreement shall have no further prospective force or effect, but it shall be enforced to the fullest extent allowed by law for the protection of the City and its taxpayers with respect to prior transactions and occurrences. This Agreement shall be construed according to Vermont law, notwithstanding conflicts of law principles, and venue for any dispute arising from this Agreement shall be proper in Chittenden County, Vermont, notwithstanding any other law. This Agreement shall not be construed its drafter. In case of any dispute arising from this Agreement, the prevailing party shall be entitled to attorneys' fees and costs.

21. ATTACHMENTS

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

- A. Attachment A:** Licensee's Application
- B. Attachment B:** Department of Public Works Encumbrance Recommendation Form
- C. Attachment C:** Photographs and Sketches of Encroachment
- D. Attachment D:** Certificate of Insurance

22. ORDER OF PRECEDENT

This Agreement shall control over any conflicting attachment.

— *Signature Page Follows* —

23. SIGNATURE PAGE

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

The Parties hereto have executed this Agreement

LICENSEE
Pathways Vermont Inc.

By: _____
Jane Van Buren
President

Date: _____

CITY OF BURLINGTON
Mayor Emma Mulvaney-Stanak

By: _____
Mayor Emma Mulvaney-Stanak

Date: _____

Dear Licensing Committee Members,

The Department of Public Works recommends approval of the Encumbrance Permit Application submitted by Pathways VT for the use of 100 square feet of public right-of-way at 141 Maple Street. This recommendation is based on a thorough review of the application and is subject to the conditions outlined below and review by the City Attorney's Office.

Pathways VT is requesting this permanent encumbrance on the south side of Maple Street to construct a covered ADA-compliant ramp and landing which would occupy 100 square feet of City ROW. This will provide accessible access to the building's front entrance. The proposal complies with the Burlington Code of Ordinances, specifically Chapter 27-31(a), which allows for encumbrances those which exceed 60 days with the approval of Licensing Committee Members. The DPW supports formalizing this through a License Agreement with an annual fee of \$1 per square foot, payable through the City's OpenGov Portal.

The proposed structure will not impede sidewalk plowing, general maintenance, or future reconstruction efforts. The DPW is confident that this encumbrance will not negatively impact the functionality of the public right-of-way.

Therefore, I urge the Licensing Committee and City Council to approve this request, subject to the aforementioned conditions and review by the City Attorney's Office.

Sincerely,

Thank you for your attention to this matter. Should you require further information, I am available at ASchwencke@burlingtonvt.gov or 802-865-7562.

Sincerely,

Alice Schwencke

Excavation Inspector

Department of Public Works

City of Burlington

aschwencke@burlingtonvt.gov

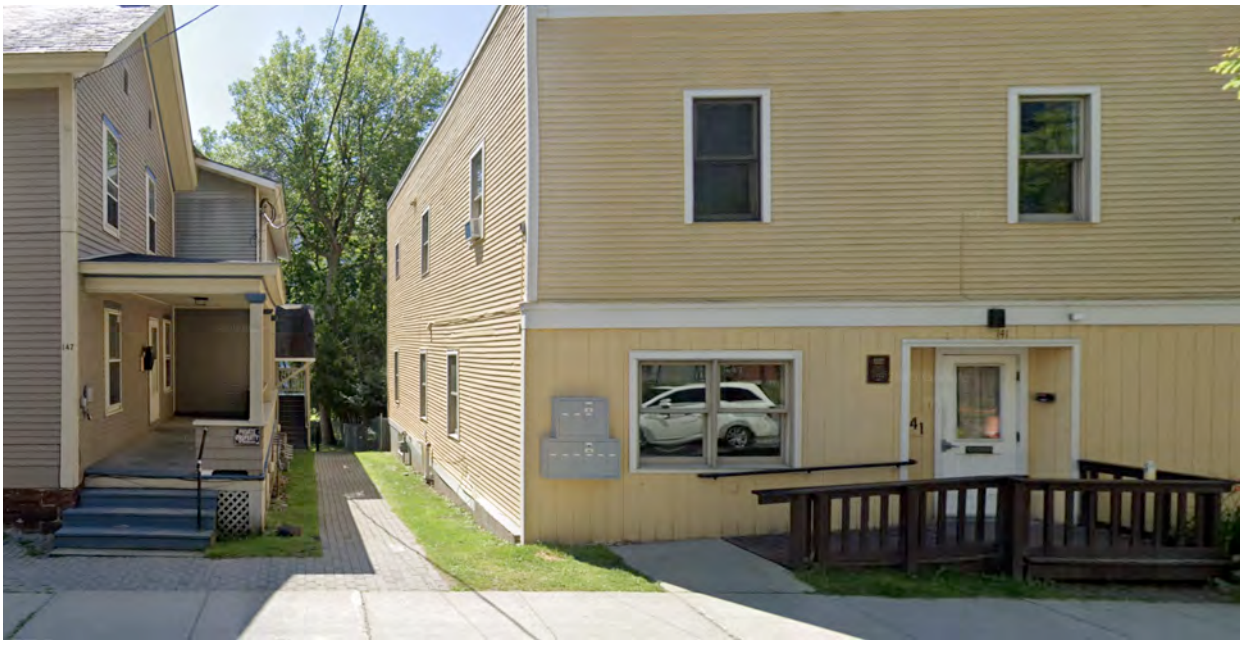
802-495-6176



155 MAPLE STREET, EXAMPLE OF ADJACENT PROJECT WITH PORCH IN THE CITY RIGHT OF WAY



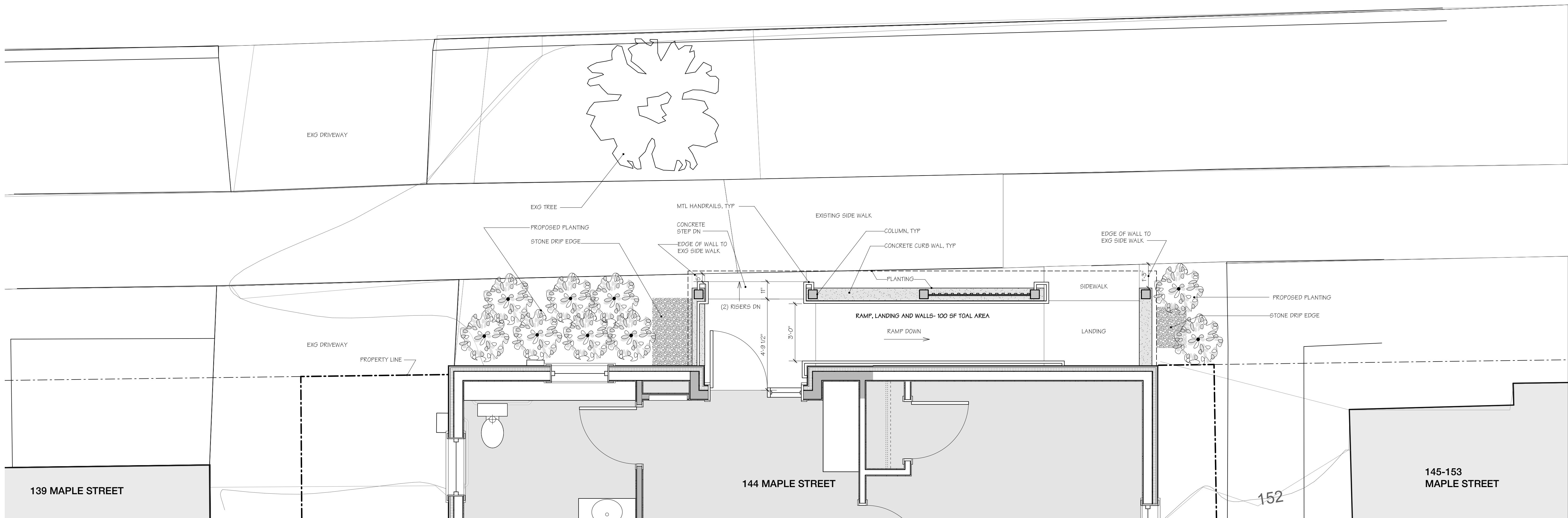
145-153 MAPLE STREET, EXAMPLE OF ADJACENT PROJECT WITH PORCH IN THE CITY RIGHT OF WAY



EXISTING 144 MAPLE STREET



PROPOSED COVERED ADA RAMP AT 144 MAPLE STREET



STREET PLAN
Scale: 3/8" = 1'-0"

0 5 7 9 FT

SOTERIA HOUSE

BURLINGTON VERMONT

COPYRIGHT © 2024 ALL RIGHTS RESERVED
DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

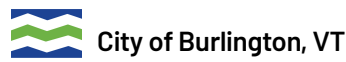
PERMIT SET

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 11.05.2024
DRAWN: ABC

A1-2



November 27, 2024

REN-24-14 ROW Encumbrance Permit Status: Active Submitted On: 11/5/2024	Primary Location 141 Maple Street Burlington, VT 05401 Owner CHAMPLAIN HOUSING TRUST 88 KING ST BURLINGTON, VT 05401	Applicant Arthur Chukhman 802-734-2293 arthurc@duncanwisniewski.com 255 South Champlain Street Burlington, VT 05401
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Right-of-Way Encumbrance Application

Type of Encumbrance Requested*

Long-Term Encumbrance (More than 60 Days)

Encumbrance Description* ?

Covered ADA ramp and landing to front door.

Location of Encumbrance * ?

141 Maple Street

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

Encumbrance Term (Years)	Encumbrance Start Date
50	01/31/2025
Encumbrance End Date	Area Encumbered (Square Feet)
12/31/2034	100

Company Information

Company Name

Pathways Vermont

DBA Name

Jenny Johnson

Phone

802 489 8500

FAX**Street Address**

1 Kennedy Drive Suite L2

City, State Zip

South Burlington, VT 05404

Email ?Jenny@PathwaysVermont.org

Instructions

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 per square foot)

Encumbrance Not Valid until Permit is Issued. Permit will be Issued after City Council Approval.

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 square foot)

Permit will be Issued after City Council Approval. Permit Not Valid until Fee Payment is Received.

Please Attach:

1. Certificate of Liability Insurance with holder as the "CITY OF BURLINGTON, BURLINGTON PUBLIC WORKS, ENCUMBRANCE APPLICATION DEPT., 645 PINE ST, BURLINGTON, VT 05401".
2. Endorsement to Insurance Policy (separate from the Certificate of Insurance) listing the Cancellation Policy as 15 notice for non-payment or 45 days for any other reason.
3. Endorsement to Insurance Policy (separate from the Certificate of Insurance) specifically listing the City as Additional Insured.
4. Sketch, photo, or blueprint of what you are proposing.
5. Check for Total Amount Due. (\$25 Application fee + \$1 per square foot)

Permit will be Issued after City Council Approval. Permit Not Valid until Fee Payment is Received.

Application Fee: \$25 + \$1 per square foot encumbered.

Jurisdiction BCO 27-31(a)

It shall be unlawful for any person, firm or corporation to temporarily obstruct a street or sidewalk without first obtaining a written permit therefor from the director of public works or his or her designee, except as hereinafter provided.

Within the Church Street Marketplace District on any portion of Church Street, College Street, Bank Street, or Cherry Street used for vehicular traffic, the director of public works or his or her designee shall not issue a permit until the executive director of the Church Street Marketplace department approves of such obstruction. In the inner two (2) pedestrian blocks of the marketplace district, the executive director of the Church Street Marketplace department shall have exclusive jurisdiction to issue permits.

Required Documentation

 Certificate of Insurance 

☐

 Insurance Expiration Date

—

 Endorsement of Additional Insured 

☐

 Endorsement for Cancellation 

☐

 Site Map or Photograph(s) 

☐

Reporting

 Encumbrance For:

—

City Department Review

 Attorney Sign Off 

☐

 Attorney Sign Off Date

—

 Right-of-Way Sign Off 

☐

 Right-of-Way Sign Off Date

—

City Council Review

 City Council Meeting Date

—

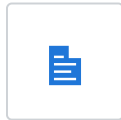
 City Council Approval 

☐

City Council Approval Date

—

Attachments



SH_241105_Encumbrancepermit.pdf

SH_241105_Encumbrancepermit.pdf

Uploaded by Arthur Chukhman on Nov 5, 2024 at 11:14 AM

Record Activity

Arthur Chukhman started a draft Record	11/05/2024 at 10:43 am
Arthur Chukhman added file SH_241105_Encumbrancepermit.pdf	11/05/2024 at 11:13 am
Arthur Chukhman added file SH_241105_Encumbrancepermit.pdf	11/05/2024 at 11:14 am
Arthur Chukhman submitted Record REN-24-14	11/05/2024 at 11:14 am
OpenGov system altered payment step Encumbrance Fee Payment, changed status from Inactive to Active on Record REN-24-14	11/05/2024 at 11:14 am
OpenGov system completed payment step Encumbrance Fee Payment on Record REN-24-14	11/05/2024 at 11:17 am
OpenGov system altered approval step City Council Approval, changed status from Inactive to Active on Record REN-24-14	11/05/2024 at 11:17 am
OpenGov system assigned approval step City Council Approval to Alice Schwencke on Record REN-24-14	11/05/2024 at 11:17 am
Alice Schwencke changed the deadline to Nov 25, 2024 on approval step City Council Approval on Record REN-24-14	11/19/2024 at 8:17 am
Alice Schwencke added a guest: jenny@pathwaysvermont.org to Record REN-24-14	11/25/2024 at 9:40 am

Timeline

Label	Activated	Completed	Assignee	Due Date	Status
\$ Encumbrance Fee Payment	11/5/2024, 11:14:38 AM	11/5/2024, 11:17:52 AM	Arthur Chukhman	-	Completed
✓ City Council Approval	11/5/2024, 11:17:52 AM	-	Alice Schwencke	11/25/2024	Active



May 1, 2025 ---- April 30, 2026

Fee \$25.00

**CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION**

☒ Indoor

☒ Outdoor?

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name BERN Nation INC
2. D/B/A (Business Name) Bern Gallery 3. Bus. Phone 802-865-0994
4. Business Address 135 Main St Ste 101 Burlington, VT 05401
5. Mailing Address POB 3418 Burlington, VT 05408
6. Contact person Sarah Mae 7. Contact Phone 802-310-5881
8. Email contact address Pipeclassic@gmail.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or (No)
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or (No)
3. Proposed Date(s) for this Special Event Friday Feb 14, 2025
4. Proposed Hours for this Special Event 12-5pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
Event held in-store, with 1 small speaker
Outdoors

For this Proposed location please answer the following questions:

- a) Occupancy Load 49 b) # of Restrooms 1 c) # of Egresses 2
d) Date of last Fire/Safety Check 1/14/2025 e) Dancing by Patrons? Yes or (No)
f) Amplified Music? (Yes) or No g) Will additional staff and/or security be required? (Yes) or No
(always on duty)

Permit # 1404 for 1/30/25 4:15 PM

(Continued on back)

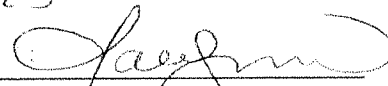
**PART III
DESCRIPTION OF ENTERTAINMENT**

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

Description We will have one of our Staff members DJ'ing
a Currated Valentines Set indoors + will have 2 small
Speaker located outside our windows to Draw Customers
in the shop. We will also be offering Free glassblowing
lessons + Hot Chocolate.

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

DATE SIGNED: 1-30-2025

SIGNATURE OF APPLICANT 

PRINT NAME: Sarah-mae Gonyea

RELATIONSHIP TO BUSINESS Administrator, COO, co-owner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 2/4/25, the Burlington City Council License Committee recommended
 Approval X Denial _____

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

2025-2026 Tobacco License and Tobacco Substitute Endorsement Renewals
Regular City Council Meeting, Monday, February 10, 2025

Tobacco:

802 BWS
Artisan Vapor Company
Burlington Bay Market and Café
Garcia Tobacco Shop
Pearl Street Pipe and Beverage

Tobacco Substitute Endorsements:

802 BWS
Artisan Vapor Company
Bern Gallery
Garcia Tobacco Shop
Pearl Street Pipe and Beverage



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: Board of Finance/City Council

FROM: Caleb Manna, Associate Public Works Engineer, Department of Public Works

DATE: February 10, 2025

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

RE: 2025 VTRANS Certificate of Highway Mileage

Background

The Vermont Agency of Transportation (VTRANS) annually reviews and certifies accepted highway mileage in each Vermont municipality to be used towards determining the amount of state and federal aid each municipality is eligible for, and to ensure the Town Highway Map remains accurate.

The roadway miles verified in the Certificate of Highway Mileage and shown on the Town Highway Map, are used by VTRANS to determine financial support for maintenance items such as plowing, salting, and pothole filling of our Class 1, Class 2, and Class 3 roads. In FY24, VTRANS was estimated to pay the City approximately \$290,000 to DPW Streets budget for this road maintenance work. These funds are received by the state quarterly.

As part of this annual review process, additions, subtractions, modifications, and reclassifications of streets are reviewed. Any changes in mileage or classification are recorded and updated in the certificate of highway mileage sent annually to municipalities for review and approval. The certificate, once accepted by City Council, is then signed and returned to the state agency. The certificate will be approved as described, and current mileage will be updated by VTRANS in the 2025 Town Highway Map.

Changes

This year, the City of Burlington has included an additional .703 miles of new Class 2 roadway for the Champlain Parkway between Lakeside Avenue and Home Avenue. Lakeside Avenue,

consisting of .1 miles between Pine Street and the Champlain Parkway was reclassified from a Class 3 Town Highway to a Class 2 Town Highway.

Under the Champlain Parkway Project, the effected intersecting streets of Batchelder, Briggs, Ferguson, and Lyman were remeasured to capture adjustments made to roadway lengths under the project. There were no changes in roadway classification to these streets.

The Town Highway Map was last updated in 2023. Public Works Technical Service staff was able to produce documentation demonstrating ownership of several residential streets that had been previously excluded from the Town Highway Map.

There were no changes made in 2024. The Town Highway Map will be updated in 2025 to reflect the changes shown on this year's mileage certificate.

It is important to note, the Town Highway Map is only reflective of formally accepted streets within the municipality. Unaccepted streets, streets not built to city standards, or streets with missing deed documentation are not eligible for recording or state funding.

Recommendation

The Department of Public Works is recommending that the City Council approve the following the requested motion authorizing Chapin Spencer, Director of Public Works, to sign the 2025 Highway Mileage Certificate on behalf of the City Council as their designee.

Attachments

- A. 2025 City of Burlington Highway Mileage Certificate
- B. 2023 Town Highway Map

Motions

Board of Finance:

1. "To approve and recommend that the City Council accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2025 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council."

City Council:

1. "To accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2025 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council."

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2016**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2016 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of **BURLINGTON CITY** in **CHITTENDEN** County
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

<i>Town Highways</i>	<i>Previous Mileage</i>	<i>Added Mileage</i>	<i>Subtracted Mileage</i>	<i>Total</i>	<i>Scenic Highways</i>
Class 1	7.178				
Class 2	21.727	.803		22.53	
Class 3	67.06	.03	.15	66.94	
State Highway	0.195				
Total	96.160	.806	.15	96.843	
* Class 1 Lane	4.161				
* Class 4	1.10				
* Legal Trail	0.00				

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

+0.703 mi CL2 TH-16 (Champlain Parkway from Home Ave to Lakeside Ave) new road

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

Champlain Parkway Project

0.10 mi CL3 TH-255 (Lakeside Ave) reclassified as CL2 TH-16;

+0.01 mi CL3 TH-115 (Batchelder St) new segment;

-0.02 mi CL3 TH-198 (Ferguson Ave) no longer intersects Briggs St

-0.02 mi CL3 TH-271 (Lyman Ave) no longer intersects Briggs St

-0.01 mi CL3 TH-115 (Batchelder St) no longer intersects Home Ave

+0.02 mi CL3 TH-137 (Briggs St) new cul-de-sac

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures: _____

T/C/V Clerk Signature: _____ Date Filed: _____

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: _____ **DATE:** _____
Representative, Agency of Transportation



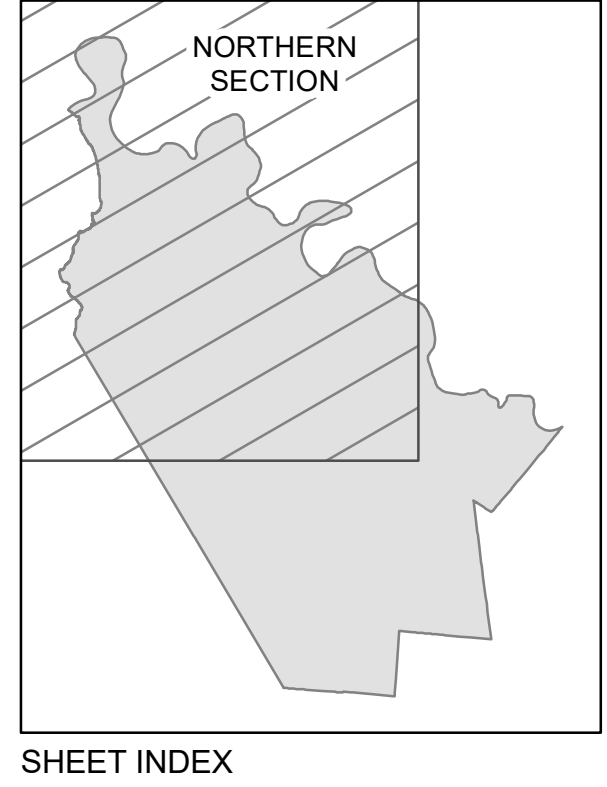
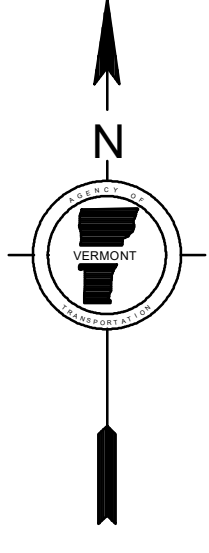
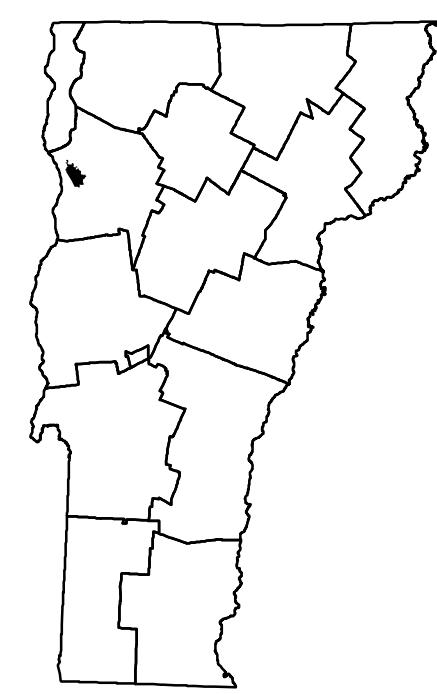
MILEAGE SUMMARY				
CLASS 1				
TH-1	0.831			
TH-2	3.152			
TH-3	0.056			
TH-4	3.059			
TOTAL CLASS 1			7.098	
CLASS 1 - Ramps				
TH-2	0.080			
TOTAL CLASS 1 - Ramps			0.080	
CLASS 2				
TH-1	0.761			
TH-3	5.805			
TH-5	0.731			
TH-6	0.770			
TH-7	0.300			
TH-8	2.060			
TH-9	3.810			
TH-10	0.800			
TH-11	0.370			
TH-12	1.290			
TH-13	2.270			
TH-14	0.480			
TH-15	0.650			
TOTAL CLASS 2			20.097	
CLASS 2 - Ramps				
TH-3	0.360			
TH-9	1.270			
TOTAL CLASS 2 - Ramps			1.630	
CLASS 3				
TH-3	67.06			
TOTAL CLASS 3			67.06	
TOTAL TOWN			95.965	
TOTAL STATE			0	
INTERSTATE				
I-189	0.060			
TOTAL INTERSTATE			0.060	
INTERSTATE - Ramps				
I-189	0.135			
TOTAL INTERSTATE - Ramps			0.135	
TOTAL INTERSTATE			0.195	
TOTAL, TRAVELED HIGHWAYS, FEB. 10, 2023: 96.160				
(Excludes Class 4 and Legal Trail Mileage)				

TOWN HWY.	LENGTH IN MILES
No.	"NOT UP TO STANDARD"
116	(0.17)
138	(0.03)
158	(0.32)
180	(0.20)
205	(0.03)
236	(0.01)
338	(0.22)
357	(0.12)
TOTAL	1.10

* The sections of the town highways listed above are legally Class 3, but have been deemed "Not Up to Standard" and are functionally Class 4 Town Highways

- HIGHWAYS**
- INTERSTATE
 - STATE ROUTE
 - U.S. ROUTE
 - CLASS 1
 - CLASS 2
 - CLASS 3
 - CLASS 4
 - LEGAL TRAIL
 - PARK AND RIDE
- INTERSTATE OR DIVIDED HIGHWAY
STATE - HARD SURFACE OR PAVED
TOWN - HARD SURFACE OR PAVED
GRAVEL
SOIL OR GRADED AND DRAINED EARTH
UNIMPROVED OR PRIMITIVE
IMPASSABLE OR UNTRAVELED
LEGAL TRAIL
DISCONTINUED
HIGHWAY CLASS CHANGE
RAILROAD
INACTIVE RAILROAD
PUBLIC LAND - NATIONAL FOREST
PUBLIC LAND - STATE/MUNICIPAL
NFR NATIONAL FOREST ROAD
USGH UNITED STATES GOV. HWY.

- POLITICAL SUBDIVISIONS**
- STATE BOUNDARY
 - COUNTY BOUNDARY
 - TOWN BOUNDARY
 - VILLAGE BOUNDARY
 - URBAN COMPACT BOUNDARY
 - WATER BODY
 - STREAM OR BROOK
- BRIDGE OR CULVERT**
- BRIDGE OR CULVERT > 20'
 - BRIDGE OR CULVERT 6' - 20'
 - BIKE PATH STRUCTURE
 - VT CULVERTS BRIDGE
 - VT CULVERTS CULVERT > 6'
- FEDERAL CLASSIFICATION IDENTIFIER**
- MA MINOR ARTERIAL
 - MNC MAJOR COLLECTOR
 - MNC MINOR COLLECTOR
 - PA PRINCIPAL ARTERIAL
- B34 / C34** STATE BRIDGE OR CULVERT IDENTIFIER
B4 / C4 TOWN BRIDGE OR CULVERT IDENTIFIER



VERMONT
GENERAL HIGHWAY MAP
City of Burlington
Northern Section
CHITTENDEN COUNTY

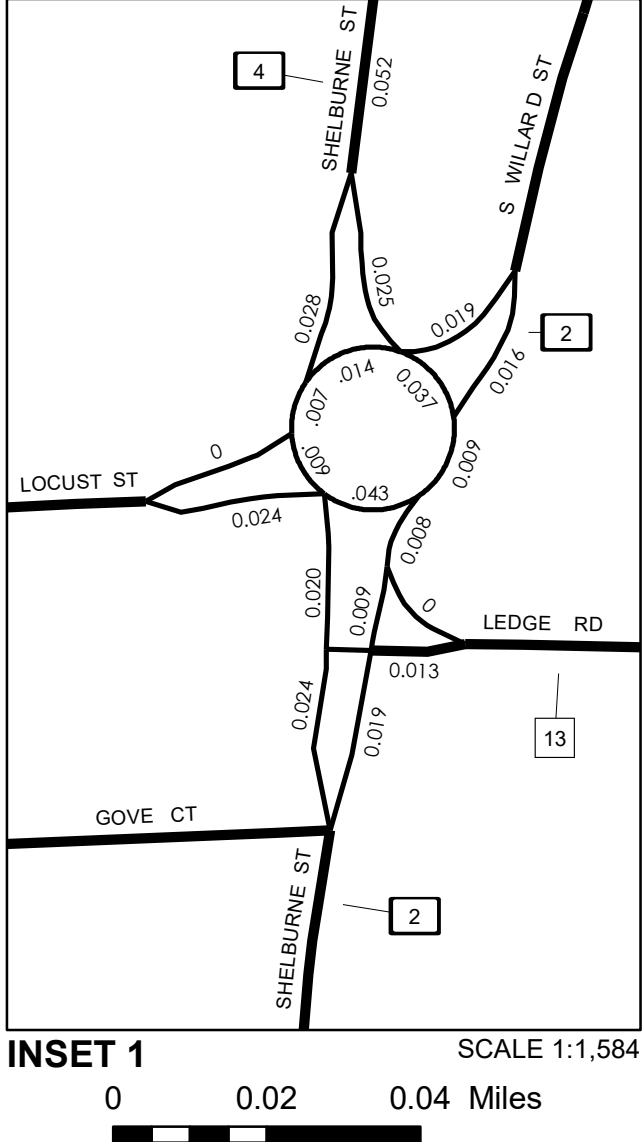
Transportation District #5
Prepared by the
Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Mileage as of February 10, 2023
Map prepared June 28, 2023
SCALE 1:6,336

0.095 0 0.095 0.19 0.285 0.38
Miles
0.1 0 0.1 0.2 0.3 0.4
Kilometers

DISCLAIMER:
The untraveled highways (dashed-out town highways), discontinued highways, and legal trails herein are those of which the Agency of Transportation has record; others may exist.
Highway and bridge data by the Agency of Transportation.
Town short structures drawn from the VT CULVERTS (formerly VOBCT) online database. All other data from the Vermont Open Geodata Portal. Only named streams shown.

Vermont State Plane Coordinate System
North American Datum of 1983
SPCS_Zone_Identifier: 4400
Geodetic Reference System 80
2,000-meter grid, Easting - Northing

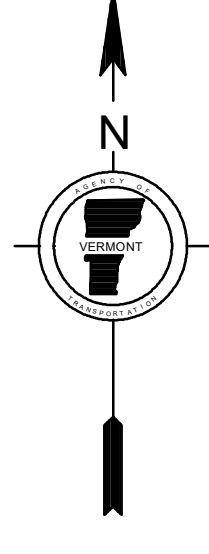
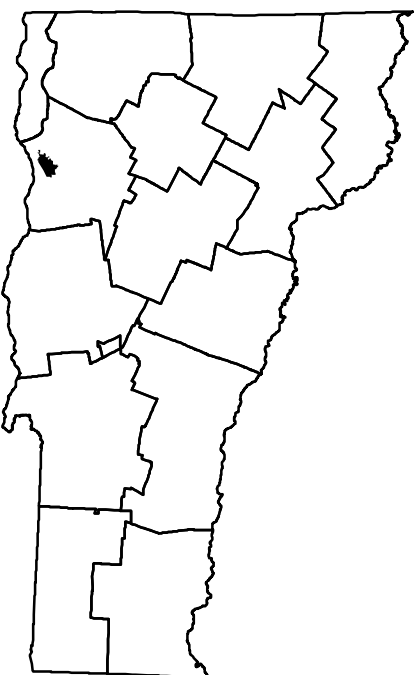


- HIGHWAYS**
- INTERSTATE
 - U.S. ROUTE
 - STATE ROUTE
 - CLASS 1
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 - WATER BODY
 - STREAM OR BROOK
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 - BRIDGE OR CULVERT 6' - 20'
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 - VT CULVERTS BRIDGE
 - VT CULVERTS CULVERT > 6'
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 - MJC MAJOR COLLECTOR
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 - PA PRINCIPAL ARTERIAL
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TOWN BRIDGE OR CULVERT IDENTIFIER

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Highway and bridge data by the Agency of Transportation.
Town short structures drawn from the VT CULVERTS (formerly VOB/CIT) online database. All other data from the Vermont Open Geodata Portal. Only named streams shown.

Vermont State Plane Coordinate System
North American Datum of 1983
SPCS Zone Identifier: 4400
Geoidetic Reference System 80
2,000-meter grid, Easting - Northing



SHEET INDEX

VERMONT
GENERAL HIGHWAY MAP
City of Burlington
Southern Section
CHITTENDEN COUNTY

Transportation District #5
Prepared by the
Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Mileage as of February 10, 2023
Map prepared June 28, 2023
SCALE 1:6,336

0.095 0 0.095 0.19 0.285 0.38
Miles
0.1 0 0.1 0.2 0.3 0.4
Kilometers

Board of Finance and City Council Submission Checklist

Department: Department of Public Works Submitter: Caleb Manna

Title/Subject: 2025 VTRANS Highway Mileage Certificate

	Approval:	Meeting Date:
☒	Board of Finance	2/10/2025
☒	City Council	2/10/2025
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	1/27/25	Chapin Spencer
Mayor's Office informed and approved memo	Yes	2/5/2025	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	1/29/2025	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	2/3/2025	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Checked by C. Spencer
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Mileage Certificate, Map
Draft Resolution or Motion?	Yes	In Memo
If for submission to Council, are sponsors identified?	Yes	BOF



MEMORANDUM

To: Burlington Board of Finance and City Council
From: Darren Springer, General Manager
Date: 2/10/2025
Subject: **Grant Approval for Electric Bucket Truck**

Introduction

BED is seeking Board of Finance and City Council approval to enter into a grant agreement with the Vermont Agency of Natural Resources Department of Environmental Conservation (DEC) to acquire a second all-electric utility line bucket truck and DC fast charger for our line crew.

In 2021, BED successfully applied for and received a \$560,000 grant from the Agency of Natural Resources to acquire the first all-electric bucket truck in Vermont, which went into service in July of 2023. The all-electric bucket truck helps avoid diesel fuel consumption and resultant CO2 emissions, as well as other air emissions, while providing the line crew the ability to serve Burlington. The truck is pictured below:



Following that successful grant application in 2021, BED applied in 2024 for a grant to help fund a second all electric bucket truck to replace a fossil fuel truck that has been in service since 2008. Given the continued delta in upfront cost between an all-electric bucket truck and a diesel truck, the grant funds would help offset the difference and make the purchase more cost-effective for BED and its



ratepayers. The existing diesel-powered truck consumes approximately 1371 gallons of low-sulfur diesel fuel annually; and produces approximately 228 tons of CO₂ over its 15-year life. Much of this fuel is burned when the truck is idling (approximately 890 hours annually) as work is conducted on powerlines throughout the City, including in Burlington's densely packed residential neighborhoods and downtown core of the City. The all-electric bucket truck will avoid diesel fuel consumption and avoid the air emissions that a replacement diesel truck would produce.

Grant, Payback, and CO₂ Emissions Reduction

The upfront capital cost of the proposed electric bucket truck project (\$863,917) includes a 210 kWh battery pack, a 50 kW charger and all of the additional hardware and capabilities that a diesel bucket truck has. The cost also includes an extended battery warranty. BED's contribution toward the total cost is \$300,000 (including capital costs reimbursable from BED's existing revenue bonds, BED incentives under state regulatory programs, and BED in-kind labor to install hardware and equipment for the bucket truck). As shown in the table below, BED is to receive \$563,917 from the state grant to help offset the capital cost of the all-electric bucket truck.

Project Cost estimate		
Total Cost w Battery	\$	787,917
50 kW DC fast Charger	\$	41,000
DC FC Site Prep & installation	\$	30,000
sub-total	\$	858,917
State/Federal Tax (e-Truck)	\$	-
State/Federal Tax (DC Fast Charger)	\$	-
Shipping (e-Truck)	\$	4,000
Shipping (DC Fast Charger)	\$	1,000
Total Cost	\$	863,917
DEC/VW Grant	\$	563,917
BED Cost Share (\$)	\$	300,000
BED Cost Share (%)		34.7%

In accordance with the Grant Agreement, the State of Vermont agrees to pay BED on a cost-reimbursable basis. BED anticipates a 20-24 month process to complete procurement and put the new



all electric bucket truck in service, including issuance of an RFP. The grant is available as part of the Volkswagen settlement.

As part of the grant, BED will disable an existing diesel line truck used for maintaining the power grid and replace it with an all-electric truck.

BED anticipates a simple payback of 7-8 years (with the grant included) in maintenance savings and fuel savings from the all-electric bucket truck compared to purchase of a diesel bucket truck. The all-electric truck will avoid approximately 228 tons of CO2 emissions during its lifetime compared to a diesel truck.

Motions

Board of Finance:

To recommend the City Council authorize the General Manager of the Burlington Electric Department to enter into a grant agreement with the Vermont Agency of Natural Resources, as described above, to accept up to \$564,000 in grant funds to support the purchase of an all-electric bucket truck for Burlington Electric's fleet, subject to final review and approval from the City Attorney's Office.

City Council:

To authorize the General Manager of the Burlington Electric Department to enter into a grant agreement with the Vermont Agency of Natural Resources, as described above, to accept up to \$564,000 in grant funds to support the purchase of an all-electric bucket truck for Burlington Electric's fleet, subject to final review and approval from the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: BED Submitter: Darren Springer

Title/Subject: Grant Acceptance

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	2/10/2025

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	1/21/2025	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	1/23/2025	Click or tap here to enter text.
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	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/22/2025	Jessica Brown
CAO has reviewed budget, financing, and memo	Yes	1/27/2025	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A		Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



City of Burlington, VT
149 Church Street,
Burlington, VT 05401

www.burlingtonvt.gov/plan

TO: Board of Finance and City Council
FROM: Charles Dillard, Director, Office of City Planning
DATE: February 10, 2025
RE: Reclassification of existing Planner position to Senior Planner

Executive Summary

The Office of City Planning requests the reclassification of the Planner position to Senior Planner.

Background

The Office of City Planning currently operates with three professional planning positions: a Director, a Principal Planner (currently vacant), and a Planner. Given the breadth and pace of the Office's work, a reclassification of the Planner position to Senior Planner will offer several benefits:

- The Senior Planner position includes project management responsibilities not appropriate for a staff with the Planner title. The Office of City Planning typically manages multiple planning studies at any given time and is currently managing the *planBTV: New North End* and Comprehensive Planning processes, as well as providing project management for the City's Open Space Historic Preservation plans. This reclassification will increase the Office's capacity to manage these and future plans;
- A reclassification would provide enhanced community engagement leadership and acknowledge the critical role of engagement in advancing government transparency and responsiveness;
- A reclassification would allow OCP to spread responsibilities for Planning Commission administration, specifically by assigning staff liaison responsibilities for the Commission's Long Range Planning Committee;
- A reclassification to Senior Planner acknowledges that an office of just three planners is a demanding work environment that calls for professional accreditation for all staff through the American Institute of Certified Planners certification (AICP); and,
- Finally, a reclassification would provide security to this small but critical Office by encouraging staff retention and commensurate pay.

Overall, a reclassification will improve operations and efficiency within the Office of City Planning and ensure the long-term success within this critical City function.

Financial Impact

Position (current): Planner
Position (proposed): Senior Planner
Current Grade/Step: 18/3
Proposed Grade/Step: 19/2
Current Pay Rate: \$34.89/hour
Proposed Pay Rate: 37.10/hour

The impact on the FY25 budget resulting from this increase in pay is modest and estimated at approximately \$1,840.00 above the amount budgeted for the position. However, any gap is more than compensated for by savings generated by the vacant Principal Planner position, budgeted at over \$90,000.00 in FY25. That position has remained vacant since July 1, 2024, generating over \$56,000.00 in year-to-date savings.

Motions

Board of Finance Motion: To approve and recommend that the City Council approve and authorize the reclassification of the Planner, a regular, exempt Grade 18 position to a regular, exempt Grade 19 position within the Office of City Planning.

City Council Motion: To approve and authorize the reclassification of the Planner, a regular, exempt Grade 18 position to a regular, exempt Grade 19 position within the Office of City Planning.

City of Burlington

Job Description

Position Title: Senior Planner

Department: Office of City Planning

Reports to: Director of Planning

Pay Grade: 1819

Job Code:

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: Under the supervision of the ~~Principal Planner~~ Planning Director, the Senior Planner is responsible for advancing the development and implementation of the City's Municipal Development Plan (planBTV) and other comprehensive/long-range planning studies; conducting research and analysis related to amendments to land use regulations; coordinating and facilitating public outreach and engagement activities necessary for successful planning efforts on behalf of the Planning Department; and assisting the working with the Principal Planner in duties related to the Planning Commission. ~~The Senior Planner is also is position is also a core member of the City's data analytics team,~~ responsible for the management, collection, use, analysis, and sharing of spatial data as it relates to natural resources, land use, development, demographics, economics, and City operations.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The related job requirements and physical, mental and reasoning requirements outlined in the next two sections state the underlying requirements that an employee must meet in order to perform these essential functions. The three sections together describe the essential functions of this position)

Essential Functions:

- Overall responsibility for coordinating the development of citywide comprehensive land use planning and development in collaboration with other City departments included but not limited to: Works with the Planning Director on maintenance and updates to the City's municipal development plan (planBTV); Manages planning studies, including the solicitation and review of consultant proposals; drafts area-specific and resource/issue-specific plans in collaboration with other City departments and in coordination with local and regional constituent groups; supports Principal Planner with amendments to the City's comprehensive development ordinance; and works with Planning Commission, City Attorney, City Council, and others to obtain enactment of plans and policies.
- ~~Collaborates in the development of citywide comprehensive land use planning and development policies including the collection and presentation of data regarding land use and development trends; drafts area-specific and resource/issue-specific plans; and plans and facilitates related public outreach and engagement activities.~~
- Coordinates and facilitate public outreach and engagement activities necessary for successful planning efforts on behalf of the Planning Department, and also serves as a technical resource to a variety of citizen advisory boards and commissions, Neighborhood Planning

DRAFT - ~~2/4/2025~~~~2/4/2025~~~~2/3/2025~~~~1/2/2025~~Assemblies (NPA's), individual citizens, and others regarding land use and development issues.

- Participates in the preparation of land use and development regulations, capital plans, and other implementation measures resulting from comprehensive planning efforts.
- Participates in the review of the plans of other city departments, state and regional agencies, institutions, and adjoining municipalities for coordination with city development policy and assessment of potential impact on city objectives.
- Oversees the preparation of regulations, plans, and implementation measures as assigned by the ~~Principal Planner and~~ Planning Director. Serves as the department liaison on interdepartmental projects as ~~assigned~~needed.
- Regularly uses and maintains Geographic Information Systems (GIS) software to collect, analyze, manage, and visualize spatial data, creating maps and reports to interpret geographic trends and patterns, often supporting decision-making across various industries by presenting complex information in a visually accessible format.
- Regularly uses ~~geographic information systems~~GIS, computer databases, electronic spreadsheets, desktop publishing, word processing, and statistical applications to manipulate, analyze, and effectively communicate complex sets of data.
- Works regularly with the department's multidisciplinary data and policy analysts to analyze data and deploy data tools, methods and effective visualizations of spatial information to develop and communicate department projects as well as other City departments' efforts.
- Supports-Works with the Principal Planner and Planning Director in preparation and posting of Planning Commission agendas, minutes, and public hearing notices in accordance with department procedures and state statute and attends Commission and other public meetings as requested, specifically serving as lead staff to the Long Range Planning Committee.
- Regular attendance at evening, and sometimes weekend, meetings is expected.
- Maintains records and filing systems, including maintenance of applicable resolutions, ordinances, meeting minutes and other related material relevant to projects and policies, in accordance with City retention requirements and storage schedule.
- Maintains positive and collaborative working relationships in routine interactions with other City and non-city department officials, agencies, elected officials, and members of the public involved in the planning process.
- Maintains positive public relations in providing information, soliciting community input, and handling public concerns.
- Applies progressive planning principles; stays up-to-date and ensures compliance with local, state and federal rules and regulations applicable to the creation of plans and land use policies; and demonstrates commitment to continuing education on planning practice.

Non-Essential Job Functions:

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- Performs other duties as required.

Educational/Professional Requirements

- A Bachelor's Degree in Urban Planning, Geography, Engineering, Public Administration, Natural Resources, or closely related field and at least one year of professional planning experience is required; or,

A Master's Degree in Urban Planning, Geography, Engineering, Public Administration, Natural Resources or closely related field is preferred.

- Experience working in municipal setting or in the development of long range plans, policy documents, and regulations as well as performing technical research or data analysis, is strongly preferred.
- American Institute of Certified Planners (AICP) certification is required within one year of hiring date. Failure to achieve certification may result in reclassification of the position and associated salary impacts.

Workplace Skills

- Demonstrated knowledge of wide variety of planning issues, development (zoning and subdivision) regulations, and pertinent state and local regulations, and to read development plans and other technical planning documents is required, as well as demonstrated ability to obtain further working knowledge of applicable fields of practice.
- Demonstrated working knowledge of a variety of software applications applied to planning practice, urban data analysis and research including ESRI GIS products is required. Experience in using Sketch-Up, Adobe Creative Suite, and other similar applications is desirable.
- Ability to quickly interpret data formats, attributes, their properties, and recognize opportunities to apply spatial data in projects.
- Demonstrated ability to communicate effectively in writing, orally, and graphically, and excellent interpersonal skills are required.
- Professionalism, tact, and discretion in addressing controversial and emotionally charged issues, and the ability to establish and maintain positive and effective employee and public relations.
- Ability to work independently, manage, and prioritize multiple initiatives, and to engage in collaborative decision-making.
- Interest in contributing to the City of Burlington, and improving the quality and effectiveness of governmental services.
- Commitment to on-going professional education and training to enhance job-based knowledge and expertise.

DRAFT - ~~2/4/2025~~~~2/4/2025~~~~2/3/2025~~~~1/2/2025~~**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. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation. The position works in a standard office environment; field work and site visits, as well as evening work, are typically required.

<u>-</u>	<u>Task/Skill/ Ability</u>	<u>Frequency</u>	<u>-</u>	<u>-</u>	<u>Task/Skill/ Ability</u>	<u>Frequency</u>
<u>X</u>	<u>Seeing</u>	<u>Constant</u>	<u>-</u>	<u>X</u>	<u>Ability to lift and Carry, push or pull</u>	<u>-</u>
<u>X</u>	<u>Color perception (red, green, amber)</u>	<u>Constant</u>	<u>-</u>	<u>X</u>	<u>10 - 25lbs</u>	<u>Occasional</u>
<u>X</u>	<u>Hearing/listening</u>	<u>Constant</u>	<u>-</u>		<u>25 - 50lbs</u>	<u>-</u>
<u>X</u>	<u>Clear speech</u>	<u>Constant</u>	<u>-</u>		<u>50 - 75lbs</u>	<u>-</u>
<u>X</u>	<u>Touch/ Dexterity -</u>	<u>Constant</u>	<u>-</u>		<u>75+ lbs</u>	<u>-</u>
<u>X</u>	<u>Hand</u>		<u>-</u>	<u>X</u>	<u>Analysis/ Comprehension</u>	<u>Constant</u>
<u>X</u>	<u>Finger</u>		<u>-</u>	<u>X</u>	<u>Judgment/ decision making</u>	<u>Constant</u>
<u>X</u>	<u>Reading -</u>		<u>-</u>		<u>Utilization of pressurized equipment</u>	<u>-</u>
<u>-</u>	<u>Simple</u>		<u>-</u>		<u>Moving objects</u>	<u>-</u>
<u>-</u>	<u>Basic</u>		<u>-</u>		<u>high places</u>	<u>-</u>
<u>X</u>	<u>Complex</u>	<u>Frequent</u>	<u>-</u>		<u>fumes/odors</u>	<u>-</u>
<u>X</u>	<u>Writing -</u>		<u>-</u>		<u>hazardous materials</u>	<u>-</u>
<u>-</u>	<u>Simple</u>		<u>-</u>	<u>X</u>	<u>dirt/dust</u>	<u>Occasional</u>

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-	<u>Basic</u>		-	<u>X</u>	<u>vehicle operation</u>	<u>Occasional</u>
<u>X</u>	<u>Complex</u>	<u>Frequent</u>	-	<u>X</u>	<u>Work indoors</u>	<u>Constant</u>
-	<u>Mathematics</u>		-			-
-	<u>Simple</u>		-			-
-	<u>Basic</u>		-			-
<u>X</u>	<u>Complex</u>	<u>Frequent</u>	-			-
<u>X</u>	<u>Walk or move over distances under own power</u>		-			-
<u>X</u>	<u>within offices/ building or even terrain)</u>	<u>Constant</u>	-			-
<u>X</u>	<u>outdoors or uneven terrain</u>	<u>Occasional</u>	-			-
<u>X</u>	<u>Work alone, under minimal supervision</u>	<u>Frequent</u>	-			-
<u>X</u>	<u>Work directly and indirectly with others</u>	<u>Frequent</u>	-			-
<u>X</u>	<u>Verbal contact with others</u>	<u>Constant</u>	-			-
<u>X</u>	<u>Face-to-face contact</u>	<u>Frequent</u>	-			-
<u>X</u>	<u>Work outdoors in -</u>		-			-
-	<u>extreme heat</u>		-			-
-	<u>extreme cold</u>		-			-
-	<u>other adverse weather conditions</u>		-			-

<u>Never</u>	<u>Occasional</u>	<u>Frequent</u>	<u>Constant</u>
<u>0%</u>	<u>1-33%</u>	<u>34-66%</u>	<u>67-100%</u>
<u>0%</u>	<u>equal or less than 2.6 hours</u>	<u>2.7 -5.2 hours</u>	<u>equal or greater than 5.3 Hours</u>
<u>* all times and %s are based on a the assumption of an 8 hour shift schedule</u>			

x seeing _x_ ability to move distances _x_ lifting (specify)
x color perception _x_ within and between _30_ pounds

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~~___ (red, green, amber) ___~~ ~~warehouses/offices~~ ~~___ x ___ carrying (specify)~~
~~___ x ___ hearing/listening ___~~ ~~climbing~~ ~~___ 30 ___ pounds~~
~~___ x ___ clear speech ___~~ ~~ability to mount and~~ ~~___ x ___ driving (local/over~~
~~___ x ___ touching ___~~ ~~dismount forklift/truck~~ ~~the road)~~
~~___ x ___ dexterity ___~~ ~~pushing/pulling~~
~~___ x ___ hand~~
~~___ x ___ finger~~
~~___ reading ___ basic ___~~ ~~math skills ___ basic~~ ~~___ x ___ analysis/comprehension~~
~~___ x ___ reading ___ complex ___~~ ~~x ___ math skills ___ complex~~ ~~___ x ___ judgment/decision~~
~~___ writing ___ basic ___~~ ~~x ___ clerical~~ ~~making~~
~~___ x ___ writing ___ complex~~
~~___ shift work ___~~ ~~x ___ outside~~ ~~___ pressurized equipment~~
~~___ x ___ works alone ___~~ ~~extreme heat~~ ~~___ moving objects~~
~~___ x ___ works with others ___~~ ~~extreme cold~~ ~~___ high places~~
~~___ x ___ verbal contact w/others ___~~ ~~noise~~ ~~___ fumes/odors~~
~~___ x ___ face to face contact ___~~ ~~mechanical equipment~~ ~~___ hazardous materials~~
~~___ x ___ inside ___~~ ~~electrical equipment~~ ~~___ dirt/dust~~

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.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

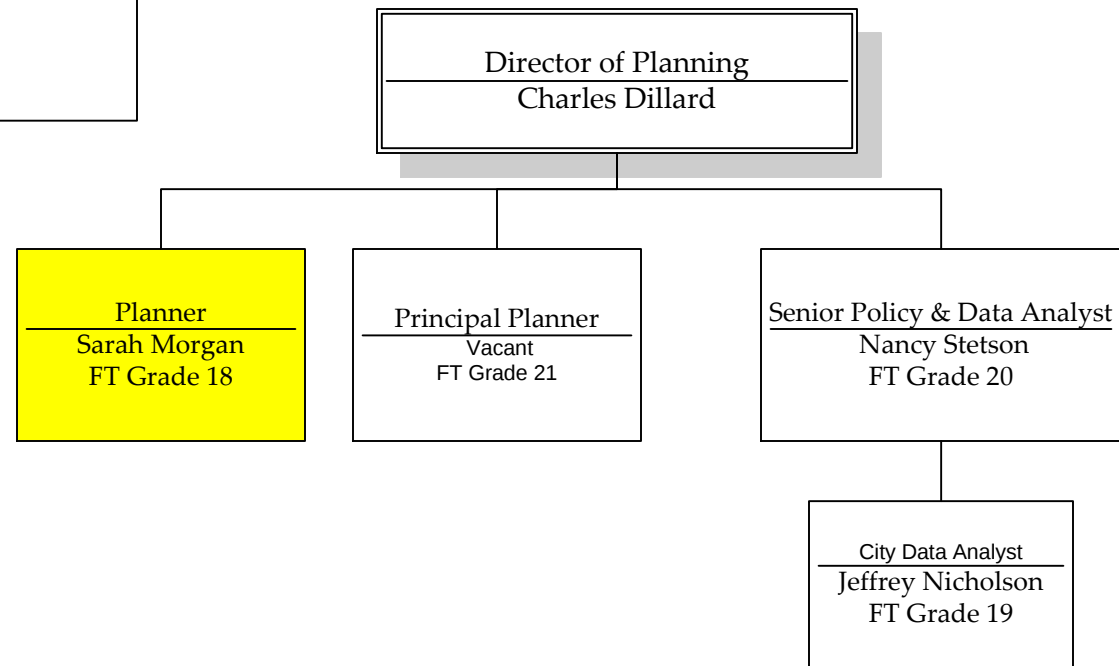
Annual Review:

Employee Signature: _____

Date: _____

Revised:

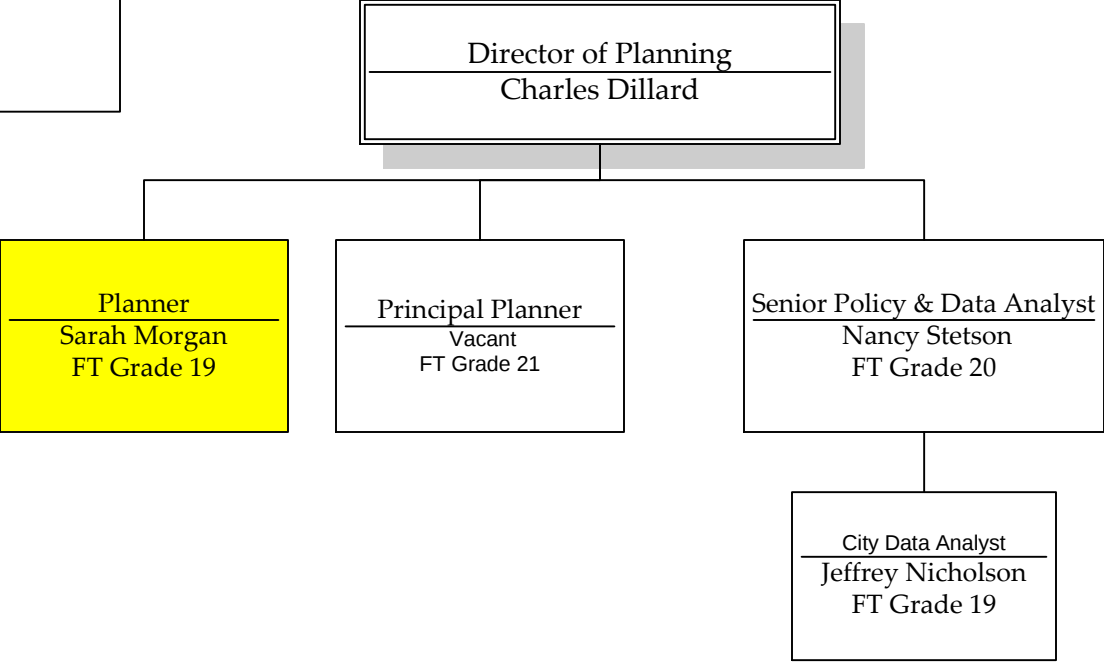
Department of Planning
Feb 2025



Proposed

Department of Planning

Feb 2025



Board of Finance and City Council Submission Checklist

Department: Office of City Planning Submitter: Charles Dillard

Title/Subject: Reclassification of Planner position to Senior Planner

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	2/10/2025

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	2/3/2025	Charles Dillard
Mayor's Office informed and approved memo	Yes	2/4/2025	Joe Magee
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	2/4/2025	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	2/4/2025	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	2/3/2025	Orieta Glozheni
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



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

Deaf/Hard of Hearing 711

To: Board of Finance
City Council

From: Katherine Schad, Chief Administrative Officer
Brad Kukenberger, Director of Finance
Tim Clancy, Human Resources Manager

Date: February 10, 2025

Subject: Reclassification of Operations Director to Financial and Budget Manager and
Elimination of Budget Manager

Executive Summary

We propose the reclassification of one (1) position and the elimination of one (1) position in the Clerk/Treasurer's office as summarized below:

- Elimination of the vacant Budget Manager position, a Regular, Full-Time, Exempt, Non-Union, Grade 22 position in the Clerk/Treasurer's Office.
- Reclassification of the Operations Director, a Regular, Full-time, Exempt, Non-Union, Grade 24 position to Financial and Budget Manager, a regular, Full-time, Exempt, Grade 22 position in the Clerk/Treasurer's Office.

Background for Operations Director and Financial and Budget Manager Roles:

The Operations Director position was created with job responsibilities split between operations of the Clerk's Office and support for the Chief Administrative Officer with the budget. Over time the need for this role has shifted to primarily overseeing the budget as manuals and standard operating procedures have been developed and implemented for the day-to-day operations of the office. With the need for continued improvement of monitoring of revenues and expenditures variances versus the budget combined with the need for a person who is dedicated to budget preparation and financial training for city employees, it is my recommendation to reclassify the Operations Director to the Financial and Budget Manager.

This position will work in coordination with the Director of Finance to oversee preparation of City-wide general fund budgets; develop and update month financial report; provide oversight and tracking of the City's monthly, quarterly, and yearly reconciliations; review and approve requests for budget amendments; develop and execute budget and financial trainings for City staff; and direct and support the development of financial and statistical measures to evaluate the existing and future financial environment of the City.

Background for Budget Manager role:

The Budget Manager role was created in 2023 with a similar job description to what is proposed for the attached Financial and Budget Manager role. Despite repeated efforts we have not been able to fill this role and chose to focus first on filling the Director of Finance role and letting that person decide how to proceed with the role. With the need for more focus on budget related work, having an Operations Manager in place for day-to-day operations, and having an incumbent with the needed skill set already doing a portion of the work, I propose the reclassification of the Director of Operations to the Financial and Budget Manager and eliminate the existing Budget Manager, streamlining the department and improving budget oversight.

Financial Impact

Position	Current Grade/Step	FY25 Current Salary	Proposed Grade/Step	FY25 Proposed Salary	Increase
Budget Manager	22	\$0	N/A	\$0	N/A
Financial and Budget Manager	N/A	\$0	22-13	\$104,532.37	
Operations Director	24-7	\$106,089.15	N/A	\$0	

The Financial and Budget Manager has been graded by HR and in accordance with section 5.1a of the Personnel Policy Manual, as this reclassification causes an employee to move to a classification with lower pay the employee will be paid at their former rate for 90 days from the date of the change of position. At the end of this period the employee will be placed in the new grade at the step level reflecting years of service with the City (reflected in the table above). This change results in a slight savings to the CT budget.

Motions

Board of Finance Motion:

- To approve and recommend that City Council approve the elimination of the vacant Budget Manager position, a Regular, Non-union, Full-Time, Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office.
- To approve and recommend that City Council approve the reclassification of the Operations Director, a Regular, Non-union, Full-time, Exempt, Grade 24 position to Financial and Budget Manager, a Regular, Non-union, Full-time, Exempt, Grade 22 position in the Clerk/Treasurer's Office.

City Council Motion:

- To approve the elimination of the vacant Budget Manager position, a Regular, Non-union, Full-Time, Exempt, Non-Union, Grade 22, role in the Clerk/Treasurer's Office.
- To approve the reclassification of the Operations Director, a Regular, Non-union, Full-time, Exempt, Grade 24 position to Financial and Budget Manager, a Regular, Non-union, Full-time, Exempt Grade 22 position in the Clerk/Treasurer's Office.

City of Burlington Job Description

Position Title: Financial and Budget Manager

Department: Clerk/Treasurer

Reports to: Director of Finance

Pay Grade: 22

Job Code: 110

Exempt/Non-Exempt: Exempt

Union: N/A

Remote Work Rating: Tier 3

General Purpose: The two main components of this position are overseeing the development of the City's annual budget and monitoring revenues and expenditures for variance against the adopted budget.

Specifically, the Financial and Budget Manager will work in conjunction with Department Heads to develop multi-year revenue and expenditure projections, with a focus on the general fund. The Manager will also monitor current revenues and expenditures for variance against the adopted budget on a monthly basis and recommend action items. The position also provides training to city employees on budget preparation and financial reporting.

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.)

- In coordination with Director of Finance, oversee preparation of City-wide operating budgets, including developing and presenting procedures, requirements, instructions, and schedules for budget input, review, and modifications.
- Responsible for developing major facets of the City budget in conjunction with Department Heads.
- Recommend and develop standards and procedures to guide the administration of Citywide organizational budgeting.
- Develop and update monthly financial reports for budgetary control. Make projections concerning revenues and expenditures for the remainder of the fiscal year and make recommendations to adjust budgets and expenditure authorizations to maintain structural balance between revenues and expenditures.
- Provide oversight & tracking of the City's monthly, quarterly, and yearly reconciliations to ensure they are current and complete. Report statuses & outstanding issues to senior management. Follow up with staff assigned to reconciliations & assist with settlement issues as needed.
- Review requests for budget amendments to ensure budget control.
- Develop training for creating budgets and financial management for City staff.

- As directed, conduct budget and financial requirement analyses on major budget planning issues and alternatives.
- Work with the Capital Programs Director to integrate CIP budgets, expenditures, bond authorizations, and multi-year capital planning into the budget. Provide oversight and integration of the capital budget into the City's overall budget planning and preparations.
- Direct and support the development and implementation of financial and statistical measures to evaluate the existing and future financial environment of the City.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- A Bachelor's degree in accounting, business management, finance or a related field. Additional experience may be substituted for degree requirement on a two-for-one year basis.
- At least 5 years experience as a budget analyst, financial analyst, business accountant, or similar.
- Thorough knowledge of legal frameworks and business accounting procedures.
- Comfort navigating & compiling data from multiple software/sources, especially high-level of Excel knowledge (at a minimum, comfort with pivot tables and basic formulas).
- Excellent written communication and interpersonal skills.
- Strong analytical and problem-solving abilities.
- The ability to collaborate with multiple internal and external stakeholders.
- Great organizational skills and attention to detail.
- 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.
- 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.

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.

	Task/Skill/ Ability	Frequency		Task/Skill/ Ability	Frequency
X	Seeing	Constant	X	Ability to lift and Carry, push or pull	
X	Color perception (red, green, amber)	Constant	X	10 - 25lbs	Occasional
X	Hearing/listening	Constant		25 - 50lbs	

X	Clear speech	Constant			50 - 75lbs	
X	Touch/ Dexterity -	Constant			75+ lbs	
X	Hand		X	Analysis/ Comprehension	Constant	
X	Finger		X	Judgment/ decision making	Constant	
X	Reading -			Utilization of pressurized equipment		
	Simple			Moving objects		
	Basic			high places		
X	Complex	Frequent		fumes/odors		
X	Writing -			hazardous materials		
	Simple		X	dirt/dust	Occasional	
	Basic					
X	Complex	Frequent				
	Mathematics					
	Simple					
	Basic					
X	Complex	Frequent				
X	Walk or move over distances under own power					
X	within offices/ building or even terrain)	Constant				
X	outdoors or uneven terrain	Occasional				
X	Work alone, under minimal supervision	Frequent				
X	Work directly and indirectly with others	Frequent				
X	Verbal contact with others	Constant				
X	Face-to-face contact	Frequent				
	Work outdoors in -					
	extreme heat					
	extreme cold					
	other adverse weather conditions					

Never	Occasional	Frequent	Constant
0%	1-33%	34-66%	67-100%
0%	equal or less than 2.6 hours	2.7 -5.2 hours	equal or greater than 5.3 Hours
* all times and %s are based on a the assumption of an 8 hour shift schedule			

Supervision:

Financial and Budget Manager

Page 4

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.

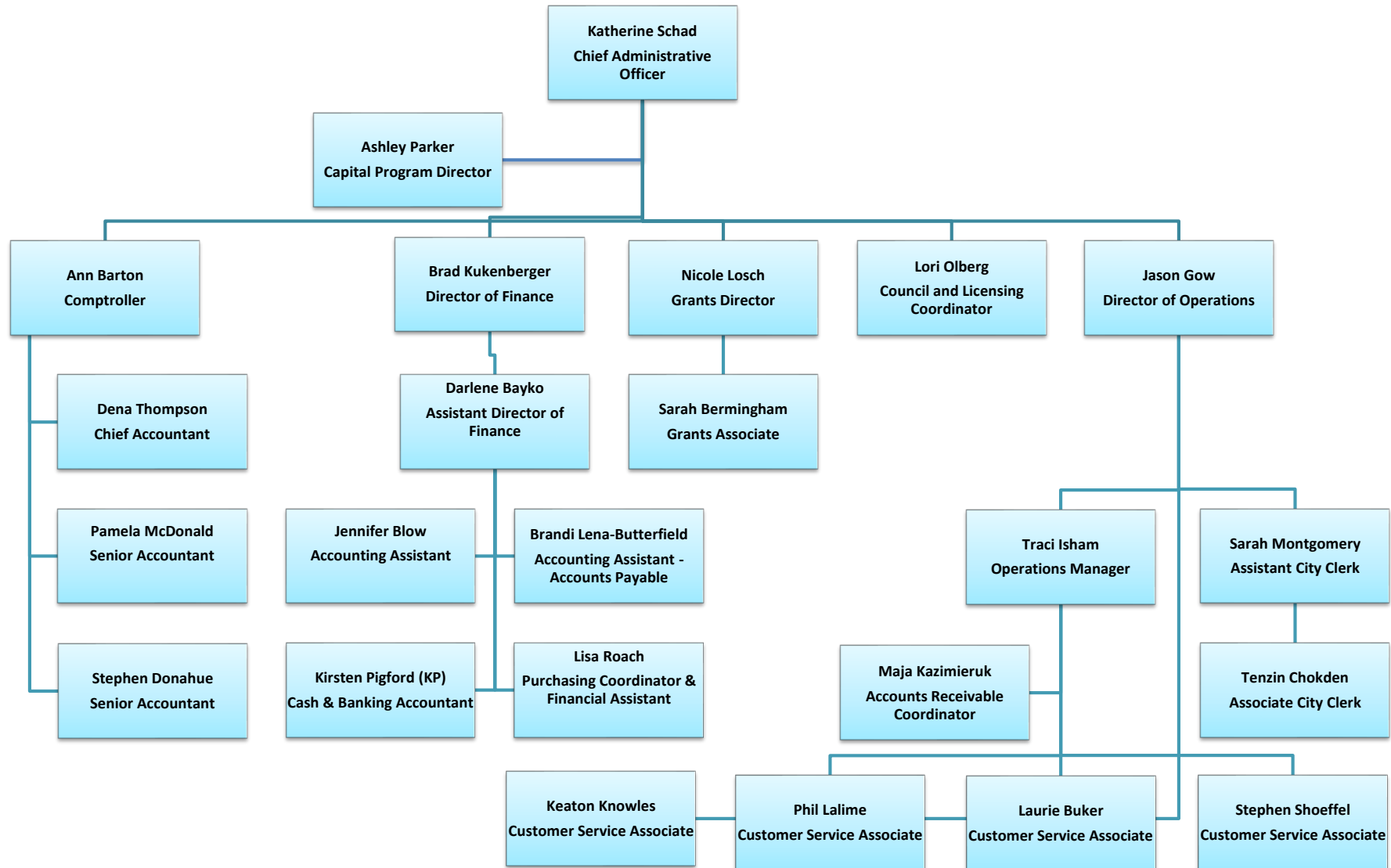
Approvals:

Department Head: _____ Date: _____

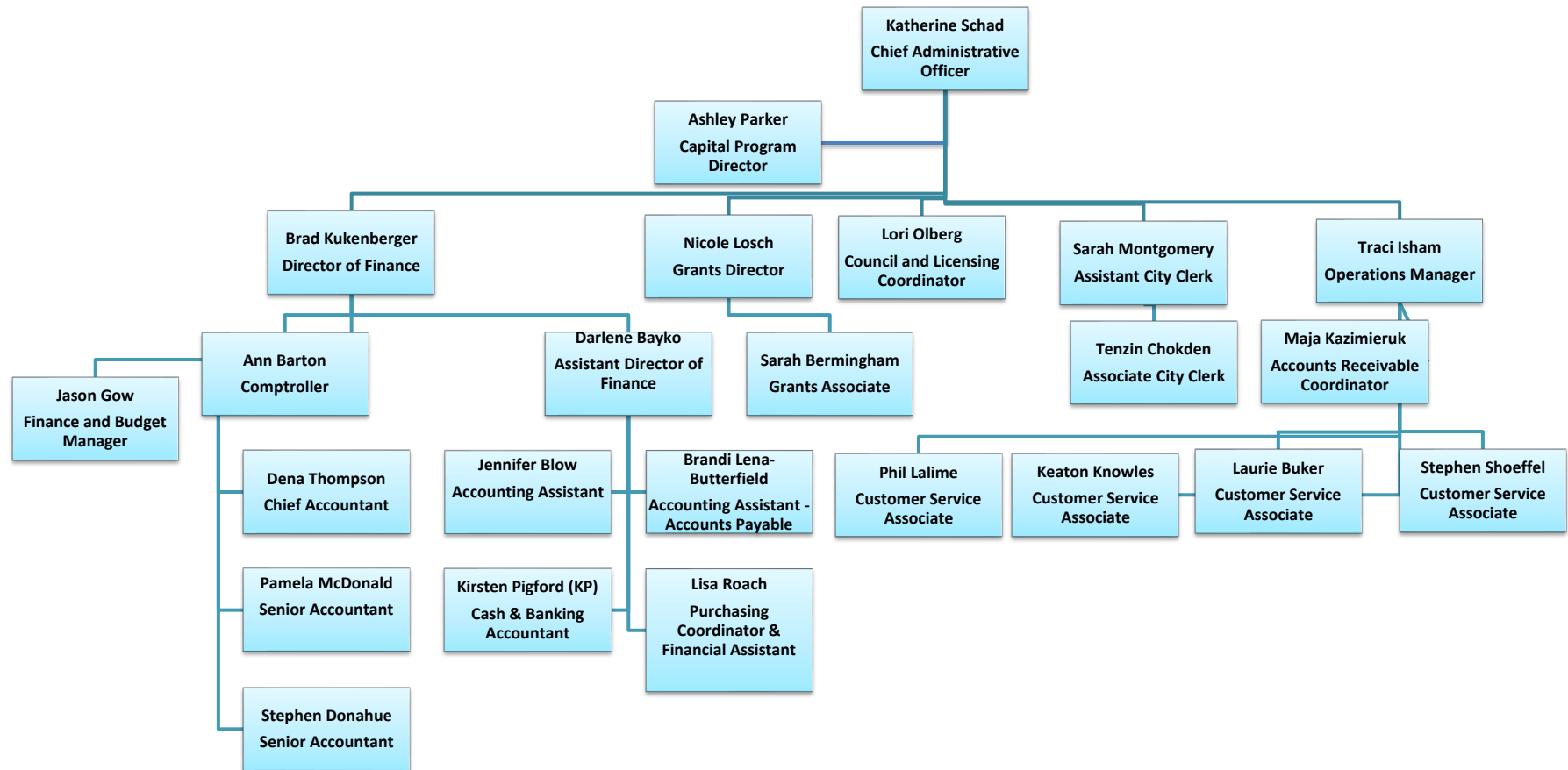
Human Resources: _____ Date: _____

Created January 2025.

CLERK & TREASURER'S OFFICE
January 2025



CLERK & TREASURER'S OFFICE
February 2025 - PROPOSED



TO: Mayor Emma Mulvaney-Stanak and Burlington City Council

FROM: Residents of Ward One / Eastern District

Jeanne Keller – Bilodeau Pkwy	Nancy Kirby – Colchester Ave	Mica DiAngeles – Bilodeau Pkwy
Richard Hillyard – Grove Ct	Vicki Knoepfel – Bilodeau Pkwy	Colleen Montgomery – N Prospect
Richard Single – Case Pkwy	Jack Drake – Bilodeau Pkwy	Jennifer Cassidy – East Village Dr
Peg Single – Case Pkwy	Ruth Drake – Bilodeau Pkwy	Douglas Montgomery – N Prospect
Martha Lang – Colchester Ave	Rhonda Kost – Brookes Ave	
Craig Fuller – Bilodeau Pkwy	Susan Ames – Bilodeau Pkwy	
	Caryn Long – Henry St	

Date: 2/4/2025

RE: UVMMC Proposed MOU

We believe it's very important for the Council to actually be able to visualize the potential outcomes of building height increases in this MOU. Absent 3D models, flying of balloons, or some other demonstration, it's unlikely that the scale of what would be allowed, can be fully understood. If that is not possible, we ask that before voting, you try this:

- Stand in the driveway on the Mansfield side of Mater Christi and look over at the hospital. You are seeing it over the backside of the houses on Colchester. Imagine McClure with four more stories, and Miller with at least two more. The sun will not shine again on the sidewalks, the bike lanes, Colchester Avenue, and the houses across the street. The buildings will fill the southern sky, not only on Colchester Avenue, but also when viewed from Mansfield Avenue.
- Then, drive south and turn left at the intersection of Mansfield and Colchester. You are driving straight at the McClure Garage, the top of which is now 450 ft above sea level. The current zoning, unchanged unless this MOU is amended to change it, would allow, straight in front of you, a 8-10 story building, 110 feet higher than what is there now. (Follow a line from the top of McClure Building north to Colchester to visualize this). It will be a massive block of hardscape shadowing any driver, pedestrian, biker, and residents and occupants of any of the buildings on the north side of Colchester. There will be nothing but a 12-foot setback from the sidewalk. No buffer, no landscaped berm.

You will plainly see that the outcome of this proposed MOU is to **irreversibly alter the nature of our neighborhood.** We request amendments to the MOU prior to its adoption as follows. (References are to "Version Redline Draft 12.24.24")

I. Amend the MOU to Establish Lower Allowed Building Heights Along Colchester Avenue.

At the January 20 meeting, Charles Dillard from the city's planning office noted that the establishment of building heights in this specific part of the City tied to "sea level" elevations is unique. It is, he said, unique to any zoning ordinances he has ever seen. And he agreed with neighbors that this complicates any understanding of what, actually, current building height allowances are, along Colchester Avenue in the area north of Mary Fletcher Drive

(that is, outside of the Overlay area), and what the proposed MOU will allow. He said that unchanged by this proposed MOU, the building heights for any new construction in the McClure Garage space currently would allow building 110 feet above the McClure Garage elevation, resulting in a building 8-10 stories high (depending on use – hospitals required higher floors than offices).

While McClure Garage is there, we are not in danger of an 8-10 story high building along Colchester. (There is an Act 250 permit governing this.) And the UVMMC representatives stated they have no plans at this time for a building once the garage is demolished.¹ However, this MOU will govern for the next 20 years. Now is the time to protect the viewshed along Colchester, and to prevent the shadows that such a tall building will cast on the sidewalks, bike lanes, streets, and residences and offices on the north side of the street.

Please amend the MOU to add the following to the anticipated changes to the CDO (beginning in Section 1 of the redline version):

- Height limits will no longer be stated in term relative to sea level, but using the same terminology used through the rest of the city
- Height limits for the campus area north of Mary Fletcher Drive will be reduced to allow buildings of no more than four stories.
- Protection of the existing Transitional Berm along Colchester Avenue to preclude buildings from encroaching on that area, despite current zoning and setback requirements

II. Protect the Transitional Buffer Along Colchester Avenue from Any Future Encroachment

The draft MOU reads:

¹ UVMHN has an active CON application before the Green Mountain Care Board to plan demolishing the McClure Garage and building a replacement over the surface parking lot next to East Avenue, near the Watertower.

12. ~~Fletcher-Allen~~UVM Medical Center shall maintain ~~a transitional buffer as contemplated by the proposed zoning ordinance amendment~~Transitional Buffer associated with the ICC UVMMC Overlay District from the centerline of Colchester and East ~~Avenues~~Avenue respectively and extending 150 feet ~~on to~~onto the property of ~~Fletcher-Allen~~. The ~~maximum lot~~UVM Medical Center, as depicted on Exhibit E hereto. Lot coverage within the Transitional Buffer shall not exceed 40% for the ~~entire Fletcher-Allen main campus may be increased above 60% by one percent for each one percent that the transitional buffer coverage is less than 40%, to an absolute maximum aggregate of 65% lot coverage.~~all land owned by UVM Medical Center and located within the Transitional Buffer.

13. ~~Fletcher-Allen~~UVM Medical Center shall not, in exercising its rights under this Agreement, cause the net loss of existing green space within its ~~main~~MCHV campus solely for the purpose of accommodating additional surface parking. Provided, however, ~~Fletcher Allen~~UVM Medical Center may construct a parking garage to meet its parking needs even if existing green space is lost in the process. There is attached hereto, and incorporated herein as Exhibit ~~A~~E, a map depicting existing green space on the MCHV Campus.

As a meeting with UVMMC on January 30, Charles Dillard from the Burlington Planning Office confirmed that because this language establishes a 40% lot coverage limit on the entire transitional buffer, any removal of a current encroaching building would allow new encroachment somewhere else in the Buffer. We presented him with this hypothetical: if the old State Health Lab building, in the Buffer, were demolished and green space restored there, would that allow encroachment of the same amount of lot coverage somewhere else in the Buffer? For example, along Colchester Avenue where the berm is now located between McClure Garage and the sidewalk? Mr. Dillard confirmed that as long as the net change to lot coverage was zero, that would be allowed.

In other words, by demolishing any building, such as the State Lab building, currently in the Buffer, the berm along Colchester could be removed and replaced by a building; current green space could turn into hardscape, under the MOU's proposed language. The existing berm with its many mature trees and other landscaping, is a critical piece in protecting the residential character along Colchester Avenue. Neighbors fought for this at the time the garage was built, and have continued to defend this space ever since.

UVMMC has already filed a CON application with the Green Mountain Care Board to demolish the McClure Garage, so it is not speculative to consider that the berm will be removed for a future reuse of that land. UVMMC insisted they have no plans underway for a building on that land, but this MOU must protect the Buffer and that berm for the next 20 years.

Please amend the MOU to add language that protects the entire Transitional Buffer land on Colchester Avenue as it is currently configured. No reduction of lot coverage elsewhere in the Buffer can be used to increase lot coverage along Colchester Avenue. The berm must be maintained as it is.

This may be accomplished by adding the Colchester Avenue Transitional Buffer area to the areas listed in Section 11 of the redline version, as areas where no further development will be carried out.

III. Specify That Any Parking Garages Build on the Surface Parking Lots Along East Avenue Be No Taller than ½ the Height of the Water Tower

It's not clear (because of the sea level metric and other factors) what this MOU would allow for height of the McClure replacement garage and anticipated nearly 900 space garage to be build along side it, along East Avenue. The residents of East Avenue, CoHousing, and Bilodeau Court and Parkway face the same sun-shielding threat described for Colchester Avenue. Unless the height of the parking garages is capped in this MOU, further erosion of sunlight, and imposition of looming hardscape over a residential area, will ensue. The proposed MOU makes clear that green space should not be threatened by these garages. Air space and sunshine should also not be threatened.

Include in the MOU language making clear that height of parking garages placed on land adjacent to East Avenue cannot exceed 1/2 the height of the Water Tower.

IV. Remove the language binding the current and future Mayors and City Administrations to supporting (and therefore not opposing) expanding parking up to 2,950 parking spaces

The MOU in Section 14 contains the following language:

The City Administration will support expansion of ... up to 2,950 parking spaces to meet UVM Medical Center's long-range needs so long as the increase in spaces is in structured parking facilities and there is no net increase in surface parking.

At the January 30 meeting, a series of questions to ACA Kim Sturtevant and Charles Dillard confirmed the following:

- The MOU is as binding on the City as a contract. It is, essentially a contract.
- The "City Administration" is the Mayor, the Mayor's appointees, and the Departments they oversee and manage, such as Public Works, Planning, and City Attorney.
- This proposed language committing the City Administration to supporting parking expansion will prevent any future Mayor and City Administration from opposing or challenging a parking expansion of up to 2,094 spaces. (***This was confirmed by the City Attorney.***)
- If UVMMC includes this planned parking expansion in their next update to the CATMA JIPMP, would this MOU preclude the City Administration from challenging or questioning this? This question was raised by Mr. Dillard in a conversation with me after the meeting.

While the MOU language states this language does not override independent reviews by the Planning Commission and DRB, it does tie the hands of the City Administration in representing anything but a supportive viewpoint leading up to, or before those bodies. **There**

is no other reason for this language to be present in this document other than for UVMMC to ensure that the City Administration will not oppose them when they bring forward their permitting requests.

There is no evidence in the record, no studies, no basis for such a sweeping and blanket policy decision as this to be made at this time. This effectively gags the current and Mayors and City Administrations for the next 20 years from taking an active role in checking parking expansion at UVMMC.

Please remove the language committing current and future City Administrations to supporting all parking expansions.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
December 9, 2024
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Stanak (at 6:26 PM)

Emma Mulvaney-
Erin Jacobsen
Katherine Schad
Kim Sturtevant
(via Zoom)
Erik
Ramakrishnan (via Zoom)
Lori Olberg
Keaton Knowles
Chapin Spencer
Ashley Parker
Cindi Wight
Megan Moir
Martin Lee
Darren Springer
Emily Stebbins-
Wheelock
Michael LaChance

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:15 PM.

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

VOTING: unanimous; motion carries.

2. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

2.1. Verbal Comments

Forum opened at 6:16 PM.

COMMENTS:

Burlington residents (in person):

- Gail Anderson expressed concern about the lack of public safety, open drug use, and lack of enforcement in the downtown area. She said that the City Council has spent too much time focusing on oversight of the Police Department and spoke about the conditions that discourage recruitment.
- Joseph Rowell spoke about item 6.9 (purchase of the property at 0 North Avenue). He noted that he owns an adjacent property and has an easement that allows them to use the parcel to access their home. He said he wants to make sure the easement remains in place as the property transfers ownership to the City, as well as have input in the park planning process to maintain a buffer for privacy and continued use of their driveway.
- William Oetjen spoke about the graffiti ordinance, saying that his posting a flyer of his missing dog could potentially make him in violation of the ordinance as it is written. He said that the City cannot enforce the ordinance for some types of speech but not for others, and said that restricting speech is prohibited under the First Amendment. He expressed concern that the City would use the state apparatus to restrict speech.
- Christopher Aaron Felker spoke about the proposed updates to the graffiti ordinance, saying he hopes the right of private action language to be removed. He noted that the 14th Amendment requires that municipalities are content-neutral in their regulation of speech. He said that if the City wants to enforce its graffiti ordinance, it needs to do so for everyone.
- Todd Deluca spoke about the public nuisance ordinance, saying that it is a censorship ordinance that was created in response to a March 2023 City Council resolution to silence disfavored words about women's bodies, their health, and their rights.
- Ellen Hacker spoke about item 6.9 on the agenda, saying that she lives just north of this property. She asked that the fence that was erected to dissuade unfavorable beach activity be kept in place until the three-year survey is complete. She also asked for a contact person to talk to regarding issues with the woods, such as the significant amount of invasive species in it.
- Liz Clements expressed support for Tyeastia Green, and expressed worry that there won't be a fair solution. She asked that the City work to come up with a solution.

Burlington residents (via Zoom):

- Sharon Bushor spoke about Barbara Nolfi, noting that they both served on City Council at the same time. She spoke about several things that aren't included in the resolution, which include information-gathering to inform decisions about whether to contract with Hydro Quebec, and her work (along with Ms. Bushor) to change the body's name from Board of Aldermen to the City Council, to make it more gender-neutral.
- Lee Morrigan spoke as a trans man with concern regarding the Democratic caucus's proposed amendment to remove the private right of action language from the graffiti ordinance amendments. They said that it seems that this shields those who are perpetuating harm against vulnerable populations. They said that the sticker campaign has been a targeted harassment of the trans community. They said that removing this protection from the amendments does not safeguard the trans community.
- Mark Leopold spoke about affordability in Vermont on a fixed income, and expressed concern about the potential cutting of entitlement benefits at a federal level, coupled with the deferred maintenance in the City that will likely cause an increase in utility rates. He asked that these increases be spread out over a longer timeframe.
- Pike Porter asked the Council to keep the private right of action language in the proposed graffiti ordinance amendments. He said private right of action is a tool that individuals can use when enforcement at the police level isn't occurring. He spoke about how this would be useful in other ordinances, such as the leaf blower ordinance. He asked that if the private right of action does not move forward, the City Council should consider banning gas leaf blowers altogether.

Non-Burlington residents (in person):

- Thomas Furland spoke about agenda item 6.9, regarding the 0 North Avenue property. He said that he is a neighbor and has been helping dealing with trespassers and vandalism, as well as maintaining the driveway. He expressed concern with people beginning to use that driveway, citing liability and privacy concerns.

- Luce Hillman spoke about item 7.4, related to District Energy Benchmarking and how it relates to the University of Vermont in particular. She expressed concern that it is challenging to meter steam and that the campus's meters frequently fail. She noted that the University has spent over \$1 million in the last ten years to improve metering, with limited success. She spoke about improvements being made.

Non-Burlington residents (via Zoom):

- Keren Sita spoke about recent allegations around Jay-Z, and said that women shouldn't have to go through life feeling afraid for their bodily autonomy.

Forum closed at 6:44 PM.

3. WORK SESSION: 2025 TMD GENERAL OBLIGATION BOND – C/T

3.1 Work Session: 2025 TMD General Obligation Bond – C/T

Capital Program Director Parker said this relates to the City's request for a \$20 million general obligation bond for Town Meeting Day 2025 to support General Fund capital projects. She provided a broad overview of the General Fund's capital budget, and spoke about the history of the City's general obligation bonds since 2016. She spoke about the latest general obligation bond of \$23.8 million, and described what the bond went to support. This included upgraded public safety communication infrastructure, 3 new fire trucks, street and sidewalk improvements, deferred maintenance for City facilities, investment in park facilities, the Champlain Parkway project, and library renovations. She noted that the \$5.2 million put toward the last two projects was able to provide local match for \$74.5 million in grant funding. She then spoke about the next phase of general obligation bonding, saying that the \$20 million ask would cover the FY26 through FY28 timeframe, to continue much-needed capital improvements and investments in multiple critical City assets. She spoke about the City's debt capacity, which has increased due to growth of the grand list and the City's ability to pay down some of its existing debt more quickly. She spoke about what the bond would fund, which would include replacing 74 vehicles in the City's fleet, improvements to the City's existing sidewalks and streets, investment in bridge infrastructure, transportation safety initiatives, catching up on deferred maintenance for the City's central facilities, addressing deferred needs for the City's parks and waterfront, and meeting local match obligations for major projects. She spoke about potential concerns related to affordability, noting that waiting will not help and that prices will continue to increase and deferred maintenance will only be more costly in the future. She spoke about the impact of the bond on tax rates, saying that it would be repaid through a small increase in municipal property taxes starting in FY26. She spoke about next steps, which include public outreach through a Town Hall on January 6, visiting the City's NPAs, and votes by the Board of Finance and City Council in January and a vote on Town Meeting Day by residents.

Mayor Mulvaney-Stanak spoke about another component related to affordability and transparency, which includes beginning to put together a matrix of which capital projects are chosen to pursue with whatever available funding there is, and to also apply an equity lens to this decision-making. Capital Program Director Parker added that staff are working on publishing a GIS map that will show the next five years of the capital plan, to give the public an opportunity to weigh in.

Councilor Bergman asked whether the Winooski River Bike Bridge is included in the projects related to this bond, given serious constituent concerns being raised over its condition. He also asked clarifying questions about the repayment of the bond and its effects on property taxes. He further asked how the City's new capital management software will help ensure that capital assets are tracked and maintained more effectively and efficiently. Director Spencer said the City is monitoring the Winooski Bike Bridge and is in communication with the Winooski Valley Park District about reinforcing the banks upstream. Chief Administrative Officer Schad noted that the slide showing the monthly expected tax increase is showing the maximum the tax bill would increase by, but that it could be less than that. Capital Program Director Parker then spoke about the new capital maintenance software.

Councilor Litwin asked that the City include the Accessibility Committee in its outreach campaign, especially around the schedule of sidewalks being fixed. Chief Administrative Officer Schad agreed, and noted that Capital Program Director Parker now also sits on that committee.

Councilor Neubieser expressed support for transparency and granularity around the spending of taxpayer funds. He said he would like to better understand what is not being prioritized, given that the list of all items is long. He asked what it would get the City if it chose to pursue an \$8-\$10 million bond instead of a \$20 million bond. Chief Administrative Officer Schad clarified that the \$8-\$10 million per year mentioned in the presentation is what the City needs every year, and the \$20 million is the bridge and interim plan before the City seeks a charter change to allow it to obtain a \$10 million per year bond without voter approval.

Councilor Barlow asked if this bond would get the City caught back up with its fleet maintenance. Capital Program Director Parker replied that it would get the City back on its regular replacement schedule. Councilor Barlow said that the City in general should consider putting together a matrix of the large number of significant request for borrowing and funding, so that taxpayers and ratepayers can comprehensively begin to see how that will affect them in total.

Councilor Kane asked about the methodology used to track the buildings that are within three years of the end of their useful lives. He expressed support for the traffic calming projects in the queue. He asked if the City is budgeting adequately to meet its goal of replacing three miles of sidewalk per year. Chief Administrative Officer Schad spoke about the work staff does to catalogue the state of the City's buildings within its asset management software, which is used to drive decisions around which buildings need to be invested in. Director Spencer discussed more details around traffic calming, saying that most of the traffic calming measures would be seasonal in nature, given the lack of funds for more than one or two more durable construction projects per year. He added that the \$20 million bond will need to be split among all asset classes and acknowledged that with increased construction costs, certain assets will need to be prioritized over others. Capital Program Director Parker added that with the impact fee study recommendations that will be brought to the Council in January, there may be an opportunity to have some funds for transportation projects from that that could ease the burden on General Fund bond money.

Councilor Grant expressed support for the traffic calming measures, which is a big issue for the City. She spoke about the apparatus floor of the Fire Station, noting that there was a temporary repair conducted, and asked if the City is monitoring it. Capital Program Director Parker replied that this is on the list of projects that would be conducted with this bond funding. Councilor Grant said that the Council needs to focus on more progressive property tax structures, given these large items that need funding and will impact residents.

City Council President Traverse said that as the City moves toward Town Meeting Day, there are four items in his mind that have significant costs associated with them for voters to think about. These include this \$20 million general obligation bond, the water revenue bond, any education tax increases that will affect Burlington taxpayers, and a potential \$8-\$12 million budget gap in the City's General Fund. He noted that there will need to be some form of revenue increase to meet that gap, or there will need to be very significant savings realized somewhere.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak began by speaking about a trip to Boston she took to meet with Mayor Wu and her chief of staff to discuss community safety and how they have been approaching that issue. She also spoke about a leadership initiative she is participating in with other mayors across the country, one topic of which is public safety. She said that the session was helpful in terms of insight on recruiting for chief of police positions and resolving issues related to police recruitment in general. She then spoke about regional efforts around retail theft, including engaging the county sheriff's department and the State's Attorney's Office. She noted that January 9th, 2025 is the next community safety meeting. She spoke about how the investment in downtown safety resources for the holiday season has been successful, and that the City was able to secure \$30,000 in private donations to help with this effort. She then spoke about a work session the Council will be having in January on the topic of a new public safety building. She then spoke about the appointment of Christian Barry as the new interim director of the Racial Equity, Inclusion, and Belonging Office. She spoke about Ms. Barry's prior work at the Health Department related to health equity. She also spoke about hiring of an

Overdose Prevention Center implementation specialist, Theresa Vazina, who has deep expertise in harm reduction. She further noted that the City will be holding a January 6th Town Hall related to the finance items anticipated to be placed on the ballot for Town Meeting Day in March. She then spoke about work staff will be commencing with the City Assessor's Office to look at the municipal side of the tax structure for ways to achieve increased affordability and income sensitivity.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

City Council President Traverse began by noting that the Governor has appointed City Councilor Tim Doherty to serve on the Superior Court bench, and he congratulated former Councilor Doherty for this achievement and thanked him for his service.

Councilor Neubieser spoke about the formation of the tax fairness working group that the Mayor referenced, saying that this work is tantamount to ensuring that Burlington can be affordable to live in.

Councilor Grant began by thanking the Mayor for her creative thinking on a retail task force to tackle retail theft in Burlington and other regional municipalities. She said that coordinating efforts and bundling cases can potentially make a real difference in taking some of these individuals off the street. She spoke about her deep dive into the BPOA internal survey and encouraged others to review it as well, adding that she plans to bring this as a topic to the next Public Safety Committee meeting.

Councilor Shannon spoke about the loss of Lieutenant Nguyen last week, and asked what the City could do to retain officers like this. She shared a letter Lt. Nguyen wrote reflecting on his experience working at the Burlington Police Department for the last two decades, saying that the department is much farther ahead than others in the country for its community policing initiatives but that there are so few officers now that they cannot perform community policing when they are busy taking emergency calls.

Councilor Litwin congratulated the Burlington Fire Department for being highlighted by a national organization for its innovative prevention initiative.

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 Communication: Erhard Mahnke, re: Recommended addition to City Legislative Priorities – waive the reading and place the communication on file.

6.4 Communication: Dr. Emma Wall Kouri, PhD, re: A plea for healing: an open letter to Burlington City Council – waive the reading and place the communication on file.

6.5 Communication: County Assistant Judges, re: Pre-Budget Meeting – waive the reading and place the communication on file.

6.6 Communication: Timothy C. Doherty, Jr., re: Resignation from the Burlington City Council – waive the reading, accept the communication, and place it on file.

6.7 Shelburne Street and Home Ave Preferred Alternative Approval – DPW – approve the Shelburne Street and Home Avenue Intersection Scoping Study Project Advisory Committee's selection of Alternative 2A to implement an exclusive pedestrian phase at this intersection and to make the additional short-and medium-term improvements described in the report.

6.8 Wastewater Plant Operator Reclassification Grievance Agreement – DPW - approve the attached "Memorandum of Agreement Between AFCSME Local #1343 and the City of Burlington Re: Grievance Regarding Main Plant Wastewater Operators and Retroactive Pay" authoring the pay of \$17,750 in total wages to identified, eligible employees presently holding the positions of Wastewater Operator II and Senior Wastewater Operator and employed with the City as of May 5, 2023, and further authorize the Director of Public Works to execute said agreement on behalf of the City.

6.9 Authorization to Accept Grant Funds from the Patrick Leahy Lake Champlain Basin program and acquire the 0 North Avenue property – BPRW - **now agenda item 7.15**

- 6.10 Proceeding with \$20M Capital Bond Request for TMD 2025 and Delaying Capital-Related Charter Change until TMD 2026 – CAO – waive the reading, accept the communication and place it on file.
- 6.11 Reassignment of lease for kiosk at the corner of Church St. & College St. – BWD - authorize the Mayor to execute a lease agreement with a term concluding on July 31, 2026 with Taste of France, LLC, for food and beverage operations in the College Street Kiosk, subject to final review and approval by the City Attorney’s Office.
- 6.12 Local Health Office Annual Report: 2024 - waive the reading and place the communication on file.
- 6.13 Communication: JJ Redington, re: Tony Redington Roundabout Dedication – waive the reading and place the communication on file.
- 6.14 March 4, 2025 Annual City Election Calendar – C/T – waive the reading, accept the communication and place it on file.
- 6.15 Revised: Regular Schedule of Meetings of the Board of Finance and City Council through April 2025 – C/T and CC President - waive the reading, accept the communication, place it on file, and approve the dates as listed.
- 6.16 October 7, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.17 October 7, 2024 Board of Civil Authority Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.18 October 28, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.19 October 28, 2024 Local Control Commission meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.20 November 12, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.21 November 12, 2024 Local Control Commission Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.22 November 18, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.23 November 18, 2024 Board of Civil Authority Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.24 November 18, 2024 Local Control Commission Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.25 November 18, 2024 Local Cannabis Control Commission Meeting Minutes, Draft – C/T – waive the reading, accept the communication, place it on file, and adopt the minutes at the December 16, 2024 Regular City Council Meeting.
- 6.26 FIO Documents – for information only.

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to approve the consent agenda as amended (removing item 6.9 and placing it on the deliberative agenda as item 7.15) and take the actions indicated for items 6.1-6.26.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Resolution: Honoring Barbara Nolfi

MOTION by Councilor Bergman, SECOND by Councilor Grant, to adopt the resolution, which he read into the record:

"That WHEREAS, Barbara Nolfi, who served our city as a Progressive Ward 3 city councilor for eight years and a Parks and Recreation commissioner for 12 years, died this past fall at the age of 82 after living a full and meaningful life of love and service; and WHEREAS, for all of her adult life Barbara was a dedicated advocate for women's rights, healthcare and community well-being for all, with a focus on the value of collective living—even in the face of all of the challenges that entails; and WHEREAS, Barbara was a builder of community, especially as a founder of and active participant in many organizations that have helped thousands of people in northwestern Vermont: City Market/Onion River Food Co-op, the Community Health Centers of Burlington, the Burlington Women's Health Center, the Burlington Cohousing East Village, and the Charlotte Family Health Center; and WHEREAS, Barbara's commitment to women's health was reflected in her being a trained home birth midwife and a physician's assistant, assisting with the birth of over 100 children over a seven year period, and also serving as a nurse on the pediatrics ward of the Mary Fletcher Hospital (now part of UVMHC) and a traveling physician's assistant for Planned Parenthood of Vermont in addition to her work at the Charlotte Family Health Center and the People's Free Clinic (Burlington), the precursor to the Community Health Centers of Burlington; and WHEREAS, Barbara's lifelong commitment to collective living and community building was embodied and bookended by two acts of creation: 1. Her participation in the 1970 formation of a commune in Franklin, VT, part of the Free Vermont collective of communes in 1970s that helped create the Vermont we know today; and 2. Her participation 20 years later in 1990 in the Cohousing movement when she and others began the work to create the Burlington Cohousing East Village, which opened in 2007 and where she lived until the end of her life; and WHEREAS, Barbara's life also reflected a deep connection to nature as she swam, camped, and hiked, appreciating the birds and fish of Vermont's forests and lakes and always looking toward the moon; NOW, THEREFORE, BE IT RESOLVED that the City of Burlington recognizes and celebrates Barbara Nolfi's lifelong contributions and her dedication to this city and in improving the lives of countless residents, leaving a profound legacy that will live on for her family, our community, and beyond for years to come."

DISCUSSION:

- **Councilor Bergman, Mayor Mulvaney-Stanak, Councilor Neubieser, and Councilor Litwin spoke about the breadth of contributions that Ms. Nolfi made to the City.**

VOTING: unanimous; motion carries.

7.15 Authorization to Accept Grant Funds from the Patrick Leahy Lake Champlain Basin program and acquire the 0 North Avenue property – BPRW

Councilor Barlow said he is supportive of this resolution and acquisition but said that given some of the public comment heard tonight during public forum, he asked for more information about plans for the property and if staff could address some of the concerns raised by neighbors.

Director Wight said this is land the City has been looking to acquire for a number of years. She noted that the grant that would go along with this acquisition needs to be spent within 3.5 years, and that the City would like to spend the first several years getting to know the land to properly conduct the stewardship it needs. This includes an ecological survey and feasibility survey. She noted that the parcel holds one of Vermont's first Class I wetlands, which is also unique to have in a City. She said that if the space allows for it (given the required wetland buffer zone), one idea for the parcel is an accessible boardwalk to allow people to see the wetland through very controlled access. She reiterated that the City wouldn't be rushing into doing anything, and would like to solicit community input.

Councilor Litwin said that part of the ongoing conversation around this parcel needs to also be to ensure that park rangers are able to devote time to patrolling that park, though he acknowledged that some of the unsavory activity such as parties and beach fires has decreased since the installation of the fence.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to approve and authorize:

1. Acceptance of \$1,228,592 in grant funds from Patrick Leahy Lake Champlain Basin Program in furtherance of acquisition, improvement, and maintenance of certain property located at 0 North Avenue; and 2. Execution of a grant agreement and all documents necessary to accept the funding by the Director of Parks, Recreation, and Waterfront,

subject to the final review and approval of the City Attorney's Office and Chief Administrative Officer; and 3. Acquisition of the 0 North Ave property for a cost not to exceed \$80,000, with the understanding that the land will be conserved in perpetuity, including mayoral execution of a purchase and sale agreement and any other documents necessary to affect the transaction, subject to final review and approval of the City Attorney's Office.

VOTING: unanimous; motion carries.

7.2 Resolution: Authorization For \$18,330,720 Amended Step III Loan From Vermont Clean Water State Revolving Loan Fund And For Construction Contract With PC Construction For Up To \$15,540,800 For Headworks Improvements (Stage 0) At The City's Three Wastewater Plants – DPW/Water Resources

Director Spencer began by noting that this item seeks an amendment to a previously-approved State Revolving Fund loan and authorization to execute a construction contract for a project to complete headwork improvements at the City's wastewater plants.

Engineering Manager Lee began by noting that Public Works initially received approval for this loan in June 2024 at a total of approximately \$12.8 million, given that the original construction cost estimate was \$10.3 million. He said that the only bid that came in for this work had a total construction cost estimate of \$15.7 million, which is \$5.4 million higher than what was originally estimated. He said that due to this, they are seeking to increase the authorized loan amount to \$18.3 million. He said that they are additionally seeking authorization to execute a contract with PC Construction, the sole bidder, and a local and qualified company.

He then spoke about how this project would fit into other larger projects that are associated with the potential water bond, noting that this is a Phase 0 for that work. He said that the headworks conducts screening and grit removal at the wastewater treatment plants and is the first layer of wastewater treatment in the process. He noted that the current system is past the end of its useful life at all 3 plants, and requires frequent repairs. He noted that the City currently still has 2018 water resiliency plan bond funding to complete this work. Director Spencer added that the City attempted to solicit additional bids for this project by extending the deadline and removing the requirement for a mandatory site visit, but that no additional bids were received.

MOTION by Councilor Barlow, SECOND by Councilor Litwin, to waive the reading and adopt the attached resolution authorizing a Step III \$18,330,720.00 amended loan from the Vermont Clean Water State Revolving Fund and a \$14,128,000.00 contract with PC Construction with authorization for contingency funding of an additional \$1,412,800.00 for the construction of these improvements for the Stage 0 upgrade of the City's three wastewater treatment plants as more specifically set forth in the attached resolution.

VOTING: unanimous; motion carries.

7.3 BED U.S. Department of Transportation Charging & Fueling Infrastructure Grant – BED
General Manager Springer began by noting that this is for a federal grant of \$4.89 million with a 20% net match from Burlington Electric Department, which will be funded through BED's revenue bonds. He said that this grant will allow the City to increase its Level 2 electric vehicle chargers by 153 units and would also add 47 more fast chargers to the City. He said that BED is working to execute an agreement and obligate funds before the Administration transition at the federal level, and that they are targeting doing so in late December or early January.

BED Chief Financial Officer Stebbins-Wheelock provided an overview of the City current public EV charging infrastructure and charger locations. She noted that there are 23 Level 2 charging stations with 39 ports owned by BED, and 13 Level 2 charging stations with 28 ports that are privately owned, all located throughout the City. She noted that the City had not previously had a long-term strategy for where it would locate chargers, but has installed them where feasible as the opportunity has arisen.

Councilor Litwin asked if the grant is flexible enough to allow the City to place chargers where it wants to incentivize people to visit, such as Church Street, and whether it could also provide things like discounts on EV charging if someone were to donate to the food shelf, for example. General Manager Springer replied that they are pursuing having banks of chargers downtown in different locations to support people coming and supporting downtown businesses. He said that they cannot adjust the rate, but said that they could potentially subsidize the parking for the charging stations. Councilor Litwin spoke about siting some of these chargers in the Old North End, to encourage more traffic to those businesses.

Councilor Neubieser spoke about the health and environmental benefits of having these chargers available downtown. He expressed support and gratitude for the work BED is doing to install pole-mounted chargers to make those available for renters.

Councilor Grant said it will be good to locate chargers in other areas of the City than downtown, to make sure that people spend time in those areas as well.

MOTION by Councilor Barlow, SECOND by Councilor Neubieser, to 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 a U.S. Department of Transportation Federal Highway Administration Charging & Fueling Infrastructure award.

VOTING: unanimous; motion carries.

7.4 Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8, Art. VII (TEUC)

Councilor Barlow noted that this item is being proposed as part of the effort to collect data on energy utilization to better inform future policies related to building emissions reduction ordinances. Her said that due to some of the UVM campus being unmetered, there have been amendments offered to make an accommodation during this data collection effort with an eye toward alternative assessment strategies and compliance measures.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to postpone action on this item until the City Council's December 16, 2024 meeting to give additional time for feedback and future adjustment.

DISCUSSION:

- **Councilor Bergman spoke about the importance of benchmarking, and that these adjustments for UVM will allow for the most accurate information in data collection efforts. He said that these amendments will allow the process to move forward.**
- **Councilor Broderick expressed support for the amendments and the ordinance and ensuring that all building types are covered by the ordinance.**

VOTING: unanimous; motion carries.

7.5 BFD Staffing Study Recommendations – Fire

Mayor Mulvaney-Stanak noted that this particular study has helped the City understand its Fire Department efficiencies and core service work, as well as places where a better future approach could be used to keep the City safe as it grows and develops. She also noted several minor elements in the report that don't necessarily align with the City's and the Administration's values, particularly around the unhoused and substance use disorder, but she emphasized that these were minor.

Chief LaChance began by noting that this study came out of the negotiations for the last BFFA contract, and was the result of the observed high cost of overtime and retention challenges. He said that an MOU between the City and BFFA was created to study proper staffing levels at the Fire Department. He noted that after a procurement process, Mission CIT was selected to conduct the study, which it did from July through November of 2023 by reviewing department data and engaging with line personnel, command staff members, the Fire Commission, and City staff.

Chief LaChance presented the study result and recommendations with the City Council. He began by noting that the Fire Department is the only City department with minimum staffing requirements and

that it must have 22 people on staff every day between 5 fire stations. He said that this leaves 2-3 people staffing suppression units and 2 people staffing ambulances. He noted that it takes 22 weeks to onboard new employees with limited fire service experience, and that the department has 1 administrative assistant. He noted that NFPA 1710 standards recommend 4-person staffing for each suppression unit, which leads to more fireground efficiency and enhanced safety. He said that Burlington's interim goal is to staff all apparatus with 3 personnel. He said that this would require an extra 3 people per shift, but that it would reduce overtime dependency from 6 to 3 staff and that the Fire Department would apply for a grant to offset the initial costs of staffing increases for FY26. He spoke about other recommendations from the study, including lateral hiring (which the Fire Department has already implemented), improving recruitment, seeking alternative funding such as grant funding, and priority dispatching. He spoke about the budgetary considerations around these recommendations, noting that the cost of inaction would be continued high overtime expenses and increased risk of staff burnout and injury, that investments are needed to implement these recommendations, that there would be long-term savings realized if these recommendations were implemented, and that the Fire Department continues to work to seek grant funding to offset burden on the City's General Fund. He also spoke about infrastructure upgrades that could also help with morale and recruitment/retention efforts, including station modernization efforts through a potential new public safety facility, apparatus replacement on regular cycles, regular equipment updates, and technology integration efforts for improved operational efficiency. He spoke about next steps and asks for the City Council, which include supporting budget allocations for phased staffing increases, training, and equipment, supporting grant applications, reviewing progress on these goals through quarterly updates, and pledging the City's support for Burlington's Fire and EMS services.

Councilor Neubieser thanked the Fire Department for its work to coordinate efforts across public safety programs in the City and playing an integral role in the City's public safety systems.

Councilor Grant echoed Councilor Neubieser's sentiments, and also thanked the Fire Department for its frequent and open communications with the City Council, and that she looks forward to hearing about the successes in the lateral transfer program.

Councilor Litwin said that he has noticed that large developments such as Cambrian Rise have advanced fire suppression systems that communicate directly with the Fire Department dispatch, resulting in them absorbing more resources from the Fire Department. He noted that the Fire Department responds to an incident at Cambrian Rise at least three times per week. He asked whether it would be possible to look at these resource-intensive buildings and determine whether the Fire Department could make improvements or efficiencies in how it responds to them. Chief LaChance noted that the Fire Department has changed its response models significantly during his tenure, by rating almost every large building in the City and determining its risk level and use, and has tailored response protocols to be more efficient and less-resource intensive. He said that where more work can be done is on the medical dispatch side, where dispatch would triage a patient over the phone and be able to initiate the most appropriate response. He said that this has already been done with overdose responses, where they send single-unit responses to overdose calls. He said that this will only improve as the Department improves its computer-aided dispatch system.

Councilor Carpenter thanked the Fire Department for their efforts to tailor responses more appropriately to individual situations.

7.6 Ordinance: Ordinance Amending B.C.O Sec. 1-9 & Sec. 21-29 Re: Defacement of property and ordinance violations targeting individuals on the bases of protected classifications (Ordinance Committee)

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to waive the second reading, adopt the ordinance, and place it in all stages of passage.

DISCUSSION:

- **Councilor Shannon spoke about the proposed changes, noting that they are in the general provisions section of the code of ordinances and the graffiti and defacement of personal property section of the code of ordinances. She said that in the general provisions, it is further clarified that the defacement of public property is a public nuisance, and that there is newly-created a private right of action provision, which**

would allow individuals to sue to collect actual damages. She noted that both of these would now apply to all ordinances. She said there are also amendments in the graffiti and defacement of public property section of the code of ordinances specifically, allowing for the establishment of a new electronic reporting system specific to the defacement of property. She noted that the Ordinance Committee received a communication from the ACLU expressing concerns with what the City is trying to do, mainly that these changes are motivated by content of speech and that there are concerns about retaliation and selective enforcement. Further, the ACLU noted that the First Amendment has enhanced penalties for hate crimes, but that hate speech is protected. Additionally, the ACLU said that the City has the authority to define public nuisance but that it requires interference with a public right, such as air, water, and public rights-of-way. She further noted that the City received a letter from the Cornell Law School expressing similar concerns, saying that the City does not have the authority to open up private rights of action, which opens the City up to a lawsuit against an unconstitutional ordinance amendment and that it is overly broad and vague. She noted that the City Attorney is confident that the City can defend this proposal, but that she would like to make an amendment, given these concerns.

MOTION TO AMEND by Councilor Shannon, **SECOND** by Councilor Barlow, to remove the private right of action language and to request that the Ordinance Committee, in collaboration with the City Attorney's Office, confer with interested parties of their choosing, at least including the American Civil Liberties Union, to report back to the City Council with further policy or legislative recommendations on addressing hate speech.

DISCUSSION ON AMENDMENT:

- Councilor Shannon expressed concern about the feedback that the private right of action would open the City up to lawsuits, and said that there could be other ways the City could accommodate the goal it's trying to accomplish without attracting lawsuits. She agrees with the ACLU's concern that this amendment pits residents against residents based on perception and risks weaponizing public ordinances into instruments of private conflict wielded against the most vulnerable in the community.
- Councilor Bergman said that because these are legal arguments, he does not believe that fear of a lawsuit is at the core of this proposed amendment.
- Assistant City Attorney Ramakrishnan noted that the right of action essentially already exists in the charter in language stating that any member of the public who is damaged by an ordinance violation can bring a private right of action, but that this would also put that into the code of ordinances. He said that this language also imputes a damage in a certain set of circumstances (in this case, speech that is intended to intimidate or harass someone on the basis of a protected classification). He said the City Attorney's Office believes that this is defensible because when an individual does something that is already illegal, there can be heightened penalties for that if it is then also against a protected class—individuals are not allowed to break the law (in this case, by defacing public property) in order to engage in expressive conduct.
- Councilor Bergman said based on this analysis, he does not think this amendment is appropriate, given that there are already rights in the charter that give residents the ability to address violations of the code by a means of private right of action. He said that this is allowed for the noise ordinance already. He said this is a good way for people to be able to address issues with their neighbors in a civilized way. He urged the Council to reject this amendment.
- Councilor Grant said that the private right of action offers a recourse for people who are being threatened or discriminated against and that the City could likely defend this, and she doesn't support this amendment.
- Mayor Mulvaney-Stanak spoke about her concerns with this amendment, namely that it doesn't move toward making the community safer, given that the City itself is under-resourced in its ability to enforce and the private right of action would be another tool for individuals to use to seek justice when their safety is violated. She also said that the City has a decision to make to ensure that it is

allocating its resources and time as policymakers in the right direction for the good of the entire community.

- Councilor Carpenter said that she would likely support the private right of action provision if the City learns that it is the only tool that it has to solve the problems its facing, but would like the chance to learn from other communities and what has worked for them.
- Councilor Barlow said he does not view this as taking tools off the table, but asking the City Attorney's Office to look for different tools and allowing more time for research. He expressed concern that individuals would use the private right of action in ways it is not intended to be used.
- Councilor Neubieser said that it is not the City Council's job to litigate the questions around misuse of the private right of action, but the court system's job. He said he trusts the courts and individuals to be reasonable and not use the private right of action provision frivolously.
- Councilor McKnight said it is important to her to have more tools to combat hate, and pointed out that this amendment still would move forward one tool, which is a new electronic reporting tool for defacement and graffiti. She said that the broadness of the original language is what is causing her discomfort, and would like the private right of action to apply to specifically the graffiti portion of the ordinance.
- Councilor Litwin said he would also like to see what other avenues can be explored, and asked whether a group can be convened to solely focus on hate speech and mitigating the City's risk for unnecessary litigation. He said he is not interested in using the City's resources to engage in complex litigation, and spoke about his fiduciary duty to the City's constituents and ratepayers.

Absent objection, City Council President Traverse divided the question to hold a vote on the amendment and then hold a vote on the referral action.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion carries.

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

DISCUSSION ON UNDERLYING MOTION (AS AMENDED):

- Councilor Bergman said this amended ordinance amendment is performative and does not do much to make progress on the issue, though he will reluctantly support it.
- Councilor Litwin said this amended ordinance amendment is prudent and gives the City the time to do more diligence without opening it up to expensive lawsuits.
- Councilor Carpenter said that she is not concerned about being sued if the ordinance is defensible and is the right thing to do. She said she would like more public conversation about this.
- Councilor Grant agreed with Councilor Bergman that this amended ordinance amendment is performative, and that the City Attorney's Office has already weighed in on the defensible nature of the (now removed) amendment language. She said that the diversification of the City has come with a number of issues, and that the urgency around these issues isn't recognized by the people in the City who aren't different.
- Councilor Neubieser said that the Council as elected officials have a responsibility to be clear about its actions and to now allow extreme hyperbole and fear-mongering to steer the conversation.

- Councilor McKnight noted that graffiti is already illegal in Burlington and that while she supports enhancements for hateful graffiti, there are tools the City can already be using and it is choosing not to use them.

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

8. COMMITTEE REPORTS

8.1. Verbal reports

Councilor Barlow said the Transportation, Energy, and Utilities Committee (TEUC) will be meeting on December 17 at 4:00 at 645 Pine Street.

Councilor Grant said the Racial Equity, Inclusion, and Belonging Committee (REIB) will be meeting on December 17 and the Public Safety Committee will be meeting on December 19.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None.

10. ADJOURNMENT

10.1 Motion to Adjourn

The meeting adjourned without objection at 10:27 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
December 16, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Gene Bergman
Ben Traverse
Melo Grant (via Zoom, then in person)
Carter Neubieser (at 5:49 PM)
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Erik Ramakrishnan
Lori Olberg
Keaton Knowles
Chapin Spencer
Josh Olund
Bob Klinefelter
Carolyn Cota
Michael LaCroix
Steve Spear
Laura Wheelock
Megan Moir
Sarah Russell
Jon Murad

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 5:40 PM.

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

- **Add to the consent agenda item 6.30 Request for Amicus Support from VLCT (per Assistant City Attorney Sturtevant per City Council President Traverse);**
- **Remove from the Deliberative Agenda item 8.3 and place it on the January 13, 2025 City Council Deliberative Agenda;**
- **Remove from the Deliberative Agenda item 8.6 (per City Council President Traverse).**

MOTION by Councilor Broderick, SECOND by Councilor Bergman, to amend the agenda by postponing item 7.1 to a date certain of January 27, 2025.

DISCUSSION:

- **Councilor Broderick said that this would move the vote on the citizen petition ballot measure in order to allow for more time to raise awareness of the item and more active civic engagement and public turnout. He noted that many of the resident students at the University of Vermont are away on winter break at this point in time.**

He requested that if this is not postponed, then the Zoom participants who wish to speak during public forum should be allowed to do so.

- Councilor Bergman also noted that the petitioners requested not placing this item on the first available City Council agenda but to wait, and he said it would be most respectful to honor that request.
- Councilor Shannon noted that the Council provides multiple ways to weigh in on issues, including attending in person, via Zoom, emailing or calling Councilors, and said she does not feel that anyone has inordinately been prevented from participating in this meeting.
- Councilor Litwin said he agreed with both Councilors Shannon and Bergman, but expressed discomfort with having this issue linger through Hanukkah and the holidays.

VOTING (on postponing item 7.1): 4-5; motion fails (Councilors Carpenter, Litwin, McKnight, Shannon, Traverse dissenting; Councilor Grant absent for vote).

VOTING (on adopting the agenda as originally amended): 8-1; motion carries (Councilor Neubieser dissenting; Councilor Grant absent for vote).

2. EXECUTIVE SESSION REGARDING POLICE CHIEF'S REPORT

2.1. Executive Session Regarding Police Chief's Report

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to find that premature general public knowledge of records relating specifically to negotiation of contracts, including collective bargaining agreements with public employees, would place the City at a substantial disadvantage in negotiations because the City risks disclosing confidential information and public.

DISCUSSION:

- Councilors discussed the utility and appropriateness of entering into executive session, given that the report in question has already been seen by the counterparty and would not place the City at a disadvantage. City Attorney Brown noted that even if the report has been publicly disclosed, it does not waive the City's right to review that information in a confidential executive session.

VOTING: 8-2; motion carries (Councilors Shannon and McKnight dissenting).

MOTION by Councilor Litwin, SECOND by Councilor Bergman, to suspend the rules and move the executive session to take place after item 7.1.

VOTING: unanimous; motion carries.

3. PUBLIC FORUM: TIME CERTAIN: 6:05 PM

3.1. Verbal Comments

Forum opened at 6:12 PM.

COMMENTS:

Burlington residents (in person):

- Valerie Lotish spoke against agenda item 7.1, saying that it singles out and demonizes Israel, noting that the language in this petition is identical to what the Council chose not to place on the ballot last year. She spoke about anti-Semitic behavior that her children have experienced at school. She said the Council should work to create a more inclusive and stronger community for all residents of Burlington.
- Jason Weisberg spoke about the Jewish population of Burlington, noting that it comprises a diverse set of beliefs and subcultures. He asked that the Council not put the proposed petition on the Town Meeting Day ballot, saying that the wording is hurtful to many in the community and is divisive.
- Susan Leff spoke about how many individuals of Burlington's Jewish community no longer feel safe. She spoke about September 2021, where City Council considered a boycott, divestment,

and sanctions resolution, and how that experience had a lasting impact for many in the Jewish community. She said that public forums such as that, and such as tonight's public forum, have consistently led to enhanced community division and increased anti-Semitism. She said this is not a Burlington issue, but that the safety of all Burlington citizens definitely is.

- Abby Kaepelowicz spoke about several personal experiences with anti-Semitism in the community. She spoke about her and other Jewish students' experiences being harassed and threatened, and said that tonight's petition is one of the reasons that they feel afraid.
- Alli Sissonwine spoke about how the environment in Burlington has changed, has become harsh and toxic, and that she does not feel proud or safe living here.
- Max Abrams said it is disheartening to see how pervasive anti-Israel and anti-Semitic narratives continue to be. He noted that he and many other Jewish UVM students feel unsafe. He urged the Council not to vote for this petition.
- Melanie Needle said the proposed ballot item both spreads misinformation about Israel and also harms the Jewish community in Burlington, particularly school-aged kids. She said the item teaches children to hate Jewish people. She said this resolution makes the Jewish community feel harmed and unsafe in the community and urged the Council to vote against it.
- Chaim Lodisch said this petition should not be on the ballot because it is full of lies and misinformation, which is detrimental to the Jewish residents of Burlington. He said there is no apartheid state in Israel and that statements about settler colonialism is false.
- Jason Lorber spoke as a queer Jew living in Burlington, noting that he does not feel welcome in many parts of the community. He said that the community can come together, but not in the way this resolution is written and not in how conversations to date about this topic have been conducted. He said this resolution increases polarization, anti-Semitism, and Islamophobia.
- Nurit Zachter spoke about the upsetting and divisive atmosphere at the December 2023 public forum of City Council, where an anti-Israel resolution was also considered. She said that the Council is now considering a petition that is identical to that, which will reawaken great division on an issue that has nothing to do with the real challenges that Burlington faces, and that it undermines the community.
- Mort Zachter said this is the third time he is attending a Council meeting where the Council is spending considerable amounts of time discussing events they have no ability to influence. He said a petition for a ballot question that weighs in on the underlying issues in the Middle East is important, but does not advance Burlington's basic needs. He said the City should focus on the lack of affordable housing, drug use, and homelessness.
- David Carmen said that Burlington voters don't need to weigh in on a conflict that is more than 5,000 miles away. He said petitions like this lead to fear and lack of safety for the Jewish community in Burlington. He said the City Council is not the proper forum to move forward with a productive dialogue on this topic. He urged the Council not to put this item on the ballot.
- Rabbi Eliyahu Junik said tonight's vote is not about anyone's opinion on Israel or evaluating their actions or treatment of minorities, but is about whether this petition leads to the betterment of the community. He said that he believes this petition will not foster peace or improve the community, but would invite conflict. He urged the Council to vote against the petition.
- Dave Gettys spoke about the need for alternatives to divisive ballot measures, noting that due to Covid and contentious politics, many individuals feel isolated and disconnected. He highlighted Burlington's history of building community, and urged the Mayor and City Council to create spaces to facilitate dialogue, foster understanding, and strengthen relationships across the community.
- Jeff Potash spoke about the rise in anti-Semitism felt in the Burlington community since October 2023, saying that this likely comes from both lack of information and civility within the community. He spoke about how Ohavi Zedek has sponsored a variety of programming and strives to foster opportunities for dialogue. He urged the Council to support dialogue and sponsor programming that features all aspects of the community. He urged the Council not to support this ballot initiative.
- Rabbi Aaron Filmis spoke as the rabbi of the Ohavi Zedek Synagogue spoke about the values that make the synagogue a strong part of the community, saying that they strive to create opportunities for education, dialogue, and healing and keeping the door open for difficult

conversations, while never losing sight of everyone's humanity and dignity. He urged the Council not to support the petition.

- Logan Roots noted fears that this petition would lead to genocide, but said there is already a genocide occurring in Gaza. He said this is a local issue, saying that members of this community have family members who are dead because of this conflict.
- Celia Lieberman spoke as an Israeli about how the language in this petition is factually incorrect, saying that the claim about genocide places blame solely on Israel, and the apartheid label misrepresents the reality in Israel's multi-cultural society. She said this resolution vilifies one minority while portraying another as the victim, which has led to a global rise in anti-Semitism. She urged the Council not to support the petition, but said the community should have tough conversations around this and seek to find common ground.
- Rubena Anjum said that there are processes allowing these petitions to be placed on the ballot and that this is part of the democratic process. She said it is not up to the City Council to override existing democratic processes based on personal opinions. She said this is a local issue, given the violence against three Palestinian men that occurred last November. She said the City has a homelessness crisis that it should focus on.
- Crystal Cole said this City has a history of being progressive, but said that it isn't living up to its reputation currently. They said the City isn't even progressive enough right now to stop letting businesses send military equipment to Israel's army or be willing to condemn these unthinkable war crimes. They noted that calling Israel an apartheid state doesn't single out Jewish people, but challenges the Zionists. They noted many anti-Zionist Jewish activists who support this ballot initiative.
- Anita Rapone noted the many comments about Jews feeling unsafe in the community, but pointed out that it was 3 Palestinian students who were shot on the streets of Burlington last year. She spoke about the anti-apartheid movement, saying that this ballot item will allow voters in the City to decide if the City should join this movement for justice.
- Paul Fleckenstein spoke about a recently-released Amnesty International report documenting the practice and intent of genocide in Gaza and a system of apartheid against Palestinians by Israel. He noted the reluctance to support the apartheid-free movement at the state and federal level can be traced to Israel's role as a military asset.
- Ashley Smith said that last year the Council disgracefully voted down a ceasefire resolution and then voted down an apartheid-free community pledge from appearing on the ballot. He said that it is poised to do the same this year, but that petitioners will keep coming back until the Council allows an apartheid-free community pledge to be placed on the ballot. He said the Council should not aid and abet in the destruction of local democracy by barring this pledge from appearing on the ballot.
- Alyssa Breida spoke about the community's democratic right to gather signatures for petitions and led the broader public vote on the apartheid-free community ballot measure. She said that her community has worked for the second year to gather 5% of the Burlington voters' signatures needed to get a measure on the ballot, and hopes the Council has the integrity to follow the democratic process to place this on the ballot. She spoke about investing in the local community instead of funding Israel.
- Antonio Galan said that there is a genocide occurring in Palestine and that the blocking of the apartheid-free community measure is lamentable but predictable. He noted that while one of the objections to the measure is that it is divisive, that is the point of democracy—to deliberate and vote on divisive issues.
- Wes Palmer relayed an account of a Burlingtonian working for an international aid organization in Palestine, speaking about how Israeli roadblocks and checkpoints prevent Palestinians from traveling between towns. He also said that Israelis live under Israeli civilian law and that Palestinians live under Israeli military law, and that this is apartheid.
- Wafiq Fourer spoke about the irony of Israel killing and injuring thousands of Palestinians while claiming to be the victim of the conflict. He noted that a number of NGOs have labeled Israel an apartheid state, saying that there are sets of laws in Israel depending on where in Israel someone lives (Gaza, Jerusalem, the West Bank, etc). He stated emphatically that Palestinians deserve freedom.
- Jackson Francis spoke about how the petition is not divisive, or does it exceed the scope of local politics. He spoke about the shooting of three Palestinians in Burlington last year.

- Willa Cornish spoke about how scheduling the petition topic for this meeting could be seen as purposeful intent to silence the voices of the student community. He said that this is an affront to democracy, and that calling it a divisive issue could also be seen as a way of ignoring it.
- Allison Adams spoke about Burlington's history with leading on important issues, saying that it would erode Burlington's democratic system to exclude this petitioned language from the ballot, and would also erode Burlington's role in what remains of the democratic process of the United States. She said this is a local issue, noting the taxpayer dollars from Burlingtonians going to prop an Israeli apartheid state. She said there is no neutral action available to the Council related to this item.
- Andrew Simon spoke as a Jew who does not think that condemning apartheid and genocide harms the community. He added that keeping items off the ballot is an affront to democracy and freedom of ideas. He welcomed real dialogue from opposing viewpoints. He said tonight's tension could have been avoided by honoring the petition process. He said anti-Zionism is not anti-Semitism.
- Sheer Bach urged the Council not to block this petition to place language on the ballot. He expressed concern that the Council is trying to avoid having these difficult conversations, and said that direct democracy is a tool to handle this energy constructively.
- Joy Min King said that for the second year in a row, voters have signed a petition to put an anti-apartheid advisory question on the ballot, and spoke about the number of organizations that have expressed support for this measure. He said that this issue will not go away, saying that the Council should at the very least allow this issue to go through the public, democratic process.
- Evelyn Hefine noted that Burlington's progressive attitude only extends to white people and cis-gendered people. He said that not taking up this issue means that the Council is valuing the comfort of the community more highly than the lives of Palestinians who are being murdered. He asked at what point issues are too divisive to talk about, and expressed concern that freedom of ideas and speech will be limited further.
- Luke Ferrari spoke about the shooting of three Palestinians in the Burlington community last year, and spoke about harassment directed toward Arabs in the community. He said that while the Jewish community is not responsible for the actions of Israel, that doesn't mean that the conflict isn't occurring or doesn't need to be addressed.
- Sabrina Ketter said the apartheid-free pledge should be allowed to be placed on the ballot and said that the City Council should respect the democratic rights of its residents. She noted that local taxes are being used to fund military occupation, so this is a local issue.
- Brett Gates expressed disappointment at the quality of last year's discussion and process that led to the Council's decision on the apartheid-free pledge, and said that the Council has had time over the last year to develop a more systematic and neutral approach to considering whether to place non-binding citizen initiatives on the ballot. He said that it should not depend on the shifting partisan composition of the Council. He said that residents deserve a high-quality democracy at a local level, and asked that the Council take this issue more seriously.
- Michelle Sekalczic noted that equating the state of Israel with Jewish identity is anti-Semitic, and then said that it seems like the Council is searching for a rationale to reject this petition from appearing on the ballot. She asked them to be honest about what is driving their decisions. She said that this is censorship, if it is denied.
- Maggie Chadwell spoke in support of the apartheid-free community ballot initiative. She expressed disappointment that the City once again finds itself having to defend the democratic process to its own elected officials. She asked what about pledging solidarity with all oppressed people and declaring opposition to apartheid and occupation doesn't sit right with Councilors. She said that the argument that this isn't a local issue is weak, for all the reasons noted by others above.
- Sasha Rosen expressed compassion for those who have been targeted by legitimate anti-Semitism, and then said that anti-Zionism and anti-Semitism are often conflated, as Israel has told the world that their own views and violent actions are aligned with the beliefs of all Jews. She noted that democracy flourishes when individuals are allowed to participate in decision-making, such as voting. She urged the Council to place this initiative on the ballot.
- Eleanor Duva urged the Council to have some integrity and uphold the democratic process by allowing residents to vote on this item on Town Meeting Day. She expressed disappointment that the Council would vote down an action and prevent the community from determining

what it stands for, especially given's Burlington's track record of standing in support of progressive international causes.

- Chris Gish urged the Council to let the apartheid-free ballot item to go on the ballot for voting on Town Meeting Day, and expressed disappointment that this could be the second time this initiative is voted down, while the conflict in Gaza continues on. He urged people not to conflate anti-Zionism with anti-Semitism.
- Jak Tiano noted that he is here for the approval of the Spiral House Collective permit application. He said he is also here to urge the Council to place the advisory question on the March ballot, saying that stifling difficult conversations is more harmful than having them. He also said that the current Winooski Bridge proposal is a product of institutional failure in transportation planning. He said that this project does not align with the City's climate priorities or move toward meeting its goals. He acknowledged that it should still be supported because the alternative is worse.
- Romeo von Hermann thanked the Councilors and staff for their service and wished everyone a happy holiday season.
- Robin Lloyd spoke about the Doomsday Clock, which illustrates how close the world is to nuclear destruction, saying that scientists determined that the clock is 90 seconds from midnight.
- Gabriel Nelson spoke in support of placing the apartheid-free community initiative on the ballot for Town Meeting Day. He refuted the statement that this is not a local issue, and said it is the duty of everyone to be able to vote on this issue.
- Nasreen Roman Kospat expressed regret that many Jews in the community don't feel safe, but said that many of their statements about why they oppose this measure are actively racist and foster Islamophobia. She said that as an Arab-American, she does not feel safe in this space, and spoke about how three young Arab men were shot in Burlington last year for the fact of being Arab. She urged the Council to listen to its constituents and uphold the democratic process, saying that they should be allowed to vote on this issue.
- Sergei Spanner spoke about the constant targeting and bullying of Jews in the Burlington community. He asked at what point does this repeated targeting cross the line from democratic process into oppression. He urged the City Council not to support placing this item on the ballot.
- Ray Beretta spoke about item 8.5, which would limit the number of shelters in the community. He spoke on behalf of the unhoused in the City and said they would be interested in having a conversation with the Mayor and City Council about the dehumanization of members of the Burlington community.
- Griffin DeMateo said the question before the Council tonight has nothing to do with Palestine but pertains more to basic democratic rights to express beliefs, speaking about the countless hours that Burlingtonians have spent petitioning, organizing, and educating others on the ongoing human rights abuses in Palestine. He said that the citizens of Burlington care about this issue and to deny them the right to vote on it is disrespectful.
- Martha Carpenter asked the Council to vote in support of allowing the apartheid-free Burlington measure on the March 5, 2025 ballot. She spoke about the harassment she faced after expressing support for this measure last year. She emphasized that anti-Zionism is not anti-Semitism. She said the matter tonight is not the personal opinions of Councilors but about the democratic right to petition and allow those petitioned measures onto the ballot for discussion and voting.
- Milzak Karajic expressed amazement at the number of people in Burlington who are willing to stand up for the freedom and safety of people thousands of miles away. He said that tax dollars shouldn't be spent on bombs, but more locally on jobs, healthcare, food, and housing. He said that residents want the Council to stand as human beings for other human beings.
- Derek Galloway expressed disappointment at the Governor's lack of support for Burlington.
- Jason Hirsch said some Councilors in the past have not supported this measure being placed on the ballot because it would encourage anti-Semitism, but said that this is misguided and sets a dangerous precedent for all minorities in this community. He said the measure does not mention Jews, but only mentions the Israeli state. He said he knows very few Jews in Burlington who are not appalled by Israel's conduct in the last year, and to silence the City does not solve the problem.
- Matt Schindler urged the Council to vote in favor of placing this initiative on the ballot. He spoke about his experiences living and doing graduate work in Palestine, and said that things

are not improving there but are coming more divisive. He spoke about two legal systems in the same territory, and spoke about the differences in rights based on ethno-religious status.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to suspend the rules to allow all individuals who have signed up to speak at public forum tonight.

VOTING: 5-5; motion fails (Councilors Carpenter, Litwin, McKnight, Shannon, Traverse dissenting).

MOTION by Councilor Neubieser, SECOND by Councilor Broderick, to suspend the rules to complete public forum for Burlington residents (in person and online) with two minutes each to speak, and complete public forum for non-Burlington residents (in person and online) with one minute each to speak.

VOTING: 5-5; motion fails (Councilors Carpenter, Litwin, McKnight, Shannon, Traverse dissenting).

COMMENTS (cont'd):

Burlington residents (in person):

- Theodore Whelan noted that racism is a question of power, not attitude, and that racism gets its power from capitalism. He noted that Zionism gets its power from US imperialism. He noted that overstating harm causes harm, seen here when Zionists claim they don't feel safe and base that on unsubstantiated allegations.
- Tyler Pastorak expressed support for the non-binding question being considered tonight for placement on the ballot in March. He said the federal government will not stop enabling colonial violence at taxpayer expense unless every voice demands that they stop. He said it is worth the City's energy to take a collective stand against the actions of Israel and the country's misuse of resources to perpetuate genocide. He said that tonight's vote is intended to be procedural (not political), and that it shouldn't be blocked by the Council or Mayor unless there is some legal issue).
- Nicki Brownell spoke about Islamophobia in the community. She said tonight's vote is about upholding the democratic process, which is something every individual in the community is entitled to. He urged the Council to put forward the ballot initiative for Town Meeting Day.
- Christopher Aaron Felker said this issue does not fall under the purview of the City. He said that he believes Israel has a right to exist and defend itself. He thanked Benjamin Netanyahu and the IDF for their swift victories against Hezbollah, Hamas, and against the Assad regime in Syria.
- Faried said the Burlington police talk about 2020 the way some Israelis talk about October 7 as if it were the beginning of history. He said he would like to respond to some of the outgoing Police Chief's statements about Burlingtonians needing to formally apologize to the police, saying that public safety wasn't that great even before 2020 and police officers were more able to act with impunity at that point. He said that the police situation deteriorated due to too much blind leadership support and lack of accountability.
- Lee Morigan said that silence has been used to justify inaction, allow harm, and to suppress the voices of the marginalized. They noted that the Democratic caucus has already signaled its intent not to allow the apartheid-free community measure on the ballot, citing concerns about division and dialogue. They said that true dialogue cannot exist when one side is systematically silenced, and that this silencing causes further harm. They said that collective liberation is the only path forward.
- Peter Lukowski said that a modern genocide can only be carried out if the outrage surrounding it is suppressed or diverted to other issues. He said there is the possibility that allowing this petition to go to the ballot and a vote could make at least a small difference, and asked what the harm is in that.
- Dylan Pilcher said this is the third time he has spoken about allowing this petitioned item to be placed on the ballot. He said this is an issue of basic democracy, and that the City Council's vote does not signal how it feels about the resolution but simply would allow the resolution to appear on the ballot for the voters to weigh in on.

- Ari Moskowitz spoke about instances where he has been assaulted by Palestinian protesters in the community. He said that anyone who supports Palestine supports a movement that actively pays terrorists to kill his relatives and friends.
- Emma Galvin expressed disappointment about the tone and course of this conversation. She noted that Israel has struck Syria 800 times in the last week and continues to bombard the region with bombs supplied by the United States. She expressed incredulity that the Council does not even want to engage in dialogue around these acts. She urged the Council to let the voters have their say on Town Meeting Day and vote. She said it is not the Council's role to censor what the City is given the opportunity to vote on.
- Will Lambeck noted previous public comments about a previous Palestinian public speaker, noting that this individual has spoken out many times against anti-Semitism, and that it was a shame that another individual defamed and slandered him tonight. He said that some individuals have argued that putting this item on the ballot would harm Jews, but that isn't true, and the referendum and its contents are not anti-Semitic. He said that no one who is testifying tonight is the sole arbiter of anti-Semitism and no single person can tell the Council what is and isn't in the best interests of Burlington's Jews. He said that this is why it should be on the ballot.
- Cathy Owell spoke as the next door neighbor of one of the Palestinian individuals who was shot last year, and has seen what their family has gone through for the past year. She said the Council should be ashamed if this measure is blocked from going on the ballot for a vote on Town Meeting Day. She asked how this reflects on American democracy, if five Councilors can hold this question hostage.
- Will Lynch urged the Council to honor the work of the City's residents to bring the apartheid-free community pledge to the Town Meeting Day ballot. He said that it is public knowledge that the Council is prepared to vote no on this measure, which is both selective democracy and clearly sides with Zionism (not Judaism). He said that nations do not have the right to bomb, starve, and dispossess an entire population in the name of defense. He said that preventing this measure from appearing on the ballot will not mitigate the tensions in the community.

Burlington residents (via Zoom):

- Mark Leopold said that genocide is at the core principle of Hamas and Hezbollah, and not a core principle of the state of Israel, the Israeli government, or the Israeli people. He emphasized that words matter, and that using terms like genocide and apartheid-free in a ballot item placed before the voting public of Burlington is not democracy in action but is an oppression of the majority by the few. He urged the Council not to let this item on the ballot in March.
- Stella Sarefield spoke about being harassed and feeling unsafe in the community for having pro-Palestinian views. She said that when the City Council silences discussions, they're signaling to their supporters that this type of behavior is permissible. She urged the Council to place this on the ballot and allow Burlingtonians to vote on it.
- Adam Franz said that given that this is the fourth time in recent history this topic has been spoken about, many Councilors have already made up their minds and are not listening to public comments, but said that discourse is part of living in a democratic society and that not having this on the ballot will not stop Burlingtonians from discussing these issues. He urged the Council to vote to place this on the March ballot.
- Ambrose Moore expressed support for putting the apartheid-free community item on the ballot for Town Meeting Day 2025. He said that allowing this to be on the ballot demonstrates the democratic right of voters, and serves as a way for the people to present their voices on the matter. He said the people of Burlington worked hard to get enough petition signatures for this to come before the City Council.
- Evan Gould said the public engagement process for the Winooski Bridge project felt terrible and that the priorities in the design of the bridge do not map to the City's goals. He said the City needs to think about how to move toward its transportation goals and safer streets, and this project still prioritizes cars over all other modes of transportation. He said that despite this, the proposal is marginally better than the existing conditions, so he asked the Council to support it. He also spoke about emergency shelters, noting that people with access to low barrier shelters have a 50% higher chance of recovery and are three times more likely to remain stably housed 6 months after entering low barrier housing. He urged the Council to

support the resolution to allow emergency shelters in all districts within a certain distance of a fixed transit line.

- Dima Dahdah spoke about harassment she has faced in the community as a Palestinian. She said allowing a vote on the ballot measure would help protect the safety of Arab community members. She noted that 52% of Americans do not want to provide military aid to the Levant. She said the City must make the distinction between performance of solidarity and true democratic action. She said that even local votes can affect larger systems.
- Hannah Lawrence urged the Council to vote in favor of allowing the apartheid-free community pledge to be placed on the ballot for a March 2025 vote. She said that the legal procedures for collecting the right amount of registered voter signatures were followed and that it is their right, as Vermont voters, to have the chance to vote on this pledge on Town Meeting Day.
- Carmela Armando said the community has spoken in favor of this measure twice, even though the Council is signaling that it will not support it. She said the City needs more conversation about this issue, which putting it on the ballot would naturally allow it to have. She said this issue is about allowing the democratic process to play out, and that preventing this measure from being on the ballot prevents that and in turn makes the community less safe.
- Sharon Bushor thanked Megan Moir and her staff for reducing the amount of the potential wastewater bond, and said she hopes there is more savings to be gained. She also expressed support for moving forward with the Winooski Bridge project, but said there is time for improvements, particularly around safety. She also noted that a family was evicted last week and said she didn't think evictions were allowed in the winter. She asked if this is something the Administration and staff can look into.
- Dee Graham urged the Council to support the apartheid-free community pledge being placed on the ballot in March. She said it is unconscionable that the Council would continue to ignore this issue and this request, time and time again. She said that preventing this item from being placed on the ballot would be a failure of already-tenuous democratic rights. She said it sets a dangerous precedent that potentially divisive issues aren't worth putting forward to allow the community to decide and vote on.

Forum closed at 8:58 PM.

4. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Mayor Mulvaney-Stanak spoke about working in collaboration with the City of Winooski on shared legislative priorities, which include emergency housing, mental health and substance use disorder, a working court system for accountability, and gun reform. She also spoke about attending the Chittenden County Regional Planning Commission (CCRPC) to continue to move this legislative agenda forward once the session begins. She also spoke about a regional meeting with Sheriff Gamlin, Burlington Police Department, and State Attorney Sarah George, to continue the conversation around regional coordination on retail theft and a working court system. She noted that the fourth community forum on public safety will be held on January 9, and will focus on substance use. She also spoke about work her Administration is doing around climate change, including inventorying what the City is doing across departments in order to bring in community advisors to help advise on gaps. She spoke about preparations for the FY26 budget, noting that staff have conducted a second analysis of the operational needs of each department, and focusing on what the core services in the City need to be in order to increase affordability and right-size government. She said that they will hold a town hall on January 6 on the money-related issues that will be on the ballot. She spoke about the ModernGov initiative, which is looking at the structure of government to realize efficiencies and cost savings. She also noted that while she signed the ordinance amendments around graffiti, she expressed disappointment around the lack of action within the amendment itself, saying that it represents a failure to keep the community safe. She also spoke about a memo that was put together to document the history of the REIB department and its initiatives, as well as a roadmap for the future, and urged the Council to review it.

5. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

5.1 Verbal Reports

Councilor Kane noted that UVM Health Network has responded to regulatory efforts to reduce healthcare costs by cutting to essential healthcare services, including kidney transplants, removing inpatient beds at UVM Medical Center, closing rural dialysis clinics, and closing inpatient psychiatric beds at Central Vermont Medical Center. He said these cuts will impact access, care, and quality of life for Burlington residents. He said that these are backward steps and underscore the need for the state delegation to adopt standard and fair pricing guidelines, in the form of reference-based pricing.

Councilor Grant noted that there will be a Public Safety Committee meeting on Thursday at 5:30, and will focus on the public safety hub, a discussion on a known drug house in the Old North End and how residents are being affected, and documents related to a public records request around the BPOA survey.

Councilor Neubieser noted that the CDNR Committee is meeting this week, and will discuss the resolution on clarifying the role of the NPAs, and exploring a resolution regarding investing more in the City's affordable housing trust fund.

Councilor Shannon spoke about a gunfire incident on Buell Street and South Union Street in which the police department was involved and struck by the vehicle of the suspect, and that the suspect was then apprehended by the Essex Police. She thanked them and offered condolences to the officer that was struck. She also noted a shooting on Church Street on December 14.

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 October 7, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.4 October 7, 2024 Board of Civil Authority Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.5 October 28, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.6 October 28, 2024 Local Control Commission meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.7 November 12, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.8 November 12, 2024 Local Control Commission Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.9 November 18, 2024 Regular City Council Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.10 November 18, 2024 Board of Civil Authority Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.11 November 18, 2024 Local Control Commission Meeting Minutes, Draft – C/T - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.12 November 18, 2024 Local Cannabis Control Commission Meeting Minutes, Draft – C/T – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the December 9, 2024 Regular City Council Meeting.

6.13 Communication: Alan Matson, Inspector of Elections, Ward 6, re: Resignation – waive the reading, accept the communication, place it on file and second a letter of appreciation to Alan Matson thanking him for his time served as a Ward Six Inspector of Elections.

6.14 City Of Burlington And University Of Vermont Medical Center Second Agreement To Extend 1999 Memorandum Of Understanding And Agreement – authorize the Mayor to sign the City of Burlington and University of Vermont Medical Center Second Agreement to Extend 1999 Memorandum of Understanding and Agreement.

6.15 Reclassification request for Records Clerk position – Police - approve and authorize the reclassification of the four (4) Records Clerk positions, Regular, Full-time, Non-Exempt, AFCSME, Grade 13 positions to Regular, Full-time, Non-Exempt, AFCSMW, Grade 15 positions within the Burlington Police Department.

6.16 Reclassification of one position, the Recreation Assistant, in the Department of Parks, Recreation, and Waterfront – BPRW – approve and authorize the reclassification of the Recreation Assistant, a regular, part-time, non-exempt, AFCSME, Grade 9 position to a regular, part-time, non-exempt, AFCSME, Grade 12 position in the Department of Parks, Recreation, and Waterfront.

6.17 Addition of a new position: Airport Maintenance Work II at the Patrick Leahy Burlington International Airport – approve the addition of an additional full time Grade 14 AFCSME position in the existing “Airport Maintenance Worker II” job category within the Landslide Division at the Leahy Burlington International Airport.

6.18 Request for approval to execute a Military Air National Guard Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the Vermont Air National Guard Aircraft System Drainage Improvements – Airport – approve and authorize the Director of Aviation to execute a Military ANG Facilities Sustainment, Repair, Modernization Cooperative Agreement (FSRMCA) with National Guard Bureau (NGB) for reimbursement of design, administration, engineering, and construction work costs associated with the VTANG Aircraft System Drainage Improvements, upon approval by the Office of the City Attorney.

6.19 Great Streets Standard Lighting Assembly Update – DPW – approve the use of the lighting assembly as shown in Figure 2 for Great Streets projects in the downtown to meet new lighting standards and further, grant the Burlington Electric Commission the authority to approve changes to the Great Streets lighting assembly that are best practice or safety updates.

6.20 Second Amendment to Work Assignment Agreement #3 with Utility Services Co., Inc. for additional scope items associated with Redstone Tank Rehabilitation – DPW – Water Resources – approve and authorize Chapin Spencer, Director of the Department of Public Works, to execute the second amendment to Work Assignment Agreement #3 with Utility Services Co., for an amount not to exceed \$14,238, subject to the final review and approval of the City Attorney’s Office.

6.21 Tobacco License Renewal (2025-2026): Kampus Kitchen – approve the 2025-2026 Tobacco License Renewal for Kampus Kitchen.

6.22 Tobacco Substitute Endorsement Renewals (2025-2026): Grass Queen and Kampus Kitchen – approve the 2025-2026 Tobacco Substitute Endorsement Renewals for Grass Queen and Kampus Kitchen.

6.23 Water Resources FY25 Personnel Reorganization – Various – DPW – Water Resources - approve the: Reclassification of the Wastewater Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Wastewater Facilities - a Regular, Full- time, Exempt, Non-Union, Grade 24 position; Reclassification of the Chief of North, East and Pump Stations - a Regular, Full-time, Exempt, Non- Union, Grade 20 position, to Wastewater Treatment Manager - a Regular, Full-time, Exempt, Non- Union, Grade 22 position; Reclassification of the Drinking Water Facilities Manager - a Regular, Full-time, Exempt, Non-Union, Grade 22 position, to Director of Drinking Water Production - a Regular, Full-time, Exempt, Non-Union, Grade 24 position; Creation of a Drinking Water Production Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, position; Reclassification of the Senior Customer Care - a Regular, Full-time, Non- Exempt, AFSCME, Grade 16 position, to Utility Billing and Customer Care Manager - a Regular, Full-time, Exempt, Non-Union, Grade 20 position; and

2. To approve and recommend that the City Council authorize the Chief Administrative Officer to approve budget neutral amendments to the FY25 Wastewater and Stormwater budgets to move budgeted amounts from Salaries and Wages Total Compensation Contingency lines 480-19-425-000.5000_910, 460-19-400-000.5000_910 and 245-19-000.5000_910 to the appropriate personnel and benefits expense lines as needed to implement the above actions.

6.24 License Agreement with Battery Park, LLC (DBA Beansie’s Bus) – BPRW – approve and authorize the granting of a license to Battery Park, LLC (DBA Beansie’s Bus) to occupy space in the Sherman Street extension from April 1, 2025 – December 31, 2029 for the purpose of carrying on food concession operations; and, to further authorize the Mayor to execute a license agreement with

Battery Park, LLC (DBA) Beansie's Bus) and all documents necessary to effect the license, subject to the final review and approval of the City Attorney's Office.

6.25 City Council Initiative Fund Support of Free 2024 Highlight Buttons – BCA – approve the use of \$5,000 from the City Council Initiative Fund to subsidize Highlight tickets.

6.26 FY24 DPW Commission Annual Report – waive the reading, accept the report and place it on file.

6.27 FIO Documents – for information only.

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

6.29 Resolution: Authorization To Accept U.S. Department Of Transportation Innovative Finance And Asset Concession Grant Of \$1 Million For South End Coordinated Redevelopment (Board of Finance) – waive the reading and adopt the resolution.

6.30 Request for Amicus Support from VLCT – authorize the City Attorney's Office to request VLCT Amicus support, and to work with the VLCT, in the matter of **32 Intervale, LLC et al v. City of Burlington**.

MOTION by Councilor Bergman, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 6.1-6.30.

VOTING: unanimous; motion carries.

7. ADVISORY BALLOT QUESTION

7.1 Resolution: March 4, 2025 Annual City Meeting – Advisory Ballot Question Re: Pledge Of Mayor And City Council ((Councilor Traverse)

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

DISCUSSION:

- Councilor Bergman began with remarks about the ongoing conflict in Gaza. He said that the Council was petitioned by over 2,000 Burlington voters to place a question on the March ballot, as is their right in statute, and the question asks Burlington voters if they want to take a public stand against racism, oppression, and to commit to support equality, justice, and freedom for Palestinians and declare Burlington an apartheid-free community, and work to end all support to Israel's apartheid regime. He said this debate is happening in Burlington, throughout the country, and globally. He said this debate is what the democratic process is for, and it is time to have an open debate on this topic, and it is anti-democratic to deny the petitioners the right to place this petition before the voters and campaign for its passage. He said that this is a local issue because it was clearly brought forth by a large number of local petitioners. He said keeping this off the ballot elevates the trauma of one side of the issue while minimizing the trauma of the other. He said that anti-Semitism is unacceptable, and spoke of the harassment he and his family have endured as Jews in the community, but that he still supports this petition. He condemned violence on all sides.
- Councilor Grant said that like so many other issues, this issue will not go away unless properly addressed. She said she supports a procedural vote on this issue, citing the hard work conducted by thousands of people to petition. She said that Israel may have the right to exist, but not at the expense of Palestine and Palestinians. She begged her fellow Councilors to have courage and vote to place this item on the ballot.
- Councilor Shannon asked about the origin of the legal authority the Council has in order to make this decision. City Attorney Brown said that the authority comes from Section 6 of the charter, allowing a petition by at least 5% of the legal voters to be taken up and considered by the City Council to decide whether the advisory questions posed by the petition should be warned, and that the jurisdiction to call for an advisory vote lies with the City Council. Councilor Shannon said that she has heard that those who are in support of placing this item on the ballot want a community discussion of the issue, but that a binary question like this one is an

opportunity to divide. She implored the Mayor to continue the pursuit of holding community dialogue around this issue through the Community Justice Center. She said that harassment of the Jewish community will continue regardless of whether this question is placed on the ballot. She said she is not supportive of putting this question on the ballot.

- Councilor Neubieser said that democratic processes were followed by the petitioners, and the Council now must entertain whether to place the issue on the ballot. He said that the substance of the ballot question is irrelevant, because enough of the community thinks this issue is worth discussing, and the Council should heed that desire. He said that the previous Mayor set a precedent of deciding it was the City Council's right to litigate the content of ballot items brought by citizens, and that this precedent has degraded democracy. He said people have a right to place items on the ballot for a vote, especially given threats to democracy at the federal level. He said he is against violence and does not support the harassment of any individuals in the community, especially in schools.
- Councilor Broderick said that when it comes to citizen petitions, the Council should be listening to and giving power to the members of the public. He said disagreeing with putting this on the ballot entails silencing the thousands in the community who have now twice tried to place this item on the ballot. He said people in the City have the right to decide what they stand for, and he supports that right. He said this resolution has been grounded in the peace movement and the rejection of all forms of hate, and is not the first (nor the last) divisive issue to be considered for the ballot. He said residents are mature enough and smart enough to make decisions about what should appear on the ballot.
- Councilor Litwin expressed sadness that no progress has been made since the last time this item was considered for placement on the ballot. He noted the attempts to coordinate facilitators and the CJC to hold a community dialogue around the issue, but there has been difficulty in finding the appropriate facilitators to lead the conversation in an unbiased and helpful way. He said this item asks him as a Councilor to adopt a pledge, and that he has the First Amendment right not to do so, and also that this pledge accomplishes nothing. He said he is not clear about the implications of the language in the item, and said that he would be in a better position to support this had community conversations around the issue been held. He said the City needs to hold this facilitated dialogue prior to putting anything on the ballot.
- Councilor Kane said that after the 2021 divestment and boycott resolution failed, organizers pursued the only viable alternative path in the democratic process to work on this issue at the City level, and trusted that the City Council would respect their hard work. He echoed a former Councilor's sentiments that it feels like the City Council intentionally wears down the public until issues can be dismissed. He said the barrier for rejecting a citizen petition should be extremely high, especially for this issue. He said there are no controversial words in this pledge. He said he admires the organizers for their broadened coalition of inspired citizens and their resilience as they worked to collect signatures.
- Mayor Mulvaney-Stanak acknowledged the pain, harm, and impacts that this dialogue has had on the community and its inability to model how to grapple with conflicts. She said that it is not up to the Mayor to do the entire work of the City and said that City Councilors are partners in that work. She emphasized her commitment to prioritize engaging in community dialogue around this issue. She said her office has been continuously working on moving forward to steward community dialogue, and noted that she and the City Council president have partnered to try and figure out a path forward. She said that hopefully these conversations will start to foster community connections. She also noted that she and the Council have a responsibility to local democracy, and that she has advised the Council that it is in the City's charter and statute constitution to place this item on the ballot.
- Councilor McKnight expressed grave concerns with some Councilors' willingness to put anything on the ballot, using the example of an anti-abortion measure. She said that people want to feel safe and to be able to rely on their elected officials to protect them.

- **Councilor Carpenter noted that advisory questions in Vermont have been couched in how the results of those questions help officials govern, and said the Council should focus more on the point of a non-binding, advisory question. She asked what specifically this resolution would do if it passes, and how it would help her govern. She said that initiatives should be able to be turned into action at a local level, and this item doesn't do that.**

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

MOTION by Councilor Bergman, SECOND by Councilor McKnight, to postpone the executive session to the City Council's meeting on January 13, 2025.

VOTING: 8-2; motion carries (Councilors Broderick and Grant dissenting).

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

VOTING: 7-3 (Councilors Litwin, McKnight, Shannon dissenting).

8. DELIBERATIVE AGENDA

8.1 Burlington – Winooski Bridge Project and Colchester/Barrett/Riverside Base Technical Concept Approval – DPW

Director Spencer spoke about activities since the prior presentation to the City Council on this topic at its November 18, 2024 meeting, including productive conversations and engagement with Councilors and the public, and also noting that the City of Winooski voted to approve the base technical concept associated with this agenda item tonight. He noted a list of 20 conditions staff are proposing to put into the approval of the base technical concept, based on public and Councilor input.

Josh Olund, a consultant and project manager with HNTB, presented an update that reviewed the current and future schedule for the project (with milestones from 2023-2030) and provided a project update and review of past activity. He noted major points of project refinement since 2023, which included expanding the downstream bridge shared use path from 12 to 15 feet, improving the bike and pedestrian connectivity through the intersection, further reviewing the feasibility of a left turn out of Mill Street, and more traffic calming measures.

Mr. Olund then provided a summary of the base technical concept as it stands today. He said that this includes work on the intersection prior to the bridge on the Burlington side, and a shifted bridge alignment with curvature that allows traffic to be partially maintained on the bridge while it is being constructed.

City Engineer Wheelock then spoke about the RFP requirements for a construction contract. She noted that the City has the ability to include prescriptive or flexible requirements in the RFP, and they have a number of additional considerations they'd like to add based on Councilor and constituent feedback. With respect the bridge, these include promoting slow vehicle speeds with narrow travel lanes, visual narrowing of lanes, drainage that won't impact pedestrians and cyclists, and traffic management and emergency response as priorities. With respect to the intersection, they include short crosswalks, reviewing the left turn feasibility at Mill Stret, exclusive or leading pedestrian phase, a robust gateway design and street and tree aesthetics, undergrounding of aerial utilities, design to slow vehicle speed, inroad bike markings, design focused on bike transitions and conflict points, and allowing for proposals to provide protected bicycle facilities through the entirety of the project limits.

Mr. Olund then spoke about the bridge aesthetics. He noted that they are collecting public input on railings and lightings through a survey, and that they have received public comment about wanting bump-outs, balancing modern and historic features, space for greenery and flowers, and good lighting and security and ramps on stairs under the bridge.

MOTION by Councilor Bergman, SECOND by Councilor Neubieser, to authorize the Director of Public Works to execute the Burlington-Winooski BF RAIZ(2), Bridge 150 on U.S. Route 2/7 (Riverside Ave.) over the Winooski River and Burlington STP 5000(29) – Colchester Avenue, Riverside Avenue, and Barrett Street Intersection Base Technical Concept forms from the Vermont Agency of Transportation for design and construction of the Bridge and Intersection, and to take such other actions and execute such other instruments approved as to form by the City Attorney as may be necessary or convenient to implement the transactions contemplated hereby.

DISCUSSION:

- Councilor Bergman noted that he has had many questions over the last two years about this project and that many of them have been addressed. He said he believes that there is opportunity to continue to improve this project and do it in a way that makes it part of a re-envisioned transportation system.
- Councilor Litwin offered a friendly amendment to add to the end of the motion "...and to add onto the City's Bridge Conditions and Intersection Conditions that the design of the bridge and intersection will include attention to, and make best efforts, to create sight lines that can accommodate a left turn from Mill Street with a restriction during peak hours should that been deemed necessary."
- City Engineer Wheelock noted that asking for an option that preserves the ability to have sight lines to the right as one exits Mill Street supports the ability for the left turn or gives it a better chance in a future configuration.
- Councilor McKnight said she is not able to support this project yet due to persisting concerns about speed and safety and that it does not make enough progress on the City's climate goals.
- Councilor Kane asked if the amendment regarding Mill Street pushes staff to pursue a less safe design. City Engineer Wheelock replied that this language pertains to continuing to look at the possibility of having left turns, but isn't a guarantee. Councilor Kane expressed disappointment at the quality of the public engagement process around this project.
- Councilor Broderick said that after deliberation, he has concerns with moving forward with this amended motion, especially given the concerns around safety with the left turn out of Mill Street. City Engineer Wheelock clarified that there is no possibility that an engineer would allow a final design to move forward that is unsafe, and that what the amended motion does is commit the City to exploring an option that could allow a safe left turn.
- Councilor Neubieser expressed appreciation for staff for continuing to push and advocate for the local community through the design phase of this project. He asked how much the total project cost is, and Mr. Olund replied that the bridge cost is between \$70 million and \$80 million and the intersection is between \$7 million and \$9 million. He noted that Burlington taxpayers are responsible for \$3.8 million of the total project cost. Councilor Neubieser said he wants the public to appreciate that there won't be the opportunity to do this in the future, especially leveraging such high federal and state funding.
- Councilor Bergman said that Councilors who supported the motion without the amendment should also feel willing to support it with the amendment.
- Councilor Shannon noted written public comment from Jak Tiano about the process, challenges of the project, and challenges in timing for decision-making. She said she agrees with the challenges related to the pace of the process, especially when new goals are established in the middle of the process and aren't feasible to integrate into the project. She said Mr. Tiano also noted that if this project doesn't move forward, it is unlikely that the two cities will be able to line up funding to repair the bridge before it fails. Councilor Shannon said that when discussing safety, Councilors should consider the bigger picture, which is a safe and structurally sound bridge.

VOTING (by roll call): Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – aye,

Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (8 ayes, 2 nays); motion carries.

8.2 Presentation: Burlington Water Resources Capital Planning, re: Proposed March 2025 Bond Requests City Council Update December 16, 2024

Director Spencer said that staff continue to work to refine and reduce the total bond request through phasing the work and optimizing borrowing approaches, and through refining design.

Division Director Moir began by noting that in the stages of capital bond authorization, voter approval through a bond vote is not the final stage of the process and that the City Council ultimately has the authority on when and at what magnitude bonds and loans are issued. They noted that voter approval signals community support for the general scope of the project and allows the City to move forward without risk on the final design for the project to ultimately inform the bond cost. They also noted that a successful bond vote increases the project's priority ranking in the State Revolving Loan Fund (SRF), which also determines some of the grant opportunities that could come through this project. They spoke more on pursuit of alternative funding for the project, and that they have been exploring a number of grant opportunities. They said that increased Pollution Control Grant Funding is the most likely and largest grant they could receive. They also noted a meeting with GBIC to apply for a potential NBRC grant of between \$1-\$3 million.

Division Director Moir then spoke about the bond magnitude reductions under consideration currently. They noted that they are contemplating the removal of \$14 million for the North Plant Sewer Siphon because it is currently eligible for FEMA funding, as well as removing \$8.7 million related to dewatering upgrades, and adjusting the design contingency from 25% to 20%, which removes an additional \$6 million. They walked through the rationale and risks for each of these. They said that taken together, this brings down the potential estimated cost of the bond for the wastewater portion of the bond from \$204 million to \$175.3 million. They also spoke about stretching out the phases of the projects, which wouldn't reduce the total cost of the overall project, but would allow for leveraging the maximum SRF subsidy and leveraging deferred payment options.

Division Director Moir then spoke about work related to affordability and rate restructuring, as a result of this massive set of projects. They noted that determinations of affordability benchmarks and the methods for ensuring equitable burden of needed water resources funding across ratepayers are complicated. They said that if relying on the EPA's benchmark for affordability (4.5% of median income), Burlington does not have a problem with affordability; however, this doesn't take into account the high cost of living overall in Burlington. They said that their goal is that someone in Burlington shouldn't have to choose between paying their water bill and paying for other essentials, like medicine. They noted that they implemented a tiered rate system for the water rates for FY25, and could pursue a similar restructuring for the sewer side. They said they have also continued to work on the Water Resources Assistance Program (WRAP), particularly around how to allow renters to benefit from an affordability program. They said that they are exploring the option of giving Burlington Electric funds to credit renters' electricity bills in the equivalent of the WRAP discount if they qualify for BED's own energy assistance program. They also spoke about the outreach they have done since the last update before the Council.

Councilor Neubieser expressed appreciation for the Water Division's work leading the way in affordability programs.

Councilor Shannon expressed concern that moving forward with a bond of this size could fail. She asked if this can be prioritized in such a way that prioritizes the City's most urgent needs and what it can feasibly do more quickly, while looking for funding for other areas of the projects. She said that since the entire system can't be replaced at once, they need to think about really pragmatic phasing of the project over time. Councilor Bergman agreed with this approach as very logical, and would welcome staff laying this out at a future presentation.

8.3 Town Meeting TV Fy24 Update and FY25/Municipality's FY26 Budget Request **AGENDA ITEM REMOVED**

No discussion—item removed from agenda.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to postpone item 8.9 (Police Chief's Report) until the City Council's January 13, 2025 meeting.

VOTING: unanimous; motion carries.

8.4 Presentation: Emergency Housing – Mayor's Office

Special Assistant Russell provided a number of updates around homelessness. These include statistics related to the number of unsheltered individuals, updates on the motel program, deployment of resources for people who are outside, a storage pilot that the City would like to consider, updates about the General Assistance Emergency Housing Program, and updates around extending shelter capacity.

Councilor Litwin expressed support for the pilot storage project, saying that it is environmentally friendly and centers humanity by not throwing out peoples' tents and belongings. He asked the Council to consider where an appropriate location could be for the pilot, saying that he does not think the current proposed location at Battery Park is the most appropriate location, given how heavily used it is for recreation. Special Assistant Russell noted that Battery Park was recommended because of the high number of individuals who are rough sleeping there, without tents, but with a lot of belongings (which is already impacting the park space). She agreed that they should work to site the storage facility in an area where it will be successfully utilized. She noted precedent in operations with the VFW storage site last winter.

Councilor McKnight asked about the storage facility itself. She also asked if there are further conversations with the state about opening more family shelters (like the two that were recently opened in Williston and Waterbury). Special Assistant Russell replied that the container that was used at the VFW was a metal storage container, and she would envision using something similar for this pilot. She also said that there are state funds available to stand up emergency shelters, but that there is a lack of service workers to staff them. She also noted that the amount of funds nonprofits receive from the state is nowhere near the amount of money the state has put into operating two shelters for families. Mayor Mulvaney-Stanak added that it's becoming more clear that the legislature needs to be more specific with the GA Emergency Housing Program, in that a transition plan and off-ramp for individuals in the program needs to be more explicitly articulated. She added that she would also like to see workforce solutions put forth at the legislature, noting that there are successful models for staffing critical positions or sectors, and that emergency shelters can be staffed more responsibly and efficiently than they are currently.

Councilor Bergman said it would be helpful to have demographic information on the 259 unhoused individuals and the 36 individuals living in their vehicles, to get a sense of the types of housing and services that are needed. Special Assistant Russell said the unhoused population is generally difficult to connect with, but said that around 200 of the unhoused individuals are currently enrolled in the City's coordinated entry program, through which she will work to obtain demographic information.

Councilor Kane said he would prefer the storage facility pilot be sited in a building rather than a park, citing concerns with erratic behavior, antisocial behavior, and littering.

Councilor Grant asked how many individuals have died outside so far this winter, and Special Assistant Russell replied that there have been three deaths so far that have been publicized, but that these types of deaths are often not publicized. Councilor Grant said it would be good to consider the fact that people with complex comorbidities are not qualifying for housing and continue to be unhoused.

Councilor Shannon clarified that the 259 individuals who are unhoused are across Chittenden County, and Special Assistant Russell agreed, but added that the majority of them are in Burlington.

8.5 Public Hearing Regarding ZA-24-03 Emergency Shelters

Public hearing opened at 12:04 AM.

COMMENTS:

- State Representative Kate Logan noted that Act 47 requires municipalities to have at least one district with zoning for emergency shelters and further limits permitting requirements for emergency shelters to those used for other similar developments, like churches and schools. She said that this element was targeted at municipalities that denied permits for emergency shelters. She expressed dismay that some Councilors continue to oppose allowing every possible opportunity for human services providers to conceive of and develop an emergency shelter system in Burlington that meets the needs of those experiencing the worst of the housing crisis. She encouraged the Council to take testimony from the subject matter experts and services providers who would be in charge of determining the optimal location for services.
- Erhard Mahnke spoke against the Ordinance Committee proposal, which would prohibit emergency shelters in low and medium density residential neighborhoods. He urged the Council to allow their use in these zoning districts. He said what the Ordinance Committee proposed is not what the Planning Commission recommended to the Council, and said that this proposal is a shameful example of NIMBYism that the legislature sought to prevent with Act 47. He said that it is also embarrassing given that Vermont has the second highest per capita rate of homelessness in the country. He said the City has a long tradition of setting up emergency and transitional housing for a variety of the most vulnerable populations in the community.
- Missa Aloisi spoke on behalf of herself and 18 other residents in her ward, stating that they oppose the Ordinance Committee proposal, given Vermont's high rate of homelessness and the passage of Act 47 to prevent this type of NIMBYism. She noted that the needs of the unhoused community are varied, and that varied services in a number of locations should be offered. She said that limiting where shelters can be is harmful and discriminatory.

Public hearing closed at 12:15 AM.

8.6 Ordinance: CDO—Emergency Shelters ZA0-24-03 (Ordinance Committee) ****AGENDA ITEM REMOVED****

No discussion—item removed from agenda.

8.7 Indoor Entertainment Permit Application (2024-2025): Spiral House Collective, 19 Church Street (recommended for approval at the 12/11/24 LC Meeting)

MOTION by Councilor Shannon, SECOND by Councilor Litwin to approve the 2024-2025 Indoor Entertainment Permit Application for Spiral House Collective, 19 Church Street with all standard conditions.

VOTING: unanimous; motion carries.

8.8 Ordinance: Energy Benchmarking Of Space Heating In Certain Commercial Properties BCO Chapter 8, Art. VII (TEUC)

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to waive the second reading and adopt the ordinance with an amendment on line 32 to strike "conditions" and replace it with "conditioned."

DISCUSSION:

- Councilor Bergman noted an accompanying memo from BED and Permitting & Inspections that speak to certain considerations that will need to be examined in this ordinance, but that they are in support of this as an important piece of the City's energy reduction work. He also noted support from UVM.

VOTING: unanimous; motion carries.

8.9 Police Chief's Report ****POSTPONED****

No discussion—item postponed until January 13, 2025 City Council meeting.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
None.

11. ADJOURNMENT

11.1 Motion to Adjourn

The meeting adjourned without objection at 12:20 AM.

RScty: AACoonradt

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
December 16, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
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
Erik Ramakrishnan
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 10:14 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner McKnight, 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 Renewal: Lucky You, 163-165 Cherry Street – approve and authorize the transmission of local approval of the following local cannabis license renewal to the State Cannabis Control Board, subject to all municipal conditions currently in effect on such local license: Lucky You, 163-165 Cherry Street.

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

VOTING: 9-1; motion carries (Councilor Litwin dissenting).

3. ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 10:15 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, 2ND FLOOR, CITY HALL *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
December 16, 2024
DRAFT**

MEMBERS PRESENT:

Joan Shannon
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
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
Erik Ramakrishnan
Lori Olberg

1. AGENDA

City Council President Traverse called the meeting to order at 10:16 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, 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 2025-2026 First, Second, Third Class Liquor License and Outside Consumption Permit Renewals: see attached list – approve the 2025-2026 First, Second Third Class Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

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

VOITNG: unanimous; motion carries.

3. DELIBERATIVE AGENDA

3.1 2024-2025 First and Third Class Liquor License Applications: Delight Restaurant and Bar LLC, 1130 North Avenue (recommended for approval at the 12/11/24 LC Meeting)

MOTION by Commissioner Shannon, SECOND by Commissioner Litwin, to approve the 2024-2025 First and Third Class Liquor License Applications for Delight Restaurant and Bar LLC, 1130 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

3.2 Outside Consumption Permit Application (2024-2025): Delight Restaurant and Bar LLC, 1130 North Avenue (recommended for approval at the 12/11/24 LC Meeting)

MOTION by Commissioner Shannon, SECOND by Commissioner Carpenter, to approve the 2024-2025 Outside Consumption Permit Application for Delight Restaurant and Bar LLC, 1130 North Avenue with all standard conditions.

VOTING: unanimous; motion carries.

3.3 2024-2025 First Class Liquor License Application: Namaste Kitchen Express, 471 Riverside Avenue (recommended for approval at the 12/11/24 LC Meeting)

MOTION by Commissioner Shannon, SECOND by Commissioner Bergman, to approve the 2024-2025 First Class Liquor License Application for Namaste Kitchen Express, 471 Riverside Avenue with all standard conditions.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 10:18 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
January 13, 2025
DRAFT**

MEMBERS PRESENT:

Joan Shannon (via Zoom, then in-person at 6:48 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Melo Grant (at 6:17 PM)
Carter Neubieser
Joe Kane (at 6:15 PM)
Becca Brown McKnight
Evan Litwin (via Zoom)
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Joe Magee
Katherine Schad
Jessica Brown
Kim Sturtevant
Lori Olberg
Keaton Knowles
Ashley Parker
Megan Moir
Brian Duffany
Charles Dillard
Megan O'Rourke
Jordan Mitchell
Kevin Lumpkin
Karen Vastine
Dave Keelty
Karen Tyler
Ashley Bond
Jon Murad
Chapin Spencer
Nic Longo

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:10 PM.

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

- Remove item 2.2 (Executive Session Regarding Police Chief's Report) from the agenda.
- Move item 10.4 (Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter) to become item 10.7 on the deliberative agenda.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – nay, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – nay (5 ayes, 6 nays); motion fails.

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

- Remove item 2.2 (Executive Session Regarding Police Chief's Report) from the agenda.

VOTING: unanimous; motion carries.

2. EXECUTIVE SESSION

2.1 Communication: City Attorney Jessica Brown and Assistant City Attorney, Director of Litigation, Kim Sturtevant, re: Litigation Update

MOTION by Councilor Neubieser, SECOND by Councilor Barlow, that the City Council find that premature general public knowledge of legal advice and information concerning the details of probable and pending 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 Neubieser, SECOND by Councilor Barlow, that based upon that finding, the Council go into executive session to receive confidential client-attorney communications, 1 VSA Section 313(a)(1)(F), in pending or probable civil litigation matters, 1 VSA Section 313(a)(1)(E).

VOTING: unanimous; motion carries.

2.2 Executive Session Regarding Police Chief's Report **ITEM REMOVED FROM AGENDA**
No discussion.

3. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

3.1 Verbal Reports

Mayor Mulvaney-Stanak began by providing updates on the City's Cold Weather Shelter Policy. She said that Vermont has an adverse-weather program for opening up emergency shelter beds in Rutland and Burlington during weather where temperatures fall below -20 degrees. She said that given the current humanitarian and public health emergency with a shortage of shelter beds, the City has updated its policy to be more reasonable, practical, and accessible. She noted that the City's third community safety forum was held last Thursday, and it focused on substance use disorder, public health, harm reduction, the overdose prevention center, updates from the treatment courts, presentations on the City's drug enforcement policies from the Police Department, and community dialogue. She noted that the City's next forum will occur in March and will focus on hate crimes and biases. She thanked Officer John at the Police Department for hosting her on several ride-alongs, as well as thanking him for his candor and thoughtfulness when proposing solutions for the City's current public health issues. She noted that an RFP has been issued for a recruitment firm to help with the City's search for its next Police Chief. She spoke about a potential revamp to the CommStat program, given the need to address co-occurring issues (not just substance use disorder) and focusing on supporting the most high-risk individuals in the City. She noted a fiscal Town Hall that occurred related to the three bonds that are up for a potential vote on Town Meeting Day. She spoke briefly about the ModernGov initiative, which is the Administration's attempt to right-size government and realize efficiencies for the City. She noted that the state's legislative session began last week. She said that she has begun to meet with a diverse group of stakeholders to engage on a number of different topical areas.

4. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Councilor Grant noted that there was a Public Safety Committee meeting on December 19 and that the next one will take place on January 23. She noted that at the December meeting they heard a report from Fire Chief LaChance on overdose response and other data points. She also noted a report from the Police Department's CAIP program and updates from their work. She also noted that the CARES program is coming online.

Councilor Bergman noted a climate report that stated that 2024 was the hottest year on record, and thanked the Council and public for supporting many of the climate resiliency initiatives that have come through the Transportation, Energy, and Utilities Committee (TEUC).

Councilor McKnight spoke about public safety data related to high speeds coming out of the Shelburne roundabout traffic circle. She noted that based on a radar speed tracker installed by the Department of Public Works, South Willard has seen extremely high speeds (one reading was 82 MPH), and that based on these, DPW is planning traffic calming measures for this street and surrounding streets.

Councilor Neubieser noted that the Community Development Neighborhood Revitalization Committee (CDNR) is meeting this Wednesday, and noted they are discussing ways to increase the Affordable Housing Trust Fund, getting clarity on roles and relationships between City government, the City Council, and the City's NPA structure, and a resolution to require Councilors to file disclosure and ensure adherence with conflict of interest policies and laws.

Councilor Litwin encouraged Councilors to think about next steps related to the CAIP data that Councilor Grant mentioned, and how to evaluate the effectiveness of the outreach and interactions through this program. He also reminded the Council and Public Safety Committee about the community safety hub resolution, a report-back on which is due to the Council two meetings from now. Councilor Grant noted that she will have an update at an upcoming Council meeting, but reminded Councilors that a higher-priority item for the Public Safety Committee was to ensure access at the public-facing portion of the Police Department, which the committee has been working on.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to suspend the rules and take up item 10.1 immediately.

VOTING: unanimous; motion carries.

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

5.1. Verbal Comments

Forum opened at 6:53 PM.

COMMENTS:

Burlington residents (in person):

- Brett Yates expressed skepticism that a community conversation around the conflict in Gaza and the apartheid-free ballot measure will actually occur, but said that even if it did it would not replace the rejected ballot measure. He said that the purpose of a community conversation is social and the ballot measure would have been political. He said that political processes are appropriate for resolving this type of irreconcilable difference.
- Alex Melville suggested improvements to the Neighborhood Code amendments that will come before the Council in March, and that these improvements will make it easier to build starter homes in Burlington. He suggested that secondary dwellings not be required to be at least 350 square feet and said that limit should be lowered to allow for the construction of tiny homes in the City.
- Jeanne Keller spoke about UVMHC's plans for construction, which will negatively impact the neighborhoods surrounding the hospital. She said the MOU up for consideration tonight would allow UVMHC to build structures that will loom over residential houses around them, and this construction will increase traffic in the area.
- Romeo Von Hermann said that public servants play a crucial need in addressing the needs of the City, but that when public officials spend time on political posturing, they do not help the public trust or ensure resources are directed toward tangible outcomes. He said that public officials should adhere to strict communications protocols.
- Lee Morrigan said the resolution around rebuilding and reconciling with the Police Department ignores rank and file officers and instead centers on the voices of leadership, including sergeants (who are part of the problem). They said that this resolution is a performative failure and that officers deserve better.
- Dave Maher spoke about the poor shape of the criminal justice system, saying that it has led to more criminal activity. He spoke about lack of accountability for criminals. He noted that criminal suspects who violate their conditions of release are rarely held without bail in Vermont and that judges need to have more common sense to apply the law appropriately.
- Caryn Long spoke about how good faith efforts are needed to improve public safety in Burlington and that the Administration-developed Burlington Safety & Security Guide helps to do that, because it helps the public understand who to call for which types of public safety issues.
- Todd Deluca apologized to the police for how they were treated in the June 2020 resolution that defunded the department, saying that the department did not deserve that treatment. He spoke about personal experiences with public safety issues in the community. He said he hopes the City will focus urgently on protecting people from crime.
- Christopher Aaron Felker spoke about housing and impact fees, saying the City should be removing regulatory burdens and requirements that overburden developers to make building housing more affordable and streamlined. He also spoke about agenda item 10.4, saying it is a step in the right direction in restoring the relationship with the Police Department.
- Trey Cook said that item 10.4 is misguided and does not move toward real solutions to public safety issues in Burlington. He said that this shows that pandering to the police takes precedence over addressing the urgent needs of the community.
- Drew Demar said that his nonprofit is having exchange students come to Burlington from the Philippines and Myanmar to learn about sustainability and conflict resolution, and asked for any volunteers to host an individual for a week or two weeks during this time.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the work session on assessing impact fees, saying that she would like more clarity on which impact fees are currently being implemented and which would be proposed for new developments, as the presentation materials are unclear.
- Cindy Cook spoke about the draft MOU between the City and UVMHC, expressing concern about building height and setbacks, as well as a canyon effect for any large structures on Colchester and East Avenues. She said that looming buildings would dramatically affect the nature of the residential neighborhoods around the medical center. She also expressed concern about traffic, if significant additional parking spaces are added to the medical center campus.
- Martha Lang spoke in opposition to UVMHC's request to increase building heights and reduce green space. She urged the Council to postpone a vote until new Councilors from Wards 1 and 8 are elected, given that this would impact their district the most.

Non-Burlington residents (in person):

- Keren Sita spoke about free speech and said that the City should listen to its women, who are suffering socially and economically.

Forum closed at 7:25 PM.

6. WORK SESSION REGARDING IMPACT FEE PROGRAM: DRAFT RECOMMENDATIONS – C/T

6.1 Work Session Regarding Impact Fee Program: Draft Recommendations – C/T

Capital Program Director Parker began by introducing the topic, noting that the impact fee study had been in progress for the last several years. Brian Duffany, a principal consultant with Economic & Planning Systems (EPS), provided an overview of the presentation, which include information on the definitions and background for the presentation (the concept of impact fees, their legal framework, and the City's current fee program), as well as an overview of the study process, findings and recommendations, and proposed ordinance changes. He began by noting that impact fees can be charged on new development to defray capital costs directly related to that new development, but they cannot be spend on maintenance, operations, or existing deficiencies, and that they are intended to supplement the City's existing capital funding sources. He spoke about the legal framework for impact fees, both at the federal and state level. He noted that there are two types of impact fees, which include buy-in fees (such as for water and sewer enterprise funds), and capital expansion impact fees, which are used in situations where additional infrastructure capital investments are needed to support more growth in the City. He spoke about fee revenue history, noting that it totals about \$350,000 per year across the City. He noted that it is not significant source of revenue for the City's capital funds. He spoke about the work process used to conduct an impact fee study, including drafting nexus study calculations, conducting department interviews for capital projects, and reorganizing fee categories to determine whether it would give the City more flexibility to spend funds. He spoke about the decision criteria for impact fees, which include whether they can be spent on eligible projects, whether other funding sources will be needed to close the gap, and whether impact fees will generate enough money to be worthwhile.

Division Director Moir spoke about the work process related to water and sewer impact fees. They walked through the process, which includes calculating the value of water and sewer fixed assets, excluding debt service principal remaining on any of the fixed assets, dividing that by the capacity that the system currently supports, and generating a buy-in impact fee per gallon/day of allocation requests. They noted that based on these calculations, the wastewater buy-in impact fee per gallon per day would be \$7.87 per gallon, and for water it would be \$11.58 per gallon.

Mr. Duffany then outlined the recommendations related to this study. He noted that they would propose eliminating several fee categories (including school, library, police, and fire) and replacing them with water/sewer and transportation improvement fees. He noted that with these recommendations, residential impact fees would increase between \$1,000 - \$3,000 per residential unit. He said the rationale for this is

that the City should continue collecting impact fees but should focus on transportation, water, and sewer, since they tend to be the most expensive in terms of capital projects, and that they have the most potential growth for new development.

Capital Program Director Parker spoke about potential ordinance changes related to these recommendations, as well as other next steps related to the results of this fee study. She said that the goal is to have these ordinance changes in place for Fiscal Year 2026.

Councilor Neubieser asked for more detail about the rationale for focusing on water, sewer, and transportation impact fees. Mr. Duffany replied that impact fees need to be tied to projects that are currently at capacity, and these are the projects that best fit this criteria. He said that in discussing future capital needs with department heads across the City, most of the projects are related to existing facilities and not expansion, and so are not good candidates for more focus related to impact fees. Capital Program Director Parker noted that they plan to assess impact fees on a more regular basis (every five years) moving forward.

Councilor Bergman said he is focused on impact fees related to transportation and transportation demand management, and asked what current fees could pay for and what the proposed new fees could pay for. Mr. Duffany replied that the previous fee was related to traffic impact fees, particularly around cars and infrastructure that is used to expand capacity related to vehicles. He said that the City's focus is now on moving people, rather than moving cars, and that the multi-modal impact fee being proposed could be used to increase bicycle lanes and higher-capacity modes such as shared-use paths.

Councilor Barlow asked about the differences between the appropriate parks and school uses and whether it is appropriate to remove these categories. Mr. Duffany replied that after talking with the School District they were not able to identify capital projects that meet the criteria for impact fees, which drove the recommendation to drop school-related impact fees. Capital Program Director Parker noted that they are not ceasing collecting school-related impact fees forever, saying again that they will reassess impact fee categories on a regular basis (every five years).

City Council President Traverse asked about the recommendations related to non-residential properties and the decreases in their fees. Mr. Duffany replied that the methodology used now has been updated, which is why non-residential costs have gone down. He said that impact fees are only charged on new development. City Council President Traverse said he will need to understand how Burlington's impact fees will stack up to those of other surrounding municipalities, saying that he wants to ensure that any increases don't serve as an impediment to meeting housing demands.

Councilor Carpenter asked if fees can be assessed for very small developments. Mr. Duffany replied that every certificate of occupancy will have impact fees assessed on it. Councilor Carpenter noted that the City will need to make sure that capital needs are addressed for new developments (for example, existing sidewalks needing repair).

7. WORK SESSION REGARDING UVMMC LAND USE MOU

7.1 Work Session Regarding UVMMC Land Use MOU

City Council President Traverse noted that because there is no action on this item, he will not recuse himself but will not be making commentary.

Ms. Vastine began by providing a summary of the land use Memorandum of Understanding (MOU) between the City and the University of Vermont Medical Center (UVMMC). She noted that the original MOU was signed in 1999, with amendments in 2006 and 2016. She said that the MOU was put in place to ensure the neighborhoods adjacent to the hospital would maintain their unique character, and that they express

the intent for long-term planning. She noted that the MOU does not replace zoning, other ordinances, or other public processes or policy. She said that the MOU outlines parameters related to campus structures, including density of buildings and height restrictions on the campus. She also noted that UVMHC has several agreements with residents, especially those living along the East Avenue corridor.

Mr. Keilty provided background for the need for the MOU. He said that the hospital has projected the need for additional inpatient beds to serve the community and the region, saying that they are projected to need 242 additional beds by 2035, based on demand modeling conducted from 2020 census data. He said that they are trying to determine what kind of building envelope is needed to accommodate an additional 242 beds on the UVMHC campus. Ms. Vastine spoke about the collaborative approach UVMHC has taken, both with the Ward 1 NPA and the City's Administration. She noted that UVMHC will maintain commitments to East Avenue neighbors, including a transitional buffer to any development. She said that they are also committed to avoiding construction near the sliding hill and community garden area, that they will continue participating in CATMA and multi-modal transportation options, that they are committed to protecting the original Mary Fletcher Hospital building, that they are committed to supporting efforts to add affordable housing and design buildings that are climate resilient, and that they will communicate regularly with hospital-adjacent neighbors regarding any developments or changes on the campus.

Ms. Vastine then noted that UVMHC is asking the City to support two changes in the Comprehensive Development Ordinance related to the MOU. These include expanding the Height Overlay District to Mary Fletcher Drive and increase the allowable height by 40 feet, and the addition of 856 parking spaces in the parking structure with no anticipated net increase in surface parking. She said that in return, UVMHC is committing to resilient infrastructure and meeting with DPW regarding the water infrastructure needs, and continuing to participate in CATMA, working with the City to create and pursue multi-modal transportation options, and committing to rolling out an unlimited bus pass program for UVMHC staff through Green Mountain Transit.

Mayor Mulvaney-Stanak spoke about how the MOU and the proposed asks are aligned with the community's values. She said that there are elements related to work between UVMHC and Burlington Electric Department on battery storage and other climate resilient practices. She spoke about elements related to fair labor practices for any new construction at UVMHC's campus. She spoke about the community's concern about transportation impacts, highlighting UVMHC's commitment to CATMA and other partnerships with GMT. She further spoke about UVMHC's commitment to Burlington's infrastructure needs.

Councilor Neubieser spoke about the disproportionate effects these proposed changes will have on Ward 1 residents. He asked about the current height limit and whether the MOU proposals would change these height limits. Director Dillard said the area outside of the height overlay is not subject to the 540-foot elevation plane, but to the McClure building height (the tallest structure on the UVMHC campus). Councilor Neubieser asked what the MOU would do for height limits and building setbacks for vacant areas north of Mary Fletcher Drive, and Director Dillard replied that the proposal isn't intended to change these, though it would change the lot coverage requirements.

Councilor Bergman expressed concern about "canyon" development, though he expressed support for the proposals related to GMT and CATMA and multimodal transportation and said that he would like these proposals to be strengthened in the future. He asked about the future of 1 South Prospect Street. Mr. Keilty replied that UVMHC leases the building from the university, and that making large capital investments in it are not feasible given UVMHC's role as a tenant. He said they are looking to relocate current services from there to other locations. He said that they anticipate continuing to occupy that building at least for the next five years.

Councilor McKnight expressed concern about the potential for "canyon" development and asked if Councilors could tour the campus and walk through the proposed changes. She also asked whether patients and visitors could be incentivized to pursue alternate modes of transportation, given the competition for space between patient beds and parking spaces.

Councilor Litwin asked that the hospital pursue developments that are amenable to residential neighbors. He said that car transport shouldn't be demonized as much as it is here, especially given that many patients are using the hospital for acute needs and aren't able to pursue alternative modes of transportation.

8. CONSENT AGENDA

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

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

8.3 Approval of Parking Fees – BPRW – approve the 2025 Parking Fees as recommended by the Parks, Recreation, & Waterfront Commission, during its December 10, 2024 meeting, as detailed in the rate table herein.

8.4 Authorization to Accept Grant Award from Vermont Department of Public Safety for Emergency Response Unit Tactical Body Armor Vests – Police – approve and authorize Chief of Police for the BPD to accept the grant award of \$104,019.14 from Vermont Department of Public Safety and execute all necessary documents thereto upon final review and approval of the Chief Administrative Officer and the City Attorney's Office.

8.5 Distribution and Collection System Improvements – Contractor Budget Amendment – DPW – Water Resources – 1. Authorize Chapin Spencer, the Director of Public Works, to execute an amendment in the amount of \$211,066.00, for a total Distribution and Collections System contract value with Inliner not to exceed \$8,347,199.13 provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer; and 2. Authorize the Chief Administrative Officer to execute any budget amendments necessary to implement the budgetary actions. outlined in this memo.

8.6 Green Up Day – May 4, 2025 Update – waive the reading and place the communication on file.

8.7 Communication: Sam Pratt, re: Unfortunate End – waive the reading and place the communication on file.

8.8 Communication: Please Save The Roxy, re: Please save the Roxy Cinema. Purchase the theater and reopen it? – waive the reading and place the communication on file.

8.9 FIO Documents – for information only.

8.10 Resolution: Selection Of Newspapers For Publication of 2025 Election Warnings And Notices (Councilor Traverse) – waive the reading and adopt the resolution.

8.11 Resolution: Designation Of Ward 6 Polling Place (Councilors Shannon, McKnight) – waive the reading and adopt the resolution.

MOTION by Councilor Barlow, SECOND by Councilor Neubieser, to approve the consent agenda as amended and take the actions indicated for items 8.1-8.11.

VOTING: unanimous; motion carries.

MOTION by Councilor Litwin, SECOND by Councilor McKnight, to suspend the rules and move items 10.3 and 10.4 to take place prior to item 10.2 on the deliberative agenda.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – nay, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – nay, City Council President Traverse – nay (2 ayes, 9 nays); motion fails.

9. FIRST PUBLIC HEARING ON PROPOSED CHARTER CHANGE AMENDMENTS FOR MARCH 4, 2025 ANNUAL CITY ELECTION

9.1 First Public Hearing On Proposed Charter Change Amendments For March 4, 2025 Annual City Election

City Council President Traverse noted that the proposed charter changes for tonight's discussion include a proposal on banning guns in bars, a proposal on the redistricting process, and a proposal on rental period notifications. Forum opened at 9:40 PM.

COMMENTS:

- William Lackey spoke about his experience trying to find a rental apartment, noting that most units only had active listings available only 2-4 weeks from when they were posted, which was problematic for him as he was trying to be proactive and secure a new lease several months prior to the end of his current lease. He spoke about how he was responsible for an extra month of rent at his old lease, and that he is required to give a 60-day notice of intent to vacate as a tenant (but that landlords are not held to similar standards when listing vacant apartments). He asked that the housing code be changed in a way that leans more toward tenants than landlords. He asked that this change lengthen landlord notice period and shorten tenant notice periods.
- Chris Haessley spoke about the firearms charter. He said that there should be an exception for employees in addition to owners when employees are coming home late at night. He said that the proposal should also look at establishments themselves, and penalize those where gun violence incidents are taking place (rather than just penalizing the individuals responsible for the incidents). He then spoke about the rental notification ordinance proposal, saying that though it would be beneficial to have a longer rental notice period, the real issue is affordability. He spoke about the redistricting proposal, saying that it will be important to get the legislature involved to ensure some checks and balances, but also suggested establishing an independent council to look at this issue and make it less partisan than the topic has been in the past.
- Romeo Vonn Hermann expressed concern about enforcement related to the firearms ban, saying that it is uncharted territory. He asked what the City will do to protect frontline staff that are working at establishments and are confronted with patrons carrying firearms (given that it is legal to carry firearms in the state).
- Sharon Bushor (via Zoom) expressed support for a ban on firearms in establishments that serve liquor. She spoke about the rental notification proposal and expressed support. She spoke about the redistricting proposal, saying that the effective date should not be immediate upon passage, given that redistricting requires notification and that notification is important. Councilor Carpenter clarified that the City can't redistrict for at least five more years, so it would not be effective immediately upon passage. Councilor Neubieser noted that any redistricting proposal would need to have maps approved by the voters.

Forum closed at 9:56 PM.

10. DELIBERATIVE AGENDA

10.1 Resolution: Congratulating The University Of Vermont Men's Soccer Team For Their 2024 NCAA Division 1 National Championship And Proclaiming January 26, 2025 A Day In Their Honor (City Council)

Councilor Barlow acknowledged UVM Interim President Patricia Prelock, members of the National Championship Soccer Team, Head Coach Rob Dow, and Athletic Director Jeff Schulman. He congratulated the Men's Soccer Team for their victory. He noted that since this championship, Coach Dow and his staff have been named Coach and staff of the Year by the United Soccer Coaches organization.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the following resolution, which he read into the record: "That WHEREAS, the University of Vermont Men's Soccer Team (UVM) won the 2024 America East

Conference Tournament earning the team an automatic bid in the 2024 National Collegiate Athletic Association (NCAA) Division 1 National Tournament; and WHEREAS, the NCAA Division 1 National Tournament is a single elimination tournament among the champions from 22 college conferences and 26 other top college teams in the Nation; and WHEREAS, UVM defeated Iona University 5-0 in the first round at home, and then traveled over 7,000 miles to play away from home during the subsequent rounds of the tournament where they defeated Hofstra University (#7 seed) 2-1 in the second round, defeated San Diego University 1-0 in the third round, defeated University of Pittsburgh (#2 seed) 2-0 in the quarter final round, defeated University of Denver (#3 seed) 4-3 in penalty kicks during the semi-final round, and defeated Marshall University (#13 seed) 2-1 in the final round to win the NCAA Division 1 National Tournament; and WHEREAS, UVM Men's Soccer was the first team other than Skiing to win a national championship in the University's history, the first ever NCAA championship in the America East Conference, and the first unseeded team to win the crown in a non-COVID, full-field NCAA Tournament since 2006; and WHEREAS, the UVM national championship win has brought great pride and celebration to UVM the City of Burlington, and the State of Vermont; NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of Burlington applaud the UVM Men's Soccer Team for their historic achievement and congratulate the players, coaches, and staff who represent this outstanding team: 0 Lou Liedtka, 1 Niklas Herceg, 2 Nathan Simeon, 3 Mike Bleeker, 4 Cole Richardson, 5 Adrian Shulze Solano, 6 Connor Thompson, 7 Andrew Millar, 8 Niels Hartman, 9 Maximilian Kissel, 10 Nick Lockermann, 11 Yaniv Bazini, 12 Nash Barlow, 13 David Ismail, 14 Ethan Czaporowski, 15 Gianluca Armellino, 17 Ioannis Vassiliou, 18 Marcell Papp, 19 Toby Grant, 21 Karl Daly, 22 Sydney Wathuta, 24 TJ Liquori, 25 Pieter Bultman, 27 Ryan Zellefrow, 28 Zach Barrett, 31 Jeremy Tsang, 36 Max Murray, 99 Mitchell Ringman, Head Coach Rob Dow, Associate Head Coach Brad Cole, Assistant Coach Rory Twomey, Goalkeeper Coach Brendan Pulley, Director of Operations Mack Walton, Athletic Trainer Hannah Tremel, Student Manager Eric Bissell, Student Manager Eli Rosi, Assistant Athletic Performance Coach Mike Ederer, Associate Director of Academic Services Namik Sevlc, Assistant Athletic Director for Broadcasting & Communications Nich Hall; and BE IT FURTHER RESOLVED that in celebration and recognition of their historic achievement, the Mayor shall will proclaim January 26th, 2025 "UVM Men's Soccer Team D1 National Champions Day."

VOTING: unanimous; motion carries.

10.2 Town Meeting TV FY24 Update and FY25 Municipality's FY26 Budget Request

Jordan Mitchell, Town Meeting TV's Director of Operations, presented Town Meeting TV's FY26 budget request and provided an overview of how funds received were used in the prior fiscal year. She noted that the request is comprised of \$29,172 for general Town Meeting TV operations, \$17,530 to support ongoing hybrid meeting coverage for monthly NPA meetings, and \$42,000 for additional Burlington municipal meeting coverage. She noted that in the past year, Town Meeting TV provided coverage and production for 87 meetings for Burlington, including its Board of Finance, City Council, and Development Review Board meetings. She said that they further provided hybrid support for 66 NPA meetings, and additional general programming coverage for numerous and various City events. She spoke about CCTV's work to diversify its funding streams and seek additional funding from the legislature.

Councilor Neubieser and Councilor Kane thanked Town Meeting TV for everything they do for local democracy.

Councilor Grant noted that the Public Safety Committee doesn't get Town Meeting TV coverage and asked if there is any way City staff could send the recordings of the meetings to Town Meeting TV to get them on the Town Meeting TV website. Executive Director O'Rourke replied that Town Meeting TV can ingest programming and post it for municipalities, but that there are certain fees associated with adding to archival storage.

10.3 Police Chief's Report

City Attorney Brown said that the City takes seriously its duty to enter into bargaining negotiations with employee unions (such as BPOA) in good faith. She said that there has been some discussion about redactions to the Police Chief's report, because the City also takes seriously the protection of its bargaining position. She said that with regard to the imminent BPOA contract negotiations, Chief Murad's report is informative, but is not binding on the bargaining team or the City in its negotiations with the union. She noted that the report and Councilor feedback are not opinions or positions of the bargaining team.

Chief Murad noted that the report itself now contains data through the end of 2024, but that it does not include substantive changes from the previous version seen by the Council in December.

Councilor Grant spoke about the survey results from the police officers' union, saying that it contains important information that is valuable to the public. She said the survey should be used in the rebuilding of the department. She noted comments around morale issues and concern from officers about how they are viewed by members of the City Council and public. She noted comments around deferred maintenance in the Police Department and a lack of care on the part of the City related to this. She noted comments around the lack of prioritizing wellness. She noted comments around internal issues at the Police Department, including lack of support and direction from police leadership, concern about younger, less trained officers out on the streets as more seasoned officers leave the force, concern about a lack of recruitment and retention planning, lack of adequate training, and concerns around favoritism. She said that these items from the internal survey aren't handled in an honest fashion in the Police Chief's report, and yet they are crucial to the idea of developing a recruitment and retention plan. She said that an apology from the Council without an apology to the public for the incidents that led up to the June 2020 vote shows that there has been no internal reflection of how the City arrived at its current state. She said that the lack of using Vermont companies to do digital advertising and help with recruitment is disappointing. Chief Murad said that the department addressed these concerns internally through a long and thorough process, and that he provided an update on this at the November Police Commission meeting.

Councilor Litwin said the survey highlights the need for increasing staffing levels, given the top concern around officers being overworked and burnt out and clocking too much overtime due to inadequate staffing levels. He also noted work within the department to develop incentives for retention, reassessing workload and looking at different operational models. He asked if the police chief has any additional recommendations to add. Chief Murad replied that he does not have any other overarching themes or ideas other than what is laid out in the report.

Councilor Kane noted that this report shows that the Police Chief believes that attempts to increase community oversight of policing have contributed to recruitment and retention issues but does not acknowledge the effects that highly publicized excessive force lawsuits could also be having on those same efforts. He also noted a recommendation to reject the officer cap and that there are many statements about the Council defunding the police (despite Council efforts to clarify that this defunding did not occur). He noted no acknowledgment that officer levels were decreasing in the years prior to 2020. He noted no analysis of broad, well-documented industry-wide hiring and retention challenges that have plagued police departments around the country. He noted difficulty in interpreting the data presented within the report, without underlying contextual and background information. He said there should be an evidence-based and accessible record of decision-making processes for recruitment and retention efforts and decisions. He said that it would likely have been better if the chief had taken a less combative approach and acknowledged the well-intentioned and thoughtful work that has gone into modernizing policing practices in Burlington.

Councilor Barlow said this report will be an important document in the recruitment and retention conversation as the City moves forward, and said that criticisms of the chief and of this report are emblematic of the large recruitment challenges related to perceived or actual lack of

support by City government. He thanked the chief for leading the department and doing so much with so little, during extremely challenging times.

Councilor Neubieser said this report does not represent moving past prior issues and taking the politics out of policing, but represents a step in the opposite direction. He said that the City asked for solutions to issues that were realistic and achievable, but that the proposals in this report have not been properly vetted, properly priced, ranked by priority, or put into budgetary context. He noted that many of the solutions boil down to needing more funding, but he pointed out that the Council has supported increasing the Police Department's budget more in the last several years than in any years prior. He noted that the Police Department has spent a significant amount of funding on recruitment but that this has not led to successful recruitment. He expressed his support for rank and file officers, and said that this support is only possible when policing isn't politicized.

Councilor McKnight thanked Chief Murad for his service, and for his willingness to engage in dialogue and take a collaborative approach with her. She also highlighted his efforts to collaborate with rank and file officers to come up with the proposals in his report, because this type of input is crucial to rebuilding efforts. She also noted that some of these ideas were shared with the Administration over the summer but that no action has come of that. She spoke about some of the data points in the survey, including that 97% of respondents ranked their supervision received as satisfactory or above, and that 74% of officers said they were not satisfied with the City's commitment to employees. She asked if whether some of the negative comments heard tonight could be contributing to this statistic. Chief Murad replied that officers want to feel supported by the public and by the City and that of those that are leaving, many are doing so due to the lack of support. Councilor McKnight asked if item 10.4 below takes steps to help address some of that lack of support, and Chief Murad replied that yes, the report suggests that recognition that the decision made in 2020 was not in the best interest of the Police Department would be beneficial to retention.

Councilor Bergman thanked Chief Murad for his service and for leading a force that is stretched thin and dealing with myriad issues related to public safety. He said that while there are some good points in this report, he expressed concern that it is not responsive to the resolution and what it asked for. He said that criticism should not be equated to lack of support. He also expressed concern that the unredacted report contained proposals related to the upcoming contract and was shared with the union prior to sharing them with management's bargaining team. He said that the report fails to provide the comprehensive assessment of recruitment hurdles asked for in the resolution, does not provide recommendations on the number of CSOs, CSLs, and other complementary staff, an assessment on the administrative hours needed to relieve officers of some of that workload, information related to bonuses and their impact on hiring, and the steps the City can take to encourage alternative training models at the Police Department. He expressed grave concern that this report is a political attack, in that it blames the Council for staffing problems while ignoring that police staffing issues are prevalent at the state and national levels and minimizing internal problems that could be accelerating retirement or attrition. He said that no one on the Council wants fewer police officers and that its actions to raise the cap and increase BPD's budget significantly have proven this.

Councilor Shannon acknowledged that this report was a substantial lift for an already severely depleted department. She said that the department needs to be lifted up. She said that cost estimates were not part of the ask related to this report and that the union bargaining process will be what determines what the City can do in terms of priorities and what the City can afford. She said that it also isn't fair to criticize the Chief for relaying feedback from staff in BPD through this report. She said the lowest-cost first positive step that can be taken is a formal offer of thanks from the Council to the Chief and the Police Department. She said this report is extremely informative and that it is responsive of the questions asked of the department in the resolution.

Mayor Mulvaney-Stanak said that she respectfully cannot endorse this report. She cited reasons around the impact on the City's bargaining position with the BPOA (and BFFA) and the lack of collaboration from the Chief when she articulated her concerns with the report. She emphasized that successfully rebuilding the Police Department takes trust and good faith in what the City can offer at the bargaining table. She further said she cannot endorse this report as it does not meet the criteria of a researched, data-driven report that can be relied on to make policy decisions related to recruitment and retention. She said she plans to commission an expert assessment from her office to provide the Council with a data-informed analysis on how the City can put its limited recruitment and retention resources to better use. She said she has asked that the Council hold a working session on January 27 on its internal recruitment and retention data. She said that she stands with the Council, the outgoing Police Chief and the new Police Chief to move the City forward on behalf of the rank and file who are working at BPD.

Chief Murad spoke about discussing the September City Council meeting where the resolution relating to this report was voted on with staff at the BPD. He then spoke about being proud of the community and the wonderful events held in it. He spoke about events that create opportunities for individuals to foster meaningful connections with police officers, lamenting that the department hasn't been able to have those types of events as frequently in the last few years.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to suspend the rules and complete item 10.6 on the deliberative agenda.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – aye, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion fails.

MOTION by Councilor Bergman, SECOND by Councilor Broderick, to suspend the rules and complete items 10.5 and 10.6 on the deliberative agenda.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – nay, Councilor Shannon – nay, City Council President Traverse – aye (6 ayes, 5 nays); motion fails.

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

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – nay, Councilor Carpenter – nay, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – aye (5 ayes, 6 nays); motion fails.

MOTION by Councilor McKnight, SECOND by Councilor Litwin, to adjourn the meeting.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – nay, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – nay (3 ayes, 8 nays); motion fails.

MOTION by Councilor Neubieser, SECOND by Councilor Bergman, to suspend the rules and complete items 10.5, 10.6, and 10.7 on the deliberative agenda.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Broderick – aye, Councilor Carpenter – aye, Councilor Grant – aye, Councilor Kane – aye, Councilor Litwin – nay, Councilor McKnight – nay, Councilor Neubieser – aye, Councilor Shannon – nay, City Council President Traverse – aye (7 ayes, 4 nays); motion carries.

10.4 Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter)
No discussion—item not taken up.

10.5 Water Resources Bond request Update – DPW – Water Resources

Division Director Moir said that based on feedback at the Council's December 16 meeting, staff are now bringing the projects related to the bond forward in a differently-phased approach and are only focusing on the items deemed Phase 1. They said that in the original proposal, they were bringing forward a much larger proposal for wastewater, but that they have been able to decrease it to \$138 million to focus on Phase 1 work. They said that this brings down the bond total for the Lake Bond to \$152 million (from \$204 million). They said that they have consolidated Phase 1 work to Main Plant but that the North Plant will need to be worked on soon and that they will be returning, potentially as early as 2027, to potentially seek funding for the balance of this project. They noted that rate increases are still significant, but that DPW will be working diligently to secure more state funding and keep affordability a primary focus during this process.

10.6 Resolution: Authorization For Interfund Loan For Department Of Public Works (Board of Finance)

Director Spencer said this relates to authorizing financing resolving a 24-year back-and-forth with Chittenden Solid Waste District to allow the City to develop a unified solid management area 201 Flynn Avenue and free up other areas for other community uses. He said that this financing package has a short term and appropriate interest rate that is consistent with Federal Aviation Administration (FAA) policy.

Councilor Shannon asked if this transfer of funds required FAA approval. Aviation Director Longo replied that it does require FAA approval, and that it is permissible because it is a short-term loan between enterprise fund departments and because the interest rate is the prevailing interest rate with a demonstrated benefit to the Airport.

Director Spencer walked through the repayment terms, which would be between 3 and 4 years. He noted that DPW has budgeted \$40,000 in this fiscal year and allocations of \$160,000 in the next three fiscal years. Chief Administrative Officer Schad added that because the solid waste generation tax would be used to pay the vast majority (if not all) of this loan, it is not viewed as a risky inter-fund loan from the General Fund perspective.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to approve and 1. Waive the reading and adopt the resolution regarding a \$520,000 interfund loan from the Patrick Leahy Burlington International Airport to finance the purchase and fit up of 201 Flynn Avenue, subject to the review and approval of the City Attorney's Office; 2. Authorize a FY25 budget amendment to utilize fund balance from Water (Fund 460) in an amount not to exceed \$140,000, and to use fund balance from Stormwater (Fund 245) in an amount not to exceed \$94,000 for the purchase and fit up of 201 Flynn Avenue, and; 3. Authorize the Mayor, Chief Administrative Officer, and DPW Director to take such further actions and to execute such further instruments approved as to form by the City Attorney as may be necessary or convenient to effectuate the transactions contemplated hereby.

VOTING: unanimous; motion carries.

10.7 Presentation Regarding FY26 General Fund Budget Update – C/T

MOTION by Councilor Barlow, SECOND by Councilor Broderick, to postpone this item until the January 27, 2025 City Council meeting.

VOTING: unanimous; motion carries.

11. COMMITTEE REPORTS

11.1. Verbal reports
No discussion.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.1. Verbal reports
No discussion.

13. ADJOURNMENT

13.1 Motion to Adjourn
The meeting adjourned without objection at 11:42 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
January 13, 2025
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Erin Jacobsen
Katherine Schad
Jessica Brown
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Mulvaney-Stanak at 11:42 PM.

MOTION by City Council President Traverse, SECOND by Councilor Bergman, to amend and adopt the agenda as follows:

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

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

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

VOTING: unanimous; motion carries.

3. 2025 COMMISSION APPOINTMENT

3.1 Police Commission: Term Expires 6/30/26

MOTION by Councilor Barlow to nominate Kevin Garrison, Jr. to the Police Commission.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – abstain, Councilor Broderick – abstain, Councilor Carpenter – aye, Councilor Grant – abstain, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – abstain, Councilor Shannon – aye, City Council President Traverse – aye, Mayor Mulvaney-Stanak – abstain (6 ayes, 1 nay, 5 abstentions); motion fails.

4. ADJOURNMENT

4.1 Motion to Adjourn

The meeting adjourned at 11:53 PM.

RScty: AACoonradt

**BURLINGTON BOARD OF ABATEMENT OF TAXES
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
January 27, 2025
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Schad
Jessica Brown
Lori Olberg
Erin Jacobsen

1. CALL TO ORDER AND AGENDA

Mayor Mulvaney-Stanak called the meeting to order at 7:59 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Notice City of Burlington Full Board of Abatement of Taxes – C/T – waive the reading, accept the communication and place it on file.

2.3 Request for Abatement of Taxes: Alice Okuka, 105 Fairmont Place, 024-2-200-105 – grant the abatement of taxes in the amount of \$3,810.

2.4 Request for Abatement of Taxes: Ohavi Zedek, William Miller, 472 North Street, 045-1-119-000 – deny the abatement of taxes.

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to adopt the consent agenda and take the actions as indicated for items 2.1-2.4.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.01 Motion to adjourn

The meeting adjourned without objection at 8:00 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
January 27, 2025
DRAFT**

MEMBERS PRESENT:

Joan Shannon (at 6:43 PM)
Sarah E Carpenter
Mark Barlow
Gene Bergman
Ben Traverse
Melo Grant
Carter Neubieser
Joe Kane
Becca Brown McKnight
Evan Litwin
Marek Broderick

OTHERS PRESENT:

Emma Mulvaney-Stanak
Erin Jacobsen
Katherine Schad
Jessica Brown
Lori Olberg
Keaton Knowles
David Mickenberg
Clare Wool
Nathan Lavery
Chapin Spencer
Megan Moir
Ashley Parker

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Traverse at 6:40 PM.

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

VOTING: unanimous; motion carries.

2. WORKING SESSION REGARDING LEGISLATIVE UPDATE

2.1. Working Session Regarding Legislative Update

Mayor Mulvaney-Stanak began by noting that the Administration has begun having regular meetings with the Burlington delegation at the Statehouse. She noted that they had a productive meeting with the State Treasurer, Mike Pieciak, to begin assessing what other sources of funding are available within the state for infrastructure needs. She also noted that in anticipation of a potential ballot item related to the charter change around banning guns in certain establishments, she has had proactive conversations with the Speaker of the House, Senate Pro Tem, and one of the Government Operations committees to flag this charter change. She also noted the introduction of a similar bill (H.45) that would ban guns statewide in establishments that serve alcohol.

David Mickenberg began by noting that the partisan balance of the legislature has shifted as a result of the last election. He noted that many of the issues the City Council identified as its priorities have been taken up at the Statehouse. He said that related to housing, there have been conversations about increasing permanent affordable housing as well as housing through the General Assistance voucher program. He noted that committees will discuss the GA Task Force's recommendations, and

that the House Human Services committee also recommended that GA coverage be extended from April 15 to June, and proposed allocating funding into the FY25 Budget Adjustment Act to do so. He also noted recommendations for inclusion in the BAA related to permanent affordable housing, which are being discussed in House Appropriations this week. He said that related to mental health and substance use disorder supports, there was a recommendation for a \$10 million allocation in the BAA for more support for residential treatment facilities and providers. He also noted an update at the House Human Services Committee from the Department of Health on overdose prevention centers. He said that related to the judiciary and monitoring systems, one of the biggest questions will be around the age in which juveniles would be considered adults for the purposes of criminal proceedings. He noted that in terms of water infrastructure, not much has occurred to date this session and that committees are being oriented to the current state of water. He said that they will know more about potential funding when the capital bill is released, which provides funding and resources for capital projects around the state. He said that the charter change around police oversight was introduced in H.59, and is being considered in the Government Operations committees. He spoke about gun reform legislation, including H.45 (which was modeled on Burlington's charter change language). He noted another bill introduced in the Senate that creates a penalty for the discharge of a firearm within 500 feet of a childcare center or school.

Councilor Litwin noted H.39, which would override the \$1 million earmarked last session for the overdose prevention center in Burlington, and asked about the impact of this bill on Burlington's efforts. Mr. Mickenberg noted that the bill was introduced but hasn't had a hearing yet, and said that it would be a full repeal of the statute (not just a clawback of Burlington's allocated funds). Mayor Mulvaney-Stanak said that they will monitor the bill, but also said that hundreds of bills are introduced that never get considered.

Councilor Bergman said a follow-up communication on the no-cause eviction conversation would be helpful, in terms of the testimony and lines of support and opposition from legislators.

Councilor Barlow spoke about Green Mountain Transit (GMT)'s \$1.5 million operating deficit and asked that this issue be tracked as well.

3. MAYOR – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

3.1 Verbal Reports

Mayor Mulvaney-Stanak began by speaking about last weekend's joyous celebration for the UVM men's soccer team's Division 1 championship on Church Street and thanked staff for their support, and thanked UVM for its collaboration on the event. She then spoke about community safety updates, including the operation of an emergency weather shelter for between 45-80 people, the swearing-in of new professional staff and officers of the Burlington Police Department, meeting with BPD leadership to learn more about the gaps related to drug trafficking in the court system, working on upgrades to the BPD facility, and noting that the City's next community safety public forum is on March 13 and will focus on hate and bias-related incidents. She provided a brief update of the new CityPlace building and when units in the north and south towers will come online. She also provided an update on the City's work related to climate mitigation, noting that staff are conducting an inventory of current initiatives and will look to bring on climate advisors from the community in the coming weeks. She then noted that the City's Tax Fairness Working Group will meet later this week for the first time, and that work continues on the Fiscal Year 2026 budget. She spoke about the upcoming election, noting that all registered voters will be mailed a ballot between February 10 and February 12, and further noting that same-day voter registration will also be available on Town Meeting Day. She then spoke about engagement with the Burlington School District, particularly around school safety and language access. She ended by noting several Martin Luther King Jr Day events held by the City, events for PlanBTV, and a BCA arts exhibit opening.

4. CITY COUNCIL – GENERAL CITY AFFAIRS (TO INCLUDE CLIMATE AND PUBLIC HEALTH & SAFETY EMERGENCY UPDATES)

4.1 Verbal Reports

Councilor Neubieser spoke about a study through CDNR about doubling the funding for the City's Affordable Housing Trust, particularly focusing on solutions to do so without relying on regressive taxes.

Councilor Grant spoke about concerns raised during public forum about not getting the help needed for public safety. She said that everyone should be prepared to effectively communicate to dispatch in order to get an appropriately-prioritized response, especially if they feel that there is the potential for physical danger. She offered to discuss this further with anyone who wishes to do so. She also clarified that the Mayor did not issue a gag order for the Police Department, but is requesting that they run press releases by the Mayor's Office. She also noted that she shared a link to the BPOA survey for police officers and encouraged the public to review the survey results.

Councilor Barlow concurred with the Mayor about the celebration for the UVM men's soccer team, saying that it was also beneficial for businesses downtown.

Councilor Litwin said he would like the Council to have a timeline for the recruitment efforts and activities for the upcoming Police Chief position vacancy. He spoke about the communications topic related to the Mayor's Office and Police Department, noting that the Human Resources Committee will be taking up the topic at an upcoming meeting on February 3. He said that he hopes the committee will be a neutral space where they can discuss communications policies and potential updates to the City's personnel manual. He thanked the Board of Health for its work on evaluating solutions to the City's syringe litter issue.

Councilor Broderick noted that the Transportation, Energy, and Utilities Committee is meeting tomorrow and will be discussing Green Mountain Transit's FY26 assessment.

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

5.1. Verbal Comments

Forum opened at 7:01 PM.

COMMENTS:

Burlington residents (in person):

- Len Whitehouse spoke about public safety concerns in Burlington and relayed a personal experience with having to respond to an intruder himself due to lack of police response, which was due to lack of police funding in the City.
- Bill Oetjen spoke about open drug use and human trafficking around the downtown area, saying that the gangs responsible are better-resourced than the public safety apparatus in the City. He said the Burlington Police Department needs better tools and personnel to combat these threats to public safety.
- Dave Maher urged the Council to support the resolution for rebuilding the Burlington Police Department. He spoke about the decimation of the Police Department by the City Council between 2020 and 2022, which has led to a feeling of lack of support. He said that tonight's resolution could begin to rebuild the support of the BPD by the local government.
- Jane McDougal spoke about the need to have more sidewalks fixed in the City. She spoke as a resident of Cathedral Square, saying that not enough sidewalks have been repaired and that it makes it difficult for the elderly to get around.
- Christopher Aaron Felker spoke in support of the resolution on tonight's agenda for rebuilding the Police Department. He also spoke about the importance of investing in sidewalk infrastructure. He also spoke in defense of women, sex-based rights, and female-only spaces.
- Lee Morrigan gave a formal resignation from his seat on the Burlington Parks, Recreation, and Waterfront Commission. He said that public service is about envisioning and working toward something better for neighbors, community, and the future. He said that while sometimes one's vision meets with resistance, the most transformative work occurs when individuals refuse to be silenced. He spoke about how his tenure on the Commission has been undermined by the Democratic majority (even blocking this resignation letter from appearing on the consent agenda). He spoke about how the harm caused by this has been deeply personal, and about how projects he championed were stripped of their intended purpose under Democratic influence, and have jeopardized the existence of these projects and

programs. He spoke about how his own family was used in Democrats' campaigns, which also engaged in transphobia.

- Caryn Long said that she feels that the City's public safety measures are working, and said that if the police know that something is an emergency when 911 is dialed, they will show up. She also noted that Outdoor Gear Exchange is closing its Essex location to focus on its flagship store on Church Street, and that the owner has said this is because there have been positive improvements in the conditions in downtown Burlington. She also spoke about several other businesses coming into or expanding their businesses downtown, saying that this is necessary for a vibrant downtown.
- Michael Long spoke about the significant number of well-qualified candidates in upcoming local elections, unlike some of the candidates on the national stage. He spoke about his worry that some of the Democratic caucus were undermining the Mayor, but then noted that the caucus is now emphasizing the need for Democrats on the Council to provide collaborative balance to the Mayor's Progressive administration. He spoke about the importance of collaboration on the City Council.
- Todd Deluca spoke about a number of public safety incidents that he has experienced over the last seven months.
- Nolan Rogers expressed support for putting the water bond on the ballot, and expressed his appreciation for infrastructure and for maintenance work. He said that doing maintenance improvements will help the City grow in the future.

Burlington residents (via Zoom):

- Eliana Fox spoke in support of the Lake Water and General Obligation bonds, and urged the City Council to support them as well. She spoke about the importance of investing in critical infrastructure and assets. She acknowledged the high cost, but said that is a product of deferring maintenance for so long, and said that these upgrades are key to the City's continued development and expanded housing and commercial spaces.
- Robert Etter said that the City should not be proposing any budget increases for anything other than public safety, and said that if bonds and infrastructure are needed due to deferred maintenance, the City needs to shift its existing budget priorities and not demand higher taxes of its residents. He spoke with disappointment about the Mayor's gag order on the Police Department, which fosters further mistrust of the police among major political elements in the City.
- Jeanne Keller spoke about the UVM Medical Center MOU, saying that the added building heights for the new campus overlay will exceed the height of the water tower and may necessitate the addition of blinking lights on top of the building to meet Federal Aviation Administration requirements. She noted that residents of the East District are being denied representation during this debate due to the vacancy of the East District Council seat. She asked that the Council complete a daylighting study to address concerns about canyoning between Colchester and East Avenues, require the hospital to float numerous highly visible balloons to mark the boundaries of the requested height allowances, and postpone the vote on the MOU until the studies are done and a Councilor is elected to the East District seat.
- Martha Lang spoke about the MOU between UVM Medical Center and the City, expressing concern that the proposed building could have a footprint of an acre and a half, which would destroy the full grown trees on Colchester Avenue. She suggested that the City Council do a site visit and allow residents to participate in it, as well as ask the Medical Center to conduct a computer-generated study to show how the neighborhood would look with the proposed changes.
- Mark Leopold spoke about National Holocaust Remembrance Day, and spoke about how not all Gazans are innocent and that the goals of Hamas are to kill all Jews in the world. He connected these goals with those of Hitler.
- Sharon Bushor spoke in support of the \$20 million General Obligation bond for capital improvements and the \$20 million drinking water bond, but expressed concern about the high cost of the stormwater and wastewater bonds and the impact on affordability.

Forum closed at 7:35 PM.

6. SECOND PUBLIC HEARING ON CHARTER CHANGES FOR MARCH 4, 2025 ANNUAL CITY ELECTION

6.1 Second Public Hearing on Charter Changes for March 4, 2025 Annual City Election
City Council President Traverse opened the public hearing at 8:02 PM.
There was no public comment.

City Council President Traverse closed the public hearing at 8:02 PM.

7. CONSENT AGENDA

- 7.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
- 7.2 Accountability List – C/T – waive the reading, accept the communication, and place it on file.
- 7.3 Communication: Marc Bilodeau, Parking Manager, DPW to Sam Pratt, re: parking issues – waive the reading, accept the communication, and place it on file.
- 7.4 Appointment of City Attorney as State Ethics Liaison - confirm whoever holds the position of City Attorney shall serve as the City of Burlington's Ethics Liaison to the State Ethics Commission.
- 7.5 Open Space Plan Rewrite Statues Update – DPW – waive the reading, accept the communication, and place it on file.
- 7.6 Communication: Martha R. Lang, Ph.D., re: UVMCMC modest increase in height overlay request – waive the reading and place the communication on file.
- 7.7 Communication: Martha R. Lang, Ph.D. to Green Mountain Care Board, re: Docket No. GMCB-023024-con, UVMCMC Conceptual CON for the Construction of Replacement Parking Garage – waive the reading and place the communication on file.
- 7.8 Re-classification of one position, the HVAC Technician, in the Department of Parks, Recreation, and Waterfront to Central Facilities Working Foreperson Heating, Ventilating and Air Conditioning (HVAC) Technician – BPRW/HR – approve and authorize the reclassification of the HVAC Technician, a regular, full-time, non-exempt, AFSCME, Grade 17 position to the Central Facilities Working Foreperson Heating, Ventilation and Air Conditioning (HVAC) Technician, a regular, full-time, non-exempt, AFSCME , Grade 18 position in the Department of Parks, Recreation & Waterfront.
- 7.9 FIO Documents – For information only.

MOTION by Councilor Litwin, SECOND by Councilor Shannon, to approve the consent agenda and take the actions indicated for items 7.1-7.9.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Potential Charter Change Amendments Based on Public Hearings
None.

8.2 Resolution: Short Form Ballot Language Re: Charter Change Re: Authority To Regulate Rental Notifications And Notification Periods (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor Grant, to waive the reading and adopt the resolutions for items 8.2, 8.3, and 8.4.

DISCUSSION:

- **Councilor Bergman said the three charter changes are related to notifications for rental units, redistricting language, and banning firearms in establishments with liquor licenses. He spoke about the process for approving charter changes at the state level if the voters approve of them on Town Meeting Day.**
- **Mayor Mulvaney-Stanak spoke about the proposed charter change related to banning firearms in establishments with liquor licenses, saying that this could be one additional tool to keep the public safe in the downtown area, and could also help jumpstart conversations related to this topic at a statewide level (through H.45).**

VOTING: unanimous; motion carries.

8.3 Resolution: Short Form Ballot Language Re: Charter Change To Article II. Sec. 2 Of The Charter Of The City Of Burlington (Councilor Bergman)
See action taken in item #8.2 above.

8.4 Resolution: Short Form Ballot Language Re: Charter Amendment Re: Ban On Firearms In Any Establishment With A Liquor License (Councilor Bergman)
See action taken in item #8.2 above.

8.5 Resolution: City Council Commitment To Rebuilding And Reconciling With The Burlington Police Department (Councilors Shannon, McKnight, Litwin, Barlow, Traverse, Carpenter)

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

DISCUSSION:

- Councilor Shannon spoke about an initial resolution in September to increase the cap on sworn officers in the BPD, which also requested a report-out from the Police Chief on what the cap should reasonably be, as well as updates on recruitment and retention activities at the Police Department. She noted that in his report-out, the Chief recommended a cap of 105 sworn officers, but that the BPOA noted that removing the cap entirely would be a good step to improving morale at the department and the relationship between the BPD and local government. She spoke about the CNA's recommended cap, which was based on 2019 data, and also had a number of caveats. She also said that regardless of the number, the City needs far more officers than it currently has, and should be signaling that intent during recruitment efforts. She said this resolution recommends removing the cap on police officers, and that the number of officers should be driven by the City's budget and ability to recruit. She said the resolution also asks the Chief Administrative Officer (CAO) to determine whether funding can be found in the budget for recruitment and retention bonuses. She noted that the resolution was drafted with input from the BPD and BPOA. She noted several changes between this version of the resolution and the prior version of the resolution, saying these changes are in response to events that occurred in recent weeks related to public safety issues. Mayor Mulvaney-Stanak spoke about the requirement in the resolution for a report-out from her office, and asked that this date be changed to February 18, 2025.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Neubieser, to change the date on Line 128 from February 10, 2025 to February 18, 2025.

VOTING (ON AMENDMENT): 10-1; motion carries (Councilor Litwin dissenting).

DISCUSSION (ON RESOLUTION AS AMENDED):

- Councilor Bergman began by expressing appreciation for personnel in the BPD, saying that the Progressive caucus will continue to work to meet the target of 87 sworn officers and support a data-driven and supported assessment of the need for sworn officers, and noting that this resolution does neither of those things. He said that this resolution is controversial and divisive, and the Progressive caucus cannot support it. He said the most important objection is to the resolved clause that removes the cap, given that the resolution does not require an assessment of needs, and is a performative distraction. He noted several items that they reached consensus on, such as how to attract lateral hires, a review of the BPD budget to hire youth, a report on the police facility, and a commitment to look at longer-term measures to rebuild.
- Councilor Grant began by speaking about her attitude toward resolutions as a concept, saying that they often serve as distractions or performative measures. She expressed concern that the whereas clauses related to the CNA report imply that certain data was not taken into consideration. She noted that the BPD has not been cooperative or engaging with regards to having a strategic recruitment plan for lateral transfers. She said that commitments between the City Council and BPD are useless unless the BPD is a willing partner in that commitment. She concurred with

Councilor Bergman's sentiments, and said that this resolution will not be effective because it does not address the underlying issues.

- Councilor Neubieser agreed with Councilor Bergman's statements around the Progressive caucus's position on this resolution. He noted that his constituents have spoken about their exhaustion with the endless relitigation of the June 2020 vote. He said that the City and BPD should focus on the complexity of the situation. He agreed that rank and file police officers should be supported, and said that EMTs, crisis workers, firefighters, social workers, and healthcare providers on the front lines should also be supported. He pointed out that the June 2020 vote came about in part due to the conditions at the time, including excessive use of force on the part of some officers, expensive settlements, and lack of transparency by the prior administration in addressing the issues. He reassured constituents that new leadership, resources, and perspectives are focusing on this issue to try and make improvements.
- Councilor Barlow noted that exit interview data has spoken about the perception that the BPD is not supported by City government. He also noted that no other department has a politically imposed limit to hiring like BPD does. He said that removing this cap could potentially be removing an obstacle to recruitment and could unlock the City's ability to attract more lateral hires.
- Councilor McKnight said this resolution brings forth actions that are directly responsive to what BPD is asking the City Council to do. She noted that constituents are urging the City Council to do something in order to help hire more police officers and see more forward momentum on this topic. She pushed back against assertions that resolutions are performative and symbolic.
- Councilor Kane said one way to support officers is to help reduce the stress related to lawsuits. He said that the institution of policing has grown to respond to a range of social ills, many of them issues that sworn officers are not equipped or trained to deal with, and the cap pushes the City to be intentional in making sure that these issues are dealt with by other positions than by sworn officers.
- Councilor Litwin said that Councilors are stating that they wish to rebuild the BPD while simultaneously attacking its leadership, and said that the Council needs to stop dwelling in the past. He said that the cap should be the budget, as this is what truly limits the number of officers the City can hire. He said the City needs more sworn officers.
- Mayor Mulvaney-Stanak said she remains concerned about a policy that lifts the cap on the number of sworn officers, saying it is a premature move given that the City cannot even reach the staffing levels included in the current fiscal year's budget. She said that the legislative body's continued focus should be on evidence-based rebuilding strategies. She said that the Council and her administration should continue to examine what the community was asking leadership to do in 2020, which was to think more expansively about community safety and understand the racial justice commitments made at that time.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion carries.

8.6 City Council School Budget Update – Burlington School District

Burlington School District Chair Wool and Executive Director Lavery provided the update on the FY26 BSD budget. Executive Director Lavery began by noting that the FY26 budget is projected to decrease education property taxes by 4% across the City. He said that this is somewhat driven by the change in the pupil weights within the financing formula and a drive to develop a more equitable and transparent budgeting model, particularly around aligning staffing to enrollment changes. He said that though they are projecting a tax rate decrease, there are still a number of headwinds for the BSD, including rising wages, healthcare costs, and beginning to pay down the debt associated with constructing the new high school and tech center campus.

Councilor Bergman thanked the BSD for their work in focusing on affordability.

Councilor Shannon also thanked the BSD for this work, and acknowledged that this reduction due to changes in pupil weights is the product of decades of work on the part of the BSD to lobby in Montpelier for Burlington's fair share related to education financing.

Councilor Litwin agreed with Councilors Bergman and Shannon's sentiments. However, he expressed concern about the banking relationship between BSD and TD Bank and asked that BSD look at its RFP process when selecting the bank that serves it. He cited recent criminal convictions for TD Bank after investigations at the federal level. Executive Director Lavery replied that it is a realistic expectation for the school board to set expectations around this the next time it reprocures financial services.

Councilor Barlow recognized BSD leadership for running responsible budgets and managing them in a way that there are positive fund balances every year.

Councilor McKnight spoke about the downward trend in enrollment, saying that part of this is likely due to the lack of affordable housing in the City. She said that the more affordable housing the City can help create, the bigger the grand list and the lower the tax burden for individual households.

Councilor Neubieser thanked BSD leadership for the good news about the tax rate decrease.

Mayor Mulvaney-Stanak spoke about BSD's equity-based budgeting practices and the commitment she has made to bringing these types of practices into the municipal side of the budget. She spoke about potential future collaboration in terms of educational inserts that can be included in the ballot mailings, as well as increased accessibility around language and using plain language for the ease of translation.

Chair Wool thanked Burlingtonians for the support in the past number of years related to having to bond for a new high school, and for acknowledging the work done to remain prudently frugal and trying to keep Burlington affordable. She said she is excited to see the new housing being built and looks forward to that positively impacting enrollment numbers.

8.7 **Item postponed until 2/10** FY26 City Budget Presentation **material to be posted later**
No discussion – item postponed.

8.8 Resolution: March 4, 2025 – Annual City Meeting Issuance Of Revenue Bonds For Wastewater And Stormwater Utility Projects (Board of Finance)

Mayor Mulvaney-Stanak provided context for the bonds in items 8.8, 8.9, and 8.10, saying that they relate to making sure the City is able to focus on public safety, have ample affordable housing and a climate resiliency strategy that looks at adaptation and mitigation work. She noted that the general obligation (GO) bond includes replacing 30% of the City's aging vehicle fleet, and the resources necessary for traffic calming measures. She said that there is an estimated additional 5,000 units of housing that will come online in the next several years, and that the City needs to ensure it has the capacity in terms of infrastructure to accommodate that additional housing. She said that in terms of climate, the City needs to think about the health of the lake and the energy efficiency of its buildings. She emphasized the focus on affordability.

Division Director Moir began by reiterating why investment is needed at this time, saying that it is needed in order to provide reliable and sustainable drinking water and wastewater/stormwater services to current and future Burlington users. They said that this bond would allow the City to replace aged infrastructure that is at significant risk of failure, ensure that there is sufficient capacity for housing growth, improve climate resiliency and address safety and code upgrades to protect and retain workers. They said that the bond would also include more phosphorous removal to continue improving water quality and protecting the lake. They spoke about how through engagement with the Council and public, they reduced the initial bond amounts to focus on the highest priority investments (mainly in the main wastewater treatment plant), though they noted that the work needed around the east and north treatment plants isn't going away and will be tackled through later phases of this work (and additional bond requests). They said that the bond request for this first phase of work will be \$172 million across water, wastewater, and stormwater. They said that they will come back to the City Council to provide updates after certain milestones, and outlined these milestones. They spoke about

the work to continue to reduce the impact on ratepayers, including the pursuit of grants, low-interest loans, and other areas of state support.

Councilor Shannon noted that the impact of increased standards for water, wastewater, and stormwater have been around \$30 million for Burlington, and also asked how the 5,000 new units and accommodating that scale impacts the cost of what the City is doing. Division Director Moir noted that Burlington is one of a small handful of communities that is having to meet this enhanced phosphorus standard, but that all of Burlington's plants are big enough to meet the trigger for these stricter standards. They also noted that this is why they feel comfortable continuing to approach the state to ask for more grant support, given the higher burden placed on the Burlington community as a result of this stricter phosphorus regulation. They also noted that about 20% of the proposed project can be attributed to capacity need and making sure that they City can handle 5,000 more units.

Councilor Neubieser spoke about how much of a priority access to clean, reliable, and safe drinking water is for the City, and thanked Division Director Moir and other City staff for their work on this important set of projects.

Councilor Barlow said that though he supports putting the bond questions on the ballot, he continues to have concerns about affordability. He said he is looking at these bond requests and the GO bond request as parts of a whole. He said the need for this multi-generational investment is critical, and thanked staff for their continued work to phase the project in a way that lessens impacts on rate payers in the near term. He expressed appreciation for managing the costs during the final design process with the inclusion of value engineering and construction management at risk model for the wastewater project.

Councilor Grant spoke about the importance of access to safe water, as well as the need for additional capacity in order to ensure safe growth for the City. She also spoke about deferred maintenance and how these improvements are critical to implement at this juncture.

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution authorizing the placement of a bond request for an amount not to exceed \$152 million for capital improvements and additions to the wastewater and stormwater systems on the ballot of the Annual City Meeting to be held on March 4, 2025 as more specifically set forth in the attached resolution.

VOTING: unanimous; motion carries.

8.9 Resolution: March 4, 2025 – Annual City Meeting Issuance Of Revenue Bonds For Drinking Water Utility Projects (Board of Finance)

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution authorizing the placement of a bond request for an amount not to exceed \$20 million for capital improvements and additions to the waterworks system on the ballot of the Annual City Meeting to be held on March 4, 2025 as more specifically set forth in the attached resolution.

VOTING: unanimous; motion carries.

8.10 March 4, 2025 Annual City Meeting – Pledging The Credit Of The City Issue General Obligation Bonds For City's Five-Year Capital Plan (Board of Finance)

Capital Programs Director Parker spoke about why the City needs more than the annual \$2 million limit in bonding for capital improvement projects, noting that critical assets (fleet, sidewalks, streets, bridges, buildings, and parks) are currently showing more than \$2 million of need. She walked through a draft table of proposed allocations if the City is successful in obtaining a \$20 million GO bond.

Councilor Barlow said that the needs for this funding are apparent and he will be supporting this. He said that in the longer term, he expressed support for increasing the City's annual capital bonding authority to a level that reflects the City's actual annual needs for capital replacement (as well as

accounting for inflation).

MOTION by Councilor Barlow, SECOND by Councilor Bergman, to waive the reading and adopt the resolution authorizing the proposed question related to the \$20 million general Obligation bond for general fund capital infrastructure to be placed on the ballot of the Annual City Meeting to be held on March 4, 2025.

VOTING: unanimous; motion carries.

8.11 Resolution: Establishing A Violation Reporting Incentivization Pilot (VRIP) (Councilors Litwin, McKnight, Traverse, Carpenter, Shannon, Barlow)

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

DISCUSSION:

- Councilor Litwin offered context for this resolution, which came out of the December City Council meeting's discussion of the graffiti ordinance, and particularly around the private right of action part of the proposed ordinance (around which there was notable disagreement). He said that this resolution is an attempt to bring forth a constitutionally-defensible way to enable members of the public to help the City crowd-source violations of specific ordinances as part of a pilot program and to reward residents or others who report these incidents when the City is able to successfully ticket offenders for specific violations of issues. He said that this is modeled after other successful programs incentivizing residents to help with violation reporting, notably a program in New York City to combat vehicle idling. He said that if this moves forward, he encouraged the Ordinance Committee to make sure that there is a clear definition of graffiti associated with it.
- Councilor Bergman said he is not in favor of this resolution, given the City's lack of resources for enforcement. He said that this resolution does not solve that root issue, and will not be effective. He also noted that the cost of enforcement is rarely covered by the fines assessed, and that the impact on the City's financial situation should be assessed prior to the creation of a pilot program or permanent system. He said it would have been better to send this idea to the Administration and its departments and to other Council committees of jurisdiction to study it. He also expressed concern with the tight timeline for implementing the pilot.
- Councilor Shannon said she shares some of Councilor Bergman's concerns, but said that if other communities have made something like this work, it could be successful here. She said that would be helpful if the City Attorney could look at this and determine if there is a proposal or framework that could be brought to the Ordinance Committee for discussion.
- Councilor Carpenter said that there was an invitation for other alternatives or ideas for private right of action when this was discussed in December, and said that this invitation to the Administration still stands.
- Councilor Grant said that the City already has many issues with enforcement and that now is not the time to implement a new pilot. She spoke about the New York example, saying that there have been some issues with it. She spoke about the importance of doing diligence prior to introducing more enforcement mechanisms.
- Councilor Neubieser noted that one of the main points of contention with the private right of action mechanism was that it would pit neighbors against neighbors, and noted that this resolution would essentially deputize residents to hand out fines to their neighbors. Councilor Litwin clarified that this does not deputize individuals, but creates a reporting mechanism for people to gather evidence and report it. Councilor Neubieser expressed concern that this almost feels like a step toward vigilantism, which is incredibly dangerous for the community, and that it sets up more and more opportunities for conflict between members of the community. He said that the main pain point is the inability to have enough enforcement capacity and resources.
- Councilor McKnight said this is a much more practical and accessible tool to empower the community deal with hateful and harmful graffiti and vandalism. She said that the private right of action was constitutionally questionable and

impractical. She said this resolution looks to other cities and looks at data to inform an initiative.

- Councilor Broderick expressed appreciation for the research Councilor Litwin conducted to develop this proposal, but said he cannot support this because it introduces financial reward into public service, which does not align with his values.
- Councilor Kane said residents are already frustrated about the lack of response to documentation and complaints they have submitted to the City, and that this would create competing and additional requests that would further delay resolution.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Broderick – nay, Councilor Carpenter – aye, Councilor Grant – nay, Councilor Kane – nay, Councilor Litwin – aye, Councilor McKnight – aye, Councilor Neubieser – nay, Councilor Shannon – aye, City Council President Traverse – aye (6 ayes, 5 nays); motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports

Councilor Barlow said the Transportation, Energy, and Utilities Committee will meet on January 28 at 5:30 PM to discuss the GMT FY26 assessment and special assessment, as well as the Battery Street scoping study preferred alternative presentation. He also noted there will be a presentation on parking services license plate readers.

Councilor Shannon said the Ordinance Committee will meet on January 28 at 11:00 AM to discuss the vacant building ordinance, as well as recommendations from the Dog Task Force and next steps related to cats.

Councilor Neubieser noted that the Community Development and Neighborhood Revitalization Committee is discussing the resolution clarifying the relationship between NPAs and City government and that a working group has produced a draft set of recommendations which are being considered by CDNR. He said that the recommendation will also be circulated among NPAs as well as brought back to the Council.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports

City Council President Traverse noted that the public hearing related to the bond items will take place on Wednesday, February 12, 2025 at 5:30 PM.

11. ADJOURNMENT

11.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:32 PM.

RScty: AACoonrad

**CITY OF BURLINGTON AND
UNIVERSITY OF VERMONT MEDICAL CENTER
THIRD AGREEMENT TO EXTEND 1999 MEMORANDUM OF
UNDERSTANDING AND AGREEMENT**

This Agreement (“Agreement”) is executed by and between the University of Vermont Medical Center (“UVMC”) (f.k.a. Fletcher Allen Health Care, Inc.) and the City of Burlington, Vermont (“the City”) (collectively, “the parties”).

WITNESSETH:

WHEREAS, the parties entered into that certain Memorandum of Understanding and Agreement, dated as of December 22, 1999 (the “MOU”) in order to address issues related to the development of UVMC’s MCHV campus and potential impacts on the adjacent residential neighborhood;

WHEREAS, the parties entered into a First Amendment to Memorandum of Understanding and Agreement, dated June 16, 2006 (the “First Amendment”), to provide for the construction and operation of the Hope Lodge at 237-245 East Avenue, Burlington, Vermont;

WHEREAS, the parties entered into a Second Amendment to Memorandum of Understanding and Agreement, dated July 27, 2016 (the “Second Amendment”), to address the acquisition of the 115 Colchester Avenue property; and

WHEREAS, pursuant to paragraph 17 of the MOU, the MOU was to expire on September 20, 2024;

WHEREAS, on September 19, 2024, the parties agreed to extend the MOU until December 24, 2024 to allow full negotiations to occur with the new administration; and

WHEREAS, on December 18, 2024, the parties agreed to further extend the MOU until February 10, 2025 to allow all issues to be properly addressed;

WHEREAS, the parties are close to finalizing the language of the agreement, but need a small extension of time to allow for the parties to finish internal conversations.

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, IT IS AGREED, by and between the City and UVMC that the 1999

MOU between the City and UVMMC, as amended, shall remain in full force and effect until February 20, 2025.

IN WITNESS THEREOF, this Agreement is executed by the duly authorized officers or representatives of the City and UVMMC as signified below.

**UNIVERSITY OF VERMONT
MEDICAL CENTER**

Tara Arcury
Witness

By: Stephen Leffler, MD
Stephen Leffler, MD, President and COO
Duly Authorized Agent
Date: 2/5/2025

CITY OF BURLINGTON, VERMONT

Witness

By: _____
Mayor Emma Mulvaney-Stanak
Duly Authorized Agent
Date: _____

FOR INFORMATION ONLY

Lori Olberg

From: Act250.Essex@vermont.gov
Sent: Wednesday, January 22, 2025 2:15 PM
To: Sophie Sauvé; psegaloff@globalp.com; Act250.Agenda@vermont.gov; Benjamin Traverse; Andrew Montroll; permitting@ccrpcvt.org; Act250.Essex@vermont.gov; burlingtontownclerk; Sarah Montgomery; Lori Olberg; joe.buford@usda.gov; info@winooskinrcd.org; john.gobeille@vermont.gov; toni.mikula@vermont.gov; josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com; pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: 4C0051-3A Minor Notice - City of Burlington Parks, Recreation and Waterfront - COS - Proposed LUP
Attachments: Minor_Notice 4C0051-3A.pdf; Permit_Draft 4C0051-3A.pdf

For complete information, please contact the City Clerk's Office

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

Attached is Act 250 Minor Notice 4C0051-3A - City of Burlington Parks, Recreation and Waterfront - COS - Proposed LUP.

Christine Commo | District Technician
Land Use Review Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
802-879-5660
<https://act250.vermont.gov>

Emails and other written or recorded information produced or acquired in the course of public agency business are public records and may be subject to public examination under Vermont's Public Records Act.

FOR INFORMATION ONLY

Lori Olberg

From:

Act250.Essex@vermont.gov

Sent:

Thursday, January 23, 2025 12:00 PM

To:

For questions regarding
Act 250, please
contact the City Clerk's Office

tloescher@materchristischool.net; tloescher@materchristischool.net;
greg.dixon@krebssandlansing.com; mfarley@materchristischool.net;
tarynb@duncanwisniewski.com; cherylh@duncanwisniewski.com; Benjamin Traverse;
Andrew Montroll; permitting@ccrpcvt.org; Act250.Essex@vermont.gov;
burlingtontownclerk; Sarah Montgomery; Lori Olberg; anr.act250@vermont.gov;
barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov;
AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov;
Aaron.Brondyke@vermont.gov
4C1361 Incomplete Letter -- Mater Christi School (4C1361)
Incomplete_Letter 4C1361.pdf

Subject:

Attachments:

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

Hello,

Please see attached Incomplete Letter.

Thank you,

Adriene Katz | District Technician
Land Use Review Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
(802) 879-5670
<https://act250.vermont.gov>

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Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Friday, January 24, 2025 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.

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

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status
General Water Main Construction Authorization	North Avenue Cooperative Infrastructure Improvement Project	C-4113-25.1	CDI DEVELOPMENT FUND INC	Burlington	Draft Decision - Public Comment Period
General Water Main Construction Authorization	North Avenue Cooperative Infrastructure Improvement Project	C-4113-25.1	CDI DEVELOPMENT FUND INC	Burlington	Draft Decision - Public Comment Period

Lori Olberg

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Monday, January 27, 2025 12:31 PM
To: Lori Olberg
Subject: January 27, 2025

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We're almost halfway to crossover and it's time to get into the weeds. Bills are moving, and the governor has unveiled several proposals in advance of his budget address this week.

In this *Weekly Legislative Report*, we update you on a fast-tracked municipal election bill, newly introduced bills worth watching, legislatively mandated reports sure to get attention, and an emerging framework for massive education reform.

As always, please stay in touch. **We want to hear your ideas, feedback, and concerns.**

[Read the Weekly Legislative Report](#)



Advocacy Chat

Be sure to join us on Monday, February 10 at 1 PM for our next Advocacy Chat.

Chats occur every other Monday beginning (today!) January 27. We rely on hearing your ideas and concerns as the session progresses.

[Register now!](#)



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Vt. League of Cities & Towns | 89 Main St. Suite 4 | Montpelier, VT 05602 US

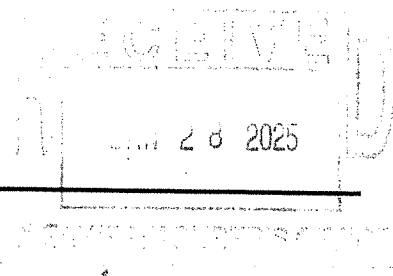
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FOR INFORMATION ONLY

ACT 250 NOTICE
MINOR APPLICATION 4C1043-1C
10 V.S.A. §§ 6000 - 6111



State of Vermont
Land Use Review Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
<https://act250.vermont.gov/>

For the full information
and what to do, please
contact the City Clerk's Office

Application 4C1043-1C from University of Vermont & State Agricultural College 31 Spear Street, Burlington, VT 05405 was received on December 23, 2024 and deemed complete on January 15, 2025. The project specifically authorizes:

1. The suspension of the requirement established in item 4(b) of University of Vermont's (UVM's) Local Parking Management Plan (Exhibit #018 of LUP 4C1043-1), that UVM lease and utilize a 200-space off campus parking lot.
2. The elimination of Condition 11 of LUP 4C1043-1A, which required monthly parking utilization counts and the offsite parking requirement when parking utilization rates reached 83%.

The project is located at 149 Beaumont Avenue (UVM Campus) in Burlington, Vermont.

The District 4 Environmental Commission is reviewing this application under Act 250 Rule 51 - Minor Application Procedures. This application can be viewed online by visiting the Act 250 Database (<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=4C1043-1C>).

No hearing will be held and a permit may be issued unless, on or before **February 19, 2025**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. To request party status and a hearing, fill out the Party Status Petition Form on the Board's website:

<https://act250.vermont.gov/documents/party-status-petition-form>, and email it to the District 4 Office at: Act250.Essex@vermont.gov. Prior to submitting a request for a hearing, please contact the District Coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law may not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Information Only" may have a conflict of interest, or if there is any other reason that a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, no later than prior to the response date listed above.

Should a hearing be held on this project and you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing,



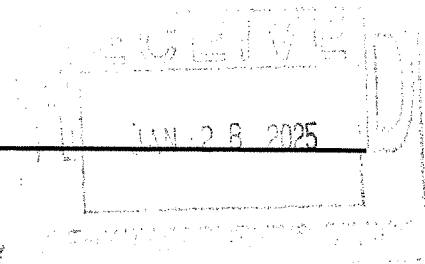


FOR INFORMATION ONLY

LAND USE PERMIT AMENDMENT

State of Vermont
Land Use Review Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
<https://act250.vermont.gov/>

For certain types of projects,
such as those, please
contact the City Clerk's Office



This is a **PROPOSED** permit; please submit any written comments to Kaitlin Hayes, 111 West Street, Essex Junction, VT 05452, Act250.Essex@vermont.gov, by **February 19, 2025**.

University of Vermont & State Agricultural
College
31 Spear Street, Marsh Hall, Suite 10
Burlington, VT 05405

PERMIT NUMBER:
4C1043-1C

LAW/REGULATIONS INVOLVED:
10 V.S.A. §§ 6000 – 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit amendment 4C1043-1C, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 979, Page 409; Book 154, Page 681; Book 54, Page 67; Book 31, Page 168; and Book 5, Page 365 of the land records of the City of Burlington, Vermont as the subject of a deed to University of Vermont & State Agricultural College.

This permit, referred to as “the Project” moving forward, specifically authorizes:

1. The suspension of the requirement established in item 4(b) of University of Vermont's (UVM's) Local Parking Management Plan (Exhibit #018 of LUP 4C1043-1), that UVM lease and utilize a 200-space off campus parking lot.
2. The elimination of Condition 11 of LUP 4C1043-1A, which required monthly parking utilization counts and the offsite parking requirement when parking utilization rates reached 83%.

The Project is located at 149 Beaumont Avenue (UVM Campus) in Burlington, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee and its assigns and successors in interest are obligated by this permit amendment to complete, operate, and maintain the Project as approved by the District Commission (the “Commission”) in accordance with the following conditions.
2. The Project shall be completed, operated, and maintained in accordance with the conditions of this permit amendment and the permit amendment application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms, and conditions of this permit amendment shall supersede the approved plans and exhibits.
3. All conditions of Land Use Permit 4C1043, Land Use Permit 4C0852 and amendments are in full force and effect except as further amended herein.



Lori Olberg

From: VLCT News <info@vlct.org>
Sent: Tuesday, January 28, 2025 3:12 PM
To: Lori Olberg
Subject: Warn TM by Sunday, Dog Control Manual, Grant and Project Q&As, and more

For more information,
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Post Your Town Meeting Warning by Sunday 2/2

Review this and other Town Meeting deadlines on our Town Meeting topic webpage.

The Session's Third Weekly Legislative Report

Learn about the discussion topics and activities taking place early in this legislative session.

Get a Sneak Peek at the Upcoming Town Clerks Handbook

Preview the Town Meeting and Elections chapter of the essential resource that we are updating with gracious help from a group of experienced town clerks. Look for the full online manual in early March.

Municipal Dog Control Manual (fka Big Book of Woof) is Online!

Prepare for the licensing rush and more in chapters on immunizations, licensing, enforcement, vicious bites, and animal cruelty that explain the relevant state laws and link to many model documents.

Seeking New Director of Risk Management Services

VLCT is accepting applications for someone with, ideally, a blend of insurance savvy, municipal sensibility, and leadership skills. Our first review of resumé's will be on Wed 2/5.

The Latest VLCT News

Town Meeting Tune-Up

Wed 1/29, 9 AM – 12 PM

Attending via Zoom is still an option for town moderators who will conduct a traditional annual meeting "from the floor" and other officials who will assist their moderator.

Advocacy Chat

Mon 2/10, 1 PM – 2 PM

Join Josh Hanford, Samantha Sheehan, and your colleagues to discuss the issues being considered by legislators and how proposed legislation could affect local government.

Grant Basics: Funders' Advice for Success

Tue 2/4, 10 AM – 11:30 AM

Join VLCT for a Q&A with reps from granting organizations who will share insights and best practices for making your project and application more competitive for funding.

Build a Better Project: Team Building

Tue 2/11, 1 PM – 2 PM

Explore the types of project development teams, the importance of communication, and how to engage your community, then join the Q&A about team building and challenges you're facing.

Lori Olberg

From: VLCT Weekly Legislative Report <info@vlct.org>
Sent: Monday, February 3, 2025 1:24 PM
To: Lori Olberg
Subject: February 3, 2025

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In this *Weekly Legislative Report*, we update you on Governor Phil Scott's budget proposal, a number of bills we're tracking that would have municipal effects if they became law, and our reflections following a turbulent few days for federally funded initiatives.

As always, please stay in touch. We want to hear your ideas, feedback, and concerns.

Read the Weekly Legislative Report



Advocacy Chat

Be sure to join us on Monday, February 10 at 1 PM for our next Advocacy Chat.

Chats occur every other Monday. We rely on hearing your ideas and concerns as the session progresses.

Register now!



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FOR INFORMATION ONLY

Lori Olberg

From: ANR - ENB Administrator <ANR.ENBAdministrator@vermont.gov>
Sent: Wednesday, February 5, 2025 5:25 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.

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

New Activities

Activity Type	Activity/Project Name	Permit # / ID	Applicant	Town	Status
Individual Stormwater Discharge Permit (INDS)	Franklin Square	4875-INDS	Burlington Housing Authority City of Burlington	Burlington	In Review

Resolution Relating to

DOUBLING BURLINGTON’S INVESTMENT IN
AFFORDABLE HOUSING

RESOLUTION_____

Sponsor(s): Councilors Neubieser,
Grant, Bergman, Kane
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the vast majority of Burlingtonians cannot afford to buy a home and struggle to afford rent. The median sale price of a home in Burlington is over half a million dollars. 31% of renters pay more than half of their income on rent in Burlington¹. We are experiencing record levels of families and individuals forced to sleep outdoors²; and

WHEREAS, healthcare costs are out of control and are eating up a large part of Burlingtonians’ household incomes³. Costs for inpatient and professional medical services are higher in Vermont than the national average and exorbitant for outpatient services compared to other states. These costs are primarily driven by the prices for medical services and drugs in hospitals⁴; and

WHEREAS, our municipal and state property tax systems are unfair and untenable. During the last reassessment, when COVID hit, the burden of funding our city’s general fund shifted away from commercial property owners, leaving residents with significantly higher tax bills. Statewide, the highest-income Vermonters pay a smaller share of their income in taxes than many in the middle⁵; and

WHEREAS, the University of Vermont does not take enough responsibility for its effect on our local and regional housing market. The Governor and State Legislature have not taken action to force a change in UVM’s approach. Many colleges house students all four years, but not UVM. This is a major driver of Burlington’s vacancy rate of 1.5%, leading to skyrocketing rents and poor housing conditions⁶; and

WHEREAS, an investigative report by the State Auditor’s office found that, “Compliance with previous agreements between the City and UVM has been mixed. The available data suggests that their combined effect on the Burlington housing market has not reduced off campus housing pressures.” Later in the report it states,” Overall, there are two critical numbers that express the pressure UVM off-campus

¹ <https://data.burlingtonvt.gov/pages/housing>
² <https://data.burlingtonvt.gov/pages/housing#chzt daug6>
³ <https://publicassets.org/research-publications/state-of-working-vermont-2024#out-of-pocket-healthcare-costs>
⁴ <https://legislature.vermont.gov/Documents/2026/Workgroups/Senate%20Finance/Insurance/W~Sara%20Teachout~Blue%20Cross%20VT%20Cost%20Comparison~1-21-2025.pdf>
⁵ <https://publicassets.org/research-publications/state-budget-101>
⁶ <https://auditor.vermont.gov/sites/auditor/files/documents/City%20-%20UVM%20Final.pdf>

students place on the Burlington housing market: total student enrollment and total on-campus and UVM-affiliated housing. The data points to a growing divergence between UVM's increasing enrollment and their capacity to house those students. The undergraduate housing gap has grown by 1,849 beds since 2000 (59%) and is now almost 5,000 beds⁷; and

WHEREAS, the Burlington Housing Trust Fund has proven highly effective in funding the creation and maintenance of permanently affordable housing⁸; and

WHEREAS, Burlington's benefits from a cost efficient, effective, and dedicated web of nonprofit and public affordable housing providers and developers including but not limited to the Champlain Housing Trust, COTS, the Living Well Group, Homeshare Vermont, Cathedral Square, Spectrum, Dismas House and many more⁹; and

WHEREAS, Burlington Community Land Trust (BCLT) and Lake Champlain Housing Development Corporation (LCHDC), which were later merged to create the Champlain Housing Trust, were each founded in 1984 with the financial support of the City of Burlington in partnership with neighboring communities and citizen groups¹⁰; and

WHEREAS, the Champlain Housing Trust and other nonprofit housing organizations originating in Burlington have served as models to communities globally, to build and maintain affordable housing¹¹; and

WHEREAS, the Housing Trust Fund currently receives funding through a dedicated property tax, the short term rental registration fee, inclusionary and replacement housing ordinances, and a fee on the conversion of rental units to condominiums¹²;

NOW, THEREFORE, BE IT RESOLVED that the City's Community & Economic Development Office (CEDO) in collaboration with the city's Chief Administrative Officer (CAO), Assessor's Office, and other relevant city staff (as determined by CEDO, the CAO, and Mayor's office) will identify a variety of pathways the city could increase money dedicated to the Housing Trust Fund by at least 1 million dollars annually; and

⁷ <https://auditor.vermont.gov/sites/auditor/files/documents/City%20-%20UVM%20Final.pdf>

⁸ <https://www.burlingtonvt.gov/776/Housing-Trust-Fund#:~:text=Funding%20for%20a%20housing%20trust,housing%20units%20through%20linkage%20programs%3B>

⁹ <https://www.burlingtonvt.gov/776/Housing-Trust-Fund>

¹⁰ <https://www.getahome.org/history-awards/>

¹¹ <https://rioconwatch.org/?p=71474>

¹² <https://www.burlingtonvt.gov/776/HousingTrustFund#:~:text=Funding%20for%20a%20housing%20trust,housing%20units%20through%20linkage%20programs%3B> & Director Pine in CDNR's December 18th 2024 meeting

45 BE IT FURTHER RESOLVED that the pathways identified should include those that we could pursue
 46 with existing powers we hold under charter, and others that would require a charter change with final approval
 47 from the General Assembly and the Governor; and

48 BE IT FURTHER RESOLVED that these proposals shall include, but not necessarily be limited to,
 49 options that will either:

- 50 1. Generate new revenue only through progressive-taxation, meaning those residents and businesses
 51 with the highest incomes and largest amount of wealth pay more than Burlington's working and
 52 middle class. Revenue may also be generated from tourists visiting our city;
- 53 2. Be revenue neutral in relation to their impact on property taxpayers; and

54 BE IT FURTHER RESOLVED that the City Council acknowledges that at the time of this resolution's
 55 enactment, the Mayor's Administration will also be exploring alternative taxation models through a "Tax
 56 Fairness Working Group," the City Council affirms this resolution is not intended to supplant the work of that
 57 group, and the City Council encourages CEDO, the CAO, and any other relevant City staff to coordinate their
 58 work in response to this resolution with that of the Tax Fairness Working Group; and

59 BE IT FURTHER RESOLVED that a representative from CEDO and the CAO will present a report
 60 with their findings to the Community Development and Neighborhood Revitalization (CDNR) committee of
 61 the City Council by May 15th, 2025; and

62 BE IT FURTHER RESOLVED that the CDNR Committee in conjunction with CEDO shall explore
 63 ways to extend the effectiveness and affordability of the Housing Trust Fund by reviewing possible backed
 64 housing loan opportunities.

65
 66 CN/Resolutions 2025/*Doubling Burlington's Investment in Affordable Housing*
 67 February 5, 2025

Lori Olberg

Proposed Amendment - agenda item B.1 -

From: Carter Neubieser *
Sent: Monday, February 10, 2025 6:20 PM
To: Lori Olberg
Cc: Benjamin Traverse
Subject: Re: Resolution re Burlington Doubling its Affordable Housing Investment for 2/10 CC

Hi all --

*
Whereas: Generations of land use, zoning and other regulatory regimes at both the state and local level have been employed to exclude or create barriers to affordable and workforce housing. While such regulatory barriers are now well-understood obstacles, significant work is still needed to increase housing stock of all types sufficient to meet the present and future demand for workforce housing in Burlington.

I will ask councilor Broderick to make this as a floor amendment. added as a final whereas clause following line 39

*
With Appreciation,
Carter Neubieser (he/him)
City Councilor for Ward 1

Here are the best ways to reach me...

for city business: cneubieser@burlingtonvt.gov

for campaign/political business: carterforburlington@gmail.com

for VSEA business: cneubieser@vsea.org

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

From: Lori Olberg <lolberg@burlingtonvt.gov>
Sent: Monday, February 10, 2025 4:43 PM
To: Carter Neubieser <cneubieser@burlingtonvt.gov>
Cc: Benjamin Traverse <btraverse@burlingtonvt.gov>
Subject: FW: Resolution re Burlington Doubling its Affordable Housing Investment for 2/10 CC

Hi Carter,

You will need to provide this to me ASAP in writing regarding where this additional whereas clause is to appear. Send as an attachment with the addition highlighted. Thank you.

From: Benjamin Traverse <btraverse@burlingtonvt.gov>
Sent: Monday, February 10, 2025 4:40 PM
To: Lori Olberg <lolberg@burlingtonvt.gov>
Subject: Re: Resolution re Burlington Doubling its Affordable Housing Investment for 2/10 CC

Resolution Relating to

DOUBLING BURLINGTON'S INVESTMENT IN AFFORDABLE HOUSING

RESOLUTION 8.1

Sponsor(s): Councilors Neubieser,
Grant, Bergman, Kane

Introduced: 02/10/25

Referred to: _____

Action: adopted as amended

Date: 02/10/25

Signed by Mayor: 02/10/25

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the vast majority of Burlingtonians cannot afford to buy a home and struggle to afford
2 rent. The median sale price of a home in Burlington is over half a million dollars. 31% of renters pay more
3 than half of their income on rent in Burlington¹. We are experiencing record levels of families
4 and individuals forced to sleep outdoors²; and

5 WHEREAS, healthcare costs are out of control and are eating up a large part of Burlingtonians'
6 household incomes³. Costs for inpatient and professional medical services are higher in Vermont than the
7 national average and exorbitant for outpatient services compared to other states. These costs are primarily
8 driven by the prices for medical services and drugs in hospitals⁴; and

9 WHEREAS, our municipal and state property tax systems are unfair and untenable. During the last
10 reassessment, when COVID hit, the burden of funding our city's general fund shifted away from commercial
11 property owners, leaving residents with significantly higher tax bills. Statewide, the highest-income
12 Vermonters pay a smaller share of their income in taxes than many in the middle⁵; and

13 WHEREAS, in an effort to address the regressivity of property taxes, Burlington has long been taxing
14 commercial property at 120% of its value; and

15 WHEREAS, the University of Vermont does not take enough responsibility for its effect on our local
16 and regional housing market. The Governor and State Legislature have not taken action to force a change in
17 UVM's approach. Many colleges house students all four years, but not UVM. This is a major driver of
18 Burlington's vacancy rate of 1.5%, leading to skyrocketing rents and poor housing conditions⁶; and

19 WHEREAS, an investigative report by the State Auditor's office found that, "Compliance with
20 previous agreements between the City and UVM has been mixed. The available data suggests that their

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² <https://data.burlingtonvt.gov/pages/housing#chzt daug6>

³ <https://publicassets.org/research-publications/state-of-working-vermont-2024#out-of-pocket-healthcare-costs>

⁴ <https://legislature.vermont.gov/Documents/2026/Workgroups/Senate%20Finance/Insurance/W~Sara%20Teachout~Blue%20Cross%20VT%20Cost%20Comparison~1-21-2025.pdf>

⁵ <https://publicassets.org/research-publications/state-budget-101>

⁶ <https://auditor.vermont.gov/sites/auditor/files/documents/City%20-%20UVM%20Final.pdf>

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

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.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

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WHEREAS, generations of land use, zoning and other regulatory regimes at both the state and local level have been employed to exclude or create barriers to affordable and workforce housing. While such regulatory barriers are now well-understood obstacles, significant work is still needed to increase housing stock of all types sufficient to meet the present and future demand for workforce housing in Burlington;

⁷ <https://auditor.vermont.gov/sites/auditor/files/documents/City%20-%20UVM%20Final.pdf>

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⁹ <https://www.burlingtonvt.gov/776/Housing-Trust-Fund>

¹⁰ <https://www.getahome.org/history-awards/>

¹¹ <https://rioconwatch.org/?p=71474>

¹² <https://www.burlingtonvt.gov/776/HousingTrustFund#:~:text=Funding%20for%20a%20housing%20trust,housing%20units%20through%20linkage%20programs%3B> & Director Pine in CDNR’s December 18th 2024 meeting

* * * * *

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ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

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47 Office (CEDO) in collaboration with the city's Chief Administrative Officer (CAO), Assessor's Office, and
48 other relevant city staff (as determined by CEDO, the CAO, and Mayor's office) will identify a variety of
49 pathways the city could increase money dedicated to the Housing Trust Fund by at least 1 million dollars
50 annually; and

51 BE IT FURTHER RESOLVED that the pathways identified should include those that we could pursue
52 with existing powers we hold under charter, and others that would require a charter change with final approval
53 from the General Assembly and the Governor; and

54 BE IT FURTHER RESOLVED that these proposals shall include, but not necessarily be limited to,
55 options that will either:

56 1. Generate new revenue only through progressive-taxation, meaning those residents and businesses
57 with the highest incomes and largest amount of wealth pay more than Burlington's working and
58 middle class. Revenue may also be generated from tourists visiting our city;

59 2. Be revenue neutral in relation to their impact on property taxpayers; and

60 BE IT FURTHER RESOLVED that the City Council acknowledges that at the time of this resolution's
61 enactment, the Mayor's Administration will also be exploring alternative taxation models through a "Tax
62 Fairness Working Group," the City Council affirms this resolution is not intended to supplant the work of that
63 group, and the City Council encourages CEDO, the CAO, and any other relevant City staff to coordinate their
64 work in response to this resolution with that of the Tax Fairness Working Group; and

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69 ways to extend the effectiveness and affordability of the Housing Trust Fund by reviewing possible backed
70 housing loan opportunities.

71
72 CN/Resolutions 2025/Doubling Burlington's Investment in Affordable Housing
73 February 5, 2025

* * * * *

DISTRIBUTION:

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

CAO Schad
CEDO Director Pine

ORIGINAL

RESOLUTION RELATING TO

Doubling Burlington's Investment In Affordable Housing

.....
.....

As amended

Adopted by the City Council

February 10, 2025

Bobby V. Kelly Clerk

Approved February 18, 2025

Edward G. Kelly Mayor

Vol. Page

Lori Olberg
Attest:
Lori Olberg
Licensing and Records Coordinator

* * * * *

Resolution Relating to

MUNICIPAL RESOLUTION FOR DOWNTOWN
TRANSPORTATION FUND

RESOLUTION_____

Sponsor(s): Board of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the State of Vermont has established a Downtown Transportation and Related Capital Improvement Fund (the “Fund”), pursuant to 24 V.S.A. § 2796, which fund is managed by the Vermont Downtown Development Board; and

WHEREAS, subdivision (c) of Section 2796 provides for grants to municipalities from the Fund in the amount of not more than \$250,000 annually, subject to a 20 percent match, or \$50,000 in total, for the following purposes set forth in the statute: “financing capital transportation projects, including construction or alteration of roads and highways, parking facilities, and rail or bus facilities or equipment, or for the underground relocation of electric utility, cable, and telecommunications lines”; and

WHEREAS, the Clerk/Treasurer’s Office and Department of Public Works have prepared an application (the “Application”) for a grant from the Fund in the foregoing amount and subject to the foregoing match, for purposes set forth in the staff report;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Application; and

BE IT FURTHER RESOLVED that if a grant is awarded, the Public Works Director or designee is authorized to accept the award, to enter a grant agreement with the State for the award, including by committing to the required local match and subject to review and approval by the City Attorney, and to take such further actions, and to 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

BE IT FURTHER RESOLVED that, insofar as the Planning Commission’s positive recommendation is a grant requirement, the foregoing is subject to such a recommendation, and staff is hereby directed to present the Application to the Planning Commission at the earliest opportunity; and

BE IT FURTHER RESOLVED that if the Planning Commission recommends in favor of submitting the Application, staff is directed to attach a certified motion to that effect hereto as evidence of the Planning Commission’s support.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

TO: Board of Finance, City Council, Planning Commission

FROM: Chapin Spencer, Director, Department of Public Works
Sarah Bermingham, Grants Associate, Clerk/Treasurer's Office

DATE: February 10, 2025 (BOF/CC); February 11, 2025 (Planning Commission)

CC: Peter Procaccio P.E., Senior Public Works Engineer
Laura Wheelock P.E., City Engineer/Division Director – Technical Services

RE: Downtown Transportation Fund Grant Application

Request:

The Department of Public Works ("DPW") and the City's Grants Team is requesting Board of Finance, City Council, and Planning commission approval for the City to apply to the Downtown Transportation Fund, administered by the Vermont Agency of Commerce and Community Development to support the Main Street Project. The grant amount is \$200,000 to be paid upfront by the City of Burlington and then reimbursed by VACCD, with a local match of \$50,000 in previously-approved Downtown Tax Increment Financing (DT-TIF) funds for a total project budget of \$250,000. Prior approval of the local match from City Council and the Planning Commission is required to submit an application.

Background of the Main Street Project:

The purpose of Great Streets Main Street is to improve connectivity between Burlington's most significant assets: the downtown and Lake Champlain waterfront. This need is established in planBTV Downtown & Waterfront, the comprehensive plan that guides redevelopment in the project area, and Great Streets Design Standards, the standards that advance the community's vision for rebuilding the urban center according to four values articulated by the residents of Burlington: walkable and bikeable, sustainable, vibrant, and functional. As stated in these plans, Main Street's infrastructure has outlived its useful life and is hindering the transportation, economy, equity, and environmental goals of Burlington and the region.

The public vote in March 2015 authorized the initiative's first efforts in the City's Downtown Tax Increment Financing (DT-TIF) District by supporting the borrowing of \$10,000,000 to make new investments in downtown public infrastructure to ensure that Burlington residents have a downtown that is a vibrant, walkable and sustainable urban center. Voters additionally supported the Great Streets Main Street Project at the March 2022 Town Meeting Day public vote with support to secure an additional \$25,920,000 in debt, matching the Vermont Economic Progress Council (VEPC) approved borrowing amount of \$35,920,000. In August 2022, the City then issued Bond Series 2022B in the original principal amount of \$30,120,000, with \$4,261,971 in Premiums received, to support the improvements associated with the Great Streets Main Street project. In March of 2024, the City received authorization from VEPC for the updated project scope and full amount of proceeds and premiums issued with the Bond. Phase 1 construction began February 5, 2024 and includes Main Street between South Winooski Avenue and Pine Street – the voter-approved blocks for design and construction using the City's DT-TIF District. The project was split into two phases due to bids coming in higher than the engineers estimate. Phase 2 does not have a planned construction date at this time as funding still needs to be identified.

After a prioritization process to cover project costs with available funding, on-street amenities like seating/benches, a bus shelter, bike racks, and other geographical tie-ins were value-engineered out of the Main Street Great Streets project. Funding from this Downtown Transportation Fund Grant will create a funding source to bring these on-street amenities back into the project on a similar completion timeline as opposed to a future date post-completion. Funding from this grant will allow for the purchase and installation of a variety of street amenities including benches, 1 bus shelter, bike racks, and elevation indicators. These amenities were removed from the scope of work during the value engineering process to ensure funding was available for the critical infrastructure and utility work to be completed. This grant will allow the project to meet the initial vision of the community and ensure downtown's livability is welcoming to the needs of residents and visitors.

Additional project information can be found on the website: greatstreetsbtv.com

Funding for the Main Street Project:

The total construction budget for Phase 1 of the Great Streets- Main Street project is \$29,106,184 which includes contingency. The funding for this project comes from the TIF downtown district. Vermont Economic Progress Council's (VEPC) November 2021 approval authorized reconstruction of Main Street to Great Streets standards from South Union Street to Battery Street. It also included relocation or reconstruction of the Ravine Sewer to enable development on the City-owned parking lot at the corner of Main and South Winooski as well as other downtown parcels. In March 2022, the voters approved this revised plan and the General Obligation Bond to fund the identified improvements. Upon receipt of construction bids, the estimated cost of the entire project increased by about 50%. City staff then recommended reducing the scope of work to fit the available funds. This included: value engineering, reducing the project area from six blocks to three blocks (retaining the work on the Ravine Sewer), and additional funding from City sources such as Street Capital and Water Resources.

Proposed Grant Budget:

As described above, the on-street amenities were removed from the Main Street construction contract after receiving bids from the contractors. The budget below uses contract pricing to create the workplan for utilizing the proposed Grant funds.

Item Description	Quantity	Unit Cost (\$)	Unit of Measurement	Total Cost
SPECIAL PROVISION (BENCH - TYPE A)	11	\$ 2,800.00	EACH	\$ 30,800.00
SPECIAL PROVISION (BENCH - TYPE B)	1	\$ 10,000.00	EACH	\$ 10,000.00
SPECIAL PROVISION (HEX BENCH)	9	\$ 8,200.00	EACH	\$ 73,800.00
SPECIAL PROVISION (STANDARD BIKE RACK)	19	\$ 850.00	EACH	\$ 16,150.00
SPECIAL PROVISION (BUS SHELTER)	1	\$ 81,000.00	EACH	\$ 81,000.00
SPECIAL PROVISION (GRANITE ELEVATION INDICATOR PAVERS)	170	\$ 42.00	LF	\$ 7,140.00
CITY OF BURLINGTON DPW STAFF PROJECT SUPPORT	80	\$ 75.07	HR	\$ 6,005.60
CONTINGENCY	1	N/A	LUMP SUM	\$ 25,104.40
TOTAL (\$)				\$ 250,000.00

Motions

Actions for Board of Finance:

To approve and recommend that the Board of Finance authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of the total project budget of \$250,000, subject to approval by the City Attorney's Office.

Actions for City Council:

To approve and recommend that the City Council authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of the total project budget of \$250,000, subject to approval by the City Attorney's Office.

Actions for Planning Commission:

To approve and recommend that the Planning Commission authorize the Director of Public Works and the Grants Team to apply for the Downtown Transportation Fund grant administered by VACCD for the Main St amenities in the amount of \$200,000, obligating the City to commit a local match of \$50,000 of previously-approved TIF funds the total project budget of \$250,000, subject to approval by the City Attorney's Office.

An Equal Opportunity Employer

This material is available in alternative formats for persons with disabilities. To request an accommodation, please call 802.863.9094 (voice) or 802.863.0450 (TTY).

Board of Finance and City Council Submission Checklist

Department: Department of Public Works Submitter: Sarah Bermingham

Title/Subject: Downtown Transportation Fund Grant Application

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	2/10/2025

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	2/4/2025	Chapin Spencer
Mayor's Office informed and approved memo	Yes	2/5/2025	Erin Jacobsen
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	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	2/4/2025	Erik Ramakrishnan
CAO has reviewed budget, financing, and memo	Yes	2/5/2025	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

Resolution Relating to

MUNICIPAL RESOLUTION FOR DOWNTOWN TRANSPORTATION FUND

RESOLUTION 8.2

Sponsor(s): Board of Finance

Introduced: 02/10/25

Referred to:

Action: adopted

Date: 02/10/25

Signed by Mayor: 02/11/25

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the State of Vermont has established a Downtown Transportation and Related Capital
2 Improvement Fund (the “Fund”), pursuant to 24 V.S.A. § 2796, which fund is managed by the Vermont
3 Downtown Development Board; and

4 WHEREAS, subdivision (c) of Section 2796 provides for grants to municipalities from the Fund in the
5 amount of not more than \$250,000 annually, subject to a 20 percent match, or \$50,000 in total, for the
6 following purposes set forth in the statute: “financing capital transportation projects, including construction or
7 alteration of roads and highways, parking facilities, and rail or bus facilities or equipment, or for the
8 underground relocation of electric utility, cable, and telecommunications lines”; and

9 WHEREAS, the Clerk/Treasurer’s Office and Department of Public Works have prepared an
10 application (the “Application”) for a grant from the Fund in the foregoing amount and subject to the foregoing
11 match, for purposes set forth in the staff report;

12 NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Application; and

13 BE IT FURTHER RESOLVED that if a grant is awarded, the Public Works Director or designee is
14 authorized to accept the award, to enter a grant agreement with the State for the award, including by
15 committing to the required local match and subject to review and approval by the City Attorney, and to take
16 such further actions, and to execute such further instruments approved as to form by the City Attorney, as may
17 be necessary or convenient to effectuate the transactions contemplated hereby; and

18 BE IT FURTHER RESOLVED that, insofar as the Planning Commission’s positive recommendation
19 is a grant requirement, the foregoing is subject to such a recommendation, and staff is hereby directed to
20 present the Application to the Planning Commission at the earliest opportunity; and

21 BE IT FURTHER RESOLVED that if the Planning Commission recommends in favor of submitting
22 the Application, staff is directed to attach a certified motion to that effect hereto as evidence of the Planning
23 Commission’s support.

24
25 SB/Resolutions 2025/Municipal Resolution for Downtown Transportation Fund
26 2/3/25

* * * * *

DISTRIBUTION:

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

C/T, Sarah Bermingham

ORIGINAL

RESOLUTION RELATING TO

Municipal Resolution For Downtown Transportation Fund

.....

.....

Adopted by the City Council

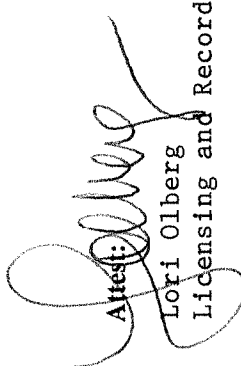
February 10....., 20..... 25

 Clerk

Approved..... Feb 11 2025

..... Mayor

Vol. Page


Attest:
Lori Olberg
Licensing and Records Coordinator

* * * * *

CITY OF BURLINGTON

ORDINANCE _____

Sponsors: Planning, Planning
Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

CDO—Performing Art Centers in the E-LM District
ZA-25-04

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by modify Appendix A Use Table—All Zoning Districts, Footnote 32, thereof to read as follows:

Appendix A Use Table – All Zoning Districts

****For changes See attached Appendix A*

* Material stricken out deleted.

** Material underlined added.

Planning/KS/Ordinances 2025/ZA-25-04 Performing Arts Centers in the E-LM District
CDO Appendix A
2/11/2025

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use ⁱ	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL	RM	RH	RC	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC-R	NAC-CR	E-AE	E-LM
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Performing Arts Center	N	N	N	N	Y	N	N	N	N	(See Sec.4.4.1(d) 1)		CU	Y	N	CU	N	CU ^{27,32}
***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

1. -31. As written.
32. Performing Arts Centers (PACs) in the E-LM zone shall be limited to properties with frontage on Pine St. or Queen City Park Road. PACs with frontage on Queen City Park Road are limited to no more than 15,000 sf. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~
33.- 34. As written.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL	Residential Low Intensity
RM	Residential Medium Intensity
RH	Residential High Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

TO: Burlington City Council
FROM: Charles Dillard, AICP, Planning Director
Sarah Morgan, Planner
DATE: February 10, 2025
RE: Proposed ZA-25-04 Performing Arts Centers in the E-LM District

Overview & Background

As affirmed in the 2019 *planBTV: South End*, this district is a hub for creative social, cultural and economic activities. Indeed, the Plan's very first "Key Action to Preserve and Enhance the South End" is a call to reinforce an arts hub in the South End. To that end, the City of Burlington has created and maintained an arts-forward zoning framework, along with cultural and economic development initiatives and investments. One such initiative was a 2015 zoning amendment, adopted during the *planBTV: South End* planning process, to allow Performing Arts Centers (PACs) as a use in the South End's Enterprise-Light Manufacturing zoning district for the first time. As stated at the time, allowing PACs in the E-LM supports and enhances the South End's vibrant arts community. The 2015 zoning amendment includes the following standards, established as a conditional use footnote in Appendix A – Use Table:

- Allows PACs only on properties with frontage on Pine Street or Industrial Parkway (now Queen City Park Road);
- Limits PACs on parcels with Pine St. frontage to no more than 5,000 square feet, and on parcels with frontage on Queen City Park Road to no more than 15,000 square feet; and,
- Establishes that no more than 50 percent of any PAC can be devoted to accessory space for the sale and serving of food and beverages, including alcohol.

The size limitation for PACs on the Pine St. corridor were aimed at "preserving and acknowledging the existing built environment within the E-LM zone," according to the amendment's accompanying memo.

To date, just one Performing Arts Center, Arts Riot, exists in the E-LM. However, following its failed attempt to relocate to Queen City Park Road, the South Burlington-based music venue Higher Ground has expressed interest in relocating to the Pine St. corridor, a move that can only be facilitated through the amending of the aforementioned standards for PACs in the E-LM. Specifically, Higher Ground, and any similar Performing Arts Center that operates as a music venue for touring musical acts, requires a total square footage greater than what is allowed in the E-LM today. As such this amendment proposes to delete the square footage limit for PACs, only on properties with frontage on Pine Street, entirely. No other changes to the current standards are proposed.

In addition to the manifest way in which PACs support and are consistent with the South End's arts character, PACs are also critical components of the arts-based economy in Burlington. A 2019 study produced by an economic development organization in Chicago and referenced in communications to the US Congress by the National Independent Venue Association estimates that every \$1 spent on a ticket at a local music venue produces \$12 in economic activity in the form of restaurant and retail purchases and hotel stays.

Proposed Amendment: ZA-25-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment eliminates the limit on square footage for Performing Arts Centers in the E-LM district in order to facilitate the establishment of larger PACs in this arts-based district.

Proposed Amendments

The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

1. Amends Footnote 32 in Appendix A – Use Table, to remove the square footage limit for Performing Arts Centers on properties with frontage on Pine Street in the E-LM district.
2. Replaces in the same Footnote 32 a reference to "Industrial Parkway" with the street's new name, "Queen City Park Road."

Relationship to *planBTV*

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in 2019 with planBTV: South End as well as the *planBTV* Comprehensive Plan. With respect to the South End Plan, this amendment reinforces the South End as an arts hub, a key plan objective. The Comprehensive Plan calls for the fostering and maintenance of existing neighborhood characters, and identifies the South End E-LM as a district where growth is encouraged. Thus, in a similar fashion, this amendment is consistent with the Comprehensive Plan's future land use map.

Impact on Safe & Affordable Housing

The amendment has no significant impact on the provision of safe and affordable housing. Housing is not an allowed use in the E-LM (outside of the South End Innovation District overlay).

Planned Community Facilities

This amendment supports and complements a recently constructed and evolving Burlington City Arts facility at 405 Pine Street. The amendment, through facilitating a PAC on the Pine St. corridor, promotes a prosperous arts community and presents opportunities for partnerships between the City and successful arts-based Burlington businesses.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff 11/24/24	Presentation to & discussion by Commission 12/3/24	Approve for Public Hearing 12/3/2024	Public Hearing 1/14/2025	Approved & forwarded to Council 1/14/2025
City Council Process				
First Read & Referral to Ordinance Comm. 2/3/2025	Ordinance Comm. discussion	Ordinance Comm. recommend	Second Read & Public Hearing	Council Approval & Adoption

Board of Finance and City Council Submission Checklist

Department: City Planning Submitter: Charles Dillard

Title/Subject: ZA-25-04 Performing Arts Centers in the E-LM District

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	2/10/2025
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	2/3/2025	Charles Dillard
Mayor's Office informed and approved memo	Yes	2/4/2025	Joe Magee
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	2/4/2025	Kim Sturtevant
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	2/3/2025	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

CDO Champlain College Bed Caps
ZA-25-05

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

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and is hereby amended by amending Article 4, Sec. 4.5.2 Institutional Core Campus Overlay Districts, subsection (g)(4) related to density, thereof to read as follows:

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) – (f) As written.

(g) District Specific Regulations: Champlain College (ICC -CC):

1. – 3. As written.

4. Density

For the purposes of regulating the intensity of development and the total number of residential beds, the core campus district shall be divided into two areas: a Residential Core Campus and an Academic Core Campus as delineated on Map 4.5.2-7 ICC-CC Core Campus below.

Core Campus	Floor Area Ratio	Maximum Residential Beds
Residential Core Campus	1.0	530
Academic Core Campus	1.1	150

* Material stricken out deleted.

** Material underlined added.

Planning/KS/Ordinances 2025/ZA-25-05 Champlain College Bed Caps
CDO Sec. 4.5.2 (g)(4)
CC First Read Version 2-10-25

TO: Burlington City Council
FROM: Charles Dillard, AICP, Planning Director
Sarah Morgan, Planner
DATE: February 10, 2025
RE: Proposed ZA-25-05 Champlain College Bed Caps

Overview & Background

Across Burlington's segmented housing market, scant tenant protections and lack of supply contribute to what is generally considered a crisis for renters and those looking to own a home in the city. This crisis in affordability and quality extends to the student populations of Champlain College and the University of Vermont. Champlain College prioritizes housing for all first year students and seeks to house as many upper-class students on campus as possible. Historically, as is the case with UVM's student population, many Champlain College upper-class students have chosen to live off campus in Burlington or one of its surrounding communities. However, changing preferences and a worsening shortage of quality and affordable housing near its campus has created a new paradigm in which Champlain College upper-class students increasingly request housing on campus. Unfortunately, due to density standards, in the form of maximum bed counts established in 2009, Champlain College is unable to construct adequate amounts of new housing or convert existing non-residential square footage to residential use.

Density standards were first applied to the Institutional Core Campus – Champlain College overlay district in 2008. At the time, residential density was limited on Champlain's campus to no more than 24 units per acre. One year after this standard was established, an alternative density standard in the form of bed caps was adopted, as was the creation of two distinct areas within the College's campus: a Residential Core Campus and an Academic Core Campus. Those standards remain in effect today, with the Residential Core Campus limited to a maximum of 530 beds and a Floor Area Ratio (FAR) of 1.0, and the Academic Core Campus limited to 150 beds and an FAR of 1.1. As stated in a Champlain College memo attached to this memo, the College has capacity to create just 14 beds in the Academic Core Campus, and 111 beds in the Residential Core Campus.

In summer 2024, Champlain College requested that the City consider a zoning amendment to remove these limits on beds on its campus, without also requesting an increase in FAR. As part of this request, the College stated its desire and intent to adaptively reuse an administrative building in the Academic Core Campus that would create an additional 33 accessible beds in a cost-effective manner. This project is not possible without a zoning amendment to remove the existing bed caps.

Proposed Amendment: ZA-25-05

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment eliminates the Maximum Residential Beds standards in Sec. 4.5.2(g) 4 in order to facilitate on-campus residential conversion and development for Champlain College students.

Proposed Amendments

The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

1. Amends the table in Sec. 4.5.2(g) 4 to eliminate the Maximum Residential Beds standards and the associated column in its entirety from the table.

Relationship to *planBTV*

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in the *planBTV* Comprehensive Plan. The Comprehensive Plan calls for the City's Institutional Campuses to be places of growth. The success of this Institutional growth is contingent on the Institutions' ability to develop housing in a manner that is consistent with established City policy and, in some cases, the character of surrounding neighborhoods. This proposed amendment facilitates the concentration of much-needed student accommodations that will create more housing options for Champlain College students, and, in turn, allow for the College's continued role in strengthening Burlington's economy.

Impact on Safe & Affordable Housing

The amendment facilitates the creation of on-campus housing at Champlain College, and thus significantly impacts the provision of safe and affordable housing for Champlain College students, as well as the general population who currently compete with students for limited supply of quality housing.

Planned Community Facilities

This amendment supports and complements a wide range of existing and planned community facilities in the vicinity of Champlain College's campus. Providing for more housing in Burlington's core creates new users for these facilities and promotes a symbiotic socio-economic relationship between Champlain College and the City.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff 11/24/24	Presentation to & discussion by Commission 12/3/24	Approve for Public Hearing 12/3/24	Public Hearing 1/14/2025	Approved & forwarded to Council 1/14/2025
City Council Process				
First Read & Referral to Ordinance Comm. 2/10/2025	Ordinance Comm. discussion	Ordinance Cmte recommend	Second Read & Public Hearing	Council Approval & Adoption

Board of Finance and City Council Submission Checklist

Department: City Planning Submitter: Charles Dillard

Title/Subject: ZA-25-05 Champlain College Bed Caps

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	2/10/2025
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	2/3/2025	Charles Dillard
Mayor's Office informed and approved memo	Yes	2/4/2025	Joe Magee
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	2/4/2025	Kim Sturtevant
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Yes	2/4/2025	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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