



December 12, 2022

Regular City Council Meeting - Monday, December 12, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM

 [Click here to view the minutes for this meeting](#)

1. Agenda

1.01 Motion to amend/adopt agenda

Type: Action, Procedural

Recommended Action: motion to amend/adopt agenda as follows: add to the consent agenda item 6.31 Communication: Susan DuCharme, re: Downtown Shopping with the motion to "waive the reading, place it on file and send a copy to Business & Workforce Development Director Alnasrawi"

2. Swearing In of Newly Elected East District City Councilor Maea Brandt

2.01 Swearing In of Newly Elected East District City Councilor Maea Brandt

Type: Action, Procedural

3. Communication: Acting City Attorney Sturtevant, re: Litigation Update**verbal**EXPECTED EXECUTIVE SESSION **6:15 pm - 7:15 pm**

3.01 Communication: Acting City Attorney Sturtevant, re: Litigation Update**verbal**EXPECTED EXECUTIVE SESSION **6:15 pm - 7:15 pm**

Type: Action, Communication, Information

Recommended Action: Motion 1: Move that the 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; Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending or probable civil litigation matter, 1 VSA §313(a)(1)(E).

4. Public Forum: Time Certain: 7:30 pm **See item for signup instructions**

4.01 Verbal Comments

Type: Action, Information, Procedural

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

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

5.01 Climate Emergency Reports

Type: Information



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6. Consent Agenda

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

Type: Action (Consent), Procedural

Recommended Action: motion to adopt the consent agenda and take the actions indicated

6.02 Communication: CT Office, re: Accountability List

Type: Action (Consent), Communication, Information

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

Accountability List for 121222 CC LO.xlsx

6.03 Regular City Council Meeting Minutes, October 17, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, October 17, 2022, 6:45 pm, Contois Auditorium

6.04 City Council With Mayor Presiding Meeting Minutes, October 17, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

View Minutes from City Council With Mayor Presiding Meeting - Monday, October 17, 2022, Contois Auditorium

6.05 Local Control Commission Meeting Minutes, October 17, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

View Minutes from Local Control Commission Meeting - Monday, October 17, 2022, Contois Auditorium

6.06 Board of Civil Authority Meeting Minutes, October 24, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

View Minutes from Board of Civil Authority Meeting - Monday, October 24, 2022, Contois Auditorium



December 12, 2022

Regular City Council Meeting - Monday, December 12, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM

6.07 Local Control Commission Meeting Minutes, October 24, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 [View Minutes from Local Control Commission Meeting - Monday, October 24, 2022, Contois Auditorium](#)

6.08 Regular City Council Meeting Minutes, October 24, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 [View Minutes from Regular City Council Meeting - Monday, October 24, 2022, 6:00 pm, Contois Auditorium](#)

6.09 Special City Council Meeting Minutes, November 1, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 [View Minutes from Special City Council Meeting - Tuesday, November 1, 2022, 5:30 pm, Contois Auditorium](#)

6.10 City Council With Mayor Presiding Meeting Minutes, November 7, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 [View Minutes from City Council With Mayor Presiding Meeting - Monday, November 7, 2022, Contois Auditorium](#)

6.11 Board of Civil Authority Meeting Minutes, November 7, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 [View Minutes from Board of Civil Authority Meeting - Monday, November 7, 2022, Contois Auditorium](#)



December 12, 2022

Regular City Council Meeting - Monday, December 12, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM

6.12 Regular City Council Meeting Minutes, November 7, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 View Minutes from Regular City Council Meeting - Monday, November 7, 2022, 5:00 pm, Contois Auditorium

6.13 Full Board of Abatement of Taxes Meeting Minutes, November 21, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 View Minutes from Full Board of Abatement of Taxes Meeting - Monday, November 21, 2022, Contois Auditorium

6.14 Local Cannabis Control Commission Meeting Minutes, November 21, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 View Minutes from Local Cannabis Control Commission Meeting - Monday, November 21, 2022, Contois Auditorium

6.15 Board of Civil Authority Meeting Minutes, November 21, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 View Minutes from Board of Civil Authority Meeting - Monday, November 21, 2022, Contois Auditorium

6.16 Regular City Council Meeting Minutes, November 21, 2022, Draft

Type: Action (Consent), Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes as received at the December 5, 2022 Regular City Council Meeting

 View Minutes from Regular City Council Meeting - Monday, November 21, 2022, 5:30 pm, Contois Auditorium



December 12, 2022

Regular City Council Meeting - Monday, December 12, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM

6.17 Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community Grant #03440-44063 - 23 - CEDO - CEDO

Type: Action (Consent)

Recommended Action: to approve the acceptance of grant funds (Grant #03440-44063-23-CEDO) in the amount of \$472,366 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of the Community and Economic Development Office to execute all documents necessary to accept the funding for the period to June 30th 2023, including retroactive approval for the period from October 1st 2022 to December 12th 2022, subject to the final review and approval of the City Attorney's Office

BoF CC Memo - Elmwood Shelter Acceptance of OEO HOP grantFINAL.pdf

Grant Agreement AHS CEDO Elmwood FY22.pdf

BoF and CC Checklist - CEDO AHS HOP 12 12 22.pdf

SignedResolution.pdf

6.18 Communication: John Bossange, re: TAKE BACK BURLINGTON: PF 12/5/22 CC

Type: Action (Consent), Communication

Recommended Action: waive the reading and place it on file

Communication John Bossange, re TAKE BACK BURLINGTON, PF 120522 CC MTG.pdf

6.19 Communication: Pike Porter, re: McNeil: PF 12/5/22 CC

Type: Action (Consent), Communication

Recommended Action: waive the reading and place it on file

Communication Pike Porter, re McNeil, PF, 120522 CC.pdf

6.20 Communication: County Assistant Judges, re: Pre-Budget Meeting

Type: Action (Consent), Communication

Recommended Action: waive the reading and place it on file

Communication County Assistant Judges, re Pre-Budget Meeting.pdf

6.21 Cain Overlook Improvements - BPRW

Type: Action (Consent)

Recommended Action: to approve and authorize Cindi Wight, Parks, Recreation and Waterfront Director, to execute a contract with Chevalier Stoneworks, in the amount of \$100,915 and a project contingency of \$10,092, for a total authorized expenditure in the amount of \$111.007, subject to review by the City Attorney's office

BOF-CC Memo_Cain Overlook_Final.pdf

BOF CC Checklist_Cain Overlook.docx



December 12, 2022

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6.22 Lease of Vendor Space at North Beach for three seasons, 2023-2025 - BPRW

Type: Action (Consent)

Recommended Action: to approve and authorize the execution of a lease agreement with Jason Starr, to perform Paddle board & kayak rentals at North Beach for the 2023 - 2025 seasons for the premises as detailed in Attachment A, and to authorize Mayor Miro Weinberger, to execute the lease and any related documents, subject to the review of the City Attorney's Office

BOFCC Memo - Lease of North Beach
Watercraft Rental Final .pdf

BOF CC Checklist.docx

North Beach Watercraft Lease 2023-2025 .pdf

6.23 Property Lease Aerodyme Corporation, 274 Valley Road - Airport

Type: Action (Consent)

Recommended Action: to approve a property lease agreement at 274 Valley Road in South Burlington with Aerodyme Corporation, on the terms provided in and substantially in conformance with the attached lease, and to authorize the Mayor of Burlington to execute the lease, subject to final review and approval by the City Attorney's Office

3- BOF-CC Aerodyme Lease Memo.docx

3- Checklist - Airport -Aerodyme.docx

3A. Aerodyme_BT_V_LeaseFinal2023.pdf

6.24 Request to Authorize a Budget Neutral Amendment to Burlington International Airport's Fiscal Year 2023 Budget in the Amount of \$118,193 - Airport

Type: Action (Consent)

Recommended Action: to approve a budget neutral amendment in the amount of \$ 118,193 to the Fiscal Year 2023 Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum

4 - 20221212 Terminal Janitorial BA AC-BOF
Memo.docx

4- Checklist - Airport -Terminal Janitorial
BA.docx

6.25 FIO Document

Type: Action (Consent), Information

Recommended Action: for information only

FIO Document.pdf



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6.26 Ordinance: Chapter 22, Parks - Section 21, Updating Burlington Municipal Arena Rules and Regulations PARKS, ARTS & CULTURE Committee (PACC) - Barlow, Dieng, Shannon

Type: Action (Consent)

Recommended Action: to adopt the amendment to Chapter 22 of Burlington City Ordinances as outlined in the attached ordinance change form by suspending the Rules and Regulations of the City Council and placing the amendment in all stages of passage

 Ordinance - Parks - Chapter 22 Leddy Arena Update (FINAL).pdf

 Memo_Leddy Arena_Final.pdf

 BOF CC Checklist_Leddy.docx

 Signed CC Ordinance Chapter 22, Parks --Section 21, Updating Burlington Municipal Arena Rules and Regulations.pdf

6.27 Ordinance: Chapter 9, Cemeteries - Section 50, Updating Changes for Perpetual Care PARKS, ARTS & CULTURE Committee (PACC) - Barlow, Dieng, Shannon

Type: Action (Consent)

Recommended Action: to adopt the amendment to Chapter 9 of Burlington City Ordinances as outlined in the attached ordinance change form by suspending the Rules and Regulations of the City Council and placing the amendment in all stages of passage

 Ordinance - Parks - Chapter 9 Perpetual Care Fund Update (FINAL).pdf

 Memo_Perpetual Care_Final.pdf

 BOF CC Checklist_Perpetual Care.docx

 Signed CC Ordinance Chapter 9, Cemeteries--Section 50, Updating Charges for Perpetual Care.pdf

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)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Resolution - City Attorney - Release of Certain Glebe Lands 12-12-22 (FINAL).pdf

 Signed CC Resolution Release of Certain Glebe and Perpetual Lease-Land Interests and Revision of the COB Perpetual Lease Land Interests List.pdf

 Copy of BURLINGTON PERPETUAL LEASE LAND INTERESTS LIST Revised 12-12-22.xlsx



December 12, 2022

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6.29 Resolution: Implementation Of A Carbon Pollution Impact Fee For New Construction And Large Existing Commercial And Industrial Buildings 50,000 Square Feet Or Larger (Councilor Barlow)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and refer the resolution to the Transportation, Energy and Utilities Committee

Resolution - BED - Carbon Fee 12-8-22
(FINAL).pdf

Checklist Resolution 12.12.2022.docx

Thermal Resolution Memo 12-8-22.docx

6.30 195-201 Flynn Avenue MOU and CSWD Drop-Off Center in Burlington - DPW (10 mins.) **WAS AGENDA ITEM 7.01**

Type: Action

Recommended Action: 1. Move to approve a six month extension of the 2019 Chittenden Solid Waste District ☐ City of Burlington Memorandum of Understanding through June 30, 2023 and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney's Office. 2. Move to approve a second extension of the 339 Pine Street Lease Agreement with CSWD through December 31, 2024 with an allowance for CSWD to expand the drop of center footprint as shown on the attached map once the City's soil management activities are relocated from 339 Pine Street, and authorize the Mayor to execute the agreement subject to the review and approval of the City Attorney's Office.

DPW Council Memo on 195-201 Flynn Ave
12-7-22 Final.pdf

Checklist 195-201 Flynn Ave CSWD MOU
Extension.pdf

6.31 Communication: Susan DuCharme, re: Downtown Shopping

Type: Action (Consent), Communication

Recommended Action: waive the reading, place it on file and send a copy to Business & Workforce Development Director Alnasrawi

Communication Susan DuCharme, re
Downtown Shopping.pdf

7. Deliberative Agenda

7.01 195-201 Flynn Avenue MOU and CSWD Drop-Off Center in Burlington - DPW (10 mins.) **NOW AGENDA ITEM 6.30**

Type: Action

Recommended Action: 1. Move to approve a six month extension of the 2019 Chittenden Solid Waste District ☐ City of Burlington Memorandum of Understanding through June 30, 2023 and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney's Office. 2. Move to approve a second extension of the 339 Pine Street Lease Agreement with CSWD through December 31, 2024 with an allowance for CSWD to expand the drop of center footprint as shown on the attached map once the City's soil management activities are relocated from 339 Pine Street, and authorize the Mayor to execute the agreement subject to the review and approval of the City Attorney's Office.

DPW Council Memo on 195-201 Flynn Ave
12-7-22 Final.pdf

Checklist 195-201 Flynn Ave CSWD MOU
Extension.pdf



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7.02 Notice of Decision: Hearing re: Sworn Complaint of Resident Pertaining to Orlando's Bar and Lounge 2022-2023 Entertainment Permit (10 mins.)

Type: Action

Recommended Action: move to approve and adopt the attached decision in re Sworn Complaint of Resident Pertaining to Orlando's Bar and Lounge 2022-2023 Entertainment Permit and to impose a two-week suspension of the permit effective from April 15-April 30, 2023 as detailed in the attached decision

Decision Re Orlando's Ent Permit FOR
ACTION 12.12.2022.pdf

7.03 115 College Street - Battery Street Jeans - Encumbrance Application - DPW (10 mins.)

****AGENDA ITEM REMOVED****

Type: Action

Recommended Action: to approve the Encumbrance Application for 115 College Street requesting use of a portion of the sidewalk for a free clothing closet, as further detailed in Attachment A, 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

FINAL ENC Packet-BatteryStreetJeans-115
College St V1.pdf

Communication Katy Blessing, re BSJ Free
Clothing Bin.pdf

Communication CJ Healy, re Free Clothes Bin
Testimony.pdf

Communication Mistaya Smith, re Battery
Street Jeans Free Clothing Bin.pdf

7.04 Resolution: Addressing Gun Violence In Burlington (Public Safety Committee) (20 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note Councilor Traverse is a co-sponsor for this agenda item per Councilor Traverse, Friday, December 9, 2022, at 4:22 pm, LO

note revised version of this agenda item per Councilor Magee, posted on Monday, December 12, 2022, at 2:37 pm, LO

Resolution - Public Safety Committee -
Addressing Gun Violence in Burlington (REVISED
w Amendments) (002)added BT as a cosponsor
LO.docx

Signed CC Resolution Addressing Gun
Violence in Burlington.pdf

Resolution - Public Safety Committee -
Addressing Gun Violence in Burlington
(FINAL).pdf



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7.05 Ordinance: Burlington Code of Ordinances-Abatement and Rehabilitation of Vacant Buildings and Dangerous Structures (Councilor Paul, Ordinance Committee)(2nd reading) (10 mins.)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the reading and adopt the ordinance as amended by the Ordinance Committee

Ordinance - Ordinance Committee - B.C.O.
Ch. 8 Vacant Buildings and Dangerous Structures
12-8-22 (FINAL).pdf

Memo WW Chapter 8 VB changes 12 1
22.docx

Signed CC Ordinance Burlington Code of
Ordinances-Abatement and Rehabilitation of
Vacant Buildings and Dangerous Structures.pdf

7.06 Resolution: March 7, 2023 Annual City Meeting--Proposed Charter Change Re Ward Boundaries (Councilor Paul) (10 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note written material for this agenda item per the City Attorney's Office, posted on Friday, December 9, 2022, at 2:47 pm, LO

note map for this agenda item per Acting City Attorney Sturtevant, posted on Friday, December 9, 2022, at 4:05 pm, LO

Resolution - Charter Change - Redistricting
Charter Change 12-9-2022 (FINAL).pdf

Ward Redistricting 8 Wards Approved Map
8.5x11 (002).pdf

Signed CC Resolution March 7, 2023 Annual
City Meeting--Proposed Charter Change re Ward
Boundaries.pdf

8. Committee Reports (up to 15 mins.)

8.01 Verbal Reports

Type: Information, Procedural

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

9.01 Verbal Reports

Type: Information, Procedural

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

10.01 Verbal Reports

Type: Information, Procedural



December 12, 2022

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

11.01 Verbal Reports

Type: Information, Procedural

12. Adjournment

12.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

13. Informational and Non-Discrimination Statements

13.01 This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (865-7136)(TTY 865-7142). Persons with disabilities, who require assistance or special arrangements to participate are encouraged to contact 865-7000 (voice) or 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.

Type: Information