



Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

5:45 pm, Contois Auditorium OR Remotely via ZOOM:

Please click the link below to join the webinar:

<https://zoom.us/j/94984813154>

Or Telephone: +1 646 931 3860 US

Webinar ID: 949 8481 3154

****CCTV link: https://www.youtube.com/playlist?list=PLIjLFn4BZd2PwCge7lNoKug676jIf_iUA ****

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

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

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: remove from the consent agenda item 6.39. Exterior Temporary Fencing for Memorial Auditorium - BPRW and place it on the Deliberative Agenda as item 7.10 (per Councilor Dieng); note revised version of agenda item 7.7 (per Councilors Shannon and Bergman)

2. Communication: Meagan Tuttle, Brian Pine and Kim Sturtevant, Esq., Negotiation of an Agreement Regarding UVM Housing (verbal) **expected executive session 5:45 pm - 6:45 pm**

Subject	2.1. Communication: Meagan Tuttle, Brian Pine and KIm Sturtevant, Esq., Negotiation of an Agreement Regarding UVM Housing (verbal) **expected executive session**
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	2. Communication: Meagan Tuttle, Brian Pine and Kim Sturtevant, Esq., Negotiation of an Agreement Regarding UVM Housing (verbal) **expected executive session** 5:45 pm - 6:45 pm

Department	City Attorney
Type	Action Procedural
Recommended Action	Motion 1: Move that the Council find that premature general public knowledge of information concerning contract negotiations and attorney-client communications regarding UVM 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 confidential attorney-client communications and updates on contract negotiations regarding UVM, 1 VSA §313(a)(1)(A) and (F).

3. Winooski River Sewer Main Break Expenses - Chapin Spencer and Megan Moir 6:50 pm - 7:15 pm

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

Subject	4.1. Verbal Comments
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	4. Public Forum: Time Certain: 7:30 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural

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

Subject	5.1. Climate emergency reports
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Climate Emergency Reports (5 - 10 mins.)
Department	Council and Board
Type	Information

6. Consent Agenda

Subject	6.1. Motion to adopt the consent agenda (as amended) and take the actions indicated
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda (as amended) and take the actions indicated

Subject **6.2. Communication: CT Office, re: Accountability List**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information

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

Subject **6.3. Communication: CT Office, re: March 27, 2023 Local Control Commission Meeting Minutes, Draft**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information
Minutes

Recommended Action waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting

Subject **6.4. Communication: CT Office, re: March 27, 2023 Regular City Council Meeting Minutes, Draft**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information
Minutes

Recommended Action waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting

Subject **6.5. Communication: CT Office, re: April 3, 2023 City Council Organization Day Meeting Minutes, Draft**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.6. Communication: CT Office, re: April 17, 2023 Local Control Commission Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the readng, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.7. Communication: CT Office, re: April 17, 2023 Regular City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.8. Communication: CT Office, re: May 1, 2023 Full Board of Abatement of Taxes Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information

Minutes

Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.9. Communication: CT Office, re: May 1, 2023 Local Control Commission Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.10. Communication: CT Office, re: May 1, 2023 City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.11. Communication: CT Office, re: May 1, 2023 Regular City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting

Subject	6.12. Communication: CT Office, re: May 15, 2023 Regular City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.13. Communication: CT Office, re: May 22, 2023 Special City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.14. Communication: CT Office, re: May 30, 2023 Special City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.15. Communication: CT Office, re: June 5, 2023 Regular City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.16. Communication: CT Office, re: June 5, 2023 Local Control Commission Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.17. Communication: CT Office, re: June 20, 2023 City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.18. Communication: CT Office, re: June 20, 2023 Local Control Commission Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.19. Communication: CT Office, re: June 20, 2023 Regular City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.20. Communication: CT Office, re: June 26, 2023 Special City Council Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.21. Communication: CT Office, re: June 26, 2023 Special City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes

Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting
Subject	6.22. Communication: Lis Mickenberg, Member, BRV, re: Resignation
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Lis Mickenberg thanking her for her time served as a member of the Board of Registration for Voters
Subject	6.23. Communication: Brad Wiltfong, re: Protect and Improve the Bike Lane on Pine St
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place it on file
Subject	6.24. Communication: Emma Swift, re: Bird Bikes
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	waive the reading and place it on file
Subject	6.25. Communication: Amanda Moore, re: Fletcher Free Library
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication

Recommended Action	waive the reading and place it on file
Subject	6.26. Burlington Housing Board of Review Annual Report for 2022
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	6.27. Annual Electric Commission Report (signed)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	6.28. Special Event Outdoor Entertainment Permit Application (two days only): Burlington City Arts, Friday & Saturday, August 4 & 5, 2023, 5 pm - 10 pm, top block of Church Street: outside of Halvorson's, Festival of Fools
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the two day only special event outdoor entertainment permit application for Burlington City Arts, Friday & Saturday, August 4 & 5, 2023, 5 pm - 10 pm, top block of Church Street: outside of Halvorson's, Festival of Fools
Subject	6.29. Special Event Outdoor Entertainment Permit Application (one day only): Vermont Professionals of Color Network, Saturday, August 12, 2023, 12 pm - 6 pm, August Kickback, O.N.E. Community Center Parking Lot
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for Vermont Professionals of Color Network, Saturday, August 12, 2023, 12 pm - 6 pm, August Kickback, O.N.E. Community Center Parking Lot
Subject	6.30. Court Diversion Grant #02100-FY24/25-CN - CEDO/CJC
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	to approve the acceptance of the State of Vermont Grant Award #02100-FY2023-CN, in the amount of \$510,526, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2024, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and all other documents necessary to implement the grant, subject to the review and approval of the City Attorney's Office
Subject	6.31. Department of Corrections Grant: "Safer Communities" (Grant Amendment # 03520-1542) - CEDO/CJC
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	move to approve and 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1542 in the amount of \$347,805 for FY24, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY24 budget lines associated with the grant
Subject	6.32. Approval for MuniCap, Inc., FY24 TIF District Administration Consultant Contract - CT
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	move to authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a one-year contract not to exceed \$100,000, for the purposes of providing administrative support for the City's Downtown and Waterfront TIF Districts, subject to final review and approval by the City Attorney's Office

Subject **6.33. Re-classification/retitling of one (1) position - BPRW/HR**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Parks, Recreation, & Waterfront

Type Action (Consent)

Recommended Action to approve the:
☐ Reclassification and retitling of the Event Planner, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 15, role to Event Manager, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Parks, Recreation, and Waterfront

Subject **6.34. Reclassification of Emergency Communications Specialists - Police/HR**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Police Department

Type Action (Consent)

Recommended Action move to approve the reclassification of the Emergency Communications Specialist position, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15 to Emergency Communications Specialist, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position

Subject **6.35. 1. Creation of two (2) new Water Distribution Field Technician positions - DPW-Water Resources
2. Reclassification of the Water Distribution Working Foreman position - DPW-Water Resources**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Public Works Department - Water Resources

Type Action (Consent)

Recommended Action To approve the:
1. Creation of two (2) Water Distribution Field Technician, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15, roles in the Department of Public Works.
2. Reclassification and retitling of the two (2) Water Distribution Working Foreman, Regular, Full-Time, Non-Exempt, AFSCME, Grade 16, roles to Water Distribution Working Foreperson, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, roles in the Department of Public Works, retroactive to January 24, 2023 and further authorize associated retroactive pay not to exceed \$5,500.

Subject **6.36. City Hall Elevator Modernization - BPRW**

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the execution of a contract with Mack Brothers Elevator LLC, for a price not to exceed \$135,609.45, to provide services related to the modernization of City Hall's elevator, plus a project contingency of \$13,560.00 (total request including contingency not to exceed \$149,169.45), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office
Subject	6.37. City Hall Exterior Restoration - BPRW
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the execution of a contract with Heritage Environmental Projects, Inc., for a price not to exceed \$128,870.00 to complete exterior restoration at City Hall, plus a project contingency of \$12,887.00 (total request including contingency not to exceed \$141,757.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office
Subject	6.38. Replacement Remote Sump Tank for City Hall - BPRW
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	to approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed \$182,662.00, to replace the remote sump tank in City Hall, plus a project contingency of \$18,662.00 (total request including contingency not to exceed \$200,928.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office
Subject	6.39. Exterior Temporary Fencing for Memorial Auditorium - BPRW **now Deliberative Agenda 7.10**
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Parks, Recreation, & Waterfront

Type	Action
Recommended Action	to approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$119,750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of \$11,975.00 (total request including contingency not to exceed \$131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office
Subject	6.40. Approval to accept Planning Grant Continuum of Care VT-501 & Permanent Supportive Housing Grant Agreements in FY24 VT0030L1T012213 - \$306,080 Shelter Plus Care - New Horizons, September 1, 2023 VT0053L1T012207 - \$248,364 Beacon Place Apartments, September 1, 2023 CoC Planning Grant VT-501 \$32,776, January 1st 2024 - CEDO
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	move to approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care grants (VT0030L1T012213, VT0053L1T012207, CoC Planning Grant VT-501) to begin in FY24 and authorize the Director of CEDO to execute all documents necessary to accept the total funding of approximately \$600,000 from HUD, subject to the review and approval of the City Attorney's Office
Subject	6.41. Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter Community - Housing Opportunity Grant Program SFY 2024 \$1,250,257.00 - CEDO
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	to approve and the acceptance of SFY 2024 grant funds in the amount of \$1,250,257 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all documents and contracts necessary to accept the funding through the period of June 30th 2024, including retroactive approval for the period of July 1st to July 24th 2023, subject to the final review and approval of the City Attorney's Office
Subject	6.42. Authorization to Execute a Contract with Alert Enterprise for Identity management software suite and associated professional services - Airport
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Airport

Type	Action (Consent)
Recommended Action	to authorize the Director of Aviation to execute a contract with Alert Enterprise, Inc. for \$277,020 over a five-year term with a 20% contingency for a maximum limiting amount of \$332,424 for the provision of and professional services related to identity management software suite for the Airport Operations Department, subject to the final review and approval by the Office of the City Attorney
Subject	6.43. Contract renewal for ESRI GIS Services - I&T
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Innovation & Technology
Type	Action (Consent)
Recommended Action	to approve and authorize the Chief Innovation Officer to execute a three-year contract with Environmental Systems Research Institute, Inc. in an amount not to exceed \$120,000 for Geographic Information System services, subject to final review and approval by the City Attorney's Office
Subject	6.44. Creation of Executive Manager for the Police Department - Police/HR
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Police Department
Type	Action (Consent)
Recommended Action	to approve the creation of the position of the Executive Manager for the Police Department, a Regular, Full-time, Exempt, Non-Union Grade 21 position
Subject	6.45. Communication: Karen Paul, Council President and Katherine Schad, CAO, re: City Council and Board of Finance Meeting Dates - April 2024 to September 2024
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	waive the reading, accept the communication and have these dates posted on the City calendar
Subject	6.46. Replacement Hot Water System and Boiler at Paquette Arena in Leddy Park - BPRW

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Parks, Recreation, & Waterfront

Type Action (Consent)

Recommended Action to approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed \$691,561.00 to replace the domestic hot water system and boiler, and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.
To approve and authorize the Capital bond funds budgeted for replacing the RTU's at the Miller Center in FY '23 and FY '24 to be transferred for payment to this project

Subject 6.47. FIO Documents

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Clerk/Treasurer's Office

Type Communication
Information
Action (Consent)

Recommended Action for information only

Subject 6.48. Ordinance: Thermal Energy Systems And The Assessment Of A Carbon Pollution Impact Fee (Councilors Traverse, Barlow)(1st reading)

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Council and Board

Type Action (Consent)
Ordinance - First Reading

Recommended Action consider this first reading, waive the reading, refer the proposed ordinance to the TEUC first, and then to Ordinance Committee with any recommendations from TEUC

Subject 6.49. Resolution: Amending The Conservation Legacy Fund Policy Document To Provide For Nature-Based Climate Adaptation (PAC Committee)

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Consent Agenda

Department Parks, Recreation, & Waterfront

Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	6.50. Resolution: Release Of Certain Glebe And Perpetual Lease-Land Interests And Revision Of The City Of Burlington Perpetual Lease Land Interests List (Councilor Traverse)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Consent Agenda
Department	City Attorney
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution

7. Deliberative Agenda

Subject	7.1. Public Hearing Regarding ZA-23-01: South End Innovation District
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Planning
Type	Action Procedural Public Hearing
Recommended Action	open the Public Hearing close the Public Hearing
Subject	7.2. Ordinance: Comprehensive Development Ordinance ZA-23-01 South End Innovation District Overlay (Office of Planning, Planning Commission, Ordinance Committee)(2nd reading)(30 mins.)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Planning
Type	Action Ordinance - Second Reading
Recommended Action	2 nd reading, waive the reading, approve the ordinance amendment regarding ZA-23-01 South End Innovation District Overlay

Subject	7.3. Resolution: Authorization For Public Improvement Bonds For School District Capital Improvements - March 7, 2017 Voter Authorization (Board of Finance)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.4. Resolution: Authorization For School District Capital Improvement Bonds For Burlington High School - November 8, 2022 Voter Authorization (Board of Finance)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.5. Resolution: Authorization For Refunding Public Improvement Bonds (Board of Finance)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.6. Resolution: Authorization For Public Improvement Bonds For Fiscal Year 2024 (Board of Finance)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution

Recommended Action	waive the reading and adopt the resolution
Subject	7.7. Resolution: The Climate Emergency And A 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 (TEUC (Councilors Bergman, King), Councilors Magee, Hightower (20 mins.)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.8. Resolution: Authorization For Capital Public Improvement Infrastructure Bonds - March 1, 2022 Voter Authorization (Board of Finance)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.9. Burlington CARES Overview, Position Requests. and Structure - Police (15 mins.)
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Deliberative Agenda
Department	Police Department
Type	Action
Recommended Action	The Burlington Police Department respectfully requests that the City Council approve the creation of: • One (1) Burlington CARES Clinical Supervisor, a Regular, Exempt, AFSCME, Grade 20 position. • Two (2) Burlington CARES Clinicians, a Regular, Exempt, AFSCME, Grade 19 position.
Subject	7.10. Exterior Temporary Fencing for Memorial Auditorium - BPRW **was consent agenda item 6.39**
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	7. Deliberative Agenda
Department	Parks, Recreation, & Waterfront
Type	Action
Recommended Action	to approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$119,750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of \$11,975.00 (total request including contingency not to exceed \$131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office

8. Committee Reports (up to 15 mins.)

Subject	8.1. Verbal reports
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Committee Reports (up to 15 mins.)
Department	Council and Board
Type	Information

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

Subject	9.1. Verbal reports
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	9. City Council - General Affairs (up to 15 mins.)
Department	Council and Board
Type	Information

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

Subject	10.1. Verbal reports
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	10. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

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

Subject	11.1. Verbal reports
Meeting	July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	11. Mayor - General Affairs (up to 10 mins.)

Department Council and Board

Type Information

12. Adjournment

Subject 12.1. Motion to adjourn

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 12. Adjournment

Department Council and Board

Type Action
Procedural

Recommended Action Motion to adjourn

13. Informational and Non-Discrimination Statements

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

Meeting July 24, 2023 - Regular City Council Meeting - Monday, July 24, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 13. Informational and Non-Discrimination Statements

Department Council and Board

Type Information

Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator

	Meeting Date	Type of Document
1	7/12/2021	Resolution: Parks Arts And Culture Committee To Create A Dog Task Force
2	10/18/2021	Resolution: Police Oversight And Accountability Authorities To Police Commission To Alter The Police Disciplinary System
3	12/5/2022	Communication: Pike Porter, re: Fw: Greenhouse Gas, CAP resolution draft for your consideration
4	2/6/2023	Ordinance: Comprehensive Development Ordinance ZA-23-01 South End Innovation District Overlay
5	2/6/2023	Resolution: Supporting More Public Input On Police Oversight And Accountability Upon Defeat Of The Ballot Initiative On A Community Control Board
6	2/6/2023	Communication re Ward 2/3 NPA Resolution to Name the New Shelburne Street Roundabout After Tony Redington and Ward 2/3 NPA Resolution in Support of Big Heavy World Teen Center Proposal for Memorial Auditorium
7	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington

8	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia
9	4/17/2023	Communication re Winooski Avenue Corridor Study Implementation Update
10	5/15/2023	Resolution: BTV Solar Eclipse 2024
11	5/15/2023	Resolution: Process For Updating Sheltering on Public Lands Policy Given The Rise in Homelessness And The End Of The Motel Voucher Program

12

Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department

6/5/2023

NOTE: These resolutions relate in part to the work of the Joint Committee (Ordinance and Charter Change) in their work on policy.

NOTE: These communications are both regarding the Shelburne Street Roundabout naming after Tony Reddington

CITY COUNCIL ACCOUNTABILITY LIST

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

24-Jul-23

Action Requested	Updated Next Steps in the Process
report due back to the City Council from the task force	4/29/2022; This timeline was amended to year end 2022; UPDATE as of 1/30/2023: The Task Force will present a report to PACC at its next meeting UPDATE: Task Force will be presenting their report to the Council on March 27, 2023 UPDATE: Final report will come to the Council in June 2023. UPDATE: final report to come in September.
CA office to draft ordinance with language as per the resolution, with the ordinance to be referred to the Ordinance Committee, amendment to FY22 to include legal counsel for the Police Commission, referral to Charter Change to hold meetings with community and stakeholder input on moving disciplinary authority from the Chief of Police to a body independent from BPD that may include the Commission with the possibility of a Charter change for consideration.	**NOTE: This item was never added to this Accountability List in October 2021.** It is being added as of February 10, 2023. Draft ordinance was done by then-CA Richardson in March 2022, presented to the Police Commission in April 2022 and the PC responded with comments to the draft. By May 2022, CA Richardson and other staff left. This draft and PC comments must be followed up on and then referred to the Ordinance Committee. Question on resolved clause lines 103 to 105 to be followed up on. Charter Change Committee was to hold meetings with community and stakeholders with referral of language back to the Council. UPDATE: Draft ordinance was referred to Joint Committee of Ordinance and
referred to TEUC	not-specified; UPDATE as of 1/30/2023, Airport presented emissions information at the TEUC meeting in March, ongoing item at TEUC. UPDATE: moved forward to July 24 Council meeting, 2-1 at June 2023 TEUC meeting.
referred to Ordinance Committee	UPDATE: First meeting scheduled for April 19. UPDATE: public hearing and vote on July 24.
upon defeat of the ballot item on Community Control of Police, that proposed Charter language of Control Board, mayor's December 2020 Charter amendment, October 18, 2021 resolution, related ordinance language from City Attorney in April 2022 be referred to Ordinance and Charter Change Committees for review, robust public input on disciplinary authority of Chief, oversight role of the police commission with referral back to full council by June 1, 2023	to discuss joint meetings, stakeholder and robust public input, beginning early April. UPDATE: Meeting dates being determined for late April and into May. UPDATE: first meeting to be held May 4. UPDATE: Metings scheduled in May, Report to come to the Council on June 5. UPDATE: Work to continue to September 2023.
refer the communication to TEUC and CDNR Committees respectively for further review and engagement	TEUC Item was taken up at the March meeting, more information was requested for the next TEUC meeting
refer the communication to TEUC for further review	TEUC Item was taken up at the March meeting, more information was requested for the next TEUC meeting

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, including days of action, flying pride flags on City property, and organizing a speakers series; City Councils 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 City Council’s Ordinance Committee shall, in coordination with the Burlington Police Department and the City Attorney’s Office, examine Burlington’s graffiti ordinance and consider changes that address continued defacement of public property, and graffiti that spreads hateful and	
refer the communication to TEUC in order to work with the Administration on the plan to monitor and evaluate the changes to the North Winooski Avenue corridor and any proposal to address the transportation and neighborhood needs arising from the evaluation	
the City Council requests that the event planning staff in Burlington City Arts, Business and Workforce Development, and the Burlington Parks, Recreation and Waterfront Department provide regular updates to the City Council Parks, Arts, and Culture Committee regarding planning for this event, including but not limited to, developing a page on the City’s website with visitor data, coordinating with local organizations on events in the area, and city-sponsored events to celebrate the eclipse in collaboration with area schools, scientific organizations, and/or other groups celebrating the arrival of the exclipse. Staff to update the Parks, Arts, and Culture Committee in July or August 2023 and in January 2024 with a full plan for the event.	
The City Council asks CDDO to provide the CDNR committee with research and community and city staff engagement on best practices and potential pathways to take to improve the status quo on three topics at the CDNR May, June, July 2023 meetings – respectively: 1) The current sheltering on public lands policy 2) Chittenden County sheltering options when shelter capacity has been reached; and, 3) Storage and bathroom access. CDNR committee shall obtain feedback from relevant stakeholders, including the State of Vermont, and report back on the discussion of best practices and potential pathways as well as recommended actions to the City Council on August 14, 2023, Administration and the City Council will work with our state legislative delegation to find additional funding to assist Burlington and other municipalities to find resources to alleviate the full cost of supporting the unhoused on city services; and the City Council requests the Administration convene a meeting of community organizations and City staff responsible for serving unhoused community members to inform a Work Session at the June 5th City Council meeting regarding the City’s response to addressing houselessness.	

requests an evaluation be done to explore Burlington CAIP becoming a department of the City , an evaluation be done to review the reporting and supervisory structure needed to support three public safety departments (police, fire and CAIP), that a report come to Public Safety Committee in October 2023, approval for the Chief of Police to accept the Department of Mental Health grant for Burington CARES

e oversight and accountability.

BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 27, 2023
DRAFT

MEMBERS PRESENT: Karen Paul
Joan Shannon
Ali Dieng (via Zoom)
Perri Freeman
Sarah E Carpenter
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Maea Brandt
Miro Weinberger

OTHERS PRESENT: Kim Sturtevant
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 8:15 PM.

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

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.02 First, Third Liquor License and Outside Consumption Permit Renewals (2023-2024): see attached list - approve the 2023-2024 First, Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commissioner Brandt, to adopt the consent agenda and take the actions indicated for items 2.01-2.02

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.01 Application for Festival Permit (two days only): Vermont Brewers Fest, Waterfront Park, July 21 - 22, 2023

MOTION by Commissioner Shannon, SECOND by Commissioner Brandt, to approve the two days only Festival Permit Application for Vermont Brewers Fest, Waterfront Park, Friday, July 21, 2023 and Saturday, July 22, 2023.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.01 Motion to adjourn

The meeting adjourned without objection at 8:17 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
March 27, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng (via Zoom)
Perri Freeman
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Maea Brandt

OTHERS PRESENT:

Miro Weinberger
Kim Sturtevant
Lori Olberg
Cindi Wight
Maria Karunungan
Lori Kettler
Nina Hurley
Ilona Blanchard
Brian Pine
Meagan Tuttle
Charles Dillard

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

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

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

VOTING: unanimous; motion carries.

2. COMMUNICATION: CAMPING IN PARKS (VERBAL) (EXPECTED EXECUTIVE SESSION)

2.01 Communication: Hayley McClenahan, Assistant City Attorney, re: Camping in Parks (verbal)(expected executive session)*5:30 pm - 6:00 pm*

City Council President Paul said that this item was brought to the Council in February 2022 and was to request that the Community Development and Neighborhood Revitalization (CDNR) Committee begin a community review of the proposed ordinance and operational policies related to camping on municipal lands, and that the City Attorney's office would lead a review of the proposed ordinance and submit to the Council a report on the benefits, precedents, and possible concerns about the changes in comparison to the City's current policies. She said that work has been done on the draft ordinance and that the Council will meet in executive session to hear their update and discuss next steps.

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, that that the Council find that premature general public knowledge of legal advice regarding camping in parks would clearly place the City at a substantial disadvantage, and further move that that the Council enter into executive session with regard to the negotiating or securing of real estate purchase or lease options pertaining to Memorial Auditorium pursuant to 1 V.S.A. 313(a)(2), to include the Mayor's Staff, Acting City Attorney Sturtevant, Assistant City Attorney McClenahan, and Special Assistant Sarah Russell.

VOTING: unanimous; motion carries.

MOTION by Councilor Carpenter, SECOND by Councilor Hightower, that based upon the finding on parks, move that the Council go into executive session to receive confidential attorney-client communications for the purpose of providing professional legal services to the body pursuant to 1 V.S.A. §313(a)(1)(F), to include the Mayor's staff, CEDO Director Brian Pine and CEDO staff Samantha Dunn, and Acting City Attorney Sturtevant.

VOTING: unanimous; motion carries.

3. COMMUNICATION: UPDATE: MEMORIAL AUDITORIUM (VERBAL) (EXPECTED EXECUTIVE SESSION)

3.01 Communication: Mayor Weinberger, CEDO Director Pine and Samantha Dunn, CEDO, re: Update: Memorial Auditorium (verbal)(expected executive session)*6:10 pm - 6:40 pm*
See motions above.

4. PRESENTATION REGARDING DOG TASK FORCE PROGRESS UPDATE

4.01 Presentation Regarding Dog Task Force Update: Presenters: Maria Karunungan, Lori Kettler, Nina Hurley, Ilona Blanchard and Cindi Wight (6:45 pm - 7:15 pm)

Ms. Karunungan began by speaking about the formation of the Dog Task Force, which was created due to the increasing number of incidents involving dogs or dog owners on social media and complaints related to off-leash dogs, dog attacks, dog feces not being picked up, lack of policy enforcement, unlicensed dogs, and dog barking contributing to noise pollution. She noted that the task force was formed in January 2022. She reviewed the scope of work, which involved both taking action and issuing policy recommendations. She noted that they are in the process of collecting data around dog complaints, and they have received high-level data from the Police Department that is currently being reviewed.

Director Wight noted that she has spearheaded the Off-Leash Subcommittee, which reviewed prior dog task force work and looked into whether previously-proposed off-leash spaces in Burlington could be used. She said that the Subcommittee is fielding a survey to collect feedback around that, and will pilot/test new off-leash areas based on survey results. She noted that less than 1% of Burlington City Parks are available for off-leash use, and that more off-leash areas would make it easier to maintain a leash requirement.

Ms. Kettler spoke about the Education Subcommittee, which has been producing many public service announcements related to feces cleanup, dog leashing, barking, and licensing. Ms. Blanchard spoke about a proposed annual education calendar with educational campaigns and events related to dogs.

Ms. Hurley spoke about the Ordinances Subcommittee, which has been reviewing current City ordinances and drafting changes for the full Dog Task Force to review in the spring. She said that these include updating old language, updating fees, and considering proposed ordinance changes related to the regulation of outdoor cats, cat licensing, and recommending a dedicated animal control officer and restorative justice enforcement option.

Ms. Kettler spoke about licensing issues, noting that the City is likely underlicensing its dogs, licensing is now available online, that licensing fees could be used to support dog-related programs, and that there is a perceived back of consequences for not licensing a dog. She noted that Community Service Officers, who respond to dog complaints, currently do not have a way to check to see if a dog is even licensed.

Ms. Karunungan spoke about next steps, which include analyzing survey results and other data, completing their Council-mandated report and presenting their recommendations on the report to the Council. She said that potential recommendations for the Council could include an ordinance update, off-leash areas, and more funding sources, and potential recommendations for the City could include a PSA calendar, event calendar, and better coordination of enforcement and licensing.

Councilor Carpenter asked whether there are public lands other than parks that might lend themselves well to being off-leash areas or a fenced dog park.

Councilor Barlow noted that the largest body of complaints was around “at large” dogs, and asked whether those are off-leash dogs or dogs roaming free. Ms. Karunungan replied that they are assuming that “at large” means that the owner is not in sight, but are double-checking the definitions.

Councilor Freeman asked if the increase in microchipping of pets has led to a decrease in licensing in this more traditional way. They also said that the lack of off-leash spaces has likely led to spaces being used informally as off-leash areas. They said that having more dog-accessible and dog-friendly spaces in the City would be good.

Councilor Hightower asked about the recommendations related to cats, and asked what cat registration would look like. Ms. Kettler replied that unlicensed cats are a public health issue similar to that of dogs, due to rabies, and that there are also environmental issues related to free-roaming cats, since they attack and kill other wildlife.

Councilor Shannon suggested having a list published of the dogs that are registered, to try and bring unlicensed dogs into compliance.

Councilor Dieng suggested including content on water bills or electricity bills to remind rate-payers to license their animals. He also emphasized the importance of registering and licensing cats as well as dogs.

5. PROCLAMATIONS

5.01 Burlington High School Girls' Nordic Ski Team

City Council President Paul said that this item will be postponed until the Council’s next meeting.

5.02 Fair Housing Month

Mayor Weinberger noted that April is Fair Housing Month and read the following proclamation:

WHEREAS, the Federal Fair Housing Act was passed in April 1968 in order to take steps toward eliminating discrimination in housing opportunities based on race, color, national origin, religion, and, as amended, sex, family status, and disability; and to further housing choices for all Americans; and

WHEREAS, Vermont’s Fair Housing Act strengthened the protections of the Federal Fair Housing Act to include age, marital status, sexual orientation, gender identity, receipt of public assistance, and people who have experienced abuse, sexual assault, or stalking, as

well as the income of prospective residents in land use decisions; and

WHEREAS, the month of April is now celebrated as Fair Housing Month both nationally and locally; and

WHEREAS, the ongoing struggle for dignity and opportunity for all in housing is not the exclusive province of the federal or state governments and vigorous local efforts to combat discrimination and expand housing opportunities can be extremely effective; and

WHEREAS, Burlingtonians need safe, decent, affordable, and inclusive housing, and illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all; and

WHEREAS, the City of Burlington supports the efforts of fair housing organizations, advocates, community members, and the housing industry to create broader housing choice in Burlington and Chittenden County and to promote understanding of fair housing; and

WHEREAS, inclusive, welcoming, and affordable communities promote diversity and a climate conducive to equitable and vibrant development; and

WHEREAS, Burlington submitted to the U.S. Department of Housing and Urban Development an Assessment of Fair Housing, which was subsequently approved by the Department in December 2017; and

WHEREAS, in my "2021 Action Plan to Fulfill the Promise of Housing as a Human Right in Burlington," I propose opening new housing opportunities through the creation of a mixed use Enterprise Innovation District in a portion of the South End and opening new housing opportunities City-wide through "missing middle" zoning reforms, which will expand opportunities for new homes to be created in every neighborhood in ways that reflect the character of these parts of the City.

WHEREAS, Burlington continues to work to expand housing opportunities and the availability and affordability of housing in Burlington through policy reform, including the development of new policies to implement energy efficiency standards in rental housing, eliminate requirements around parking standards in order to reduce a major driver of the cost of housing and align the City's land use policies with its climate goals, and restore and increase the dedicated funding for the City's Housing Trust Fund, among others; and

WHEREAS, the COVID-19 crisis put additional strain on the City's housing and support services and exacerbated existing inequities for people whom fair housing laws seek to protect from discrimination, particularly for people of color;

NOW THEREFORE, be it resolved that I, Miro Weinberger, Mayor of the City of Burlington, do hereby proclaim the month of April 2023 to be FAIR HOUSING MONTH in Burlington, and I do hereby urge all individuals, agencies, and institutions – public and private – to contribute to the observance by continuing our efforts to eliminate housing discrimination in our communities and increase housing opportunities for all.

6. PUBLIC FORUM

6.01 Verbal Comments

Forum opened at 7:35 PM.

COMMENTS:

Burlington residents (in person):

- Romeo Von Herman highlighted that this is the month of Ramadan and emphasized the importance of it. He also spoke about the lack of civic engagement among students in Burlington. He asked the Council to reach out more to students to engage with them more.
- Todd LaCroix spoke about the lack of volunteerism and generosity among the wealthy.

- Sandy Barry spoke about the F-35s at the airport and spoke about their impact on the environment, in terms of noise pollution as well as fossil fuel emissions. She also said that the F-35s make the City a target for nuclear warfare.

Burlington residents (via Zoom):

- Jean Hopkins spoke about concerns with the F-35s and their effects on the lives of residents in the communities around the airport.
- Sharon Bushor spoke about Memorial Auditorium, expressing disappointment with the current process and lack of public engagement. She asked the City to make the process more transparent and invite more public engagement on the RFPs being considered for posting.
- Jess Hyman spoke with gratitude about the Fair Housing Proclamation and work being done to make housing more inclusionary and inclusive in the community. She spoke about fair housing events that are taking place in the Burlington community in April.
- Ashley Adams spoke about the F-35 noise in and around the airport in South Burlington. She said that stopping the Air Guard program would stop the emission of a significant quantity of carbon into the atmosphere, would help improve the quality of life in South Burlington, and would open up a number of acres of land for housing (which is desperately needed in this housing crisis).
- Dan Castrigano spoke about a number of airport items, including concerning negative behavior on the part of several members of the Airport Commission and the length of time it will take for noise mitigation to be rolled out to the homes in South Burlington. He said that the Airport Commission should issue a public apology on these insensitive remarks.

Non-Burlington residents (in person):

- Duncan ____ spoke about his work in social work with young boys and expressed concern about violence.

Non-Burlington residents (via Zoom):

- ____ Decker spoke in favor of representative government, affordable housing, peace, health care, education, and services for the disabled. She asked the City to take a stand against the basing of the F-35s in Burlington.
- James Lees (?) noted that the federal government does not have control over the National Guard's training. He noted that the training program for F-35s at the Burlington Airport violates the requirement that training be conducted separately and apart from densely populated areas. He said that it causes hearing loss, cognitive decline, and degrades home values. He said that the City was delegated the power and authority to improve public health within its bounds, and it should exercise this power by grounding the F-35s.

Forum closed at 8:05 PM.

7. CLIMATE EMERGENCY REPORTS

7.01 Climate Emergency Reports

Councilor Bergman noted that he testified last week at a VTrans Climate Reduction Strategy public meeting, which are required by the federal government for all states to discuss what they're doing to reduce greenhouse gas emissions in the transportation sector. He noted the Council's actions around mass transit and the need for sustainable funding sources, which were supported. He noted that more action needs to occur around that resolution. He encouraged others to engage with the process that is occurring in the legislature.

8. CONSENT AGENDA

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

8.02 Communication: CT Office, re: Accountability List - waive the reading, accept the communication and place it on file.

8.03 Communication: CT Office, re: January 17, 2023 First Public Hearing re: Charter Changes Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.04 Communication: CT Office, re: January 23, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.05 Communication: CT Office, re: January 23, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.06 Communication: CT Office, re: January 23, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.07 Communication: CT Office, re: February 6, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.08 Communication: CT Office, re: February 6, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.09 Communication: CT Office, re: February 21, 2023 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.10 Communication: CT Office, re: February 21, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.11 Communication: CT Office, re: February 21, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.12 Communication: CT Office, re: March 1, 2023 Public Information Hearing re: ACE Questions Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.13 Communication: CT Office, re: March 13, 2023 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.14 Communication: CT Office, re: March 13, 2023 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.15 Communication: CT Office, re: March 13, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.16 Communication: CT Office, re: March 13, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the April 17, 2023 Regular City Council Meeting.

8.17 Communication: Fauna Hurley, Parks and Recreation Commission, Member, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Fauna Hurley thanking her for her time served as a Member of the Parks and Recreation Commission.

8.18 Communication: Katherine Schad, Presiding Officer - March 7, 2023 Annual City Election, re: Declaration of Elected Candidates Annual City Election - March 7, 2023 - waive the reading, accept the communication and place it on file.

8.19 Communication: Katherine Schad, Presiding Officer - March 7, 2023 Annual City Election, re: Declaration Of Election Results Questions On The Ballot Annual City Election - March 7, 2023 - waive the reading, accept the communication and place it on file.

8.20 2023 - 2024 Tobacco License and Tobacco Substitute Endorsement Renewals: see attached list - approve the 2023-2024 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.

8.21 CEDO, Community Justice Center - Reclassification of three positions and creation of one position - CJC/HR - approve and authorize the reclassification of the following positions within the City's Community Justice Center: • A BARJ Coordinator, from a Limited Service, Full-Time, Non-Exempt, Union, Grade 16 position to a Regular Service, Full-Time, Non-Exempt, Union, Grade 16 position; • A Community Assistance Program Coordinator, from a Limited Service, Part-Time (24hr/week), Non-Exempt, Union, Grade 15 position to a Regular Service, Part-Time (32hr/week), Non-Exempt, Union, Grade 16 position; • An Adult Restorative and Volunteer Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position to an Adult Restorative and Volunteer Manager, a Regular Service, Full Time, Exempt, Non-Union, Grade 18 position; and approve and authorize the creation of an Adult Restorative Coordinator, a Regular Service, Full Time, Non-Exempt, Union, Grade 16 position within the Community Justice Center.

8.22 Leddy Park Pause Place Construction, Contractor Contract – BPRW - 1. To approve and authorize the execution of a contract with Don Weston Excavating, for a price not to exceed \$472,428.00 for the Leddy Park Pause Place Construction project, plus consultant fees of \$44,996.00 and a project contingency of \$52,000.00, for a total authorized expenditure in the amount of \$569,424.00, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the

review of the City Attorney's Office; 2. To approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$167,000 in funds from the Penny for Parks unallocated restricted fund balance to the Penny for Parks – Leddy Pause Place Project; 3. To approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$180,000 in funds from the Bike Path – Phase 3 Construction budget to the Penny for Parks – Leddy Pause Place Project.

8.23 Burlington School District and Balanced and Restorative Justice award acceptances - CEDO/CJC - approve and authorize Director Pine to accept and retroactively execute the DCF State Grant #45100 in the amount of \$133,522.79 for CY23, upon final review and approval of the City Attorney's Office.

8.24 CY23 Paving Contract – DPW - 1. The City Council authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources, as further detailed in the attached CY23 paving project budget, as needed to a total of \$1,709,008.30 for the projected construction costs to complete the CY23 Paving project; 2. The City Council authorize the Director of Public Works, or their designee, to execute a construction contract with Engineers Construction Inc. for the CY23 Paving project in the amount of \$1,399,098.45, with an additional \$139,909.85 in contingency funds, and to further execute a change order authorizing an additional expenditure of \$170,000 for street patching work, equaling a total authorized expenditure of \$1,709,008.30, subject to the final review and approval by the Office of the City Attorney.

8.25 Oakledge Universally Accessible Playground Construction, Contract Amendments – BPRW - approve and authorize the execution of a contract amendment with Engineers Construction, Inc. for a price not to exceed \$1,004,388 for the Oakledge Universally Accessible Playground Project, and the execution of a contract amendment with EIV Technical Services for a price not to exceed \$98,918, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

8.26 1. Creation of 3 new Water Resources positions Reclassification of 3 Water Resources positions 2. Reclassification of 3 Water Resources positions 3. Reorganization of Water Resources Engineers, Asset Manager, Stormwater Manager, Distribution Staff and Water Resources GIS and Field Specialist. - DPW/HR - authorize and approve the: • Creation of a Water Resources Risk and Resiliency Special Projects Engineer, a Regular, Full-time, Exempt, Non Union, Grade 23, position in the Department of Public Works; • Creation of an Director of Engineering and Operations , a Regular, Full-time, Exempt, Non Union, Grade 25, position in the Department of Public Works; • Creation of an Wastewater Plant Mechanic, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Department of Public Works; • Reclassification and retitling of the Senior Water Resources Engineer, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Engineering Manager, a Regular, Full-time, Exempt, Non Union, Grade 23 position in the Department of Public Works; • Reclassification and retitling of the Water Resources Policy and Programs Manager, a Regular, Full-time, Exempt, Non Union, Grade 22, to the Water Resources Policy and Programs Advisor, a Regular, Fulltime, Exempt, Non Union, Grade 21 position in the Department of Public Works; • Reclassification and retitling of the Stormwater Program Coordinator, a Regular, Full-time, Exempt, Non Union, Grade 19, to the Stormwater Program Manager, a Regular, Full-time, Exempt, Non Union, Grade 21 position in the Department of Public Works, retroactive to October 17, 2022; and, to authorize back wages to the incumbent in the amount of \$2355.73 in retroactive compensation; • Reorganization of reporting structure for the Water Resources GIS and Field Specialist, a Regular, Fulltime, Exempt, Non-Union, Grade 18 position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Engineering Manager, as further detailed in Attachment B; • Reorganization of the reporting structure for the Engineering Manager, a Regular, Full-time, Exempt, Non-Union, Grade 23, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B; • Reorganization of the reporting structure for the Stormwater Program Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Department of Public Works, reporting to the Policy and Programs Manager, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B; • Reorganization of the reporting structure for the Distribution Field Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Department of Public Works, reporting to the Division Director, to reporting to the Director of Engineering and Operations, as further detailed in Attachment B.

8.27 Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract – DPW - 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$609,672.58 for the projected construction costs to complete the CY23 Sidewalk Reconstruction Program; 2. To authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$554,247.80 with an additional \$55,424.78 (10%) in contingency, totaling \$609,672.58, subject to the final review and approval by the Office of the City Attorney.

8.28 FY23 Expense Authorization Champlain Parkway Project – DPW - authorize an increase to the Champlain Parkway FY23 Expense Authorization from \$16,777,998.03 to \$23,092,317.91 to continue approved project activities in FY23, and further approve and authorize the Chief Administrative Officer to execute a budget adjustment and transfer for the usage of an additional \$119,729.97 of Street Capital for local match in furtherance of the Expense Authorization increase, as further detailed in Attachment A.

8.29 Traffic Signal Modernization Burlington NH PC22(1) - FM0421 : VTrans Class 1 Paving - DPW - Parking and Traffic - approve and authorize the Director of the Department of Public Works to accept a change order to the January 2022 finance and maintenance agreement with the State of Vermont and to expend \$107,955.10 in non participating costs pursuant to such order to fund the installation of a modern traffic control system at Shelburne Street and Shopping Center, Shelburne Street and Home Avenue, Shelburne Street and Flynn Avenue, Shelburne Street and Prospect Avenue, and Winooski Avenue and Bank Street as part of the otherwise State-funded Burlington NH PC22(1) - FM0421 project paving project; and to further approve and authorized expenditure not to exceed \$53,580 for ancillary improvements, as further detailed in Attachment A, for a total expenditure of \$161,535.10; to be paid for with a repurposed existing lease and Impact Fees; subject to review and approval by the Chief Administrative Officer and City Attorney's Office.

8.30 Reclassification and Retitle Network Administrator to Senior Network Administrator - Police/HR - accept the Board of Finance recommendation and approve the following: • The reclassification and retitling of the Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 18 position to Senior Network Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 19 position.

8.31 Reclassification of Fire/Police Accountant position - Police/HR - approve and authorize the reclassification of the Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position to Fire/Police Accountant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 18, position.

8.32 CY22 Street Reconstruction Program Contract Amendment for Additional Water Resources Infrastructure Work on Birchcliff Parkway - DPW Water Resources - approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2022 Street Reconstruction Program contract with S.D. Ireland Brothers to effect a maximum limiting amount increase of \$68,179.13 to the previously authorized contract expenditure limit with S.D. Ireland of \$2,911,355.98, for a total authorized maximum contract expenditure of \$2,979,535.11, 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.

8.33 Request Authorization to Re-Establish Quiet Zone – DPW - approve and authorize the proposal to the Federal Rail Administration for re-establishing railroad Quiet Zones in the areas of Flynn Avenue and Home Avenue in order to facilitate rail crossing improvements in these areas and to further authorize the Mayor to sign all necessary documents in furtherance of such establishment, including but not limited to, Notice of Intent and Notice of Establishment.

8.34 Approval for four-year agreement with National Business Technologies for the lease of copiers and Papercut Payment Systems – CT - authorize the Chief Administrative Officer, Katherine Schad, to execute a four-year agreement with National Business Technologies for the lease of copier and printers up to \$60,000 per year, and for the provision of copy and print services at the included cost schedule, upon final review and approval of the City Attorney's Office. The provision of copy and print services is subject to change based on the number of prints.

8.35 FIO Documents – for information only.

8.36 Resolution: Ratification Of Appointment Of Acting Ward Eight Inspector Of Election For March 7, 2023 Annual City Election (Councilor Paul) - waive the reading and adopt the resolution.

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

MOTION by Councilor Magee, SECOND by Councilor Traverse, to adopt the consent agenda and take the actions as indicated for items 8.1-8.37.

VOTING: unanimous; motion carries.

9. DELIBERATIVE AGENDA

9.01 Public Hearing Regarding CDO--INCLUSIONARY ZONING Inclusionary Zoning Percentages and General Requirements for Inclusionary Units ZA# 23-02

City Council President Paul opened the public hearing.

Amy Demetrowitz of the Champlain Housing Trust spoke in favor of the proposed amendments to the inclusionary zoning ordinance, saying that the proposed changes would allow for more flexibility for Champlain Housing Trust and private developers to independently tailor the unit mix of their apartments to meet the needs for the communities in which the IZ units would be placed.

City Council President Paul closed the public hearing.

9.02 Ordinance: CDO--INCLUSIONARY ZONING Inclusionary Zoning Percentages and General Requirements for Inclusionary Units #ZA 23-02 (Office of City Planning, Planning Commission)(2nd reading)(10 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the second reading and adopt the ordinance.

DISCUSSION:

- **Councilor Traverse said that this is the result of joint meetings between the Ordinance Committee and Planning Commission.**
- **Principal Planner Dillard said that this amendment would allow for more flexibility in the unit mix and size in developments for inclusionary zoning, which would in turn allow more ease for developers to implement inclusionary zoning requirements.**
- **Councilor Hightower said that this set of amendments provides more flexibility without weakening the inclusionary zoning requirements and expressed support.**
- **Councilor Bergman requested receiving a report back on the impact of this set of inclusionary zoning amendments, to determine whether they have had the desired effects.**
- **Councilor Carpenter expressed support for this set of amendments, saying that it will help address housing gaps.**
- **Mayor Weinberger expressed support for these amendments.**

VOTING: unanimous; motion carries.

9.03 Council Rules (30 mins.)

MOTION by Councilor Bergman, SECOND by Councilor Shannon, to waive the reading and adopt the revised Council Rules.

DISCUSSION:

- **Councilor Bergman said that the Charter Change Committee met three times to review the proposed revisions to the Council Rules. He noted one point of contention on the proposed Council rules regarding the time limit for public forum. He said that the Committee rejected the proposed elimination of the time**

limit and extended the time limit for public forum from 60 minutes to 90 minutes, and additionally provided for the Council to extend the time limit for public forum.

- Councilor Shannon said that she supports allowing the Council (in addition to the Council president) to weigh in on whether to extend public forum for a given meeting. She pointed out that public forum was originally proposed to be extended from 30 minutes to 60 minutes, and said that while public forum is important, it is also important to allow the Council to conduct the business of the City at a reasonable hour of the evening during its meetings. She asked the Council to consider amending

MOTION TO AMEND by Councilor Shannon, **SECOND** by Councilor Barlow, to amend Section 6B to modify "90 minutes" to "60 minutes" and amend Section 16 Order of Business #D to modify "no longer than 90 minutes" to "no longer than 60 minutes."

DISCUSSION OF AMENDMENT:

- Councilor Hightower made a friendly amendment to move the public forum to earlier in the evening (from 6:30-7:30 to 6:00-7:00).
- Councilor Bergman said that the start time was moved back to 6:30 to accommodate working families. He also said that he does not support a time limit for public forum. He said he would not support an amendment to decrease the public forum time from 90 to 60 minutes.
- Councilor Barlow noted that the time limit for public forum was increased during the ad hoc committee meetings from 30 minutes to 60 minutes and that at every Council meeting the time has been extended to accommodate all speakers.
- Councilor Freeman said that beginning public forum at 6:00 seems early for public forum.
- Councilor Carpenter expressed support for these amendments. She said that constituents are able to submit comments in writing in addition to speaking during public forum.
- Councilor Hightower noted that hybrid meetings have helped expand access to the forum.

VOTING (on amendment, by roll call): Councilor Barlow - aye, Councilor Bergman - nay, Councilor Brandt - aye, Councilor Carpenter - aye, Councilor Dieng - nay, Councilor Freeman - nay, Councilor Hightower - nay, Councilor Magee - nay, Councilor Shannon - aye, Councilor Traverse - nay, City Council President Paul - aye (5 ayes, 6 nays; motion fails).

DISCUSSION (on original motion):

- Councilor Traverse said he agreed that there should be time limits around public forum but that he had proposed extending the public forum to 90 minutes.

MOTION TO AMEND by Councilor Hightower, **SECOND** by Councilor Traverse, to amend the Council Rules such that time certain for public forum is no later than 6:00 PM and no later than 7:00 PM.

VOTING (ON AMENDMENT): 7-4; motion carries (Councilors Bergman, Dieng, Freeman, and Shannon dissenting).

VOTING (ON MOTION AS AMENDED): unanimous; motion carries.

9.04 Report on the CNA recommendations (30 mins.)

MOTION by Councilor Magee, **SECOND** by Councilor Hightower, to waive the reading and accept the recommendations in the report.

DISCUSSION:

- Councilor Magee said that this is the result of an extensive review of the 150 recommendations made by CNA in their functional and operational assessment of the Burlington Police Department. He said that the ad hoc review group met weekly to review each recommendation. He said that the group noted that the redrafting of Department Directive #40 is a top priority, as it is the directive that governs the handling of

citizen and employee complaints within the department. He said that the report also recommends that the department should consider the possibility that disparities in traffic stops and use of force incidents are driven by implicit and explicit bias and should address bias in officers' behavior and other department practices. He said that the report also strongly recommends continued emphasis and priority on establishing alternative responses for mental health calls, overdose calls, and houselessness.

VOTING: unanimous; motion carries.

10. COMMITTEE REPORTS

10.01 Verbal Reports

Councilor Hightower said that the Community Development and Neighborhood Revitalization Committee met with staff and county-wide planning bodies and heard testimony on potential solutions to addressing houselessness at its last committee meeting.

Councilor Magee spoke briefly about recent topics at the Public Safety Committee's meetings, including innovative approaches to addressing gaps for fire dispatch.

Councilor Shannon noted that the Reappraisal Committee recently submitted its report to the City Council President. She said that the License Committee has begun discussing moving allowing the sale of alcohol to a later time in the day (such as 9:00 AM). She noted that the Cannabis Control Board has explored its authority and powers when it comes to the licenses that come before them for consideration. She said that the Parks, Arts, and Culture Committee has discussed safety in Burlington's parks and that future committees should take that conversation up again, since it is a persistent problem.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee will meet tomorrow and discuss an update from the Airport emission counting and an update on their carbon accreditation project. He also noted that the Tax Abatement Committee will be meeting on March 30 for hearings.

Councilor Carpenter said that the Human Resources Committee will start to review the City's comprehensive personnel policy.

Councilor Traverse said that the Ordinance Committee will meet on April 19 to discuss the proposed zoning amendments for the South End Innovation District.

Councilor Dieng said that with regards to the CNA report, he hopes that the City will look into processes to bring some level of proof and reconciliation between the Council and the Police Department, which is needed for everyone to ensure that the community feels safe.

11. CITY COUNCIL – GENERAL AFFAIRS

11.01 Verbal Reports

Councilor Dieng wished the Muslims in the community a happy Ramadan, and asked his fellow Councilors for forgiveness for shortcomings and deeds done and not done.

Councilor Shannon thanked Councilors Freeman and Brandt for their service on the Council. She thanked Councilor Freeman for her dedication and independent thinking on the Council. She thanked Councilor Brandt for stepping up during the Council's time of need.

Councilor Freeman spoke about the passing of Janet Carscadden, a wonderful member of the Burlington community. They also spoke about the experience they gained as a Councilor on this body.

Councilor Brandt spoke about her experiences on the Council and thanked everyone for their work.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

12.01 Verbal Reports

City Council President Paul thanked her fellow Councilors for their support for her leadership over this past year. She expressed gratitude for her fellow Council-members and thanked the Council for their work over the past year.

13. MAYOR – GENERAL AFFAIRS

13.01 Verbal Reports

Mayor Weinberger thanked City Council President Paul for her work over the past year and leadership on the Council. He presented plaques to departing Councilors Brandt and Freeman and thanked them for their service on the Council.

14. ADJOURNMENT

14.01 Motion to Adjourn

MOTION by Councilor Freeman, SECOND by Councilor Brandt, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 9:47 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
ORGANIZATION DAY
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 3, 2023**

DRAFT

MEMBERS PRESENT: Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow (via Zoom)
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King

OTHERS PRESENT: Miro Weinberger
Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Chief Administrative Officer Schad at 6:13 PM.

MOTION by Councilor Paul, SECOND by Councilor Magee, to adopt the agenda.

VOTING: unanimous; motion carries.

2. OATH OF OFFICE

2.01 Swearing In Of Newly Elected and Re-elected City Council Members

Mayor Weinberger swore in newly elected and re-elected City Councilors Barlow, Doherty, Grant, King, and Shannon.

3. STATE OF THE CITY ADDRESS

3.01 Mayor Presents State of the City Address

Mayor Weinberger began by wishing happy Ramadan to all Muslims in Burlington and across Vermont. He congratulated newly-elected and re-elected City Councilors. He additionally welcomed Marcelle Leahy, wife of Senator Patrick Leahy, Congresswoman Becca Balint, Senator Peter Welch, former Mayor Peter Clavelle, and Kyle Clark, CEO of Beta Technologies.

Mayor Weinberger then spoke about his tenure as Mayor for the last 11 years, including challenges and achievements, and momentous local and national events throughout that time. He said that though there have been challenging, the City is in many ways better off in 2023 than it was in 2012. He noted that in 2012, the City was many millions of dollars in debt, but is now a AA-rated City with millions of dollars in reserve. He noted that in 2012, the City was facing a housing crisis with only 500 more homes built in the prior decade, but now is making good on its promise as housing as a human right by constructing 1,300 homes so far, and 1,300 more projected. He spoke about the significant increase in solar arrays during his time in office, due partly to the City's green stimulus incentives. He spoke about improvements during his tenure in public infrastructure, including parks, streets, sidewalks, stormwater, and now breaking ground on a brand new high

school. He said that the City will also break ground to turn Main Street into a Great Street through the use of Downtown TIF District funding. He spoke about efforts to improve parks and create new parks and park infrastructure. He spoke about other public projects, including the Moran Plan, transit center, and Champlain Parkway.

Mayor Weinberger then specifically highlighted the dramatic improvements at the Burlington International Airport over the last 11 years, noting that its success would not have been possible without the support and attention of Senator Patrick Leahy. He noted that the Senator helped secure \$145 million in federal funding for the Airport. He said that to recognize Senator Leahy's commitment to the Airport and lifetime of service to Vermont, he announced that the City of Burlington will rename the airport the Patrick Leahy International Airport.

Senator Peter Welch said that he and his wife are proud to celebrate Senator Leahy's 48 years of honest integrity and brilliant service, and shared video messages of congratulations from Senator Chuck Schumer and President Joseph R. Biden, Jr.

Marcelle Leahy spoke on behalf of her husband, Senator Patrick Leahy. She said that he is humbled and deeply moved to have his name associated with the Burlington International Airport. She said that he has always strived to bring Vermont values to Washington and that bringing issues of importance to Burlington, Vermont, the national, and the rest of the world have always started out with a trip from Burlington International Airport. She spoke of his love for Vermont. She thanked the City for the honor of renaming the airport after him.

Mayor Weinberger then spoke about the war in Ukraine and said that all free people have a duty to stand by Ukraine in its fight against Russia. He spoke about several members of the Burlington community, Adam Roof and Colin Hilliard, who have traveled to Poland and Ukraine to deliver aid in country and have brought over \$130,000 in humanitarian aid to the country. He said that he is commissioning Mr. Roof and Mr. Hilliard to create a new sister city relationship with a city in Ukraine by this time next year. He said that in addition to cultural exchange, a goal of the new effort will be to partner with the City's Ukrainian counterpart to provide technical expertise as well as continued humanitarian support.

Mayor Weinberger said that after a decisive 2023 Town Meeting Day, the state of the City is reunited and stronger for having weathered so much, and the priorities of the City are clear and moving forward. He said that voters voted down a measure to remove authority from local elected officials (Proposition Zero). He said that two-thirds of the City value public safety and expect City government to restore it now, and that in two weeks, he will be coming to the Council to ask for approval of outstanding elements of the City's public safety plan. These include a new DROP plan for retirement for retaining senior officers, creating an assistant director to coordinate new resources at the Police Department, and resolving the unfinished debate over police oversight. He said that the City should bring the process to resolution by formalizing the Police Commission's role in a manner that promotes public trust and carefully protects procedural justice for officers. He said that public safety and racial justice should not be pitted against each other, and is working with the Director of Racial Equity, Inclusion, and Belonging to assess the department's structure and capacity, and restructuring it to have a focused impact on the City's top priorities. He spoke about the City's continuing legacy of climate leadership, noting voters' approval of the implementation of carbon impact fees in the City. He said that the City's net zero energy plan is the most ambitious in the country and said that the City's project to capture the waste heat from the McNeil Plant and convert it back into usable energy is one of its boldest. He said he is committing to making a go/no-go decision about this project in 2023. He spoke about increasing the housing supply and noted the City's active role in it. He thanked the profit and non-profit developers for their progress and commitment to Burlington as well. He spoke about initiatives to increase the Housing Trust Fund, as well as proposed zoning amendments for the South End to support the building of more housing in the City. He said that the State needs a clear plan (at the State level) to increase the housing supply, not another study of Act 250. He spoke about gun violence increases in Burlington and lamented the stalled charter changes around common-sense gun laws that Burlington has approved that have languished in the State house. He lauded the City's early childhood education policies and initiatives, including Lets Grow Kids, and called on more structural reform for early childhood education at the State level. He spoke about the drug crisis and reform that is needed for the State's Hub & Spoke opioid use disorder treatment program, saying that the program needs to be changed in order to address the skyrocketing levels of fentanyl in the community.

4. PUBLIC FORUM

1. Verbal Comments

None.

5. ELECTION OF CITY COUNCIL PRESIDENT

1. Election of City Council President

Chief Administration Officer Schad called for nominations for City Council President.

MOTION by Councilor Traverse, to nominate Karen Paul as City Council President.

DISCUSSION:

- **Councilor Traverse spoke about Councilor Paul's efforts to preserve Contois Auditorium as a place where all voices can be heard respectfully, her ability to construct agendas that are productive and efficient, and her recognition that Councilors will disagree on issues but also making every effort to hash those issues out prior to Council meetings.**

There were no other nominations.

VOTING: unanimous; motion carries.

City Council President Paul welcomed new Councilors Doherty, Grant, and King to the City Council.

6. ELECTION OF BOARD OF FINANCE MEMBERS

6.01 Election of Board of Finance Members

City Council President Paul called for nominations to the Board of Finance.

MOTION by Councilor Hightower to nominate Councilors Dieng, Magee, and Barlow to the Board of Finance.

There were no other nominations.

VOTING: unanimous; motion carries.

7. ADJOURNMENT

7.01 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Traverse, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 7:24 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING**

April 17, 2023

DRAFT

MEMBERS PRESENT:

Karen Paul
Joan Shannon (via Zoom)
Sarah E Carpenter
Zoraya Hightower (via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom)
Hannah King
Miro Weinberger

OTHERS PRESENT:

Kim Sturtevant
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 6:20 PM.

MOTION by Commissioner Traverse, SECOND by Commissioner Magee, to adopt the agenda.

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.02 First, Second, Third Liquor License and Outside Consumption Permit Renewals (2023-2024): see attached list - approve the 2023-2024 First, Second, and Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Traverse, SECOND by Commissioner Magee, to adopt the consent agenda and take the actions indicated for items 2.01-2.02.

DISCUSSION:

- Councilor Traverse noted that there was significant discussion over the course of two Local Control Subcommittee meetings about whether the start time on the sale of liquor should be moved to 9:00 AM (which has implications for second-class liquor license renewals), and that ultimately, these renewals will be permitted to sell alcohol within State parameters (from 6:00 AM to 12:00 midnight).

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.01 Motion to adjourn

The meeting adjourned without objection at 6:23 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
April 17, 2023
DRAFT**

MEMBERS PRESENT: Karen Paul
Joan Shannon (via Zoom, then in person)
Sarah E Carpenter
Zoraya Hightower (via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty (via Zoom)
Melo Grant (via Zoom, then in person)
Hannah King

OTHERS PRESENT: Miro Weinberger
Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg
Mohamed S. Ibrahim
Kara Alnasrawi
Cindi Wight
Samantha Dunn
Doreen Kraft
Michael LaChance
Zach Campbell
Hayley McClenahan
Jared Pellerin
Chapin Spencer
Philip Peterson
Kara Alnasrawi
Will Clavelle
Sarah Reeves
Jen Holiday

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:31 PM.

MOTION by Councilor Magee, SECOND by Councilor Barlow, to amend and adopt the agenda as follows:

- **add to the consent agenda item 5.33 Communication: James Sherrard Jr., Burlington Resident, re: Demand Side Housing Crisis City Council Public Comment;**
- **add to the consent agenda item 5.34 Communication: Chelsea, re: Pods; add to the consent agenda item 5.35 Communications;**

- **Holli Bushnell and Cecelia Dooley, re: Feedback about ongoing music with Orlando's music - Cecelia Dooley and CC Public Forum statement;**
- **add to the consent agenda item 5.36 Communication: Karen Paul, City Council President, re: Standing Committee Assignments.**

VOTING: unanimous; motion carries.

2. WORK SESSION RE: ARPA COMMUNITY INFRASTRUCTURE PROJECTS AND MORAN FRAME UPDATE & NEXT STEPS

1. Work Session re: ARPA Community Infrastructure Projects, Presenting by: Kara Alnasrawi and Samantha Dunn

Director Alnasrawi began by noting that the City received approximately \$27 million in American Rescue Plan Act (ARPA) funding to help combat the impacts of the COVID-19 pandemic. She said that the City's Business and Workforce Development Team launched a Citywide survey to solicit feedback on community priorities for that spending, which received almost 4,000 responses. She noted that members of the BIPOC community identified investing in community gathering spaces for cultural exchanges as their top choice for community infrastructure, and that in FY2023, the City Council approved the use of \$2,000,000 in ARPA funding to create and support that infrastructure.

She noted activities that staff conducted to identify existing community infrastructure for renovation and improvement. She said that five projects were selected, including investments in three public parks and two new indoor community gathering spaces, which are spread equitably throughout the City. She said that the proposals will be to allocate the \$2 million to the Redstone Cottage Community Space and upgrades to the Fletcher Free Library's satellite location in the New North End, to the Roosevelt Park Pavilion in the Old North End, to the 405 Pine Street community room and kitchen in the South End, to the City Hall Park Kiosk in Downtown, to expanding the Waterworks Park connections and amenities on the Waterfront, and an amount of money for contingency funding.

Councilor Bergman asked where the Roosevelt Park would be located and how it is envisioned to be used, as well as the relationship to the Boys & Girls Club in the park. Director Wight replied that the City is in the process of hiring a consultant to do a comprehensive plan for the park to ensure that the pavilion is right-sized for the park. She said that there are also donors who have offered to fund other improvements to Roosevelt Park. Director Alnasrawi said that the funding needs to be encumbered by FY2024 and spent by FY2026.

Councilor Traverse said that it is exciting to have a community space like this in the South End. He asked if there are concerns about finding a vendor to operate a kiosk in City Hall Park and whether the City Council can help make the opportunity more attractive. He also asked how much ARPA funding remains unencumbered once this \$2 million for these projects becomes encumbered. Director Alnasrawi replied that they had a vendor relationship near the kiosk last year and were able to receive feedback on how to make a vendor kiosk most attractive to vendors. She said that most of the ARPA funding has been used for revenue replacement (which was the original intent for the funding), as well as for housing, water infrastructure, local nonprofits, community infrastructure, emergency response, and further revenue replacement.

Councilor Barlow asked about the library upgrades in the New North End. Director Kraft replied that they are hoping to improve the interior by expand shelving and opening the space up further.

Mayor Weinberger noted that part of the budget process for Fiscal Year 2024 will discuss how to use the remainder of the ARPA dollars that remain uncommitted, and that those budget discussions will begin in earnest in May.

2.02 Work Session re: Moran Frame Update & Next Steps, Presented by: Samantha Dunn and Zach Campbell, Friends of the Frame

Assistant Director Dunn began by briefly speaking about the history of the Moran Frame, noting that it was an electric plant from 1954 to 1986, and that the City spent almost 20 years exploring adaptive reuse until it designed and constructed the Moran Frame from 2018-2022.

Zach Campbell, founder of Friends of the Frame, spoke about how his organization was created to facilitate sustained use of the Frame as an inclusive, evolving space, and to present high-quality programming, support ongoing stewardship, and empower local creativity. He spoke about the creation of a Frame website, construction of Frame swings, art installations, and a crowdfunding campaign that received \$62,000 to support 2023 programming. He spoke about 2023 activities, including free public amenities, art programming, and events and performances.

Assistant Director Dunn spoke about next steps, including continued collaboration with Friends of the Frame and Phase 2 conceptual design. She noted that there were some Phase 1 items that were not able to occur in Phase 1, given the extensive (and expensive) remediation of the site prior to Phase 1 construction, and that these items have been moved to Phase 2.

Mayor Weinberger expressed excitement about the collaboration between the City and the Friends of the Frame.

Councilor Bergman asked about the connection between this presentation and the \$600,000 related to the Moran Frame in the previous presentation. Assistant Director Dunn said that that funding is for future investment in community infrastructure in the expanded Waterworks Park (including the skate park, fishing pier, and Moran Frame).

3. PUBLIC FORUM

1. Verbal Comments

Forum opened at 6:32 PM.

COMMENTS:

Burlington residents (in person):

- Romeo von Herman congratulated incumbent and new Councilors. He also expressed support for securing funding for free or fair public transit.
- James Sherrard spoke about the housing crisis, noting that though the focus on local and state levels has been to address the supply issues around housing, there is significant concern about investors, noting that 21% of Burlington homes are not owner-occupied.
- Holli Bushnell spoke about Orlando's Bar and Lounge, which is being considered for an outdoor entertainment permit to end at midnight on weekends. She raised concerns about past noise violations and spoke about mitigation measures and requirements to lessen the impact of their activities for residential neighbors.
- Liz Curry spoke about the North Winooski Avenue bicycle lane and corridor, expressing thanks to DPW for public input efforts and engagement. She said that the parking proposal would create confusing and complex parking rules that don't exist in other parking districts, and said that this is inequitable, as it would require an immense amount of enforcement, which would disproportionately affect the poor in the community.
- Beth Sightler spoke about the North Winooski Avenue corridor and bike lane. She expressed frustration about communication and engagement, as well as impacts to parking access. She asked that a baseline be established to measure how this proposal would work for the businesses and social service organizations that will be impacted.
- Bruce Wilson spoke briefly about the second class liquor license start times.
- Pike Porter spoke about the impacts of the Airport and F-35s, including greenhouse gas emissions.
- Robin Lloyd spoke about Daniel Ellsberg and how this week is Daniel Ellsberg week.
- Chris Gish spoke about the ordinance related to building energy and asked for changes to the ordinance to exclude biofuels.

Burlington residents (via Zoom):

- Sharon Bushor noted that Jared Wood passed away in March and that he was a Ward 1 resident who had a passion for pedestrian safety. She also spoke with concern about the North Winooski Avenue proposal and its impacts on the businesses and organizations along the corridor.

Forum closed at 6:55 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Mayor Weinberger said that he participated in the kickoff of the University Of Vermont's Research Week, which is highlighting opportunities for UVM and Vermont Clean Energy Utilities Consortium, and focusing on the connection between the consortium and alumni opportunities. He also noted that Earth Day is coming up and the Burlington Electric Department will have a table on the Church Street Marketplace with electric vehicles and staff on hand to answer questions.

Councilor Bergman spoke about sustainable transportation funding, noting that the legislature has a provision in the transportation bill to extend fair and free fares for six months to develop a system for greater equity on mass transit, but also a study to provide the Housing and Senate Transportation Committees with recommendations on dedicated funding sources for local match required of public transit providers by December 1, 2023.

5. CONSENT AGENDA

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

5.02 Communication: CT Office, re: Accountability List - waive the reading, accept the communication and place it on file.

5.03 Communication: CT Office, re: January 17, 2023 First Public Hearing re: Charter Changes Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.

- 5.04 Communication: CT Office, re: January 23, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.05 Communication: CT Office, re: January 23, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.06 Communication: CT Office, re: January 23, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.07 Communication: CT Office, re: February 6, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.08 Communication: CT Office, re: February 6, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.09 Communication: CT Office, re: February 21, 2023 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.10 Communication: CT Office, re: February 21, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.11 Communication: CT Office, re: February 21, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.12 Communication: CT Office, re: March 1, 2023 Public Information Hearing re: ACE Questions Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.13 Communication: CT Office, re: March 13, 2023 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.14 Communication: CT Office, re: March 13, 2023 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.15 Communication: CT Office, re: March 13, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.16 Communication: CT Office, re: March 13, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 27, 2023 Regular City Council Meeting.
- 5.17 Indoor and Outdoor Entertainment Permit Renewals (2023-2024): see attached list - approve the 2023 - 2024 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.
- 5.18 Tobacco License Renewals (2023-2024): see attached list - approve the 2023 - 2024 Tobacco License Renewals as listed.
- 5.19 Communication: Duncan Kanach, re: More effective composting in Burlington - waive the reading and place it on file.
- 5.20 Communication: Melo Grant, Member, Police Commission, re: Resignation - waive the reading, accept the communication, place it on file and advertise the vacancy (already did in Seven Days) and send Melo Grant a letter of appreciation thanking her for her time served as a member of the Police Commission.
- 5.21 Communication: Charles Cashatt, Member, BRV, re: Resignation - waive the reading, accept the communication, place it on file and advertise the vacancy (already did in Seven Days) and send a letter of appreciation thanking Charles Cashatt for his time served as a member of the Board for Registration of Voters.
- 5.22 Communication: Brad Wiltfong, re: Aggressive Driving in Downtown - waive the reading and place it on file.
- 5.23 Distribution and Collection System Improvements - Consultant Agreement - DPW - Water Resources - approve and authorize Chapin Spencer, the Director of Public Works, to execute an amendment to the previously executed contract with DuBois & King for construction administration and inspection services in order to cover the cost of additional hours needed in 2023 for the Construction Inspection Services for the Distribution and Collection System Improvements project for a contract amendment amount of \$267,552.00, resulting in a total contract value not to exceed value of \$546,291.00, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.
- 5.24 Penny for Parks and Bike Path Project Close Out Budget Amendments - BPRW - approve and authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$335,008.36 in funds from the Penny for Parks Projects as outlined on the Budget Amendment Request form to BPRW's unallocated restricted fund balance.
- 5.25 Request approval to modify the previously approved form of Ground Lease Agreement with BTV Hotel, LLC. the developer of the proposed hotel at Burlington International Airport - Airport - authorize the Mayor of Burlington to execute the revised ground lease agreement with BTV Hotel, LLC, subject to the final review and approval by the Office of the City Attorney and once all contingencies are met in the Option Agreement made with BTV Hotel, LLC dated May 11, 2018, as amended.
- 5.26 Airport Strategic Evolution Through Reorganization - Airport - recommend that City Council approve the:
- Reclassification and job description change of the Deputy Director of Aviation— Administration, a Regular, Full-time, Exempt, Non-Union, Grade 23 position, to a Regular, Full-time, Exempt, Non-Union, Grade 24, position in the Burlington International Airport, as further detailed

in Appendix D; • Reclassification, retitling, and job description change of the Director of Engineering and Environmental Compliance, a Regular, Full-time, Exempt, Non-Union, Grade 21 position, to the Director of Planning, Engineering, and Sustainability, a Regular, Full-time, Exempt, Non-Union, Grade 26, position in the Burlington International Airport, as further detailed in Appendix D; • Job description change of the Deputy Director of Aviation—Operations, a Regular, Fulltime, Exempt, Non-Union, Grade MF, position in the Burlington International Airport; • Retitling of the Financial Advisor, a Regular, Full-time, Exempt, Non-Union, Grade 26, to the Director of Finance, a Regular, Full-time, Exempt, Non-Union, Grade 26 position in the Burlington International Airport; • Creation of a Director of Innovation and Marketing, a Regular, Full-time, Exempt, NonUnion, Grade 25, position in the Burlington International Airport; • Creation of an Executive Assistant to the Director of Aviation, a Regular, Full-time, NonExempt, AFSCME, Grade 13, position in the Burlington International Airport; • Creation of an Associate Airport Engineer, a Regular, Full-time, Exempt, Non-Union, Grade 19, position in the Burlington International Airport; • Creation of a Customer Experience Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Burlington International Airport; • Creation of a Properties Manager, a Regular, Full-time, Exempt, Non-Union, Grade 20, position in the Burlington International Airport; • Creation of an Operations Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Burlington International Airport. • Creation of an Airfield Manager, a Regular, Full-time, Exempt, Non-Union, Grade 21, position in the Burlington International Airport; • Creation of a Maintenance Worker II, a Regular, Full-time, Non-Exempt, AFSCME, Grade 14, position in the Burlington International Airport; • Removal of a currently vacant Director of Maintenance, a Regular, Full-time, Exempt, Non-Union, Grade MF, position in the Burlington International Airport; • Removal of a currently vacant Director of Ground Transportation, a Regular, Full-time, Exempt, Non-Union, Grade MF, position in the Burlington International Airport; • Removal of a currently vacant QTA Manager, a Regular, Full-time, Exempt, Non-Union, Grade 18, position in the Burlington International Airport; • Reorganization of the reporting structure for a Working Foreman Landside, a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for an Airport Working Foreman (Facilities), a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Burlington International Airport, reporting to the Properties Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for two (2) Working Foreman (Ground Transportation), Regular, Full-time, Non-Exempt, AFSCME, Grade 16, positions in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for an Airport Operations Foreman, a Regular, Full-time, Non-Exempt, AFSCME, Grade 18, position in the Burlington International Airport, reporting to the Operations Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for a Working Foreman (Airfield), a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for a Working Foreman (Vehicle), a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for a Marketing Assistant, a Regular, Full-time, Exempt, Non-Union, Grade 15, position in the Burlington International Airport, reporting to the Director of Innovation and Marketing, as further detailed in Appendices B and C; • Reorganization of the reporting structure for an Office Assistant II, a Regular, Full-time, Non-Exempt, AFSCME, Grade 12, position in the Burlington International Airport, reporting to the Director of Innovation and Marketing, as further detailed in Appendices B and C; • Reorganization of the reporting structure for an Electrician I, a Regular, Full-time, NonExempt, AFSCME, Grade 15, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for a Working Foreman Electrician, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, position in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for two (2) Equipment Maintenance Technicians, Regular, Full-time, Non-Exempt, AFSCME, Grade 16, positions in the Burlington International Airport, reporting to the Airfield Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for ten (10) Maintenance Workers, Regular, Full-time, Non-Exempt, AFSCME, Grade 14, positions in the Burlington International Airport, five reporting to the Properties Manager; two reporting to the Customer Experience Manager; and three reporting to the Airfield Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for six (6) Operations Specialists, Regular, Fulltime, Non-Exempt, AFSCME, Grade 16, positions in the Burlington International Airport, reporting to the Operations Manager, as further detailed in Appendices B and C; • Reorganization of the reporting structure for eleven (11) Airport Ambassadors, Regular, Full-time, AFSCME, Grade 9, positions in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C; and • Reorganization of the reporting structure for four (4) Airport Ambassadors, Regular, Part-time, AFSCME, Grade 9, positions in the Burlington International Airport, reporting to the Customer Experience Manager, as further detailed in Appendices B and C.

5.27 Center Street - Daily Planet - Encumbrance Permit Request – DPW - approve the Encumbrance Application for Daily Planet requesting use of the public right-of-way for an outdoor seating structure as 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.

- 5.28 Silver Maple Construction - 381 South Union Street - Encumbrance Permit Application – DPW - approve the Encumbrance Application for 381 South Union Street requesting use of the public right-of-way for construction related parking as 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.
- 5.29 FIO Documents – for information only.
- 5.30 ORDINANCE: PARKING ENFORCEMENT IN CERTAIN BURLINGTON PARKKS, RECREATION & WATERFRONT LOTS (PACC - Councilors Shannon, Dieng and Barlow) - suspend the rules, waive the reading, and put the ordinance in all stages of passage.
- 5.31 ORDINANCE: ENABLING URBAN PARK RANGERS TO ENFORCE BURLINGTON CODE OF ORDINANCES SEC. 5-14 (Parks, Recreation and Waterfront Department) - suspend the rules, waive the reading, and put the ordinance in all stages of passage.
- 5.32 Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Barlow and Bergman) - waive the reading and adopt the resolution.
- 5.33 Communication: James Sherrard Jr., Burlington Resident, re: Demand Side Housing Crisis City Council Public Comment - waive the reading and place it on file.
- 5.34 Communication: Chelsea, re: Pods - waive the reading and place it on file.
- 5.35 Communications: Holli Bushnell and Cecelia Dooley, re: Feedback about ongoing music with Orlando's music - Cecelia Dooley and CC Public Forum statement - waive the readings and place them on file.
- 5.36 Communication: Karen Paul, City Council President, re: Standing Committee Assignments - waive the reading, accept the communication and place it on file.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 5.01-5.36.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Outdoor Entertainment Permit Renewal (2023-2024): Orlando's Bar and Lounge

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Outdoor Entertainment Permit Renewal for Orlando's Bar and Lounge with all standard conditions.

DISCUSSION:

- Councilor Shannon noted that Orlando’s came before the License Committee last week to renew their Outdoor Entertainment Permit with the same hours as previously. She noted that the License Committee chose to extend their hours on the weekends from 11:00 PM to midnight. She noted that the suspension for the Applicant’s permit went into effect from April 15 to April 30th, and noted that there was a noise violation and a live band at Orlando’s this past Saturday (while the permit was suspended). She said that additionally, the doors were open and the noise was emanating from the establishment. She further noted that every permit that is granted is subject to standard conditions, including that they are not exempt from Burlington noise ordinances. She also noted that there is another live event occurring this Thursday, which is also during the permit suspension period. She said that City resources should not continue to be devoted to babysitting a permittee to ensure that they are not in violation of said permit.
- Councilor Grant said that she initially supported the extension of Orlando’s hours until midnight to support a vibrant downtown and businesses. She also noted that there may be ambiguities about what is allowed, since the Applicant has an indoor and an outdoor permit.
- Councilor Hightower asked how the Applicant failed to meet the two-week permit suspension period requirements. Sean Beauvais, an owner of Orlando’s Bar, replied that they have two permits, one of which is the indoor entertainment permit, which is not suspended. He said that during the period in question, they had indoor entertainment occurring and they had the windows and doors open because it was quite hot on Saturday. Councilor Hightower asked how the Applicant will improve in the future, and the Applicant replied that they are working on further sound mitigation strategies.
- Councilor Traverse said that the License Committee had assumed that all entertainment would cease during the two week permit suspension period, as they had had quite a large amount of discussion with the Applicant about how a revocation of the permits would be detrimental to the business, but a two-week suspension was more reasonable. He acknowledged that the suspension decision as written was not clear about which permit was suspended. He also said that Orlando’s outdoor entertainment permit ends earlier than any other outdoor entertainment permit for downtown

businesses, and that resonates for him as an argument for extending the hours. However, he said that such an extension would need to happen down the road, after the sound mitigation has been put into place.

MOTION TO AMEND by Councilor Traverse, **SECOND** by Councilor Grant, to amend the permit to move the end time back to 11:00 PM on Friday and Saturday evenings.

DISCUSSION OF AMENDMENT:

- Assistant City Attorney McClenahan said that the suspension decision as she interpreted it applied to both indoor and outdoor entertainment permits, though she is hearing that it could be open for interpretation by members of the Council. She also noted that the noise ordinance does not make a distinction between indoor and outdoor entertainment permits.
- Councilor Magee said that he is not supportive of extending the outdoor entertainment permit to midnight at this time, but would be open to it in future, once work has been done by the Applicant to improve the sound mitigation systems in place.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – absent, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (11 ayes, 1 absent); motion carries.

DISCUSSION OF MOTION AS AMENDED:

- Councilor Bergman said that he had interpreted the original suspension as to be for both permits, but now see how it could be ambiguous. He said that there now appears to be a reasonable basis by which the Applicant could have indoor entertainment under a suspended outdoor entertainment permit. He said that there still remains a significant problem around noise coming out of the establishment for neighboring residents, and that there need to be greater protections for residents in the area.
- Councilor Shannon asked what the Applicant's plan is for being compliant with the suspension. The Applicant asked whether the suspension applied to both permits. Councilor Shannon replied that the original suspension was intended to apply to both entertainment permits. Assistant City Attorney McClenahan said that the Council has the ability to clarify its current suspension order and then follow up in writing. Acting City Attorney Sturtevant concurred.
- Councilor Grant said that she had interpreted the suspension to only apply to the outdoor entertainment permit and that ambiguities should be addressed in future.
- Councilor Hightower said that she had interpreted the suspension to apply to both permits. She confirmed that both permits expire on April 30th.
- Councilor Barlow asked about the sound mitigations being explored and how long it would take to effect those changes. Mr. Beauvais replied that they could be implemented immediately and then approved upon. Councilor Barlow said he would be concerned about tabling the decision, which could put the business at risk.
- Councilor Carpenter said that she had interpreted the suspension to apply to the outdoor entertainment permit. She also noted that that corner of Burlington's downtown has not historically been a quiet part of downtown.
- Councilor Shannon said that the License Committee could possibly meet during the week of April 24th to bring a decision back to the full Council for its May 1 meeting.
- Councilor Bergman said that the decision that the Council had made to suspend the permit was not clear enough, but he is willing to accept that there were ambiguities. He said that tabling the issue to the May 1 meeting could allow time for the License Committee and the Applicant to work out mitigation steps.

MOTION by Councilor Bergman, **SECOND** by Councilor Shannon, to postpone this discussion to May 1, 2023.

DISCUSSION:

- Councilor Barlow said he is not supportive of having a time certain to take this up again.
- Councilor Grant said that there will be a learning curve in terms of sound mitigation improvements and that the business should be set up for success.
- Councilor Traverse said that the Council has spent too much time on this debate and that he is not supportive of having another hearing on Orlando's.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – absent, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – nay, City Council President Paul – aye (8 ayes, 3 nays, 1 absent); motion carries.

6.02 Indoor Entertainment Permit Application (2023-2024): Halvorson's Upstreet Cafe

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Indoor Entertainment Permit Application for Halvorson's Upstreet Cafe with all standard conditions.

VOTING: unanimous; motion carries.

6.03 Outdoor Entertainment Permit Application (2023-2024): Elk's Club

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Outdoor Entertainment Permit Application for the Elk's Club with all standard conditions.

VOTING: unanimous; motion carries.

6.04 Tobacco License Application (2023-2024): True 802 Cannabis

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Tobacco License Application for True 802 Cannabis.

VOTING: unanimous; motion carries.

6.05 Tobacco License Application and Tobacco Substitute Endorsement License Application (2023-2024): The Herb Closet

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023 - 2024 Tobacco License Application and Tobacco Substitute Endorsement License Application for The Herb Closet.

VOTING: unanimous; motion carries.

6.06 Winooski Avenue Corridor Study Implementation Update - DPW (20 mins.)

Director Spencer said that this is an opportunity to give an update on the Winooski Avenue Corridor Study, which the Council has requested. He said that this has been a five-year effort. He said that implementing the City's 2011 transportation plan and its 2017 bike walk plan is not easy in New England streets and the competing interests are challenging, that getting this right is important for all modes of transportation, and that DPW will continue to be engaged in the process in working with each business along the corridor. He spoke about the City's engagement with each business along the corridor. He noted that they have recommended implementing the smallest section of this corridor, which is the most feasible option. He noted that they have been in constant communication with Vermont Legal Aid and Champlain Housing Trust, which hold off-street parking lots on the corridor block in question, and that they have agreed to free public off-street parking on nights and weekends for approximately 25 parking spaces. He said that Champlain Housing Trust has also committed 5 parking spaces for this purpose. He said that for next steps, North Winooski Avenue will be repaved later this spring.

Councilor Bergman said he appreciates the engagement that DPW has conducted, as well as the collaboration between City departments on this project. He also thanked the Council to make \$15,000 available for transportation demand management studies for the businesses being affected by the project. He said that there should be more funding available for transportation demand management in this area. He said that he would like to have further surveys to clients and managers of social service agencies in the area and surveying residents in the area about their transportation needs. He said he would also like metrics on the information on the number of tickets issued and cars towed.

Councilor Hightower asked whether this section of North Winooski Avenue is remaining a two-ways street. Engineer Peterson replied that the street will remain two-way and that the parking spaces on the eastern side of the street will be removed to make way for bicycle lanes. He said that there will be time-limited spaces during business hours that can be available for residents after 9:00 PM.

Councilor Barlow said he would like to see a commitment from DPW to monitor and evaluate how the North Winooski Avenue Corridor project is impacting businesses and residents along the project area.

Councilor Grant said that it would be good to take the character of each neighborhood into consideration when implementing projects. She said that in the Old North End, many residents have non-traditional schedules and different parking needs for their cars. She asked how this will be monitored and asked whether people will be subject to ticketing. Engineer Peterson said that the parking department will be holding regular and frequent meetings to review parking and ticketing data for the area. Councilor Grant encouraged the City to be as engaged as possible with residents and businesses.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to accept the communication, request that the Administration continue to engage with the community including but not limited to the requests made by the public at the April 17th City Council meeting, and to refer the matter to the Transportation, Energy, and Utilities Committee so that they can work with the Administration on a plan to monitor and evaluate the changes to the North Winooski Avenue corridor and any proposals to address the transportation and neighborhood needs that result from that.

DISCUSSION:

- Councilor Carpenter said that there is a lot of work still to be done and asked about any work on Intervale. She also noted that the Burlington Housing Authority garage is an underutilized property, and that redeveloping that property in the long run is something that DPW and CEDO should contemplate.
- Councilor Shannon thanked DPW staff to problem-solve on this project. She said that the parking stresses of life impact lower-income people more than they impact higher-income people. She said it is important for the City to evaluate the impacts and whether the changes are having the benefits that are intended.

VOTING: unanimous; motion carries.

6.07 Proposed FY 24 Budget - CSWD (20 mins.)

Sarah Reeves, Executive Director of Chittenden Solid Waste, presented CSWD's Fiscal Year 2024 budget. This budget was approved by the CSWD Board of Directors and is being presented to Burlington for its consideration and adoption.

Councilor Barlow asked what the impacts to the users of the system would be, and if increases would be seen to residents and users for MRF or organic portions based on their haulers' abilities to absorb costs. Ms. Holiday replied that impacts to individual households should not be seen by individual households except that bag fees are being increased slightly at drop-off centers.

Councilor Traverse said that Burlingtonians are very interested in seeing a drop-off center in Burlington, and asked for an update on the timeline for doing so at Flynn Avenue. Ms. Reeves said that they are very interested in bringing more services back to Burlington. She said that there are both revenue and expenses in the FY24 budget for a Burlington drop-off center.

Councilor Hightower asked about the moratorium on accepting compostable containers and whether there is an update on that. Ms. Reeves replied that they have stopped accepting compostable container at their non-compost sites simply because compostable and non-compostable containers look very similar and it's difficult for consumers to differentiate them, and they have contaminated the compost in the past.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to approve the CSWD Fiscal Year 2024 budget.

VOTING: unanimous; motion carries.

6.08 Annual Report on Livable Wage Ordinance -- FY23 - City Attorney's Office (10 mins.)

Assistant City Attorney Pellerin began by noting that the City Attorney's Office has not received any complaints in the past year or has had to deal with large enforcements. He reminded the Council that in 2001, they passed this ordinance as a way to provide a minimum level of compensation for employees in City contracting. He said that there are two livable wage monitors who have been proactive in conducting site visits and gathering information, as well as conducting educational sessions with contractors to ensure compliance with the ordinance.

Councilor Grant asked about issues with construction contractors and their subcontractors, and what documentation is being required to ensure subcontractor compliance. Assistant City Attorney Pellerin replied that the City's RFPs and contracts all contain language around these requirements and that there is a certificate of compliance that also needs to be filled out and fulfilled. He said that subcontractors are also required to comply.

Councilor Carpenter suggested conducting more education, since smaller contractors might have a harder time with becoming aware of and demonstrating compliance with this ordinance.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to waive the reading, accept the report and place it on file.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Traverse said that the Ordinance Committee will meet on April 19th and taking up the zoning amendment that was approved by the Planning Commission for the South End Innovation District. He said that there is an additional meeting on this topic on May 8th, if it is needed. He also spoke about joint meetings between the Charter Change Committee and the Ordinance Committee on police oversight and accountability, noting that the first meeting is scheduled for May 4th, with other meetings tentatively scheduled for May 23rd and May 30th.

Councilor Hightower noted that the Community Development and Neighborhood Revitalization Committee will meet on May 27th, and that she also anticipates submitting a resolution to the Council regarding camping and camping policies prior to that.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Shannon raised concerns about police officer working conditions in the City, noting that she spoke to one officer who was working his third 18-hour shift in three days. She said that she is not sure what the Council can do about this at this juncture, but that it is important for the Council and the public to recognize the sacrifices they are making for the sake of public safety in the community. She said that while officers are being hired to go through training at the academy, that process takes time and the Council should think about other ways to support the Police Department in the interim.

Councilor Grant said that there needs to be an element of accountability in the Police Department to improve the trust between the Department and the community in areas where it is lacking. She said that there needs to be an inward examination about what behaviors can be changed that would improve communication and trust.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul said that she would like to revive the practice of having commissions and committees present annual reports to the Council, and as such, she has invited the Board of Health and the Parks & Recreation Commission to present to the Council. She said that if Councilors would like other commissions to present their annual reports to the Council, to please reach out to her and let her know.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger said that the City has launched a new revolving loan fund of \$500,000 of ARPA funding to stabilize and support the growth for Burlington's small businesses, specifically for underserved business populations who have traditionally faced barriers to accessing capital.

Mayor Weinberger also noted that he was in Montpelier last week to support meaningful state investment in affordable, high-quality childcare. He noted that significant reform has passed in one chamber and that there is hope that it will pass in the other, and have great impacts for Burlington's childcare system.

11. ADJOURNMENT

11.01 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 9:14 PM.

RScty: AACoonrad

BURLINGTON BOARD OF ABATEMENT OF TAXES
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 1, 2023
DRAFT

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King
Miro Weinberger
John Vickery

OTHERS PRESENT:

Katherine Schad
Jordan Redell
Kim Sturtevant
Lori Olberg

1. CALL TO ORDER AND AGENDA

Mayor Weinberger called the meeting to order at 8:31 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

2.01 Motion to adopt the consent agenda and take the actions as indicated

2.02 Communication: C/T Office, re: Notice of City of Burlington Full Board of Abatement of Taxes - waive the reading, accept the communication and place it on file.

2.03 Request for Abatement of Taxes: Luke Clavelle, 120-126 North Willard Street, 045-1-344-000 - grant abatement of penalties, interest and other in the amount of \$453.29 and adopt the findings and reasons for this recommendation.

2.04 Request for Abatement of Taxes: William McGrath, 194 Cottage Grove, 027-3-047-000 - grant abatement of penalties, interest and other in the amount of \$839.04 and adopt the findings and reasons for this recommendation.

2.05 Request for Abatement of Taxes: Spectrum Youth & Family Services, Inc., 84 Pine Street, Unit 2, 049-1-125-002 - grant the abatement of taxes in the amount of \$16,888.13 and any and all penalties and interest and adopt the findings and reasons for this recommendation.

MOTION by Councilor Bergman, SECOND by Councilor Barlow, to adopt the consent agenda and take the actions as indicated for items 2.01-2.05.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.01 Motion to adjourn

The meeting adjourned without objection at 8:32 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING**

May 1, 2023

DRAFT

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King
Miro Weinberger

OTHERS PRESENT:

Kim Sturtevant
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 8:15 PM.

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

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.02 First, Second, Third Liquor License and Outside Consumption Permit Renewals (2023-2024): see attached list - approve the 2023-2024 First, Second, Third Liquor License and Outside Consumption Permit Renewals as listed with all standard conditions.

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to adopt the consent agenda and take the actions indicated for items 2.01-2.02.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.01 First and Third Class Liquor License Applications (2023-2024): A & E Enterprises, d/b/a Mr. Mike's Pizza, 206 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 First and Third Class Liquor License Applications for A & E Enterprises, d/b/a Mr. Mike's Pizza, 206 Main Street with all standard conditions.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.01 Motion to adjourn

The meeting adjourned without objection at 8:17 PM.

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 1, 2023
DRAFT**

MEMBERS PRESENT: Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King
Miro Weinberger

OTHERS PRESENT: Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Weinberger at 8:16 PM.

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

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

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

MOTION by City Council President Paul, SECOND by Councilor Shannon, to adopt the consent agenda and take the actions indicated for items 2.01-2.02.

VOTING: unanimous; motion carries.

3. APPOINTMENTS

3.01 Parks and Recreation Commission: Term Expires 6/30/24

MOTION by Councilor Shannon, to nominate Robert Etter to the Parks and Recreation Commission.

There were no other nominations.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye, Mayor Weinberger – aye (10 ayes, 3 nays); motion carries.

Robert Etter is now a member of the Parks and Recreation Commission, with a term expiring on June 30, 2024.

3.02 Police Commission: Term Expires 6/30/23

MOTION by Councilor Shannon to nominate Mary A. Cox to the Police Commission.

MOTION by Councilor Grant to nominate C.D. Mattison to the Police Commission.

MOTION by Councilor Hightower to nominate Romeo von Hermann to the Police Commission.

There were no other nominations.

Mary Cox spoke briefly about her interest in serving on the Police Commission and her qualifications for doing so. She spoke about her interest in focusing on mental health and policing.

Romeo von Hermann spoke about his interest in serving on the Police Commission. He spoke about his interest in fostering trust between the community and the Police Department.

VOTING (to approve Mary A. Cox): 8-5; motion carries (Councilors Bergman, Dieng, Grant, Hightower, and Magee dissenting).

Mary A. Cox is now a member of the Police Commission, with a term expiring on June 30, 2023.

3.03 Board for Registration of Voters: Term Expires 6/30/25

MOTION by Councilor King to nominate Lauren Ebersol to the Board for Registration of Voters.

There were no other nominations.

VOTING: unanimous; motion carries.

Lauren Ebersol is now a member of the Board for Registration of Voters, with a term ending on June 30, 2025.

4.ADJOURNMENT

4.01 Motion to adjourn

The City Council meeting adjourned without objection at 8:31 PM.

RScty: AACoonrad

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 1, 2023
DRAFT

MEMBERS PRESENT: Karen Paul
Joan Shannon (via Zoom, then in person)
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King

OTHERS PRESENT: Miro Weinberger
Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg
Mohamed S. Ibrahim
Meagan Tuttle
Sarah Morgan
James Unsworth
David Edwards
Jonathan Chapple-Sokol
John Vickery
Jon Murad
Hayley McClenahan
Kara Alnasrawi
Samantha Dunn

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:45 PM.

MOTION by Councilor Magee, SECOND by Councilor Traverse, to adopt the agenda.

2. COMMUNICATION: NEGOTIATION OF AN AGREEMENT WITH UVM *EXPECTED EXECUTIVE SESSION*

2.01 Communication: Negotiation of An Agreement with UVM (verbal) *expected executive session*

MOTION by Councilor King, SECOND by Councilor Carpenter, that the Council find that premature general public knowledge of information concerning negotiations of an agreement with UVM would clearly place the City at a substantial disadvantage with such negotiations.

DISCUSSION:

- Councilor Hightower said that it is difficult to note what will place the City at a substantial advantage and finding that, since she does not know what is being discussed. She said she is not aware of any real estate of agreements being discussed with UVM at this time. She also noted that communications between the City and the Council are often noted as being confidential, but that constituents at NPA meetings are often more able to share information and speak to issues than Councilors, since Councilors have received information that is being embargoed as confidential in a blanket statement. She said that being clear about what is being discussed and why it is confidential is important to give to the Council as far in advance as possible.
- Mayor Weinberger said that this is a preliminary executive session for a housing agreement, but not necessarily a real estate agreement. He said that it will be advantageous to go into executive session to talk about it with the Council so that they know where the Council stands and can craft a version of the agreement that is most likely to garner Council support.
- Councilor Bergman said that he would not be comfortable going into executive session given the lack of information on this item. City Council President Paul said that the discrepancy of the motion language and heading is due to a technical issue and that it would be incredibly valuable tonight to go into an executive session. Councilor Bergman agreed.
- Councilor Bergman made a friendly amendment to add “regarding housing” after “UVM” but before “would clearly place” in the above motion.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (11 ayes, 1 nay); motion carries.

MOTION by Councilor King, SECOND by Councilor Carpenter that, based upon that finding, move that the Council go into executive session to receive updates regarding agreement negotiations with UVM, 1 VSA §313(a)(1)(A).

VOTING: unanimous; motion carries.

3. PRESENTATION RE: NEIGHBORHOOD CODE – OFFICE OF CITY PLANNING: MEAGAN TUTTLE, DIRECTOR AND SARAH MORGAN, PLANNER

3.01 Presentation re: Neighborhood Code – Office of City Planning: Meagan Tuttle, Director and Sarah Morgan, Planner

Director Tuttle began by noting that this is one of the first presentations that the Council is receiving on the action items in the 2021 Housing Action Plan. She said that the City has been working on zoning reforms, particularly around housing, over the last decade. She said that many of the previous zoning amendments have been focused on the downtown and mixed-use areas of the City that can accommodate dense growth and development, but that now they are turning their focus on the more residential areas of the City, where more incremental change can occur. She said that Burlington’s neighborhoods are important parts of the City’s identity and that 40% of the City’s land would be considered the focus of this neighborhood code. She said that they will be discussing neighborhood scale housing, which can help accommodate new homes but blend in with existing neighborhoods. She said that examples of this “middle housing” are Accessory Dwelling Units (ADUs), duplexes, triplexes, and small apartment buildings. She said that these can provide additional housing while using less land. Director Tuttle spoke about the composition of Burlington’s households, noting that 60% of the City’s households are renters, that the median income of renters is almost half that of the median income of homeowners, and that 70% of rental households in the City include individuals aged 25 and older. She noted that 80% of the City’s land is zoned for low-density residential living, and that this is not an affordable housing strategy.

Director Tuttle spoke about analysis that staff is currently conducting on Burlington’s housing. She noted that they are evaluating existing patterns in residential neighborhoods to help determine where zoning policies don’t help foster middle housing.

Planner Morgan walked through the history of Burlington’s zoning laws, showing how much of the land has been zoned for single-family homes. She noted that current zoning regulations in some areas make it difficult to construct an ADU on one’s property, even if the lot is in a zoning district that allows for ADUs. Some barriers include parking requirements, density limits, and setbacks.

Director Tuttle spoke about next steps. She said that they will explore ways to re-legalize historic neighborhood patterns, identify solutions to common zoning barriers, find opportunities to build on neighborhoods’ unique character through more context-sensitive zoning tools, and examine the scale of development allowed in low density areas along major streets served by transit. She said that they will be bringing recommendations to the City Council as they are fleshed out.

Councilor Hightower said that erring on the side of allowing mixed use and more flexibility in neighborhoods will be very important.

Councilor Carpenter said that the City should look at building code in addition to zoning regulations. She asked if there is data on the percentage of single-family homes that are rental units. Director Tuttle replied that about 23% of single-family homes are not showing up as homestead properties, based on the Assessor's Office's data.

Councilor Bergman said that engagement should include financial issues and the builder community. He also suggested exploring the Housing Trust Fund as a tool to create more "middle housing" development. He also said it would be helpful to understand how much potential development is possible.

Councilor Traverse said that as staff goes through this exercise, if they identify areas that have broad support and are common-sense steps that can be taken, he would be open to taking some additional items on on a piecemeal basis. He said that for example, up-zoning along the City's major corridors, such as Shelburne Road, seems like an area that may not need as much discussion or have as many concerns as some more complex items. He also said that homeowners have been allowed to identify a short-term rental in their building, based on work that was done last year around short-term rentals.

Mayor Weinberger said that it is helpful to know where Councilors stand on this body of work, so that any concerns can be addressed proactively.

4. PUBLIC FORUM

1. Verbal Comments

Forum opened at 7:20 PM.

COMMENTS:

Burlington residents (in person):

- Amy Malinowski spoke in depth about the City's timeline since 2020 regarding actions related to police accountability and the community control of policing.
- Rachel O'Sullivan expressed concern about used needles and a used condom at Callahan Park and urged the City to clean up the parks and playgrounds to keep the public safe.
- Melissa Pare expressed grave concern about the amount of biohazardous waste and paraphernalia in the community. She asked what the City is doing to take action on the home and car break-ins that occur, as well as the overwhelming amount of used needles in public spaces.
- Steve Levy spoke about the proposal to install a gate at Oakledge Park, expressing support for it. He expressed concern that people in vehicles who won't be able to access Oakledge Park at night and will simply move on to Callahan Park, near where he lives. He expressed concern that noise levels could increase at Callahan Park as a result, and requested a regular drive-by by the police to help deal with any noise increases.
- Chris Haessly expressed concern about drug paraphernalia in the community, suggesting that a program could be implemented where there is a deposit if needles are returned. He also spoke about naming infrastructure in the community after people in the community.
- Todd LaCroix spoke about the passing of Harry Belafonte, and also sang an excerpt from the song "Freedom" by Richie Haven.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the City's approach to communicating around executive sessions. She said that she feels blindsided about the executive session around a housing agreement with UVM, and expressed disappointment.
- Ed Baker spoke about the healthcare emergency that is plaguing Vermont, especially in the realm of drug use and opioid overdoses, calling on the Mayor and Governor to declare a state of emergency.

Forum closed at 7:40 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

None.

6. CONSENT AGENDA

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

6.02 Communication: CT Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

6.03 Communication: Karen Paul, City Councilor, Ward 6 and Katherine Schad, CAO, re: City Council and Board of Finance Meeting Dates - June 2023 to April 2024 - waive the reading, accept the communication, place it on file and approve City Council and Board of Finance Meeting Dates - June 2023 to April 2024 as listed.

6.04 UDAG Budget Amendment – CEDO - approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the Moran Capital Budget by \$950,715 and increase the CEDO FY23 Budget by 632,500 from the UDAG restricted cash account.

6.05 Agreement for CAD services between Burlington and South Burlington – Fire - approve and authorize the Chief of the Burlington Fire Department to enter into an agreement with the City of South Burlington for their shared use of the City's Computer Aided Dispatch system with an annual maintenance fee of \$7,500.00, upon final review and approval of the City Attorney's Office.

6.06 Moran Frame Budget Amendment – CEDO - approve and authorize the City's Chief Administrative Officer or their designee, to execute a budget amendment to increase the Moran Capital Budget by \$500,842.46 from the Waterfront TIF \$7.8MM Vermont Bond Bank Bond and to permit expenditure of such funds for future planning and construction phases in accordance with all necessary approvals and authorizations.

6.07 Communication: Pike Porter, re: Public Forum Comments, April 17, 2023 CC - waive the reading and place it on file.

6.08 Updating of Tax Increment Financing (TIF) district consulting services contract with White+Burke – CEDO - approve and authorize the Director of the Community & Economic Development Office to execute a contract with White+Burke Real Estate Advisors with retroactive approval from January 2, 2023 to December 31, 2023, for TIF consulting in the Waterfront and Downtown TIF districts with a maximum limiting amount of \$120,000, to be paid out of TIF related costs, pursuant to final review of the City Attorney's Office.

6.09 Reclassification of one (1) position in the Assessor's Office - City Assessor/HR - approve the reclassification of the Associate Assessor, a Regular, a Full-Time, Non-Exempt, AFSCME, Grade 15, role to Associate Assessor, a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, role in the Assessor's Office and authorize retroactive pay to May 1, 2022, in an amount not to exceed \$3500.

6.10 Outdoor Entertainment Permit Renewal (2023-2024): Orlando's Bar and Lounge - renew the 2023-2024 Outdoor Entertainment Permit Renewal for Orlando's Bar and Lounge with all standard conditions: end time: 10:30 pm, Sun-Thurs; end time: 11:00 pm, Fri/Sat; No Overage; report back to June License Committee Meeting.

6.11 Extension of Indoor Entertainment Permit Hours: Despacito - approve the extension of indoor entertainment permit hours for Despacito.

6.12 Indoor and Outdoor Entertainment Permit renewals (2023-2024): see attached list - approve the 2023-2024 Indoor and Outdoor Entertainment Permit Renewals (see attached list) with all standard conditions.

6.13 Special Event Outdoor Entertainment Permit Application (June 4, 2023): Ken's Pizza and Pub, 11 am - 3 pm, 50th Anniversary - approve the one day only special event outdoor entertainment permit application for Ken's Pizza and Pub, June 4, 2023, 11 am - 3 pm, 50th Anniversary.

6.14 Special Event Indoor and Outdoor Entertainment Permit Application (June 17, 2023): OKAY!!OKAY!! Marketing & Creative/REIB Department City of Burlington, re: Juneteenth Event - approve the one day only special event indoor and outdoor entertainment permit application for OKAY!!OKAY!! Marketing & Creative REIB Department City of Burlington for Saturday, June 17, 2023, various locations of the City, Juneteenth Event.

6.15 Oakledge Universally Accessible Playground Construction, Contract Amendment – BPRW - approve and authorize the execution of a contract amendment with Engineers Construction, Inc. for a price not to exceed \$1,051,988 for the Oakledge Universally Accessible Playground Project and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract amendment and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

6.16 Authorization to Accept Grant Funds for the Calahan Park Shared Use Path - Phase 1 – BPRW - approve and authorize the acceptance of grant funds in the amount of \$286,400 from the Vermont Agency of Transportation for the Calahan Park Shared Use Path – Phase 1 project and authorize the Director of Parks, Recreation and Waterfront to execute all documents necessary to accept the funding, subject to the final review and approval by the City Attorney's Office.

6.17 Lease of Vendor Space at 0 College Street Bike Racks for Bike Rentals – BPRW - approve the lease of the vendor space and bike racks located at 0 College Street to Burlington Segways, Inc., and to authorize Mayor Miro Weinberger to execute the lease agreement and any related documents, subject to review by the City Attorney's Office.

6.18 Red Stone Cottage Restoration Contract Amendment – BPRW - approve and authorize Cindi Wight, Director of Parks & Recreation, to amend the contract with Farrington Construction for restoration services to Redstone Cottage to increase the maximum limiting amount by an additional \$238,000, for a price not to exceed \$932,520 and an additional project contingency of \$25,035, for a total authorized expenditure for the full project not to exceed \$992,334, and to execute any related documents needed to carry out the project, subject to review by the City Attorney's Office.

- 6.19 Purchase of a bucket truck for the BPRW Arborist team – BPRW - approve and authorize the Fleet Committee to purchase a bucket truck on behalf of BPRW from Altec Industries for a price not to exceed \$316,101 utilizing identified Greenbelt street tax revenues, and to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.
- 6.20 Lease of vendor space at Water Works Park – BPRW - approve the lease of the vendor space located at FRAME @ Water Works Park to Betty's Bikes, and to authorize Mayor Miro Weinberger to execute the lease agreement and any related documents, subject to review by the City Attorney's Office.
- 6.21 Authorization to Execute Contract for the Great Streets Main Street Public Art Project with Lydia Kern, Nancy Winship Milliken Studio LLC, Pixel Patch Creative LLC, and WOWHAUS - BCA/DPW - 1. "To authorize the Director of Burlington City Arts to execute the following Phase I Design-only contracts for public art designs to be placed along Main Street, for a total authorized Phase I expenditure in the amount of \$ 66,696, subject to review and approval by the City Attorney's Office: o A contract with Lydia Kern in an amount not to exceed \$ 8,085 for final design of artwork; o A contract with WOWHAUS in an amount not to exceed \$14,561 for final design of artwork; o A contract with Pixel Patch Creative, LLC in an amount not to exceed \$28,500 for final design of artwork; and o A contract with Nancy Winship Milliken Studio, LLC in an amount not to exceed \$15,550 for final design of artwork."
- 6.22 FIO Documents – for information only.
- 6.23 Resolution: Authorization For Public Improvement Bonds Or Notes For The City's Waterfront TIF District (Board of Finance) - waive the reading and adopt the resolution.
- 6.24 Resolution: Adoption Of The 2022 Burlington, Vermont Hazard Mitigation Annex (Plan) (Councilor Barlow) - waive the reading and adopt the resolution.

MOTION by Councilor Dieng, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 6.01-6.24.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.01 Appointment: Fence Viewer: Term Expires 6/30/23

MOTION by Councilor Shannon to nominate Paul B. Schmidt as a Fence Viewer.

There were no other nominations.

VOTING: unanimous; motion carries.

Paul B. Schmidt is now a Fence Viewer, with a term ending on June 30, 2023.

7.02 indoor Entertainment Permit Application (2023-2024): A & E Enterprises, d/b/a Mr. Mike's Pizza, 206 Main Street

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Indoor Entertainment Permit Application for A & E Enterprises, d/b/a Mr. Mike's Pizza, 206 Main Street with all standard conditions.

VOTING: unanimous; motion carries.

7.03 Outdoor Entertainment Permit Application (2023-2024): Hotel Vermont, 41 Cherry Street

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Outdoor Entertainment Permit Application for Hotel Vermont, 41 Cherry Street with all standard conditions.

VOTING: unanimous; motion carries.

7.04 Tobacco License Application (2023-2024): Euphoria Cannabis, LLC

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Tobacco License Application for Euphoria Cannabis, LLC.

VOTING: unanimous; motion carries.

7.05 Tobacco Substitute Endorsement License Application (2023-2024): D.J. Hazen, Incorporated, d/b/a 802 BWS

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Tobacco Substitute Endorsement License Application for D.J. Hazen, Incorporated, d/b/a 802 BWS.

VOTING: unanimous; motion carries.

7.06 Resolution: Dedicating The Patrick Leahy Burlington International Airport (Councilors Paul, Traverse, Dieng, Barlow, Shannon, King, Carpenter, Doherty)(10 mins.)

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

DISCUSSION:

- **Councilor Carpenter emphasized how much Patrick Leahy has brought to Vermont and to the City of Burlington during his tenure in the legislature. She spoke about the work he had done for the Airport.**
- **Councilor Hightower said that this is a celebration of the status quo and that too many things are named after politicians. She spoke about the accumulation of power over the 48 years of his tenure, noting that this is power that couldn't go to women or minorities in this State. She said that she hopes that this is not representative of the future of the State and City.**
- **Councilor Bergman agreed with the concerns raised about the dedicating of this landmark, though expressed appreciation for many of Senator Leahy's actions and stances against imperialist ventures in history during his legislative tenure. He noted ironically that Senator Leahy's office was in part responsible for bringing the F-35 bombers to the Airport for which he will be named.**
- **Councilor Grant agreed with Councilor Hightower's comments.**

VOTING: 10-2; motion carries (Councilors Grant, Hightower dissenting).

7.07 Burlington Ad Hoc Reassessment Committee Final Report - James Unsworth, Chair (25 mins.)

James Unsworth, Chair of the Ad Hoc Committee on Reassessment, presented that committee's final report to the City Council. He noted that this committee was formed after the City-wide property assessment reappraisal in 2021 and was tasked with examining the impediments in the reappraisal process to citizen participation and fair valuations, as well as a review of the appeals process and recommendations. He said that over the course of the year, the committee talked with members of the public, the City's assessor, and members of various appeals boards. He spoke briefly about the process around reassessing in the State. He noted that though the committee has crafted a set of recommendations in its final report, the legislature at the State level is currently considering an overhaul of the entire assessment process.

David Edwards, a member of the ad hoc committee, spoke about his work to gather feedback and conduct an analysis of the impediments to public participation and the appeals process. He said that public concerns centered largely around the fact that the reappraisal occurred during the Covid-19 pandemic, that the methods used to reevaluate assessments were not publicly available until after the deadlines for final appeals (though he acknowledged that this is a misconception on the part of the public), and that reappraisals should occur more frequently to avoid large increases in assessed value and related tax impacts. He said that the committee also found several discrete issues that could easily be resolved by the Council. These include closing a potential loophole around land trust assessment discounts and second/vacation homes, as well as examining whether taxpayers should have the ability to bar the City Assessor from attendance at a Board of Tax Appeals site visit. He said that in order to address concerns about timing, though the City cannot change timelines that are set out in State statute, they can control how information flows to taxpayers and improve upon those processes.

Mr. Edwards spoke further about recommendations to improve the process based on feedback from the public. These include having more informal hearings be made available, that any outsourced work to contractors have a set of standards to which they must adhere, and that a board assessor who is not present at a hearing cannot overrule the decision of those board assessors who are present at that hearing.

Jonathan Chapple-Sokol, a member of the ad hoc committee, spoke about his work around developing a best practice around participation of citizens in the assessment process as well as education on how properties are valued. He said that public feedback noted that the assessment process is confusing and the methods used to appraise property values are difficult to understand. He spoke about recommendations to improve the public's understanding of this process, including the creation of one-page flyers to direct property-owners to a comprehensive set of resources, the creation of online, pre-recorded seminars on the valuation and appeals process as well as how to understand and interpret the Property Record Card that each property-owner in Burlington receives, the creation of a Cost Approach Report for each property, the publishing of a digest of opinions from the Board of Assessors for the public to review, an online tool for property-owners to compare sales data, the creation of a Public Information Specialist within the Assessor's Office, and inviting members of the public to review and vet these educational materials and tools prior to finalizing them, as they will be the end users of such information.

Mr. Unsworth spoke about examining the frequency of City-wide reappraisals. He noted that a reappraisal may be required as soon as 2024, if the City hits the Common Level of Assessment threshold of 85%. He said that the ad hoc committee's recommendations around more frequent reassessments centered around taking the assessment in-house and hiring more City Assessor staff to conduct them, as they are more familiar with the community and more accessible to the public. He said that reassessments on a more rolling basis will decrease the sticker shock of any tax increases and will keep the Grand List values more in line with fair market values.

Councilor Shannon, who also participated on the ad hoc committee, acknowledged the committee's hard work and that it was a difficult committee to recruit for. She said that the City's last reassessment was in 2005 and that a period of stagnation after 2008 coupled with a previously lower CLA threshold of 80% meant that the City had not had a reassessment for a relatively long period of time. She said that in-house reassessments would only be possible for rolling reassessments, and that an in-house Citywide reassessment is not feasible.

MOTION by Councilor Shannon, SECOND by Councilor Magee, to waive the reading, accept the report and place it on file.

DISCUSSION:

- Councilor Carpenter asked if the City Assessor's Office could conduct an analysis of any changes to the reappraisal process at the State level and then invite this ad hoc committee back to speak to how any of those changes impact their recommendations. She also said that it will be important to understand the financial implications of rolling reassessments.
- Councilor Magee said that it will be important to move forward on the recommendations within the report, especially those around educating the public and help them better understand the process and how they can participate in it.
- Councilor Bergman expressed support for the Public Information Specialist recommendation, saying that an ombudsman could be a neutral role within the government that could help the public in this complex process. He noted that short shrift was given to the timing of notices of appeal as they pertain to tax bills. He asked whether tweaks in the City charter could be made to give more notice to property owners about anticipated changes to their tax bills.
- Councilor Grant spoke about her own experience going through the appeals process, which was not positive. She expressed support for taking the process in-house. She said it will be important to lay out requirements for what the Assessor's Office must provide during appeals, such as property cards with comparable sales data.
- Councilor Barlow expressed support for the recommendations related to educational activities, as well as the suggestion around rolling reappraisals.
- Councilor Dieng made a friendly amendment to waive the reading, accept the report, place it on file, and refer it to the House Ways and Means Committee and the Senate Finance Committee.

VOTING: unanimous; motion carries.

7.08 Creation of one (1) new position, the Assistant Director of CAIP, within the Police Department (20 mins.)

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to approve the creation of an "Assistant Director of CAIP," a Regular, Full-time, exempt, non-union, Grade 24 position within the Burlington Police Department.

DISCUSSION:

- Mayor Weinberger said that this represents a significant commitment to additional police resources that hadn't been contemplated prior to 2020 and changes the way the City responds to public safety issues and crisis response. He noted the various positions that were created from this restructuring and addition of resources, noting that a higher level of coordination is now needed to get the full value of these resources for constituents and the public. He said that this job will provide that coordination and administration of these new resources, and signals additional civilian leadership at the Police Department.
- Acting Chief Murad said that the buildup of new resources in the Police Department, such as the CSOs and CSLs, is something of which he is extremely proud, and noted that these additional resources mean that the non-sworn, professional staff represents about 50% of Police Department staffing now.
- Councilor Magee said that he is not supportive of the creation of this position, believing that these resources and a crisis response team should be housed within an independent department in the City, not within the Police Department. He said that the way in which decisions were made around this position creation mean that bodies such as the Police Commission have essentially rubber-stamped this position, rather than being allowed to give input and a place in the decision-making process.
- Councilor Hightower said that the vision for 2020 was a separate department from the Police Department that could offer a different response, and that this feels like a lesser alternative. She said she wants to ensure that the City is

committed to having a holistic response to the problems of policing.

- Councilor Grant expressed appreciation for more communication and engagement with the Police Commission around the creation of this position in the context of the CAHOOTS model implementation and the withdrawal of the Howard Center's commitment of partnership. She expressed support for the position, though not where it is housed in the Police Department. She expressed concern that the Police Department still does not understand the root causes of many of the current issues it is facing, even though it is being tasked even more with harm reduction.
- Councilor Carpenter said that this position is necessary, as the number of civilian employees in the Police Department is increasing and needs additional coordination.
- Councilor Bergman asked why the CSOs are not included. Acting Chief Murad replied that the CSOs are essentially that of a police officer without police authorities, hence why they have been placed under sworn officers. Councilor Bergman expressed appreciation for this. He said that moving authority away from sworn officer response is something that the City should continue to look at as a viable public safety strategy.
- Councilor Dieng expressed concern about housing this position under the Police Department. He said that there could be alternatives for placement of this position and the work underneath it, such as potentially the Fire Department. He said he is supportive of the work, but with reservations about it being housed within the Police Department.

VOTING: 10-2; motion carries (Councilors Hightower and Magee dissenting).

7.09 Summary of Current and Proposed Camping on Municipal Lands Ordinance and Operational Policy - Hayley McClenahan, Assistant City Attorney (10 mins.)

Assistant City Attorney McClenahan noted differences and similarities between the late winter/early spring 2022 proposal floating by Councilor Magee compared to the City's current camping in parks ordinance as well as policies around sheltering on public lands.

MOTION by Councilor Magee, SECOND by Councilor Traverse, to waive the reading, accept the report and place it on file.

DISCUSSION:

- Councilor Magee noted that this ordinance proposal is still being discussed alongside a number of other supports for unhoused community members. He said that whether this ordinance is adopted or not, the State's decision to end the COVID-19-related motel voucher program will necessitate a serious look at how the City approaches supporting its unhoused population.
- Councilor Grant said that when the motel voucher program is gone, there is a real potential for the City to have more encampments.
- Councilor Dieng asked whether this ordinance allows for camping in parks between the hours of 10:00 PM and 7:00 AM. Assistant City Attorney McClenahan replied that under current ordinance, camping in parks is prohibited during overnight hours, but under the proposal, there would not be a blanket prohibition on camping in parks.
- Mayor Weinberger noted that the lower barrier emergency shelters that have been put into place during the public health emergency are potentially better alternatives than the opening up of public land that the ordinance envisions. He said he does not support the vision as laid out by the originally proposed ordinance and does not believe the public supports the proposed ordinance's direction at this juncture.
- Councilor Hightower noted that the Community Development and Neighborhood Revitalization (CDNR) Committee is interested in having some kind of more comprehensive solution, which it will bring to the Council at its next meeting.

VOTING: unanimous; motion carries.

7.10 Resolution: Request For \$2 Million Of ARPA Funds To Build Or Improve Community Infrastructure Community Gathering Spaces (Board of Finance)

Councilor Grant said that she would like to be part of the process around the Roosevelt Park Pavilion design work. Executive Director Alnasrawi said that the work would be part of an overall review of the design elements in Roosevelt Park, to make sure that the components all fit together well.

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

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports

Councilor Barlow said that the Transportation, Energy, and Utilities (TEUC) Committee will be meeting on May 3 at 5:00 PM to discuss priorities, the North Winooski Avenue referral to the committee and an update on the McNeil symposium.

Councilor Traverse said that the Ordinance Committee will meet on May 8 to discuss the South End Innovation District zoning proposal, as well as meet jointly with the Charter Committee on police oversight on May 4, May 23, and May 30.

City Council President Paul said that the Public Safety Committee will meet on May 9 to discuss the CNA recommendations, recruitment and retention, CSO and CLS hiring, commercial and downtown plans for the summer, and an update on the drug crisis and enforcement.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

Councilor Magee echoed concerns about drug paraphernalia in public spaces, noting that it's a constant reminder of the crisis of overdoses in Vermont and the Burlington community. He noted that a record number of Vermonters died of overdose deaths in 2022 and that 2023 does not look to be better. He noted that the legislature is currently taking testimony on establishing overdose prevention sites in the state, and emphasized the importance of this as a harm reduction strategy.

Councilor Hightower noted concerns about an anti-masking event at City Hall and that while the City cannot discriminate against who uses the space, there is still a pandemic occurring and there are still populations with compromised immune systems for whom masking up is the safest option.

Councilor Barlow echoed concerns about the most recent shooting that occurred in the City on Saturday and commended the work of the detective unit at the Police Department on this case.

Councilor Grant spoke about the YMCA kids' festival and its great turnout. She also said that the City should consider declaring a drug state of emergency.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.01 Verbal Reports

City Council President Paul noted that the Council meeting scheduled has been posted. She said that the Council will also be repainting the Black Lives Matter striping on Main Street on June 4th and called for any interested volunteers to help. She noted that the May 15th meeting will contain a lengthy agenda. She finally noted that May 31st is the final deadline for applications for Boards and Commissions for any terms expiring on June 30, 2023.

11. MAYOR – GENERAL AFFAIRS

11.01 Verbal Reports

Mayor Weinberger said that he has received an annual report from Burlington Telecom and he will relay that at the Council's May 15th meeting.

12. ADJOURNMENT

12.01 Motion to Adjourn

MOTION by Councilor Hightower, SECOND by Councilor Magee, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 10:40 PM.

RScty: AACoonrad

BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 15, 2023
DRAFT

MEMBERS PRESENT: Karen Paul
Ali Dieng (via Zoom)
Sarah E Carpenter
Zoraya Hightower
Mark Barlow (via Zoom)
Joe Magee
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant
Hannah King

OTHERS PRESENT: Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg
Samantha Sheehan
Celia Bird
Jenny Tomczak
Ines Castro
Christine Curtis
Todd Rawlins

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:31 PM.

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

2. ANNUAL REPORT: BOARD OF HEALTH

2.01 Annual Report: Board of Health

Celia Bird, the Chair of the Burlington Board of Health, provided an update on the Board's activities and its goals for the coming year. She spoke of the Board's mission and charge, which are to educate the citizens of Burlington, promote, improve and protect their well-being, and to consider the most vulnerable in the community while doing that. She said that the Board will continue to focus on the social determinants of health and working with community organizations to address health disparities. She spoke about the goals for the upcoming year, which include increasing access to health-related information, using data analysis to forge community partnerships, and will continue conducting a health-equity focused data analysis of past pesticide and herbicide use application data and a data modernization project to convert existing paper records on pesticide/herbicide-use applications to an online form. She spoke about collaborations over the past year with organizations such as the Howard Center Safe Recovery, Vermont Legal Aid, and Chittenden Clinic, as well as others.

Jenny Tomczak, a member of the Board of Health, provided an update on the Board's Prevention of Gun Violence Committee's activities. She spoke about the resolution that it drafted that was approved by the City Council in December 2022, as well as the City Council's own complementary resolution that it approved at the same time, which called on the State of Vermont legislature to repeal the restriction on

Vermont municipalities to enact local gun restrictions. She spoke about new initiatives that have come about as a result of these resolutions, including the creation of the Mayor’s Task Force to Reduce Gun Violence, and Vermont State House resolution H.230 and Senate resolution S.4, which were passed by both the House and Senate in early May.

Ines Castro, a member of the Board of Health, provided an update on the Board’s Eradicating Systemic Racism Committee. She said that the Committee has worked to identify key stakeholders and collaborators as part of the initial coalition-building work around the goal of addressing systemic racism as a public health crisis. Those stakeholders include the Burlington Office of Racial Equity, Inclusion, and Belonging (REIB), the Burlington Community and Economic Development Office (CEDO), the UVM Health Network Community Health Needs Assessment Team (UVMHN CHNA), and the Chittenden Accountable Community for Health (CACH). She said that in the next year, the Board will continue to foster and expand these partnerships and identify opportunities for broader coalitions.

Chair Bird then spoke about the Committee on Mitigating the Impacts of Substance use Disorder and Reducing the Number of Discarded Syringes in the Community. She said that this work was done in collaboration with local stakeholders and the use of data from SeeClickFix reports of discarded syringes to identify high frequency areas.

Councilor Bergman asked if the Board of Health has been made aware of complaints of significant pesticide use down by the waterfront around the railroad tracks. Chair Bird replied that they have been working with that constituent while recognizing that the Railroad is not entirely within the jurisdiction of the City of Burlington. She said that they are working to create signage to make the community aware of pesticide application and advanced notification of that.

Councilor Grant asked about whether there are active programs for reducing the amount of discarded syringes in the community. Chair Bird replied that their goal is to collaborate with existing organizations, conduct more outreach to the community and increase the capacity of existing organizations to reduce the amount of discarded syringes. She said that they are working closely with the Howard Center, Vermont Legal Aid, and the Chittenden Clinic on this initiative. She said that in the next year they also plan to advocate for better harm reduction initiatives as well. Councilor Grant asked who is tracking the number of needles being removed from the community. Chair Bird replied that the Board of Health is using SeeClickFix to create a heat map of the highest-density areas of discarded syringes and hope to leverage that data to concentrate resources and reduce the number of discarded syringes.

Councilor Traverse said that the ordinance around the Board of Health really speak to the Board’s past roles in regulating food safety, rather than its work on more current, pressing public health issues, such as eradicating systemic racism and gun violence prevention. He asked that the Board of Health think about how the City can better memorialize its more current work through ordinance or charter changes, in order to give the Board a clear path to continue its good work.

Councilor Magee asked that the Board help ensure coordination of information related to harm reduction services from legislation coming down from the State level. He also asked the Board of Health to look into how and where an overdose prevention site would be most beneficial to the community, if they have the bandwidth to begin researching that.

Councilor Hightower said that she would love being a partner in any work around housing equity that the Board of Health is conducting in the next year.

Councilor Dieng commended the Board for their contributions to the community. He asked what additional resources the Board may need from the City to continue its work. Chair Bird said that the Board of Health feels supported by the City already and hopes that the Council will continue to allow the Board to serve in its advisory role. She said that she hopes the Council will continue to use the information brought to it by the Board and act upon it at the local and statewide level. Councilor Dieng asked if the Board has worked on racism as a public health emergency. Ms. Castro said that the Board has tried to focus on expanding its work on addressing systemic racism by increasing collaboration with local organizations and ensuring that the Board’s scope of work is realistic within that larger context. She said that the Board may be most useful by leveraging data within these collaborations.

3. PUBLIC FORUM

1. Verbal Comments

Forum opened at 7:21 PM.

COMMENTS:

Burlington residents (in person):

- Romeo Von Hermann spoke about the unhoused in Burlington and the resources for them that are sunseting soon, and asked that the Council help provide adequate and compassionate solutions for them and the housing crisis.

- Dave Maher spoke about a news program that highlighted how San Francisco has such a problem with the homeless because the community is so welcoming to the homeless and provides supports and does not crack down on shoplifting or drug use (which makes the community more appealing to some of the unhoused).
- Lucy Gluck spoke about the unhoused and in favor of the resolution on updating policies on camping on public lands, and for the City to be compassionate for the unhoused.
- Martha Dallas spoke in favor of finding ways to be compassionate and find ways to help those who are houseless or will become unhoused in the coming weeks. She said that it will take time to provide enough housing for everyone who needs it and that in the interim, the City needs to be compassionate and creative in how it meets the needs of the unhoused.
- Lee Morrigan expressed concern about the current rhetoric about the unhoused and that vigilantism is not welcome in the community.
- James Mallowney spoke about houselessness and said that camping should not be allowed in parks. He spoke about crimes in the houseless community. He said that somewhere should be found to house the unhoused, but not in the City's parks.
- Representative Kate Logan shared with the City Council some of the legislation that was passed at the State level, notably that the general assistance housing program will sunset as of July 1 and that hundreds of families from Burlington and Chittenden County will be unhoused beginning in June and July.
- Todd Lacroix spoke about the threat of the American oligarchy and killing children.
- Steve Miller spoke about the resolution to update the policies on camping and that he does not know if that will help solve the problem of houselessness, given how unruly some of the parks already are.
- Jayne Ahsaf spoke in favor of the resolution to update policies on camping on public land. She spoke about the lack of supports for housing for the unhoused. She said that if the crisis is not addressed now, it will only exacerbate public health, substance use, mental health, and physical health crises already prevalent in the community.
- Representative Troy Headrick spoke about the homelessness crisis, saying that it is bad and will get worse. He said that this is a policy decision, not a financial decision, on the part of the State.

Burlington residents (via Zoom):

- Robert "Bob" Kiernan spoke against the resolution to update policies on camping on public land. He said that there is no accountability built in to any of the solutions brought forth by the City.
- Andrew Kranichfeld spoke in favor of the resolution to update policies on camping on public lands. He said that if the issue is not dealt with, it will only get worse.
- Sharyl Green spoke in favor of the resolution to update policies around camping on public lands. She said she is glad this resolution will look at research conducted by CEDO on this topic and will hire additional City staff to help support this.
- Aspen Overy spoke in favor of the resolution to update policies around camping on public lands. She spoke about how the City must act now and should have acted sooner. She said that people will camp even if it is not legally allowed, since they have nothing else to turn to. She said that the City should not be harder on the homeless.
- Lina Greenberg spoke in favor of the resolution to update policies on camping on public lands, and expressed support for researching best practices. She said that the houseless crisis will not go away if the resolution is not passed and that the City needs to continue to work to provide a robust system of supports to try and solve this crisis.

Non-Burlington residents (via Zoom):

- Brenda Siegel spoke in favor of the resolution updating policies around camping spaces on public lands. She spoke about how housing provides a stabilizing support for many members of the community to receive treatment for physical and mental health issues and that if they become unhoused, those conditions will become destabilized again, resulting in serious adverse effects for those individuals.
- Grace Pfeil spoke in favor of the resolution updating policies around camping spaces on public lands. She said that the houseless problem will not go away and that the City needs to figure out how to shelter individuals.

Non-Burlington residents (in-person):

- Grey Barreda spoke about how he was just released from jail for being homeless, and that the homeless do not have the same legal protections as those with homes. He said that he would be more than happy to try and provide information to the community to educate them on the homeless situation.

Forum closed at 8:07 PM.

4. **CLIMATE EMERGENCY REPORTS**

4.01 Climate Emergency Reports

Councilor Bergman provided an update on the McNeil Symposium, which will occur on June 13, and will address the question and concern raised about the burning of biomass at McNeil. He said that the symposium will convene experts around this topic in the context of the climate emergency.

5. CONSENT AGENDA

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

5.02 Communication: CT Office, re: Accountability List - waive the reading, accept the communication and place it on file.

5.03 Communication: Aaron Kindsvatter, re: tents next to building – waive the reading and place it on file.

5.04 Communication: Marquita Sherice Hazelett, re: FOR THE CITY COUNCIL BOARD – waive the reading and place it on file.

5.05 Annual Report of the Burlington Conservation Board Fiscal Year: 2022: June 30, 2021 - July 1, 2022 – waive the reading, accept the report, and place it on file.

5.06 Annual Report of the Burlington Development Review Board Fiscal Year 2022: July 1, 2021- June 30, 2022 – waive the reading, accept the report, and place it on file.

5.07 Amendment of Work Assignment Agreement #3 with Utility Services Co., Inc. for Project Cost Increases associated with Redstone Tank Rehabilitation - DPW/Water Resources - 1. "To approve and authorize Chapin Spencer, Director of the Department of Public Works, to execute an amended work assignment agreement #3 with Utility Services Co., Inc. for an amount not to exceed \$685,365, subject to review by the City Attorney's Office;" and 2. "To approve and authorize the acceptance of \$135,385 from AT&T/Cingular Wireless to be used towards Red Stone Water Tank Rehabilitation, and authorize Chapin Spencer, Director of Public Works, to execute an agreement with AT&T/Cingular Wireless LLC memorializing the acceptance of such funds, subject to the final review and approval of the City Attorney's Office."

5.08 Request for Approval to Execute Contract with ADS Environmental Services for the Flow Monitoring and Data Hosting Services - DPW/Water Resources - approve and authorize the Director of Public Works to execute a main agreement with ADS Environmental Services for flow monitoring and data hosting services for a term of 3 years and maximum limiting amount of \$478,161, and subsequent work assignment sub-agreements for temporary flow metering, subject to final review and approval by the City Attorney's Office.

5.09 Letter of Support Colchester Avenue/Riverside Avenue/Barrett Street/Mill Street Intersection VPSP2 - Burlington STP 5000 (29) – DPW - authorize the Director of Public Works to execute the Letter of Support for the Colchester Avenue/Riverside Avenue/Barrett Street/Mill Street – Burlington STP 5000 (29) Intersection Project from the Vermont Agency of Transportation, supporting advancement of the preferred alternative in the April 2019 Final Scoping Study.

5.10 Pearl Street/Prospect Street/Colchester Avenue Intersection VPSP2 - Burlington STP 5000(30) – DPW - authorize the Director of Public Works to execute the Letter of Support for the Pearl Street/Prospect Street/Colchester Ave – Burlington STP 5000(30) Intersection Project from the Vermont Agency of Transportation, supporting advancement of the preferred alternative in the December 2014 Final Scoping Study.

5.11 Use of Council Initiative Funds for TEUC Sponsored McNeil Symposium – TEUC - approve the expenditure of up to \$5,000.00 of budgeted City Council Initiative funds for honoraria and expenses associated with promoting and producing a TEUC sponsored McNeil Symposium.

5.12 Use of Council Initiative Funds for the Voices of St. Joseph's Orphanage Memorial & Healing Garden - Councilors Carpenter and Barlow - approve and authorize the designation and expenditure of \$10,000 dollars in budgeted City Council Initiative Funds to support the creation of the Children of St. Joseph's Orphanage Memorial and Healing Garden.

5.13 FIO Documents – for information only.

5.14 Resolution: Authorization For Reimbursement From Public Improvement Bonds For Construction Of New High School And Technical Center (Board of Finance) – waive the reading and adopt the resolution.

5.15 Resolution: Authorization For Bond Anticipation Notes For School District Capital Improvements (Board of Finance) – waive the reading and adopt the resolution.

MOTION by Councilor Dieng, SECOND by Councilor Carpenter, to adopt the consent agenda as amended and take the actions indicated for items 5.01-5.15.

VOTING: unanimous; motion carries (Councilors Traverse and Doherty abstaining from item 5.12).

6. DELIBERATIVE AGENDA

6.01 Public Hearing: Community Development Block Grant and HOME Investment Partnerships Proposed Allocations for the 2023 Action Plan for Housing & Community Development

Community Development Specialist Curtis said that this is the public hearing associated with the 2023 Action Plan for Housing & Community Development, which is required prior to submitting the proposed allocations within the Action Plan to the Housing & Urban Development (HUD) Department). She noted that the City is allocated a certain amount of funding every year by HUD to address the roots and consequences of poverty, that the City solicits proposals for this funding from community- and faith-based organizations, nonprofits, and City Departments, and that these proposals and then applications go through scoring and recommendations are made. She noted that the total funding for the 2023 Action Plan is approximately \$760,000 in CDBG funds and \$685,000 in HOME funds. She outlined the public service awards, development awards, and planning and administration awards that will be awarded to organizations with the CDBG funds, and outlined the awards for HOME funds.

City Council President Paul opened the public hearing. There was no public comment.

City Council President Paul closed the public hearing.

Councilor Dieng asked why there was \$300,000 from the previous year that wasn't allocated. Assistant Director Rawlins replied that housing projects generally take a lot of time and planning and that they anticipate HOMES funding for 2022, 2023, and 2024 will go to two large housing projects.

6.02 Resolution: BTV Solar Eclipse 2024 (Councilors Paul, Traverse) (15 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Traverse said that the City has begun its preparation for this once-in-a-lifetime event, since the City will be in the eclipse's path of totality and the last time this occurred was in 1932. He said that Vermont hotels are already booking up for this event and said he would appreciate support on this resolution to allow the Council to receive updates from City staff and others as they prepare for the event.**
- **Councilor Dieng thanked the Council and City staff for their work on this.**

VOTING: unanimous; motion carries.

6.03 Resolution: Process For Updating Sheltering on Public Lands Policy Given The Rise in Homelessness And The End Of The Motel Voucher Program (Community Development and Neighborhood Revitalization Committee) (25 mins.)

MOTION by Councilor Hightower, SECOND by Councilor Magee, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Hightower said that this resolution would examine policies around public lands that are not the City's parks. She said that the City and State have not done enough to prepare for what will occur this summer with the loss of the motel voucher program as a resource to combat homelessness, and that not taking action tonight will further leave the City unprepared to cope with the coming crisis. She said that this resolution would direct the City to conduct more research and determine best practices through the use of data, not direct the City to take any specific policy action. She spoke about the positives of stable, safe housing for individuals. She said that the majority of the unhoused are unhoused involuntarily, and that the vacancy rate is so low in Vermont that it is almost possible to find housing, even with resources. She said that action would require coordination with other municipalities and the State and that this resolution is not a call to action but a call to develop a plan so that thoughtful and deliberate action can be taken in future.**
- **Councilor Carpenter expressed thanks for the work of CDNR on this resolution, but that the City of Burlington is not in a position due to lack of resources to sanction camping on public lands.**

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, that, given the absence of the Mayor this evening, and given that there are active conversations going on with the Agency of Human Services and the City, and ongoing efforts to address the pressing and important community issue of homelessness and sheltering on public lands as well as the need to fully engage our Vermont House and Senate delegations, I would move that we postpone debate and a vote on this resolution to June 5, 2023 and request that the Administration present a full update on efforts with the city, state, other municipalities and our legislative delegation and address these issues in a council work session prior to deliberation on this resolution.

DISCUSSION:

- **Councilor Magee said that many members of the public have come to this meeting to voice their opposition to camping in the City's parks. He said it was never the intent of the resolution he brought to the Council in February of 2022 to**

- have people camping in recreational areas, but that there are public spaces and other public lands where people are camping and that the City has an obligation to make clear where people are prohibited from camping. He clarified that this resolution also would not allow for camping on public lands or in parks. He said that in terms of postponing this resolution, there has not been a convening of outreach workers yet and postponing this resolution would only allow the City a month to come up with a plan to try and deal with this crisis before the motel voucher program ends.
- Councilor Grant said that the City already has no time to deal with the crisis and that though camping is not a viable long-term solution, families and children will lose their housing and an interim solution needs to be developed now. She said that the current resolution in question would help enforce current regulations and ordinances around camping and the City's public parks.
 - Councilor Hightower said that this resolution's purpose is to examine and study whether City-sanctioned camping is better than the status quo through research of best practices. She said that it should be looked into. She said she does not support postponing this action, as momentum is needed.
 - Councilors Magee and Bergman voiced opposition to postponement.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to withdraw the motion to postpone.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Bergman, to strike and replace from Line 86:

BE IT FURTHER RESOLVED that the City Council asks CEDO to provide the CDNR committee with research and community and city staff engagement on best practices and potential pathways to take to improve the status quo on three topics at the CDNR May, June, July 2023 meetings – respectively: 1) The current sheltering on public lands policy 2) Chittenden County sheltering options when shelter capacity has been reached; and, 3) Storage and bathroom access. Potential pathways may include changes to Burlington's sheltering on public lands policy and procedures (limited to Section III – Procedures for Areas where Camping is not Specifically Prohibited), and if necessary, associated changes to the City's Ordinances; and

BE IT FURTHER RESOLVED that the CDNR committee shall obtain feedback from relevant stakeholders, including the State of Vermont, and report back on the discussion of best practices and potential pathways as well as recommended actions to the City Council on August 14, 2023; and

BE IT FURTHER RESOLVED that the Administration and the City Council will work with our state legislative delegation to find additional funding to assist Burlington and other municipalities to find resources to alleviate the full cost of supporting the unhoused on city services; and

BE IT FURTHER RESOLVED that the City Council requests the Administration convene a meeting of community organizations and City staff responsible for serving unhoused community members to inform a Work Session at the June 5th City Council meeting regarding the City's response to addressing houselessness.

DISCUSSION OF AMENDMENT:

- Councilor Traverse said that this proposed set of amendments would allow for the City to focus not just on camping options but that CDNR would receive research on not just camping options but on sheltering options for all of Chittenden County, and would provide for a work session convened by the Administration and community organizations at the City Council's next meeting on June 5, 2023.
- Councilor Barlow said that camping isn't necessarily the answer to this problem and expressed concern that this would signal more permissiveness around sanctioned camping. He said that a more coordinated sustained response is needed at the State level as well as with surrounding municipalities. He expressed support for this set of amendments.
- Councilor Hightower said that she supports this set of amendments since it is a broadening of the options that would be researched to discern best practices. She clarified that the City does not have sanctioned camping on public lands.

VOTING (on amendment): unanimous; motion carries.

VOTING (on resolution as amended): unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Traverse said that the Ordinance Committee and Charter Change Committee are working jointly to address the question of police oversight accountability and have held one meeting already and also anticipate holding two additional meetings on May 23rd and May 30th. He said that they anticipate the joint committees meeting throughout the summer on this topic. He noted that the Ordinance Committee is also separately discussing the zoning amendments related to the South End Innovation District.

Councilor Magee said that the first meeting of the Parks, Arts, and Culture Committee will be on May 24.

Councilor Hightower said that the Community Development and Neighborhood Revitalization Committee will meet next on May 25 at 5:30.

Councilor Grant noted that the REIB Committee continues to plan logistics for the Juneteenth event.

Councilor Bergman noted that the Transportation, Energy, and Utilities Committee will meet on May 23 at 5:00.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Bergman spoke about the recent Seven Days report on landlords' responsibilities to pay for tenants' housing when they're displaced through no fault of their own. He said he has spoken to Bill Ward on enforcing this ordinance and setting the record straight in terms of making landlords aware of their responsibilities to temporarily relocate tenants if they are displaced through no fault of their own.

Councilor Dieng thanked the Department of Public Works for their work to communicate more clearly about parking requirements and towing.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul said that the Council will be repainting the Black Lives Matter mural on Main Street on June 4th and said that anyone from the community can volunteer to help with that. She also noted that May 31st is the deadline for applications for Commissions and Boards.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

None.

11. ADJOURNMENT

11.01 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Hightower, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 9:59 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
SPECIAL MEETING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 22, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Sarah E
Carpenter
Mark Barlow
Joe Magee
Gene Bergman
(via Zoom)
Ben Traverse (via
Zoom)
Timothy Doherty
Melo Grant (via
Zoom)
Hannah King

OTHERS PRESENT:

Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:31 PM.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to adopt the agenda (Councilor Magee absent for vote).

2. COMMUNICATION: ACTING CITY ATTORNEY STURTEVANT, RE: LITIGATION UPDATE **EXPECTED EXECUTIVE SESSION**

2.01 Communication: Acting City Attorney Sturtevant, re: Litigation Update **expected Executive Session**

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

VOTING: unanimous; motion carries.

MOTION by Councilor Barlow, SECOND by Councilor Doherty, to exit executive session.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.01 Motion to Adjourn

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
SPECIAL MEETING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
May 30, 2023
DRAFT**

MEMBERS PRESENT:

(via Zoom)

Karen Paul
Joan Shannon

Ali Dieng (via
Zoom)
Sarah E
Carpenter
Zoraya Hightower
(via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse (via
Zoom)
Timothy Doherty
Melo Grant (via
Zoom)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jared Pellerin
Jordan Redell
Brian Pine
David G. White
Tim Sampson

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:07 PM.

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

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

2. PUBLIC FORUM

2.01 Verbal Comments

None.

3. DELIBERATIVE AGENDA

3.01 Meli et al. v. City of Burlington et.al

Assistant City Attorney Pellerin noted that this is a tentative agreement between the City and the Melis, and as such, it is still confidential until both parties reach final agreement, and the agreement is finalized by the court. He said that the agreement will be released to the public and made available

more widely once it is finalized. Mayor Weinberger said that the administration will also keep the Council informed of developments and updates when available.

MOTION by Councilor Bergman, SECOND by Councilor Carpenter, to approve and authorize the Mayor, in conjunction with the City Attorney's Office, to enter into a stipulated settlement in a pending litigation matter captioned Meli et al. v. City of Burlington, Vermont et al.

VOTING: unanimous (11-0); motion carries (Councilor Traverse absent for vote).

4. COMMUNUCATION: REGARDING CITYPLACE UPDATE:

****EXPECTIVE EXECUTIVE SESSION****

4.01 Communication Regarding CityPlace Update: Speakers: Brian Pine, David White and Tim Sampson, Esq. *expected executive session**

Mayor Weinberger noted that this pertains to CityPlace and actions that will be taken, including the borrowing of \$18.8 million. He said that there are some updates to the ARDA agreement that will need to be made before that borrowing, and this executive session will be used to brief the Council on those updates.

MOTION by Councilor Carpenter, SECOND by Councilor Magee, that the Council find that premature general public knowledge of information concerning contract negotiations and attorney-client communications regarding CityPlace would clearly place the City at a substantial disadvantage with such negotiations.

VOTING: unanimous; motion carries.

MOTION by Councilor Carpenter, SECOND by Councilor Magee, that, based upon that finding, the Council go into executive session to receive confidential attorney-client communications and updates on contract negotiations regarding CityPlace, 1 VSA §313(a)(1)(A) and (F).

VOTING: unanimous; motion carries.

MOTION by Councilor Magee, SECOND by Councilor Barlow, to exit executive session.

VOTING: unanimous; motion carries.

5. ADJOURNMENT

5.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 6:10 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 5, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Kim Sturtevant
Sarah Russell
Samantha Dunn
Jon Murad
David G. White
Kara Alnasrawi

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:16 PM.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to amend/adopt the agenda as follows:

- **suspend the Rules and amend the agenda to set public comment for 7:50 p.m., as well as to take up Item 2 ahead of public comment;**
- **remove from the consent agenda item 6.29 First Amendment to Second Amended and Restated Development Agreement and place it on the Deliberative Agenda as agenda 7.1 (per City Council President Paul per Councilors Bergman and Grant);**
- **add to the consent agenda item 6.31 Communication: Michael Long, re: Police Chief Appointment;**
- **add to the consent agenda item 6.32 Communication: Jennifer A. Francoueur, re: BTV crime and council support for citizen safety through essential law enforcement.**

VOTING: unanimous; motion carries.

2. RESOLUTION: DECLARING JUNE 15, 2023 AS FROZEN TREAT DAY (COUNCILORS TRAVERSE, BERGMAN, PAUL, CARPENTER, BARLOW)

2.01 Resolution: Declaring June 15, 2023 As Frozen Treat Day (Councilors Traverse, Bergman, Paul, Carpenter, Barlow)

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

DISCUSSION:

- **Councilor Traverse said that this is the result of a visit to Champlain Elementary School and asking kids what they would like to honor about Burlington through a resolution. Several schoolchildren spoke about why frozen treat day is a good idea.**

3. WORK SESSION: PLAN FOR HOMELESSNESS/EXITING OF THE MOTEL VOUCHER PROGRAM

3.01 Work session on plan for Homelessness/Exiting of the Motel Voucher Program **6:15 pm - 7:45 pm

Mayor Weinberger noted that since the last discussion about this topic, the legislative session has ended with clarity about resources to help with the transition from the end of the program, though the budget was vetoed. He said that the City was invited by the Agency of Human Services to be part of responding to the ending of the motel program. He said that the City team has been working on submitting a Letter of Intent to pursue State funding to open a third fifty-bed congregate shelter and a partnership with 26 other members of the Chittenden County Alliance to endorse an alternative plan for the second phase of motel exits that are slated for the end of July. He noted that the City would propose to extend that second phase with a commitment from the Alliance to focus its resources on housing the 165 high-needs households who are expected to lose their housing by the end of July. He said that the goal is to house at least 25 households per month through the coordinated entry system. He said that this proposal would have the motel voucher program end in 5-8 months, rather than at the end of next month.

Assistant Director Russell provided an update on activities since the May 15th City Council meeting. These include convening regular meetings with AHS and Chittenden County municipal leaders and service providers, meetings with outreach providers, receiving Chittenden County population data and responding to AHS requests for Letters of Intent (LOIs), and convenings with departments within the City to define staff roles and responsibilities with response to camping within the City. She noted that the City Attorney's Office has begun updates to the Sheltering on Public Lands policy. She noted activities taken around the June 1 motel exits, which include immediate response from outreach teams, ensuring that bathrooms, meals, tents, and storage needs are met, and county-wide coordination on reentry.

Assistant Director Russell summarized the proposed resources and support for response efforts. This includes Burlington establishing emergency congregate overnight shelter for up to 50 people, establishing a co-located day shelter with access to services for an average of 75 people per day, and working with the Chittenden County Homeless Alliance to support the transition of 165 households in vulnerable sub-populations directly to permanent housing over 5 to 8 months, and joint advocacy for extension of the motel program for vulnerable households. She noted that the budget projections are \$1.1-\$1.5 million for co-located shelters for 5-8 months, and \$1.7-\$2 million for extended hotel stays for 5-8 months.

Mayor Weinberger emphasized that from the Chittenden County Homeless Alliance's perspective, the Governor's plan to turn out 165 Chittenden County families from the program and into congregate shelter is unacceptable. He said that the Alliance would welcome the City Council's support for this alternative proposal.

Councilor Grant asked several questions specific to data that was shared on the individuals who would be exited from the motel voucher program. She asked whether Chittenden County residents who are currently sheltered in Rutland County are represented in the data. Assistant Director Russell replied that this data tracks the households within Chittenden County. Councilor Grant asked about work around camping policies, and Mayor Weinberger replied that the City's position is that camping is not a viable solution to this voucher program ending and this proposal reflects that. Councilor Grant acknowledged that though camping is not a solution, it is an option that some have had to resort to.

Councilor Traverse asked whether staffing needs outside the proposed congregate shelter on Cherry Street are being considered, in addition to the staffing needs inside the building, given its proximity to

the Downtown Transit Shelter. Assistant Director Russell said that the model of oversight would provide for additional staffing both inside and outside the proposed Cherry Street shelter. Councilor Traverse asked how the City has been coordinating with municipalities around Burlington. Assistant Director Russell replied that CCHA is a county-wide organization with representation across municipalities and that though the City is not hearing much in terms of actions taken by other municipalities, she noted that AHS received 44 LOIs from around the State.

Councilor Hightower asked what percentage of the homeless population were planning on camping or didn't have shelters, and Assistant Director Russell replied that it was around 60%, though the number is not firm and more data is becoming available. Councilor Hightower said that this proposal isn't solving Burlington's portion of the problem and that there will be an increase in camping and a corresponding decrease in quality of life and health for the unhoused campers, for City staff, and generally for constituents. She said that the City also needs an exit strategy for campers to secure housing. She expressed support for the congregate housing proposal, but cautioned against it becoming against a long-term solution. She expressed frustration that the City's financial priorities are not focused on housing first above other priorities.

Councilor Carpenter expressed disappointment at the lack of direct responses from surrounding communities about setting up shelters. She encouraged CCHA and the State to push other municipalities to put together responses to help deal with this crisis. She asked about the timeline for operationalizing a congregate shelter at 108 Cherry Street, as well as whether contractors and service providers are available to provide the work. Assistant Director Russell replied that in addition to releasing the LOI requests, the State also allowed for staffing agencies to submit proposals for staffing. She said that she is confident that the staffing agencies in mind will be able to fill positions.

Councilor Magee expressed disappointment that this program is being ended. He asked whether this new shelter would be first-come first-serve, and Assistant Director Russell replied that her preference is to guarantee beds to people who return nightly, as a form of stability. Councilor Magee asked about prevention efforts in the Coordinated Entry program. Assistant Director Russell replied that they are working to track both outflows and inflows to homelessness, and are working to develop an intake assessment to incorporate in Coordinated Entry.

Councilor Dieng asked why the proposal did not include utilizing the Leddy Beach camp area. Assistant Director Russell replied that there is currently a plan for individuals who are adults (which is congregate shelter) and acknowledged that non-congregate shelter would be the ideal. She said that any kind of congregate setting for children, families, or those receiving home health or hospice is unacceptable. She said that the City is advocating for those vulnerable households to remain in motels until they can be transitioned into permanent housing. Councilor Dieng asked if staff have had the chance to interact with the individuals who have already exited the motel program, and Assistant Director Russell replied that they have not had a chance to interact with them yet.

Councilor Bergman asked what number of campsites or encampments are in Burlington right now and Assistant Director Russell replied that there are currently 60-70 people living outside in Chittenden County and that the unsheltered number of people is a difficult number to track. Councilor Bergman suggested asking for state support to collect garbage from encampments, as trash collection activities put additional strain on the Parks and Recreation Department. He also requested that the City Council be included in updates that the City Attorney's Office is conducting to update the City's camping on public lands policies.

Councilor Shannon said that the State legislature should look more closely at putting resources into this acute need and said that more support should come from the income taxpayers, not the property taxpayers.

Mayor Weinberger made closing remarks, expressing frustration at the situation and emphasizing that the root cause of this is the acute shortage of housing in the City. He spoke about activities to address the housing shortage and the push to enact housing reform and create more housing in the City.

4. PUBLIC FORUM: **TIME CERTAIN – 7:50 PM**

4.01 Verbal Comments

Forum opened at 7:50 PM.

COMMENTS:

Burlington residents (in person):

- Romeo von Herman expressed support for providing any assistance to the currently unhoused that they may need and asked the City to continue supporting them and listening to their voices and needs.
- Cheryl Boutilier spoke about concerns about the Police Department and homelessness. She said that there are a number of abandoned buildings that could be used as homeless shelters in Burlington. She also spoke about the large amount of garbage on the streets.
- Cheryl Green said that the Police Department needs to be more effective at de-escalation and that they should treat people with compassion.
- Dave Maher expressed support for prevention efforts and efforts to transition the unhoused into permanent housing. He said that more work needs to be done on developing long-term solutions. He said that mental health and substance use issues, in addition to lack of affordable housing, are root causes of this issue.
- David Call thanked staff and the City for the work that they are doing to help the unhoused and that compassion is what is needed to help solve this issue.
- Diane Clemmer said that the City should not appoint Jon Murad as the permanent Police Chief. She said that the Police Chief does not seem open to feedback or criticism and that he needs to be able to problem-solve and take criticism well.
- Todd LaCroix said that Jon Murad should not be appointed as the Police Chief and that he needs to prove himself before he can be appointed.
- Barbie Alsop spoke about de-escalation and expressed skepticism that the appointee for Police Chief is able to effectively practice de-escalation, citing an incident that occurred at the University of Vermont Medical Center.
- Mark Bachette expressed support for the appointment of Jon Murad as the Chief of Police. He cited the work done to recruit and hire CSOs and CSLs and de-escalation trainings.
- Ellen Cooper expressed support for the appointment of Jon Murad as the Chief of Police, saying that having a permanent Chief of Police will encourage more recruitment and retention of officers.
- Dawn Moskowitz encouraged the City to advocate for more collection of data on the part of the State, in order to help curb homelessness. She emphasized the importance of pursuit of aggressive and rapid increases in the housing supply in order to combat homelessness.
- Jeff Hayes spoke in support of the appointment of Jon Murad as the Chief of Police, saying that he is right for the job.
- Max Tracy expressed support for the City's actions to address the current homelessness issues, as well as efforts to create a more centralized camping policy. He spoke against the appointment of Jon Murad as the Chief of Police, citing concern that he has not acknowledged systemic racism as a factor within the Police Department, nor has he taken much action on oversight and accountability.
- Colin Hilliard spoke in support of the appointment of Jon Murad as Chief of Police.
- Sandy Baird spoke in support of Jon Murad as the Chief of Police.
- Pat Rivers spoke in support of the appointment of Jon Murad as the Chief of Police.
- Terry Rivers spoke in support of Jon Murad as the Chief of Police.
- Dave Hartnett spoke in support of Jon Murad as the Chief of Police, saying that having a permanent chief appointed will be incredibly helpful in rebuilding the Police Department.
- Karen Long expressed concern about the \$18 million loan to build CityPlace. She asked why the City would borrow millions of dollars when this project has failed so many times in the past. She asked that the City ensure that the developers adhere to the agreement.

Burlington residents (via Zoom):

- Robert Kiernan spoke in support of appointing Jon Murad as Chief of Police.
- Amy Malinowski spoke against appointing Jon Murad as the Chief of Police, saying that he has failed to acknowledge systemic racism as an issue at the Police Department, his lack of collaboration, patterns of fearmongering, and a betrayal of trust.
- Anna Wageling spoke as a Community Support Liaison (CSL) for the City and spoke about her experiences working in that position. She urged Councilors to come and see how the CSLs work within the Police Department as they discuss where the CSL positions should be housed within the City.

- John Tracy spoke in support of the appointment of Jon Murad as the Chief of Police.
- Jake Schuman said that the City wants to move forward with policing to make it safer and more collaborative. He said that the Mayor has not engaged in more efforts to recruit alternative candidates for the Chief of Police position and suggested that the appointment be tabled until an administration change.
- Kelly Halstedt spoke in support of Jon Murad as Chief of Police.
- Jeff Halstedt spoke in support of Jon Murad as Chief of Police.

Non-Burlington residents (in person):

- Becky Cassidy spoke about her experience working with Jon Murad through the Queen City Police Foundation. She expressed support for the appointment of Jon Murad as Chief of Police.

Forum closed at 8:47 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports

Councilor Bergman spoke about the climate implications of air travel, noting an international movement around lowering airline emissions and that the City should be paying more attention to that.

6. CONSENT AGENDA

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

6.02 Request to Adjust Contract with Motorola Solutions and Execute a Contract with Burlington Communications for Installation of our Public Safety Communication System - authorize the reduction of the Motorola Solutions contract maximum limiting amount to \$3,623,631.00 and to further authorize the Fire Chief to execute a contract with Burlington Communications for public safety communication system installation, with a maximum limiting amount of up to \$208,659.00, subject to the review and approval of the City Attorney's Office.

6.03 Request for Acceptance of American Rescue Plan Act (ARPA) 2022 Pretreatment Grant Funds for Businesses and Municipalities - authorize the Director of Public Works to execute a grant agreement for \$183,188 with the Vermont Department of Conservation for ARPA Pretreatment Grant funds to be used for the further development of the City's Industrial Pollution Prevention Program, subject to the prior review and approval of the City Attorney's Office.

6.04 Authorization to accept ARPA grant funds and Execute the Associated MOU for a Public-Private Partnership Stormwater Water Quality Project - 1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute a grant agreement with Vermont DEC for up to \$705,504.00 for final design and construction of the P3 project involving the "South Meadow Apartments" and the "Shelburne Road Shopping Plaza" property, subject to final review and approval by the City Attorney's Office; 2. To authorize the execution of a MOU between the City and the P3 private parties: Antonio B. Pomerleau, LLC and Champlain Housing Trust, establishing the roles and responsibilities of administering said grant funds, subject to final review and approval by the City Attorney's Office."

6.05 Authorization to Execute Contract with Chittenden Solid Waste District for 2024-2028 Wastewater Biosolids disposal - approve the participation agreement and authorize Chapin Spencer, DPW Director, to execute a contract with CSWD for sludge disposal with the amounts and fee schedule described in the Contract between CSWD and Casella Organics, subject to the prior review and approval of the City Attorney's office.

6.06 Request to Execute a Contract with Michael Van Valkenburgh Associates for Phase 2 Conceptual Design and Scoping at Moran Plant - approve and authorize the Director of the Community & Economic Development Office to enter into a contract with Michael Van Valkenburgh Associates for the purposes of phase two conceptual design and scoping work at the Moran Frame, with a maximum limiting amount of 279,500, subject to final review and approval of the City Attorney's Office.

6.07 Great Streets Main Street Resident Engineering and Outreach Consultant Authorization to Award and Design Contract Amendment #7 with Vanasse Hangen Brustlin, Inc. - 1. To authorize the Director of Public Works to execute a contract, subject to City Attorney review and approval, with EIV Technical Services, LLC. (EIV) in the amount of \$1,636,876.00, and authorize the use of an additional \$163,124.000 (10%) in contingency funds to be available to use toward any necessary future contract amendments, and further authorize

execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of \$1,800,000.00 for the development of the design of the Great Streets Main Street project; 2. To authorize the Director of Public Works to execute Amendment #5 to the design contract, subject to City Attorney review and approval, with Vanasse Hangen Brustlin, Inc. (VHB) in

the amount of \$278,108.00, bringing the total contract value up to \$2,545,677.00, and authorize the use of an additional \$100,000 in contingency funds to be available to use toward any necessary future contract amendments, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of \$2,645,677.00 for the development of the design of the Great Streets Main Street project.

6.08 Waterfront Overnight Security Contract - approve the contract with Green Mountain Concert Services to provide waterfront overnight security services for an amount not to exceed \$130,000, and to authorize Cindi Wight, BPRW Director to execute the contract and any related documents, subject to review by the City Attorney's Office.

6.09 Organizational Chart Update - approve the:

- Modification, retitle, and reclassification of Director of Grid Services to Director of System Operations, a Regular, Full-time, Exempt, Non-union, Grade M29 (\$94,216.00-\$140,902.00) position.
- Addition of a new Supervisory Control and Data Acquisition (SCADA) Engineer tiered position reporting to the Director of Engineering, a Regular, Full-time, Exempt, Non-Union: Senior SCADA Engineer Grade MF3 (\$97,961.34-\$160,936.46), SCADA Engineer Grade M21 (\$83,686.93-\$128,748.67), and Associate SCADA Engineer Grade M20 (\$67,996.03-\$104,608.19).
- Modification of the job description for Director of Engineering position to oversee the SCADA Engineer and SCADA system.
- Addition of a 5th Shift Supervisor, a Regular, Full-time, Exempt, Non-Union, Grade H15 (\$66,925.04-\$109,711.89) position.
- Conversion of the General Plant Worker position to an Engineering Production Technician I, a Regular, Full-time, Non-Exempt, Union, Grade 11 (\$50,625.12-\$82,992.00) position.
- Conversion of the existing Senior Generation Engineer position to Director of Generation Engineering & Maintenance, reporting to COO/Manager of Utility Services and Engineering, a Regular, Full-time, Exempt, Non-Union, Grade M30 (\$112,029.00 - \$173,744.00) position.
- Conversion of the Director of Generation position, a Regular, Full-time, Exempt, Non-Union, Grade M19 (\$137,232.58-\$190,893.25) to a Generation Engineer reporting to Director of Generation Engineering & Maintenance, a Regular, Full-time, Exempt, Non-Union, tiered position: Senior Generation Engineer Grade MF3 (\$97,961.34 - \$160,936.46), Generation Engineer Grade M21 (\$83,686.93 - \$128,748.67), and Associate Generation Engineer Grade M20 (\$67,996.03 - \$104,608.19).
- Updating the job description for Supervisor of Generation to Director of Generation Operations, reporting to COO/Manager of Utility Services and Engineering, a Regular, Full-time, Exempt, Non-Union, Grade M30 (\$112,029.00 - \$173,744.00) position.
- Changing the reporting structure for Supervisor of Plant Maintenance from Supervisor of Generation to Director of Generation Engineering & Maintenance.
- Changing the reporting structure for Chief Forester from Director of Generation to COO/Manager of Utility Services and Engineering.
- Changing the reporting structure for Business Coordinator Generation from Director of Generation to COO/Manager of Utility Services and Engineering.
- Adding a second Accounting Administrator II position, a Regular, Full-time, Non-Exempt, Union, Grade 8 (\$47,283.18-\$77,513.49).
- Adding a Project Manager/Business Analyst-CIS position, a Regular, Full-time, Exempt, Union, Grade A04 (\$62,704.72-\$102,794.64), reporting to Director of Information Technology.
- Updating the job description for Director of Information Technology to increase the number of direct reports.

6.10 BED FY24 Rate Changes - authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting an increase to Burlington Electric Department rates of 5.5 percent on bills rendered starting September 1, 2023 as proposed.

6.11 Request to Execute a Contract for Bituminous Paving of Airport Circle with SD Ireland Construction and a budget neutral amendment - 1. "To authorize the Director of Aviation execute a contract with SD Ireland Construction in the amount of \$126,800.00 with a 15% contingency totaling up to \$145,820.00 for the paving of a portion of Airport Circle, subject to review and approval of the

City Attorney's Office." 2. "To approve a budget neutral amendment in the amount of \$127,000 to the Fiscal Year 2023 Airport budget by increasing the accounts as described in the affiliated memorandum."

6.12 Request for Approval of a \$513,015 Budget Neutral Amendment to the FY2023 Burlington International Airport Budget – approve a budget neutral amendment to the Fiscal Year 203 Burlington International Airport budget in the amount of \$513,015 by increasing the accounts as described in the affiliated memorandum.

6.13 Rubber Removal for Runway 15/33 at Patrick Leahy Burlington International Airport - approve that the Director of Aviation be authorized to execute a two year contract with Hi-Lite Airfield Services, LLC, for \$102,000.00, with a 20% contingency, with a maximum limiting amount of \$122,400.00, to supply and implement rubber removal on Runway 15/33 to improve aircraft braking action and reduce marking obscuration at the Patrick Leahy Burlington International Airport, subject to the final review and approval by the Office of the City Attorney.

6.14 Authorization to Execute a Contract for the Supply and Installation of Airfield Pavement Parking at the Patrick Leahy International Airport - approve and recommend to the City Council that the Director of Aviation be authorized to execute a contract with Hi-Lite Airfield Services, LLC, for \$123,555.96 with a 30% contingency with a maximum limiting amount of \$160,622.75 for the supply and installation of taxiway and ramp markings on requested taxiways, runways, and ramps at the Patrick Leahy Burlington International Airport, subject to the final review and approval by the Office of the City Attorney.

6.15 Annual Report of the Design Advisory Board Fiscal Year 2023: July 1, 2022 – June 30, 2023 – waive the reading, accept the report and place it on file.

6.16 Communication: Keith Pillsbury, re: UVM Student Housing – waive the reading and place it on file.

6.17 Communication: Raszell Reeder, re: Cyber Attackers - waive the reading and place it on file.

6.18 – FIO Documents – for information only.

6.19 Resolution: Authorization To Submit 2023 Burlington One-Year Action Plan (Community Development and Neighborhood Revitalization Committee) – waive the reading and adopt the resolution.

6.20 6.20. Resolution: Approving Obtaining Standby Letter(s) Of credit For The City's Workers' Compensation Program (Board of Finance) – waive the reading and adopt the resolution.

6.21 Tobacco License Renewal (2023-2024): Northern Lights, 75 Main Street – approve the 2023-2024 Tobacco License Renewal for Northern Lights, 75 Main Street.

6.22 Umbrella Entertainment Permit Application (June 7-11, 2023); Flynn Center, JazzFest, various locations within the City - approve the umbrella entertainment (indoor and outdoor) permit application for Flynn Center, Jazzfest, June 7-11, 2023, various locations around the City.

6.23 Special Event Outdoor Entertainment Permit Application (June 24, 2023): Citizen Cider Press House, 180 Flynn Avenue in parking lot, 1 pm - 5 pm - approve the one day only special event outdoor entertainment permit application for Citizen Cider Press House, 180 Flynn Avenue in parking lot, June 24, 2023, 1 pm - 5 pm.

6.24 Special Event Outdoor Entertainment Permit Application (September 9, 2023): Citizen Cider Pub Parking Lot, 316 Pine Street, 6 pm - 10 pm - approve the one day only special event outdoor entertainment permit application for Citizen Cider Pub Parking Lot, 316 Pine Street, September 9, 2023, 6 pm - 10 pm.

6.25 Special Event Outdoor Entertainment Permit Application (October 14, 2023): Citizen Cider Press House, 180 Flynn Avenue in parking lot, 1 pm - 5 pm - approve the one day only special event outdoor entertainment permit application for Citizen Cider Press House, 180 Flynn Avenue in parking lot, October 14, 2023, 1 pm - 5 pm.

6.26 Special Event Outdoor Entertainment Permit Application (July 11, 18 and 25, 2023): Switchback, lawn on brewery property, 5:30 pm - 8:00 pm, Dog Days of Summer events to benefit Bellcate School - approve the three day only special event outdoor entertainment permit application for Switchback, lawn on brewery property, July 11, 18 and 25, 2023, Dog Days of Summer events to benefit Bellcate School.

6.27 Special Event Outdoor Entertainment Permit Application (August 12, 2023): Switchback, lawn on brewery property, 21st Birthday Bash, 3:00 pm - 8:00 pm - approve the one day only special event outdoor entertainment permit application for Switchback, lawn on brewery property, 21st Birthday Bash, August 12, 2023, 3:00 pm - 8:00 pm.

6.28 Resolution: Appointment Of Dr. Spencer Blackman To The City Of Burlington's Board Of Medical Examiners (Councilor Carpenter) – waive the reading and adopt the resolution.

- 6.29 Communication: Karen Paul, City Council President, re: Addition of June 26, 2023 City Council Meeting – add the meeting on June 26 to the City Council calendar of meetings.
- 6.30 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
- 6.31 Communication: Michael Long, re: Police Chief Appointment – waive the reading and place it on file.
- 6.32 Communication: Jennifer A. Francoeur, re: BTV crime and council support for citizen safety through essential law enforcement – waive the reading and place it on file.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to adopt the consent agenda as amended and take the actions indicated for items 6.021-6.32.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.01 First Amendment to Second Amended and Restated Development Agreement (was consent agenda item 6.29)

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to approve and authorize Mayor Miro Weinberger to execute a First Amendment to Second Amended and Restated Development Agreement with CityPlace Partners, LLC, in substantial conformance with the attached draft and subject to the final review and approval of the City's attorneys.

DISCUSSION:

- Mayor Weinberger said that when the Amended and Restated Development Agreement (ARDA) was approved in November 2022, it was to find a way to move forward and start sitework and foundation work for CityPlace to get the project off the ground. He said that this is the first set of amendments to the ARDA that was approved in November. He spoke about the proposed changes within the amendments, including the City lessening its financial and development risk pertaining to the development project.
- Attorney Sampson noted that the developer will not have access to City funding for this project until milestones are met around the public infrastructure projects. He explained how the amendments address the June 30 deadline to incur TIF debt.
- Councilor Dieng asked that the CityPlace developers speak to their efforts to communicate around the project to the public. One of the developers replied that they conducted a site visit and have visited neighboring properties around Cherry Street, as well as informing adjacent neighbors through mailings on a weekly basis. He said that the closer they get to construction, the more details they will have to share. He said that they have listed their phone number around the property site and that people can call them whenever they need to. Councilor Dieng also suggested having a website that the public can visit, and the developer replied that there is a website that is updated frequently.

VOTING: unanimous; motion carries.

7.02 Indoor Entertainment Permit Application (2023-2024): MothershipVT, 19 Church Street

MOTION by Councilor Shannon, SECOND by Councilor Traverse to approve the 2023-2024 Indoor Entertainment Permit Application for MothershipVT, 19 Church Street with all standard conditions to include no exemption to the noise ordinance.

DISCUSSION:

- Councilor Shannon noted that the standard terms and conditions include the City's noise ordinance, which must be adhered to.

VOTING: unanimous; motion carries.

7.3. Outdoor Entertainment Permit Application (2023-2024): Junk's Tea House, 324 North Winooski Avenue

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Outdoor Entertainment Permit Application for Junk's Tea House, 324 North Winooski Avenue with all standard conditions to include no exemption to the noise ordinance.

VOTING: unanimous; motion carries.

7.04 Communication: Mayor Miro Weinberger, re: Fiscal Year 2024 Mayoral Appointments (10 mins.) Mayor Weinberger said that he is proud to put forth this slate of mayoral appointments for the Council's consideration.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to confirm the FY24 Mayoral Appointments as listed.

VOTING: unanimous; motion carries.

7.05 Communication: Mayor Miro Weinberger, re: Appointment of Police Chief (60 mins.) Mayor Weinberger said that this appointment request is for a permanent Chief of Police for Jon Murad. He spoke about Acting Chief Murad's past work to support the Burlington Police Department, including accomplishments and challenges. He spoke about Acting Chief Murad's strong commitment to the City. He said that the City cannot make the urgent progress that is required of the department without a permanent Chief of Police.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to confirm the appointment of Jon Murad as Police Chief.

DISCUSSION:

- Councilor Barlow agreed that it is time to move forward with a permanent chief and expressed gratitude that Acting Chief Murad is still unwavering to his commitment to the City. He noted an improved experience for the downtown due to an increased police involvement from the BPD.
- Acting Chief Murad thanked the Mayor for leading by example and in the spirit of collaboration. He thanked all who submitted public comment, including those with criticism, as he said that he hears and takes into consideration both the positive and negative feedback.
- Councilor Carpenter said that the appointment process is the prerogative of the Mayor to create a cohesive team. She also said that with this process comes public and citizen oversight and opinion, and that the Police Commission plays this important role for the Police Department. She acknowledged some tension between the BPD and the Police Commission and asked Acting Chief Murad how he would work to improve the relationship with the Commission. Acting Chief Murad replied that a citizen Police Commission plays an important role in the City. He said that the BPD has worked to codify more sharing of information and collaboration with the Police Commission.
- Councilor Doherty said that some of the Acting Chief's critics have said that he has failed to acknowledge systemic racism as an issue for the BPD and he asked the Acting Chief to respond to this criticism, further asked what he has done to implement fair and unbiased policing practices, and finally asked what he plans to do in the next year to continue addressing systemic racism. Acting Chief Murad replied that his first and foremost goal is to ensure that racial biases and injustices do not occur at the BPD. He spoke about trainings he has developed and implemented in conjunction with the City's REIB department. He said that every single use of force is presented to the public in the spirit of full transparency. He said that he wants the public to be involved in the determination of whether use of force is a result of officer biases. Councilor Doherty expressed his support for the appointment of Jon Murad as the permanent Chief of Police.
- Councilor Traverse asked about Acting Chief Murad's commitment to engage in the oversight and accountability work the Council is pursuing jointly through the Charter Change and Ordinance Committees. Acting Chief Murad replied that he is present at all meetings and provides data to the Council and Commissions and that he

prioritizes this engagement. Councilor Traverse expressed concern that a no-vote on this appointment will decrease morale at the BPD and reminded the public and other Councilors that every permanent appointment by the Mayor is an annual appointment. He said that he will strive to implement best practices in policing oversight and hopes that Acting Chief Murad will work collaboratively on these efforts.

- Councilor Hightower said that the BPD has an ongoing cultural problem and that there is no plan for addressing it. She said that it is time to build trust between the Department, the City Council and the public, and that increased accountability is one way to do so. She said that she cannot support this appointment without an improvement plan or mechanisms for citizen oversight of policing in place.
- Councilor King expressed support for the appointment of Jon Murad as Chief of Police.
- Councilor Magee said that he cannot support this appointment without a clearly-articulated improvement plan. He said that his lack of support for this appointment is in no way a reflection upon the Police Department but a reflection upon the process and lack of respect for the concerns of many in the community.
- Councilor Bergman said that this appointment is divisive and a wedge issue for the City. He said that though he does not support this appointment, he will continue to work with the Acting Chief collaboratively because the safety of his constituents is of utmost importance.
- Councilor Dieng expressed support for the appointment of Acting Chief Murad. He said that the Chief has the responsibility to prove that he is worthy of the appointment. He noted that many Councilors have expressed a desire for an improvement plan from the Police Chief, and asked whether the Mayor is willing to engage in this request. Mayor Weinberger replied that the Acting Chief has worked hard to improve the engagement between the BPD and the Police Commission and said that he and the Acting Chief are committed to continuous improvement.
- Councilor Shannon said that the Police Department needs to be stabilized and that this appointment sends the message that the Council is committed to stabilizing the department.
- Councilor Grant noted positive actions from the Acting Chief, such as getting behind the CAHOOTS model, hiring more CSOs and CSLs, and his work with the Center for Police Equity. She expressed concern about the Acting Chief's defensiveness and the need to control. She expressed concern that the Acting Chief does not support the Police Commission. She also expressed concern about the language that the Acting Chief uses sometimes around race and gender.

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to suspend the rules and complete the deliberative agenda and item #8 (Committee Reports).

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Mayor Weinberger addressed the concern that this appointment is a wedge issue and denied this, noting that Jon Murad is clearly qualified for being the Chief of Police. He spoke about the unprecedented attrition in the Police Department and the staggering increase in crime and gun violence in the City and that the Acting Chief has risen to that challenge.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (8 ayes, 4 nays); motion carries.

7.06 Public Hearing Regarding Burlington Downtown Tax Increment Financing District: Substantial Change Request

Consultant David G. White spoke briefly about this public hearing, noting that it pertains to a proposed application to the Vermont Economic Progress Council (VEPC) to determine how much of the incremental taxes from the Downtown TIF District should be retained in the district, both in municipal and education fund taxes. He said that additionally, there has been a disagreement between VEPC and the City with regard to an annual development fee that is being paid by Champlain College to fund one of the projects on St. Paul Street. He said that the City is proposing to make this question moot by paying the equivalent of this fee to cover some costs in the TIF District.

City Council President Paul opened the public hearing.
There were no public comments.

City Council President Paul closed the public hearing.

7.07 Substantial Change Request to VEPC - Downtown Tax Increment Financing District (10 mins.)

MOTION by Councilor Carpenter, SECOND by Councilor King, to approve the City's substantial change request to VEPC (Vermont Economic Progress Council) for its Downtown TIF District and authorize City Council President Karen Paul and Chief Administrative Officer Katherine Schad to execute the attached formal request letter.

VOTING: unanimous; motion carries.

7.08 Public Hearing Regarding Settling Common Area Fees FY24

City Council President Paul opened the public hearing.

Marc Sherman spoke as a business owner on the Church Street Marketplace, noting that the City is proposing to increase fees and expressing concern that the Church Street Marketplace fees are effectively making businesses double pay. He said that there should not be fees for the Church Street Marketplace, saying that they should be folded into the grand list and that they add value to the community as a whole. He asked that the City not increase fees, if not abolish them completely.

City Council President Paul closed the public hearing.

7.09 Resolution: Allocation Method And Standards For Common Area Fee Formula, And Establishment Of Common Area Fees For The Church Street Marketplace For Fiscal Year 2024 (Councilor Shannon)(10 mins.)

Executive Director Alnasrawi noted that Marketplace fees were waived for the duration of the COVID-19 pandemic and that the City is now proposing to increase the fees by 5%, or around \$30,000 overall. She said that this increase would help with deferred maintenance on the Marketplace.

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

DISCUSSION:

- **Councilor Hightower asked about the general response from businesses on the Church Street Marketplace with regards to the proposed fee increase. Director Alnasrawi replied that businesses were notified but that she did not receive feedback.**
- **Councilor Carpenter asked if this fee structure will be reconfigured once CityPlace is built and opened. Director Alnasrawi replied that these fees are assessed on the per square foot ground floor, but that there are discussions about looking at the Downtown district as a whole, rather than just the four blocks of the Marketplace.**
-

VOTING: 10-0; motion carries (Councilors Doherty and Traverse recused themselves).

7.10 Resolution: Accepting Grant Funding From The Department Of Mental Health For The Crisis Response Team And Exploring The Creation Of A Burlington CAIP Department (Councilors Paul, Carpenter, Traverse, Magee)(20 mins.)

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

DISCUSSION:

- **Councilor Carpenter said that this resolution asks the City to look at this “third arm” of public safety and assess how best it can be incorporated into City government. She noted that this evaluation will include feedback from public safety employees.**

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports

Councilor Traverse noted that the Ordinance Committee will meet on June 12 to consider the South End Innovation District proposal. He also noted that the Ordinance Committee and Charter Change Committee will jointly meet on police oversight and accountability on July 6, July 13, August 2, and August 3.

Councilor Dieng noted that the Racial Equity, Inclusion, and Belonging Committee will meet on June 6 to discuss legal services offered to BIPOC residents of the City, as well as the last details of the planning of the Juneteenth event.

Councilor Barlow spoke about the Biomass Symposium that will occur on June 13 at 6:30 PM to discuss the burning of biomass at the McNeil plant.

Councilor Bergman noted that a Tax Abatement organizational meeting will occur June 8 at 4:30 PM.

City Council President Paul noted that the special committee for board and commission candidate selection will meet on June 7 at 5:30 PM.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports

None.

10. CITY COUNCIL – COUNCIL UPDATES

10.01 Verbal Reports

None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.01 Verbal Reports

None.

12. MAYOR – GENERAL AFFAIRS

12.01 Verbal Reports

None.

13. ADJOURNMENT

5.01 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Hightower, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 11:31 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 5, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King
Miro Weinberger

OTHERS PRESENT:

Kim Sturtevant
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 8:51 PM.

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to amend/adopt the agenda as follows:

- **add to the consent agenda item 2.1 First Class Liquor License Renewals (2023-2024): Blue Cat Cafe and Wine Bar;**
- **add to the consent agenda item 2.2 Third Class Liquor License Renewals (2023-2024): Blue Cate Cafe and Wine Bar;**
- **add to the consent agenda item 2.3 Outside Consumption Permit Renewals (2023-2024): Blue Cat Cafe and Wine Bar and Pizzeria Verita.**

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

2.1 First Class Liquor License Renewals (2023-2024): Blue Cat Cafe and Wine Bar and Sushi Maeda - approve the 2023-2023 First Class Liquor License Renewals for Blue Cat Cafe and Wine Bar and Sushi Maeda with all standard conditions.

2.2 Third Class Liquor License Renewals (2023-2024): Asiana House and Blue Cate Cafe and Wine Bar - approve the 2023-2024 Third Class Liquor License Renewals for Asiana House and Blue Cat Cafe and Wine Bar with all standard conditions.

2.3 Outside Consumption Permit Renewals (2023-2024): Blue Cat Cafe and Wine Bar, Pho Son, and Pizzeria Verita - approve the 2023-2024 Outside Consumption Permit Renewals for Blue Cat Cafe and Wine Bar, Pho Son and Pizzeria Verita.

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to adopt the consent agenda and take the actions indicated for items 2.1-2.3.

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1. First and Third Class Liquor License Applications (2023-2024): Farmers and Foragers, 75 Penny Lane

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 First and Third Class Liquor License Applications for Farmers and Foragers, 75 Penny Lane with all standard conditions.

VOTING: unanimous; motion carries.

3.2. Outside Consumption Permit Application (2023-2024): Farmers and Foragers Dockside, 75 Penny Lane

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 Outside Consumption Permit Application for Farmers and Foragers, 75 Penny Lane.

VOTING: unanimous; motion carries.

3.3. Outside Consumption Permit Application (2023-2024): Pizzeria Ida, 662 Riverside Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 Outside Consumption Permit Application for Pizzeria Ida, 662 Riverside Avenue.

VOTING: unanimous; motion carries.

3.4. First Class Liquor License Application (2023-2024): Poppy's Market and Cafe, 88 Oak Street

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 First Class Liquor License Application for Poppy's Market and Cafe, 88 Oak Street with all standard conditions.

VOTING: unanimous; motion carries.

3.5. First and Third Class Liquor License Applications (2023-2024): Wings, 205 St. Paul Street

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 First and Third Class Liquor License Applications for Wings, 205 St. Paul Street with all standard conditions.

VOTING: unanimous; motion carries.

3.6. Outside Consumption Permit Application (2023-2024); Wings, 205 St. Paul Street

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 Outside Consumption Permit Application for Wings, 205 St. Paul Street.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.01 Motion to adjourn

The meeting adjourned without objection at 8:58 PM.

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 20, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
(via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse (via
Zoom)
Tim Doherty
Melo Grant (via
Zoom)
Hannah King
Miro Weinberger

OTHERS PRESENT:

Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Weinberger at 7:56 PM.

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

- **add to the agenda item 2.2. Communication: Meghan Sweeney, BFD, re: Listing Of Fire Wardens To Be Appointed At The June 2023 Meeting Of The City Council For July 1, 2023 And Expire June 30, 2024.**

VOTING: unanimous; motion carries.

2. 2023 BOARDS AND COMMISSIONS APPOINTMENTS

2.1 2023 Boards and Commissions Appointments – Slate –

MOTION by Councilor King, SECOND by City Council President Paul, to approve the Board and Commission 2023 Appointment Slate. The slate is as follows: Airport Commission - Chip Mason; Board of Assessors - Jonathan Chapple-Sokol; Cemetery Commission - Mary Stilley Wesley; Cemetery Commission - Martha Marshall Dallas; Conservation Board - Miles Waite; Conservation Board - Hannah Brislin; Conservation Board - Readvertise; Design Advisory Board - Jay White; Design Advisory Board - Richard Martin; Design Advisory Board – alternate - Kathleen Ryan; Design Advisory Board – alternate – Readvertise; Development

Review Board-alternate - Evan Gould; Development Review Board – alternate – Readvertise; Development Review Board - Sean McKenzie; Development Review Board – Readvertise; Electric Light Commission - Lara Bonn; Electric Light Commission - Scott Moody; Fire Commission - Ashley Bond; Fire Commission - Monica Chapman; Board of Health - Celia Bird; Board of Health - Jennifer Tomczak; Parks and Recreation Commission - Harley Johnson; Parks and Recreation Commission - Lee Morrigan; Planning Commission - Andy Montroll; Planning Commission - Erin Malone; Police Commission - Mary Cox; Police Commission - Kevin Garrison; Public Works Commission - Jim Barr; Public Works Commission - Justine Sears; Retirement Board - David Mount; Board of Tax Appeals - Andrew Champagne; Board of Tax Appeals - David Maher; Board of Tax Appeals - Meg McGovern; Board of Tax Appeals – Readvertise; Vehicle for Hire Licensing Board – Stephen Hamlin; Vehicle for Hire Licensing Board – Readvertise; Vehicle for Hire Licensing Board – Readvertise; Board for Registration of Voters - Lesley Erin Gendron; Board for Registration of Voters – Readvertise.

VOTING: unanimous; motion carries.

2.2. Communication: Meghan Sweeney, BFD, re: Listing Of Fire Wardens To Be Appointed At The June 2023 Meeting of The City Council For July 1, 2023 And Expire June 30, 2024

MOTION by Councilor Magee, SECOND by Councilor Bergman, to waive the reading, accept the communication, place it on file and approve the attached list of Fire Wardens, July 1 2023 – June 30, 2024.

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The City Council meeting adjourned without objection at 8:04 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 20, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
(via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse (via
Zoom)
Tim Doherty
Melo Grant (via
Zoom)
Hannah King
Miro Weinberger

OTHERS PRESENT:

Kim Sturtevant
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 7:34 PM.

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

VOTING: unanimous; motion carries.

2.0 DELIBERATIVE AGENDA

2.1. Second Class Store Liquor License Application (2023-2024): Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street

MOTION by Commissioner Shannon, SECOND by Commissioner Magee, to approve the 2023-2024 Second Class Store Liquor License Application for Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street with all standard conditions.

VOTING: unanimous; motion carries.

2.2. Outside Consumption Permit Application (2023-2024): Cafe Dim Sum, 95 St. Paul Street

MOTION by Commissioner Shannon, SECOND by Commissioner Magee, to approve the 2023-2024 Outside Consumption Permit Application for Cafe Dim Sum, 95 St. Paul Street.

VOTING: unanimous; motion carries.

2.3. Second Class Store Liquor License Application (2023-2024): RGS Nepali Market, 1563 North Avenue

MOTION by Commissioner Shannon, SECOND by Commissioner Magee, to approve the 2023-2024 Second Class Store Liquor License Application for RGS Nepali Market, 1563 North Avenue with the following conditions: copy of the lease and with all standard conditions.

VOTING: unanimous; motion carries.

2.4. First and Third Class Restaurant/Bar Liquor License Applications (2023-2024); Santiago's, 3 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Magee, to approve the 2023-2024 First and Third Class Restaurant/Bar Liquor License Applications for Santiago's, 3 Main Street with the following conditions: contingent upon Fire Marshal approval, complete record checks, all City Permits need to be closed out and with all standard conditions.

VOTING: unanimous; motion carries.

2.5. Outside Consumption Permit Application (2023-2024): Santiago's, 3 Main Street

MOTION by Commissioner Shannon, SECOND by Commissioner Magee, to approve the 2023-2024 Outside Consumption Permit Application for Santiago's, 3 Main Street with the following conditions: contingent upon Fire Marshal approval, complete record checks and all City Permits need to be closed out.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:38 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 20, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
(via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse (via
Zoom)
Timothy Doherty
Melo Grant (via
Zoom)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Kim Sturtevant
Michael Loucy
Chris Dautel
Jared Pellerin
Brian Monaghan
Chapin Spencer
Laura Wheelock
Darren Springer
Scott Moody
Michael LaChance
Wade Labrecque

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:50 PM.

MOTION by Councilor King, SECOND by Councilor Magee, to amend/adopt the agenda as follows:

- remove from the agenda item 8.10 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (Mayor Weinberger; Board of Finance);
- remove from the consent agenda item 7.8. 2022 Annual Report on BPD data - Office of City Planning and place it on the deliberative agenda as item 8.11. (per Councilor Grant).

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

2. PRESENTATION REGARDING BURLINGTON TELECOM UPDATE

2.1 Presentation: Michael Loucy, President and General Manager and Chris Dautel, Vice President of Strategic Planning and Corporate Development, Burlington Telecom, re: Burlington City Update

President Loucy began by providing an update on the community support and partnership between Burlington Telecom and the City of Burlington since 2019. He noted that they have been working with the City to identify landlines that are no longer active or are incorrect. He also noted that they have increased the number of free WiFi hot spots available around the City. He also spoke about project management around the relocation of technology from Memorial Auditorium, an innovation fund, programs for economically challenged members of the community, and net neutrality activities. He also spoke about an additional \$100,000 in funding that BT provides to the community.

He then spoke briefly about the staff working at Burlington Telecom. He noted 35 FTEs, which represents an increase of 20%. He also spoke about expansion efforts out of Burlington to surrounding communities and noted that BT is consistently hitting its growth targets.

Vice President Dautel spoke in further detail about Burlington Telecom's innovation fund, which invests \$250,000 per year over ten years to support start-ups and grows companies with a social or diverse aspect. He said that for 2022, they added three more companies and a total of \$400,000 in investments. He said that they also work to raise awareness for investment in the fund itself. He said that total employment by the companies invested in for 2022 was 222 employees.

President Loucy spoke about the STEM technical grant, which will be awarded in August for 2023. He spoke about 2022 grant recipients, as well as past recipients.

Mayor Weinberger provided historical context for the relationship between the City and Burlington Telecom. He noted that while they are separate legal entities, there is an agreement between the two that has significant ongoing provisions, such as commitments to make local investments and continued service expansion.

Councilor Carpenter asked about getting Burlington Telecom services into multi-family low-income housing units. President Loucy replied that they are in constant communication with developers when they have units that come online, to work with them to offer BT's utilities.

Councilor Bergman requested a written description of the Burlington Telecom agreement with the City, to ensure that newer Councilors have more of an understanding of the arrangement. Mayor Weinberger said that he would provide documents to those who would like them.

Councilor Dieng commended BT for its innovation fund and STEM grants. He noted that some constituents in the New North End have complained about slower service and asked what could be causing that. President Loucy replied that the Burlington Telecom network doesn't have variable service performance according to location, but that users may have issues due to the quality of their routers or their systems that are responsible for relaying data from BT to their home technology. He said that BT works with users to understand speed issues and help resolve them.

City Council President Paul noted that there are still some constituents who are unable to access Burlington Telecom in her area and asked that BT continue to make progress on offering it to all within the municipality.

3. COMMUNICATION: BRIAN MONAGHAN, JARED PELLERIN, KATHERINE SCHAD, RE: LAKEWOOD ESTATES TAX APPEAL (VERBAL) **EXPECTED EXECUTIVE SESSION**

3.1. Communication: Brian Monaghan, Jared Pellerin, Katherine Schad, re: Lakewood Estates Tax Appeal (verbal) **expected executive session**

Acting City Attorney Sturtevant said that this is related to the tax appeal for Lakewood Estates and potential resolution.

Councilors Carpenter and Barlow recused themselves from the executive session discussion.

MOTION by Councilor King, SECOND by Councilor Bergman, that the Council find that premature general public knowledge of legal advice and information concerning the details

of 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 (Councilors Barlow and Carpenter recused).

MOTION by Councilor King, SECOND by Councilor Bergman, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending civil litigation matter, 1 VSA §313(a)(1)(E).

VOTING: unanimous; motion carries (Councilors Barlow and Carpenter recused).

4. PUBLIC FORUM: **TIME CERTAIN – 6:45 PM**

4.1 Verbal Comments

Forum opened at 7:04 PM.

COMMENTS:

Burlington residents (in person):

- Ashley Adams spoke about attending the McNeil Symposium, noting that the goals of mitigating climate change is to remove carbon dioxide emissions from the air through forests and that reducing fossil fuel use and using renewables does not matter. She said that carbon emissions from energy sources is what matters, and that burning wood is worse than burning coal.
- Catherine Bock spoke about her disappointment that the City's renewable energy is not carbon emissions-free. She said that energy usage in Burlington is going to increase with the district pipeline.
- Steve Goodkind spoke about the McNeil Symposium and its speakers and panelists. He urged the Council to ask more questions and understand the science around the district energy pipeline more before approving it.
- Todd LaCroix spoke with concern about how the older generations are harming children and future generations.

Burlington residents (via Zoom):

- Romeo von Hermann spoke about compassion as an essential value for public servants.
- Zach Porter spoke on behalf of Standing Trees, which works on policy issues related to biomass and forestry. He spoke about his experience at the McNeil Symposium, noting that the only arguments for biomass at the McNeil plant are economic, not environmental.
- Pike Porter thanked the City for the McNeil Symposium, as well as the green incentives related to weatherization. He expressed concern about biomass as an alternative to fossil fuel, saying that emissions will not be lowered. He noted that other states are decommissioning their biomass plants and that biomass is no longer carbon neutral and will not be subsidized as a greener form of energy consumption.
- Sharon Bushor spoke about the FY23 budget, expressing concern that there will only be one City Council meeting at which the budget will be discussed. She also expressed concern for the affordability of the City for residents. She also thanked the City for the McNeil Symposium.
- Peter Duval commented on the district energy system, expressing disappointment at BED's work on the steam transmission line, saying that it will be several steps backward for net zero energy.

Forum closed at 7:29 PM.

5. IN RE: LAKEWOOD ESTATES TAX APPEAL

5.1 In Re: Lakewood Estates Tax Appeal

Councilors Carpenter and Barlow recused themselves from the vote.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to approve and authorize the Mayor, in conjunction with the City Attorney's Office, to enter into a stipulated settlement agreement in a pending litigation matter captioned Lakewood Estate Beach Club, Inc. v. City of Burlington.

VOTING: unanimous; motion carries (Councilors Barlow and Carpenter recused).

6. CLIMATE EMERGENCY REPORTS

6.1 Climate Emergency Reports

Councilor Bergman spoke about the action that South Burlington has taken to ensure that at least 40% of the roof space of any new building be solar ready and that any new building that is 4 or more stories be required to generate some of their energy using solar energy. He said that it would be well worth looking into for Burlington's regulations.

Mayor Weinberger spoke about the net zero energy report that was released last week, noting that BED General Manager Springer will report on it later on in the agenda.

7. CONSENT AGENDA

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

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

7.3 Communication: 195-201 Flynn Avenue 2019 Second MOU Extension – DPW - 1. Move to approve a three-month, term-only, no cost extension of the Second 2019 Chittenden Solid Waste District – City of Burlington Memorandum of Understanding through September 30, 2023, and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney's Office; and 2. Move to request that the Ordinance Committee study the feasibility of an ordinance update to expand the use of the solid waste generation tax to include soil recycling as imposed through Burlington City Ordinance Chapter 14 and report back to the Council, to include a draft amendment to such ordinance if determined feasible, no later than September 2023.

7.4 Communication: FY24 Vehicle Purchase Recommendations – DPW - 1. To approve and recommend the City Council approve the proposed FY'24 Fleet Purchasing List as detailed in Attachment F, and authorize purchase of the vehicles listed therein, for a total in the amount of \$517,000.00; and, 2. To approve and recommend that the City Council authorize the Department of Public Works, to auction the FY'24 replaced vehicles/equipment through various online public auctions; or, to trade-in such vehicles/equipment to the vendor where replacement(s) are purchased; or, if such auction and/or trade-in is unsuccessful or not financially feasible, to arrange for such vehicles/equipment to be hauled away for scrap at the current market price.

7.5 CY22 Street Reconstruction Program Contract Amendment for Paving Work on Flynn Avenue - DPW - approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2022 Street Reconstruction Program contract with S.D. Ireland Brothers to effect a maximum limiting amount increase of \$93,990.97 to the previously authorized contract expenditure limit with S.D. Ireland of \$2,979,535.11, for a total authorized maximum contract expenditure of \$3,073,526.08, 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.

7.6 FY24 Traffic Markings Contract Award Request – DPW - authorize the Director of Public Works to execute a contract with L&D for a maximum limiting amount of \$154,804.43 for pavement marking, subject to review and approval by the City Attorney's Office.

7.7 Request for Authorization of a Budget Neutral Amendment to the FY2023 Patrick Leahy Burlington International Airport AIP-125 Project Budget in the Amount of \$1,050,000 – Airport - authorize a budget neutral amendment to the FY23 Patrick Leahy Burlington International Airport budget to increase Federal Grant Revenue by \$923,965 and Interfund Transfer Proceeds by \$126,035, and to increase Capital Expenditures by \$1,050,000, for a total increase of overall expenditures by \$1,050,000.

7.8 2022 Annual Report on BPD data - Office of City Planning **now agenda item 8.11.** - waive the reading, accept the communication, and place it on file.

7.9 FIO Document – for information only.

7.10 Resolution: Authorization To Apply To Downtown Sales Tax Reallocation Program Re CityPlace Project - 75 Cherry Street (Board of Finance) – waive the reading and adopt the resolution.

7.11 Resolution: Authorization To Apply To Downtown Sales Tax Reallocation Program Re The Post Apartments Project - 176 South Winooski Avenue (Board of Finance) - waive the reading and adopt the resolution.

7.12 Ordinance: Chapter 22, Parks--Section 23, Penalty (Parks, Recreation & Waterfront Department) - waive the reading and place in all stages of passages and adopt the amendment to Chapter 22, section 23, of the Burlington Code of Ordinances, as outlined in the attached ordinance change form, subject to review by the City Attorney's Office.

7.13 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 20, 2023, 4 pm - 11 pm, in the adjacent/adjoining private parking lot - approve the one day only special event outdoor entertainment permit application for The Wallflower Collective, August 20, 2023, 4 pm - 11 pm, in the adjacent/adjoining private parking lot.

7.14 Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, September 24, 2023, 4 pm - 11 pm, in adjoining parking lot (private) - approve the one day only special event outdoor entertainment permit application for The Wallflower Collective, September 24, 2023, 4 pm - 11 pm, in adjoining parking lot (private).

7.15 Burlington Bike Share Encumbrance Application - Bird Rides Inc. - DPW - approve the Encumbrance Application for Bird Rides Inc. requesting use of public right of way space for an electric bike fleet, and to authorize the Mayor to execute the attached Encumbrance Permit and License Agreement, subject to review by the City Attorney's Office.

7.16 Birdseye Building Company - 288 Maple Street - Encumbrance Permit Application - DPW - approve the Encumbrance Application for Birdseye Building Company requesting use of the public right-of-way for construction related parking as detailed in Attachment C, 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.

7.17 95 Saint Paul Street - Encumbrance Permit Application - Cafe Dim Sum - DPW - approve the Encumbrance Application for Café Dim Sum at 95 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

7.18 Whiting-Turner Encumbrance Application - Burlington High School - DPW - approve the Encumbrance Application for Whiting-Turner requesting to occupy a portion of the public right-of-way on North Avenue and Institute Road as detailed in Attachment C, and authorize the Mayor to enter into a license agreement with the Applicant for use of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.18.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Tobacco License Application (2023-2024): Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street

MOTION by Councilor Shannon, SECOND by Councilor Magee, to approve the 2023-2024 Tobacco License Application for Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street.

VOTING: unanimous; motion carries.

8.2 Tobacco License Application and Tobacco Substitute Endorsement Application (2023-2024): RGS Nepali Market, 1563 North Avenue

MOTION by Councilor Shannon, SECOND by Councilor Magee, to approve the 2023-2024 Tobacco License Application and Tobacco Substitute Endorsement Application for RGS Nepali Market, 1563 North Avenue.

VOTING: unanimous; motion carries.

8.3 2023 Board and Commission Appointments - Slate - (10 mins.)

Councilor King, the chair of the ad hoc committee for 2023 board and commission appointments, spoke about the committee's work. She thanked Councilors Bergman, Grant, and Shannon for their work to volunteer on the committee as well. She spoke about the committee's process for interviewing applicants.

MOTION by Councilor King, SECOND by Councilor Bergman, to approve the Board and Commission 2023 Appointment Slate. The slate is as follows: Chittenden County Regional Planning Commission-alt – Readvertise; Chittenden County Regional Planning Commission - Andy Montroll; Church Street Marketplace Commission - Becky Holt; Church Street Marketplace Commission - Erik Monsen; Church Street Marketplace Commission – Readvertise; Chittenden Solid Waste District – alternate – Readvertise; Fence Viewer - Paul Schmidt; Fence Viewer - Shay Totten; Fence Viewer – Readvertise; GMT Board – alternate - Floor Vote; Green Mountain Transit Board - Floor Vote; Housing Board of Review – Readvertise.

VOTING: unanimous; motion carries.

8.4 Appointment: Green Mountain Transit Board (Term Expires 06/30/26)

MOTION by Councilor Shannon to nominate Andrea Suozzo to the Green Mountain Transit Board.

MOTION by Councilor Bergman to nominate Will Anderson to the Green Mountain Transit Board.

Andrea Suozzo spoke about her interest in serving on the GMT Board, her qualifications for serving on the board, and her excitement about the opportunity to serve as the voice of Burlington riders on the board.

VOTING (for Andrea Suozzo): 8-4 (Councilors Bergman, Magee, Grant, and Hightower dissenting).

Andrea Suozzo is now appointed to the Green Mountain Transit Board.

8.5 Appointment: Green Mountain Transit Board - alternate - (Term Expires 06/30/26)

MOTION by Councilor Bergman to nominate Will Anderson to the Green Mountain Transit Board alternate position.

VOTING: unanimous; motion carries.

8.6 City Place Public Improvements Construction Costs - DPW (15 mins.)

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to accept and approve construction costs of the Public Improvements by S.D. Ireland Brothers, Inc.; and, authorize payment for such construction costs in an amount not greater than \$11,600,624, with an additional authorized contingency of \$1,903,299, for a total authorized expenditure for such construction costs not to exceed \$13,503,923, subject to necessary review and approval by the Chief Administrative Officer and in accordance with ARDA 2.0.

DISCUSSION:

- **Director Spencer said that this is in coordination with multiple City Departments, DPW has been working to make comprehensive and generational upgrades to downtown rights of way, based on great streets standards that have been approved**

by the Council. He said that the goals of this are to make streets more resilient and the streetscape more vibrant. He said that this current discussion is focused on several rights of way in the heart of downtown, partnering with CityPlace partners and adjacent stakeholders.

- Senior Engineer Wheelock said that S.D. Ireland will be constructing the new Pine and St. Paul Streets that extend between Bank and Cherry Streets, as well as curbs. She said that this is in alignment with and will adhere to the Great Streets design standards approved by the City Council.**
- Councilor Dieng asked if construction includes electric poles. Senior Engineer Wheelock replied that the current sections of street will include underground wiring.**

VOTING: unanimous; motion carries.

8.7 Net Zero Energy Presentation - Electric (20 mins.)

BED General Manager Springer noted that this update was released last week. He spoke about the four components of the net zero energy goals, which include electrifying buildings, moving toward more electric vehicles for ground transportation, moving towards district energy, and reducing the number of miles traveled by vehicles through increased walking, biking, and other alternative modes of transit. He noted that Burlington is the top city per capita in the northeast for solar. He spoke briefly about how Burlington has exceeded the state's obligation for electrification through the State's energy standards. He spoke about anticipated increases in electrified buses and other infrastructure. He spoke briefly about the increase in residential heat pump installations. He spoke about the City's 2030 vision for making Burlington a net zero energy city by eliminating fossil fuel emissions.

General Manager Springer provided statistics about gasoline and diesel consumption by the City and its residents. He noted that there are fewer vehicles being registered in Burlington, speaking about the opportunities for walking, biking, and carsharing. He noted that vehicle miles traveled have not rebounded since Covid. He spoke about more challenging circumstances for building natural gas use, saying that it has rebounded and is not within the target for NZE by 2030.

General Manager Springer noted key takeaways from the 2022 roadmap update. He noted that building local policies, such as rental weatherization, new construction renewable heating, and carbon pricing, will begin to impact data in the next several years, that district energy would make a significant impact in reducing the commercial sector's fossil fuel use in buildings, and that the Inflation Reduction Act incentives will provide a boost to EV and heat pump adoption.

Councilor Bergman asked whether solar requirements similar to those adopted by South Burlington could be feasible for Burlington. General Manager Springer replied that it would depend on the specific infrastructure, but that BED is very supportive of increasing solar uptake through policies and regulation, if possible. Councilor Bergman asked about the feasibility of geothermal energy. General Manager Springer replied that BED is active in the geothermal space and that they are working with the new high school to use geothermal energy. He noted that it is difficult to retrofit geothermal into an existing building, but that it is a fantastic opportunity for new builds. Councilor Bergman asked what different areas could be appropriate for a larger array of solar panels, such as old landfills. General Manager Springer replied that opportunities like that will be rare, given that the City has limited land use opportunities for large solar arrays, but that there are more opportunities for smaller solar arrays on rooftops.

Councilor Barlow asked whether Burlington's current measures in the thermal sector are enough to bend the curve back downward, and General Manager Springer replied that he thinks the current measures will be sufficient, combined with district heat. He also said that the carbon fee policy should be extremely effective. Councilor Barlow asked about feasible storage methods and systems that BED may be looking at. General Manager Springer replied that they are looking at battery storage but also using electric boilers to store solar energy when the sun is out but demand is low.

8.8 Annual Commission Report - Burlington Electric Commission (15 mins.)

Burlington Electric Commission Chair Moody provided a summary of the annual report, noting several areas of interest. He noted interest and concern about the increase in BED's fees, but that there will

be a further update on this in the fall. He spoke about work to examine the department's streetlight policy, noting that they have determined that maintaining the status quo was determined to be the best approach. He spoke about the economics of BED, speaking about how it is trying to keep its controllable costs down as much as possible, recognizing the effects of inflation. He spoke about the district energy project, noting that it should be moving forward in the fall of 2023. He finally noted that BED's green incentives are a great thing for ratepayers to take advantage of, if possible.

Councilor Shannon asked why neighborhoods get lighting upgrades and asked how the type of lighting is chosen for neighborhoods. General Manager Springer replied that lights are replaced with lights of like kind in neighborhoods. He said that streets get upgraded lighting when the current lighting is not deemed safe enough or when the lighting needs to be brought up to international safety code and standards.

Councilor Dieng asked how many miles of overhead wires have been buried in 2023 and planned for 2024. General Manager Springer replied that they look at moving cables underground when construction projects are occurring. He said that they have looked at undergrounding for the Champlain Parkway Project, and that they are also discussing opportunities for undergrounding through the Great Streets project. Councilor Dieng requested that the Commission conduct more outreach to address concerns about rate increases.

Councilor Grant asked how planning for burying wiring occurs and how it is decided which streets have wiring move underground. General Manager Springer replied that BED typically doesn't have a budget for undergrounding, which is why it looks for opportunities to do so when construction or street projects are occurring.

8.9 Fire Leadership Pay Scale (FLPS) - Fire (10 mins.)

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to approve and authorize the wage scale adjustments to the Fire Leadership Pay Scale for Burlington Fire Department Command staff, comprised of the positions of Battalion Chief and Deputy Chief, as further detailed in the above proposed tables; and allow future wage adjustments be consistent with BFFA annual COLA increases; and, further authorize back wages to be paid according to such revised Pay Scale, effective retroactively to January 1, 2023.

DISCUSSION:

- Fire Chief LaChance noted that this issue arose between 3 and 4 years ago and pertains to wage compression between the union and non-union Fire Department staff. He said that based on the most recent BFFA contract, if a position were to move into the Battalion Chief role, it would result in a base pay cut of around \$1,070 per year, or a 1.03% pay cut, which makes it difficult to recruit for this position. He said that this proposed wage scale adjustment would solve this compression issue permanently. He noted concerns from some Councilors about the retroactivity of this proposal, and noted that this process began in March or April of 2022 and that retroactivity back to January of 2023 makes sense.
- Councilor Shannon expressed appreciation for the increased amount of work that the Fire Department has had to do lately.
- Councilor Grant echoed this sentiment, saying that wage equity is tantamount to a strong department.
- Mayor Weinberger thanked Chief LaChance for making this a priority so early in his tenure.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (11 ayes, 1 nay); motion carries.

8.10 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (Mayor Weinberger; Board of Finance) **AGENDA ITEM REMOVED**

No discussion at this time.

8.11 2022 Annual Report on BPD data - Office of City Planning **was agenda item 7.8**

Councilor Grant said that she requested this be placed on the deliberative agenda due to several concerns. She said that she would like more access to use of force data, or information around why more detailed use of force data has been delayed, as this is a sensitive issue for the Police Commission and Public Safety Committee. Deputy Chief Labrecque said that the use of force data is delayed because they now use a private company as a vendor for this information and are having to develop processes so that City analysts are able to go into the database and pull the data when they need to. He said that this delay should be resolved in future once this process is finalized.

Councilor Magee asked about the security changes that were made to access Valcour, noting that they are more strict. Deputy Chief Labrecque described how individuals pass security tests to gain access to Valcour and noted that security was tightened to be more standardized and adhere to existing policies.

Mayor Weinberger spoke about the enhanced transparency portal, noting that it is important to provide the public as much information as can be shared.

City Council President Paul said that she will work with Director Tuttle to get this report on the agenda as a completed document.

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

VOTING: unanimous; motion carries.

9. COMMITTEE REPORTS

9.1 Verbal Reports

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee (TEUC) met on June 13 and held a symposium on biomass generation at McNeil. He said that the recording is available through the BED website as well as through CCTV (Channel 17). He said that the TEUC has not discussed follow-up actions related to the symposium but anticipates that they will do so at a future meeting, as it is an important topic to discuss as the City considers next steps around district energy. He added that the TEUC will hold a joint meeting with the Vehicle for Hire Licensing Board on June 27 at 5:00 PM at 645 Pine Street.

Councilor Carpenter thanked the TEUC for the McNeil symposium and the sheer amount of information that was presented. She suggested that the Council hold a work session prior to considering the district energy proposal.

Councilor Bergman said that the Joint Ordinance and Charter Change Committee will meet on July 6th to discuss police oversight, and that the Tax Abatement Committee had an organizational meeting and anticipates holding hearings in the fall.

Councilor Grant thanked the Racial Equity Inclusion, and Belonging (REIB) Department for the Juneteenth event that was put on last Saturday, despite the less than ideal weather.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1 Verbal Reports

Councilor Dieng spoke about the efforts of the REIB Director, Kim Carson, to put on the Juneteenth event. He said that this has been the best Juneteenth event the City has put on, in his opinion, because it collaborated with a number of City departments and was planned and executed very skillfully.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1 Verbal Reports

City Council President Paul noted that a meeting was added on June 26th, 2023 for the Board of Finance and City Council, which will be to vote on the Mayor's FY24 City budget.

12. MAYOR – GENERAL AFFAIRS

12.1 Verbal Reports

Mayor Weinberger expressed appreciation for the Juneteenth celebration this past Saturday and thanked Director Carson and the REIB department. He also provided an update on the 2023 veto session at the State's legislature, noting that there are a number of bills that are up for veto and override that pertain to the City. The first is the childcare bill, which is aligned with Burlington's early learning initiatives, and was overridden and will be moving forward. Another is the veto of the Burlington charter change related to all-resident voting, which was overridden and will now allow Burlington to join several other Vermont municipalities in allowing all residents to vote in local elections. The third, while not a veto and override, is a companion bill to the budget that changes the sunset of the motel voucher program, so that the vulnerable and high-needs groups that were slated for eviction will not occur at the end of July, and will engage in coordinated reentry and end in April. He lauded this as a positive legislative action, noting that it may not have occurred had Burlington not objected so strongly to the program ending in July. He noted that the City continues to advocate for the use of the 108 Cherry Street building as a way to address the volume of unhoused in the City.

13. ADJOURNMENT

13.1 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Dieng, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 9:42 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
SPECIAL MEETING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 26, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Kim Sturtevant
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:00 PM.

MOTION by Councilor King, SECOND by Councilor Magee, to amend/adopt the agenda as follows:

- remove from the consent agenda item 3.3 Communication: Councilors Gene Bergman and Ben Traverse, co-chairs, Joint Committee on Oversight, re: Decision on extension of time for Report to the Full Council as per February 6, 2023 resolution and place it on the deliberative agenda as item 4.4 (per City Council President Paul per Councilor Grant)

VOTING: unanimous; motion carries.

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

2.1 Verbal Comments
None.

3. CONSENT AGENDA

3.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
3.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication and place it on file.
3.3 Communication: Councilors Gene Bergman and Ben Traverse, co-chairs, Joint Committee on Oversight, re: Decision on extension of time for Report to the Full Council as per February 6, 2023 resolution **now agenda item 4.4**

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 3.1-3.2.

VOTING: unanimous; motion carries.

4. DELIBERATIVE AGENDA

4.1 Resolution: Authorization of Parking Revenue Financing For The Department Of Public Works (Board of Finance)

MOTION by Councilor Magee, SECOND by Councilor Hightower, to waive the reading and adopt the resolution.

DISCUSSION:

- **Director Spencer noted that this is seeking a revenue bond to fund significant capital upgrades in the Downtown and Marketplace parking garages. He said that this work has been completed and will extend the life of each facility. He said that in Years 1 and 2 of the payment terms the City will be responsible for making interest payments, and will make payments on the principal and interest in Years 3 through 5 of the loan. He noted that DPW is working diligently to return its Parking Facilities and Traffic funds back to fiscal health, noting that Covid-19 has impacted the revenues of both funds greatly. He said that DPW is preparing a multi-year pro forma in the next several months to meet those goals.**
- **Councilor Carpenter asked what is causing the lower revenues in the parking and traffic funds. Director Spencer replied that there is both a decrease in on-street and off-street parking, but noting that the off-street parking is seeing less revenue growth of the two. He noted that this is in part due to the decrease in the number of people commuting to work into Burlington and needing parking. Councilor Carpenter asked whether people aren't using the parking garages due to security concerns. Director Spencer replied that they have upgraded security and lighting, and have removed graffiti in the City's garages.**

VOTING: unanimous; motion carries.

4.2 Resolution: Annual Appropriation And Budget For Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (Mayor Weinberger; Board of Finance)

Mayor Weinberger said that this is the 12th and most difficult budget he has submitted for the City Council's consideration. He noted significant challenges in rising inflation, volatility, revenue shortfalls related to the pandemic, the phasing-out of federal support for Citywide equity initiatives, and an aversion by all parties to increase taxes. He said that despite these challenges, this budget advances public safety goals by rebuilding the police department, addressing the climate crisis by electrifying more of everything, makes infrastructure and capital investments, includes funding to address the opioid crisis, and includes permanent, full-time positions for the Racial Equity, Inclusion, and Belonging Department. Further, he noted that the budget recognizes that these challenges will also plague future years, such as issues with the fleet and capital investments, and will fund studies around fleet management, impact fees, property tax equity, technical assistance for CEDO, and exploring alternatives to property tax revenues for future years. He thanked Chief Administrative Officer Schad and department heads for their work on this budget.

Chief Administrative Officer Schad began by reiterating the challenges for the FY24 budget, including increased public safety personnel costs, vehicle fleet costs, and COLA increases to non-public safety staff, as well as inflationary pressures. She provided an overview of the General Fund budget of \$101.1 million, noting that it represents a \$3.1 million (3%) increase in revenues over FY23 and a \$3.7 million (4%) increase in expenses over FY23. She noted the major elements of the \$5 million budget gap between revenue and expenses, which included \$1 million in vehicle fleet costs, \$1.3 million increased Burlington Police Department personnel costs, \$950,000 in increased Burlington Fire Department personnel costs, and \$1.7 million in COLA increases to non-public safety staff and inflationary pressures. She said that this gap was addressed through \$400,000 from the unassigned fund balance and \$600,000 through other one-time sources for the fleet costs, use of City Council Charter Authority to Properly Fund Parks for an additional \$1.1 million, repurposing ARPA Revenue

Replacement Reserve funding of \$1.75 million (which is rolled over from FY23) and repurposing the BPD Rebuilding Reserve of \$500,000 to fund the first year of a multi-year plan to phase in new public safety costs, and finding an additional \$750,000 of cuts and adjustments including a doubling of FY23 attrition. She noted that the overall use of the unassigned fund balance will total \$590,000, which will leave an unassigned fund balance of \$7.6 million or 10.13% (which is in line with the unassigned fund balance policy).

Chief Administrative Officer Schad spoke about the impacts of the above to the FY23 municipal tax rate. She noted that the tax rate will increase by 6.2% from \$0.7082 to \$0.7523, which includes the addition of a \$0.005 increase to the dedicated street capital and greenbelt tax for additional street patching, and includes raising the exemption for the Business Personal Property Tax from \$45,000 to \$75,000. She noted that the FY24 monthly increase would be \$39 per month, which includes the increases for school and municipal taxes, as well as increased electricity, water, and recycling rates.

Chief Administrative Officer Schad provided a summary of the proposed FY24 revenues and expenses. She noted that 69% of the revenues are non-departmental and the remainder is spread throughout the departments. She noted that the largest source of expenses (other than non-departmental) are in public safety, with the Fire Department making up 15% of expenses and the Police Department making up 19% of the expenses.

Chief Administrative Officer Schad spoke about looking ahead to FY25 and beyond, noting that many of the FY24 budget's challenges will persist. She spoke about proactive steps to address this, including implementation of numerous revenue and operational studies, developing a capital plan to meet the City's needs before additional bonding capacity is available, increasing franchise and other non-property tax sources of revenue, developing a sustainability plan for expanded public safety, and quarterly report-outs to the Board of Finance on revenues and expenses.

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

DISCUSSION:

- **Councilor Barlow expressed support for the revenue and operational studies, which address the need to seek non-property tax sources of revenue. He expressed support for the budget overall, believing it to be balanced and responsible.**
- **Councilor Shannon expressed disappointment that this budget both raises taxes and dips into the City's unassigned fund balance, citing the need to maintain the City's credit rating, given inflationary pressures and high interest rates. She expressed appreciation for the staff and administration's work on the budget, and will support it.**
- **Councilor Magee spoke about additional tax that was included in the budget for paving, expressing concern about affordability in Burlington. He said that the City must be mindful of this in the budget conversation. He said that because of this, he will not be supporting the budget. He said that in future budget years, it will be challenging to sustain services without overburdening low-and-moderate income Burlingtonians.**
- **Councilor Grant expressed concern about affordability for her constituents. She said that the City has discussed finding alternatives to property taxes, but that not much has been done to actually find viable alternatives. She said that the City needs to establish a task force or work group to take the steps needed to alleviate property taxes.**
- **Councilor Hightower said that there is a lot in this budget to celebrate, but said that the budget is a moral document, and must be guided by the City's moral obligation to its constituents. She said that the City is not making the right calibration in its approach to building the budget, given the grave affordability concerns and growing number of unhoused individuals in the City.**
- **Councilor Dieng asked why the City has not seen revenues pick back up since the pandemic. Mayor Weinberger replied that revenues have recovered significantly since 2020, though waterfront and parking revenues have been slower to respond to the end of the pandemic. He noted that parking revenues may never increase back to pre-pandemic levels, given that many activities can occur remotely and vehicle**

travel is required less often. He noted that they anticipate waterfront revenues to recover fully. Chief Administrative Officer Schad noted that gross receipts and local option tax revenue has also recovered since 2020. She also noted that due to higher interest rates, the City has not seen as much revenue from fees as it had when interest rates were lower and there were more transactions and developments. She confirmed that there will not be impacts related to bonding for the High School in FY24.

- Councilor Carpenter asked what proportion of the non-departmental fees were property tax, and Chief Administrative Officer Schad replied that property tax makes up 50% of the non-departmental revenues. Councilor Carpenter asked what impact the increase in COLAs had on the total increase in expenses. Chief Administrative Officer Schad replied that AFCSME was 4.8%, BPOA was 5%, and the Fire Department was 5.75%, and the COLA increases accounted for most of the increase in the budget. Councilor Carpenter said that given that the budget is so focused on City employees and supporting them, that should be recognized. She spoke about the homeless crisis, noting that some surrounding municipalities are not pitching in, and suggested that perhaps a county tax similar to that of GMT is contemplated to help solve the crisis. She said that municipal taxes should be more income-sensitized and that the City should explore this.
- Councilor Bergman expressed dismay at the difficult position the City is in with this budget, with the options being to implement austerity measures and cut services or raise property taxes and utility rates, both of which disproportionately affect low and middle income households. He said that the City is not raising nearly enough revenue, and is not focusing on sources of revenue that are progressive for households. He said that he would like to tap into the unassigned fund balance to fund street paving and patching, rather than raise the tax. He said he will support this resolution but will not support the tax assessment on the grand list, unless \$290,000 is raised without increasing taxes.
- Councilor Shannon said that every dollar taken out of the unassigned fund balance just kicks the can down the road. She said that the tax increasing for paving isn't for frivolous spending, but for investments in infrastructure for the residents of the City. She said that the budget does not favor the upper class over the lower-class residents.
- Councilor Dieng said that this tax increase is justified, though he recognizes the burden it places on households.
- Mayor Weinberger emphasized that this is not an austerity budget and focuses more resources on public safety, the climate emergency, the opioid crisis, and the unhoused. He noted that the City has had a remarkable success in reversing state policy regarding the unhoused. He noted that the City has quadrupled its funding in its housing trust fund and that he has asked CEDO to look into how to use that funding to solving the housing and homelessness crisis. He disputed the claim that the City has not made movement in seeking alternative sources of revenue than municipal taxes. He noted the requirement that the City retain an unassigned fund balance between 5% and 15%, and that it has worked hard to ensure that it builds up reserves in the fund balance. He urged the Council not to make last-minute changes to the budget through use of funds from the unassigned fund balance.
- Councilor Hightower noted that both she and Councilor Magee had previously voiced concerns about the budget. She also noted that this Council is most productive and has the best outcomes when it works through issues where there is dissent to a resolution palatable to all. She acknowledged the incredible suite of services offered to residents by the City, but noted that it is most often the middle class individuals in the City who are able to take advantage of them, and that they need to constantly keep looking out for ways to better the lives of the most vulnerable and needy.
- Councilor Grant agreed with Councilor Hightower. She said that politics reduces the conversation about important issues. She expressed concern that the City is becoming a boutique community and that lower-income individuals may be forced out by tax creep. She said that the City needs to think creatively about sustainable sources of revenue that are not reliant on property taxes.

- **Councilor Bergman** said that he isn't characterizing this budget as an austerity budget, but noted the \$750,000 in cuts, as well as the woefully underfunded street paving program and the high level of work that staff must endure. He said that taking an extra \$250,000 from the unassigned fund balance would still keep the balance within 9%.
- **Councilor Magee** expressed appreciation for the effort to seek alternative sources of revenue for the City. He noted with concern the federal grants that the Board of Finance and City Council have approved without having a funding source for the local match. He noted that he voiced concern for the increased street tax the first night that it was brought before the Board of Finance, and resents the characterization that he is bringing this up at the last minute.
- **Councilor Traverse** said that his constituents have been bearing the brunt of the reappraisal and the fact that income-based tax assistance was delayed for a year after the reappraisal, though the assistance has caught up. He said he is extremely supportive of the wage increases in this budget for City employees. He noted that the budget also funds mandates that were previously put in place by this Council. He asked where additional funds can be found, and said that he does not support tapping into the unassigned fund balance. He said that the City Council has a responsibility to govern and that one of its primary activities is to pass the City's budget.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (10 ayes, 2 nays); motion carries.

4.3 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (Mayor Weinberger; Board of Finance)
 Chief Administrative Officer Schad noted that this resolution outlines the 12 different tax rates that make up the municipal tax rate. She noted that the specific tax rates of interest during tonight's discussion have been the capital and green belt tax rate. She noted that in FY22, those rates were held down to ensure affordability after the reappraisal. She noted that last year, those rates were brought up to their maximum level and fully funded. However, she discovered that the street capital and green belt rate had not been maxed out and hence why she came back to the Board of Finance with that additional half-cent proposed increase.

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

DISCUSSION:

- **Councilor Bergman** said that the City needs significant tax reform to base municipal taxes on the ability to pay. He additionally noted that the Urban 3 revenue study will highlight the areas that are underperforming from a valuation perspective and have the most tax revenue potential for redevelopment, which could have the potential to encourage public policies that drive up value and property taxes and drive out middle-income residents. He said that the City must study the significant anti-displacement investments that must accompany such analysis. He further noted that municipal property taxes should be income-sensitized.

MOTION TO AMEND by Councilor Bergman, SECOND by Councilor Dieng, to amend Line 8 to strike "and one-half cents" and modifying "\$0.0550" to be "\$0.05".

DISCUSSION OF AMENDMENT:

- **Mayor Weinberger** said that if this amendment passes, he is unsure whether the City has met its charter obligations to pass a balanced budget before the end of the fiscal year, as this amendment would reduce the amount of revenue in the budget assumptions without reducing corresponding expenses. Councilor Bergman said that they could additionally amend the resolution to appropriate more unassigned fund balance to cover the reduction in revenue from the taxes.

- Councilor Carpenter said that the City is mandated to pass a balanced budget, but could be called upon to move money from the unassigned fund balance in the middle of the year. Chief Administrative Officer Schad offered the example of the TIF audit that needed to pull an additional \$500,000 from the unassigned fund balance. She noted that the City's policy for the unassigned fund balance says that it should not be used to fund general, routine, or recurring operating expenses of the City.
- Councilor Doherty said that this could set a precedent moving forward that Councilors could vote in favor of approving the expense side of the budget without voting in favor of obligating the revenue needed to cover those expenses, and could just assume that it will be covered by the unassigned fund balance mid-year.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (5 ayes, 7 nays); motion fails.

VOTING ON ORIGINAL RESOLUTION (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 3 nays); motion carries.

4.4 Communication: Councilors Gene Bergman and Ben Traverse, co-chairs, Joint Committee on Oversight, re: Decision on extension of time for Report to the Full Council as per February 6, 2023 resolution **was agenda item 3.3**

Councilor Grant noted that she would like this discussed on the deliberative agenda, as it is an item of great interest to the City.

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

DISCUSSION:

- Councilor Bergman noted that the body of work for this subcommittee was too great to be able to meet the original deadline. He noted that the subcommittee has met several times and is meeting on July 6, July 13, August 2, and August 3.
- Councilor Traverse concurred, saying that transparency and communication, as well as soliciting feedback, are going to be valuable for this work. She said that leadership from the police department, multiple City departments, the unions, and the Howard Center have been invited to the subcommittee meetings to participate.

VOTING: unanimous; motion carries.

5. ADJOURNMENT

5.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 8:43 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
SPECIAL MEETING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 26, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E
Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Tim Doherty
Melo Grant
Hannah King
Miro Weinberger

OTHERS PRESENT:

Katherine Schad
Kim Sturtevant
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Weinberger at 6:06 PM.

MOTION by Councilor King, SECOND by City Council President Paul, to adopt the agenda.

VOTING: unanimous; motion carries.

2. CONSENT AGENDA

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

2.2 Communication: Boards and Commissions Ad Hoc Nominating Committee, re:

Appointment of Stephen Hamlin to the Vehicle for Hire Board – appoint Stephen Hamlin to the Vehicle for Hire Board for a term expiring June 30, 2025 and that the position for the term expiring June 30, 2024 be readvertised.

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

VOTING: unanimous; motion carries.

3. ADJOURNMENT

3.1 Motion to adjourn

The City Council meeting adjourned without objection at 6:07 PM.

RScty: AACoonrad

Lori Olberg

From: Sarah Montgomery
Sent: Tuesday, June 20, 2023 12:34 PM
To: Lori Olberg
Subject: FW: My resignation from the BRV

From: Elisabeth Mickenberg <lismickenberg@gmail.com>
Sent: Friday, June 16, 2023 3:20 PM
To: Grace Grundhauser <ggrundha@gmail.com>
Cc: Sarah Montgomery <smontgomery@burlingtonvt.gov>; Tenzin Chokden <tchokden@burlingtonvt.gov>
Subject: My resignation from the BRV

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

Hi Grace,

I am very sad to say that I will need to resign from the Board for the Registration of Voters because I am moving out of Burlington.

I have greatly appreciated the many years that I have been able to participate on the BRV to provide all citizens with the right to vote.

I hope to continue to participate as a helper in upcoming elections.

My best to you and the Board.

Lis

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Lori Olberg

From: City of Burlington Vermont
Sent: Monday, June 26, 2023 4:04 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Brad Wiltfong

Reply to e-mail Address: bradwiltfong@gmail.com

Subject: Protect and Improve the Bike Lane on Pine St

Message: Hello,

My name is Brad. I live and work in Burlington and commute by bike much of the time.

Please Please PLEASE protect the bike lane on Pine Street.

This route is marked as a bike route, but the volume of traffic, rampant speeding, and deteriorating pavement make this a MISERABLE place to commute by bicycle. I am regularly put in danger by inattentive, reckless, and belligerent people in cars.

We have the buffered bike lane, but PAINT IS NOT PROTECTION.

Please place flexi-barriers at minimum in this buffered zone to better delineate the space and narrow the perceived motoring lane to induce slower speeds.

We know that our car centric modes of living are unsustainable and that when bike lanes are protected more people use them.

Help make Burlington and safer, healthier, and more sustainable place to live by protecting and improving the bike lanes on Pine Street.

Thank you for your consideration,
Brad

Submitted on Monday, June 26, 2023 - 16:03 from IP address: 69.5.119.69

Check IP address location: <https://viewdns.info/iplocation/?ip=69.5.119.69>

Questions about this form? e-mail webmaster@burlingtonvt.gov

Lori Olberg

From: City of Burlington Vermont
Sent: Tuesday, July 4, 2023 6:39 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Emma Swift

Reply to e-mail Address: emmaswift@gmail.com

Subject: Bird Bikes

Message: Hi all,

Bird bikes are in town and they're terrible. I've seen them fallen across sidewalks or just clogging the green belt in the south end twice today.

I know the local version of this type of thing failed and the e-bikes were re-claimed but at least those had to be docked back in a designated parking spot to be clocked out and avoid a charge.

While certainly insignificant compared to the serious public safety issues (we routinely have to explain to our three year old why someone is passed out in their car or the park and are on perpetual needle watch around here), it's something that seems one hell of a lot easier to fix, and Burlington could use a win right now.

Thanks,

Emma Swift

Submitted on Tuesday, July 4, 2023 - 18:38 from IP address: 69.5.119.238

Check IP address location: <https://viewdns.info/iplocation/?ip=69.5.119.238>

Questions about this form? e-mail webmaster@burlingtonvt.gov

Lori Olberg

From: City of Burlington Vermont
Sent: Monday, June 26, 2023 4:07 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Amanda Moore

Reply to e-mail Address: amanda.siegal@gmail.com

Subject: Fletcher Free Library

Message: Hello,

I'm writing to inquire about the Fletcher Free Library. Our family is a huge supporter of libraries- they offer so much to so many. We have two young children who adore reading and the events and offerings provided by Fletcher Free as well as the amazing staff. However- it is abundantly clear that the Fletcher Free Library is long overdue for a drastic overhaul/renovation/re-vamping.

Today we went to the South Burlington Community Library and the difference was astounding and I'll be honest (really disheartening for Burlington community members). It was supremely clean, filled with light, incredibly family friendly, well-resourced and beautiful. While I recognize that this is a brand new space, I can't help but wonder what's being considered for Fletcher Free.

Burlington, being the largest city in VT, should have a much better physical space for its citizens and families to promote learning, creativity and connection.

Is there a plan?

Thanks, Amanda

Submitted on Monday, June 26, 2023 - 16:07 from IP address: 24.218.167.219

Check IP address location: <https://viewdns.info/iplocation/?ip=24.218.167.219>

Questions about this form? e-mail webmaster@burlingtonvt.gov



HOUSING BOARD OF REVIEW

City of Burlington

149 Church Street Room 11

Burlington, Vermont 05401

(802) 865-7122

BURLINGTON HOUSING BOARD OF REVIEW

ANNUAL REPORT FOR 2022

Prepared June, 2023

Mission Statement:

The Board shall hear cases concerning appeals of minimum housing orders, appeals under the Minimum Energy Efficiency Standards Ordinance and disputes regarding security deposits. The Board may grant minimum housing variances. (See Burlington Code of Ordinances, Sections 18-120 and 18-35 through 18-69.) It shall issue Findings of Fact, Conclusions of Law, and Orders where appropriate.

General Information:

The Board is comprised of five members; the term of office for each member is three years and each member may serve 3 consecutive full terms. The Chair of the Board conducts meetings and hearings of the Board, administers oaths and may compel the attendance of witnesses. Betsy McGavisk currently serves as Chair of the Board; Evan Litwin is Vice Chair. The other Board members are Charlie Gliserman, Olivia Taylor and Josh Wronski. A clerk keeps minutes of the Board's proceedings, schedules hearings and records the Board's Findings of Fact, Conclusions of Law and Orders. The Board meets approximately twice a month. The Board hears, on average, between four and five cases each time it meets. The bulk of cases the Board hears are disputes over security deposits.

The Process

If a tenant wants to dispute the withholding of a deposit, the tenant has 30 days from the date of the landlord's notice of withholding to file a request for hearing before the Housing Board of Review. In the absence of a notice, the tenant has 44 days from the date of vacating the rental unit to file a request for hearing. The request is filed either in the City Clerk's Office or directly with the clerk of the Board. When a hearing is set, written notices are mailed to the tenant and landlord. Depending on the Board's backlog, anywhere from 3 to 6 cases are scheduled per meeting. The Board hears each case and after all the hearings are concluded for a night, the Board deliberates and usually reaches a decision. Sometimes a case may require some legal research or further advice before the Board can make a decision. In such instance, the Board would deliberate at its next meeting. A written decision is prepared and signed by the Board after which it is sent to the tenant and landlord. Written decisions are issued in approximately 30 days after the hearing.

During the summer months (end of June, July and August), the Board gets a lot of requests for hearing because of the number of apartment turnovers at the end of May. As a result of the backlog of cases, people may wait a little longer for a hearing to be scheduled. In addition, the Board may grant each party one continuance (for good cause) upon request; a continuance will obviously slow down the time between when a request is filed and when the hearing occurs.

The process for hearing appeals from minimum housing orders is similar to that applied to security deposit disputes. Property owners subject to a minimum housing order may request a hearing within 30 days of the action from which relief is sought. At the hearing, both the property owner and code enforcement officer are permitted equal opportunities to present their case. The property owner may either challenge the grounds on which the order is founded or request the issuance of a variance. Once the hearing record is closed, the Board deliberates on whether to grant or deny the appeal, and reviews the case's particular circumstances to determine whether a variance may be granted. While rarely exercised, the Board reserves the right to conduct a site visit prior to issuing its decision. The decision is usually issued within approximately 30 days after the hearing. If a variance is granted, the decision outlines its specific parameters.

Highlights of the Past Year

From January 1, 2022 through December 31, 2022, the Board received 39 requests for hearing: 35 cases were disputes over security deposits and 4 cases were appeals of a Minimum Housing Order. Eight deposit cases were settled before hearing and 1 code case was withdrawn. The Board issued a total of 30 decisions. One decision of the Board was appealed to Vermont Superior Court and the decision was affirmed by the court.

The outcomes of the security deposit disputes are depicted in Chart 1. In 15 cases, the Board ruled that the deposit was forfeited by the landlord due to insufficient or untimely notice to the tenant. In 5 cases, the Board ruled that the deductions taken by the landlord were proper. In 3 cases, the Board ruled the deductions were not proper. And in 4 cases, the Board found that some of the deductions were reasonable.

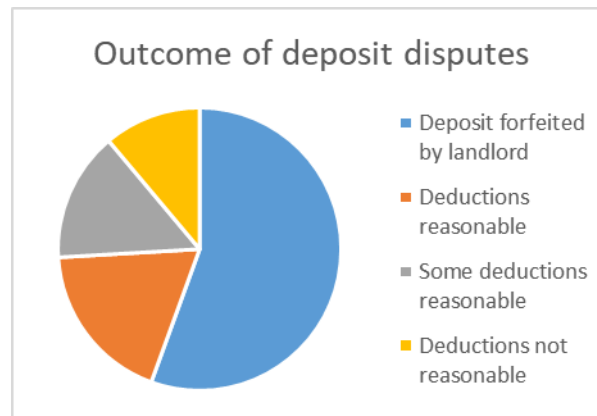


Chart 1

In cases where the landlord was ordered to return some money to the tenant, the amount that was ordered to be returned is depicted in Chart 2.

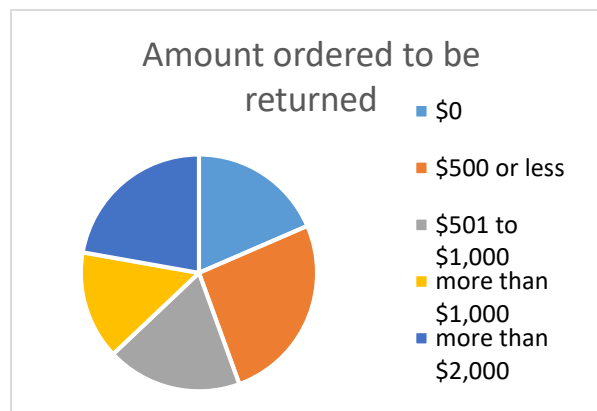


Chart 2

Another highlight of the past year was the addition of an option to request a hearing online. Thank you to the City's IT Department for all their help in accomplishing this goal!

Lastly, the Board returned to meeting in person while preserving the option to appear remotely (ie, a hybrid meeting). The Board believes having a remote option has been highly beneficial to tenants, property owners and their agents, and city employees called to respond to a case. This practice also ensures that the Board is following best practices for providing public access to its meetings. We would encourage other boards to do the same.

Goals for the Coming Years:

- Train all Board members to feel comfortable running meetings should the need arise
- Identify ways to improve education to tenants and landlords
- Increase communication with the administration, city departments and City Council on issues of concern
- Identify ways to address recurring patterns of behavior by landlords

Recommendations:

- The Board has taken notice of a pervasive pattern of fees embedded into rental leases that the Board views as incompatible with the current provisions of Chapter 18 of the Burlington Code of Ordinances (BCO). Some examples of such fees are flat rates for cleaning (such as \$100 for cleaning a refrigerator), for failing to return a key (\$50), and for getting into an apartment if a tenant is locked out (\$75). Flat fees are not necessarily indicative of whether the fee is a reasonable deduction under BCO 18-120.
 - On July 12, 2022, Board Chair Betsy McGavisk and Vice-Chair, Evan Litwin, having requested a meeting with Mayor Weinberger to discuss the issue, met with Chief of Staff, Jordan Redell. Assistant City Attorney Hayley McClenahan was also present.
 - The Board Chair and Vice-Chair recommended that the Mayor's Office direct the City Attorney's Office to undertake a legal review of the various lease fees and fines in question and provide the Board with their findings and recommendations. Additionally, we recommended that the City Attorney's Office prepare a written communication to all known property owners of rental units with educational information.
 - The Board awaits an update on these recommendations.
- The Board recommends that the City Council, in consultation with the City Attorney's Office, consider the following:
 - Chapter 18 has not been updated in over 8 years. Bill Ward, Director of DPI, came before the Board on December 5, 2022 to present potential changes to Chapter 18 and to get feedback from the Board on the changes. The Board thinks that the time is right for the City Council to revisit Chapter 18 in an effort to improve the renting experience for both tenants and property owners.
 - Improve public education to tenants and property owners in the city on their rights and responsibilities.
 - Provide outreach about the existence of the Housing Board of Review and how it works to citizens, as well as to other municipalities that may be considering a Housing Board of Review. As Burlington is the only municipality in Vermont that is known to be exercising its right to create a housing board of review, the Board believes it can provide insight and be a good resource for other municipalities that may be considering the same given the expanding rental stock throughout the state.

CITY OF BURLINGTON
HOUSING BOARD OF REVIEW

/s/ Betsy McGavisk
Betsy McGavisk

/s/ Evan Litwin
Evan Litwin

/s/ Charlie Gliserman
Charlie Gliserman

/s/ Olivia Taylor
Olivia Taylor

/s/ Josh Wronski
Josh Wronski

BURLINGTON ELECTRIC COMMISSION
585 PINE STREET
BURLINGTON, VERMONT 05401
WWW.BURLINGTONELECTRIC.COM



SCOTT MOODY, CHAIR
BETHANY WHITAKER, VICE CHAIR
LARA BONN
JIM CHAGNON
ROBERT HERENDEEN

To: Mayor Miro Weinberger and Burlington City Council

From: Burlington Electric Commission

Date: June 14, 2023

Re: Annual Commission Report

On behalf of the members of the Burlington Electric Commission, we offer this report to Mayor Miro Weinberger and the City Council about our progress and challenges at Burlington Electric Department (BED) during the past year. Our BED mission is to serve the energy needs of our customers in a safe, reliable, affordable, sustainable, and socially responsible manner. Despite economic challenges remaining from the pandemic and exacerbated by volatile power markets and inflation, BED continues to meet our mission as we pursue Burlington's Net Zero Energy (NZE) goal.

Highlights from the past year include:

- **Making progress along the path to Net Zero Energy:**
 - Over the past year, BED continued to focus on making progress toward our NZE goal.
 - In both January 2022 and January 2023, BED announced new and updated incentives supporting customers by investing in cold climate heat pumps (CCHPs), electric vehicles (EVs), EV charging stations at rental and multi-family buildings, electric lawn care equipment, electric bicycles, induction cooking, heat pump water heaters, and additional technologies. BED continues to offer enhanced incentives for low-income customers.
 - Last September, BED was proud to welcome the community to our first-ever Net Zero Energy Festival at 585 Pine Street. We had kids' activities, EV test drives, E-bike test rides, solar and heat pump vendors, electric lawn equipment demos, induction cooking with City Market, an electric bus, live music and a DJ, a lineup of City fleet EVs, fossil-fuel free food trucks, and much more. Please plan to join us on September 23, 2023 (September 24 rain date) for our second annual Net Zero Energy Festival.
 - BED began to fully utilize the new \$20 million Net Zero Energy Revenue Bond capital in FY23, deploying investments for grid reliability, EV charging (including the first new modern fast-chargers for Burlington, soon to be installed at Pine Street and in the Marketplace Garage), and renewable energy plant maintenance. BED also utilized the bond liquidity to support continued enhanced investment in key incentive programs, such as heat pump and EV incentives. BED now has more than 22 times as many heat pumps installed for residential customers as in June of 2020 when BED launched the Green Stimulus program.
 - NZE Roadmap Data: BED continues to work with Synapse Energy Economics to track data annually on progress toward the Roadmap goals. The 2022 data will be shared by General Manager Darren Springer with the Mayor and City Council during the June 20 City Council meeting at which time GM Springer will review and expand upon [this presentation](#).
- **Supporting our customers and community, while navigating volatile energy markets and addressing economic challenges:**
 - As the pandemic stretched into its third year, BED continued to support our customers by helping them access state arrearage assistance program funds, as well as funds available through BED's energy assistance program. While BED ended the moratorium on

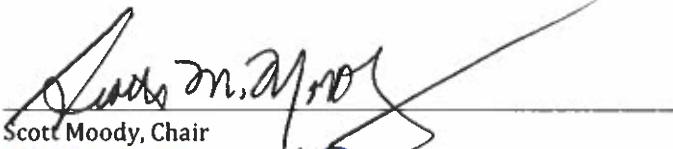
disconnections for non-payment, which it had extended beyond the time mandated by the Public Utility Commission (PUC), BED redoubled its efforts to work with its customers behind on their bills to prevent disconnects by establishing payment plans.

- In spring 2022, BED utilized federal American Rescue Plan Act (ARPA) funds available from the City to support customers who fell behind on their bills during the pandemic.
 - After 12 consecutive years without a rate increase, despite continued fiscal discipline, BED implemented a rate increase of 7.5 percent in fiscal year (FY) 2022 coming out of the pandemic. For FY23, BED held its needed rate change to 3.95 percent. While the more moderate increase benefitted customers, the year unfolded differently in power supply than projected, where a warmer winter and other factors contributed to a \$4 million negative variance compared to budget. This has caused a challenge for BED's days cash on hand metric for FY23, although BED will enter an accounting order with the PUC to allow recovery of some of the lost revenue over a period of time (and to allow amortization of the negative variance), keeping its FY23 adjusted debt service coverage ratio metric in line with expectations.
 - BED's recent rate increases have been well below the inflation rate. As we see other utilities around our region facing double digit rate increases due to fuel price volatility, BED is partly protected from these impacts through its renewable generation plants such as the McNeil Generating Station where BED uses wood chips to produce electricity. Without McNeil helping to provide energy during high price times, BED customers could have seen much higher rate increases.
 - In summer 2022, BED launched a new, low-income pilot energy assistance program, providing a 12.5 percent discount to income-qualified customers and is looking at options for making the program a permanent offering and expanding participation.
 - For FY24, BED will be proposing a budget that includes a 5.5 percent rate increase. BED is able to keep the rate change to mid-single digits due to its work to hold controllable operating expenses (non-transmission and non-power supply) below FY23 levels despite continued upward cost pressure from inflation and labor COLAs. Also, BED is working on longer-term items to help further stabilize its finances and metrics while continuing to navigate the post-pandemic economic environment. One item will be a proposed credit line increase that could be considered for a charter change on Town Meeting Day 2024.
- **Delivering strong results for safety, reliability, and customer care:**
 - At BED, safety is our number one value.
 - BED continued to have strong metrics for safety and reliability (number and length of outages) in FY23, with a renewed focus on field visit reporting from the Safety Team. Customers continue to prize reliability above all other items, and BED continues to deliver strong outage response and to make system reliability investments. In FY24, BED will install a new, modern grid system video wall for our Dispatch Team to support outage response.
 - BED achieved its fifth consecutive year without a single complaint escalated to the Department of Public Service about its Customer Care Team.
 - **Further strengthening the working relationship with the IBEW:** BED management continues to work on maintaining a strong relationship with the International Brotherhood of Electrical Workers (IBEW), evidenced by a new four-year agreement that began implementation in FY23. BED management and the IBEW work well together to achieve common goals around safety, Net Zero Energy, district energy, and other topics.
 - **Progressing with energy efficiency:** BED has developed and administered energy efficiency programs that have achieved success for residential and commercial customers over several decades. Burlington's electricity consumption in calendar year 2021 (CY21) was approximately eight percent (adjusted to remove COVID-19 impacts) lower than in 1989 when the efficiency programs began. From 1989-2018, statewide electric consumption increased approximately 10 percent, and U.S. electric consumption over 30 percent during same time period. As both a distribution and energy efficiency utility, BED is in a unique and strong position to offer customers a full suite of efficiency

and beneficial electrification solutions.

- **Advancing district energy:** BED reached a number of important district energy milestones in FY23, including obtaining actual construction bids, creating the 501(c)(3) non-profit called Burlington District Energy, which will manage the project and financing, and for the first-time ever submitting Act 250 documents to begin the permitting process. BED also continued work on the federal grant from Senator Leahy, and additional work on financial term sheets and financing. BED is a few months away from a final go/no-go decision.
- **Implementing IT Forward and strengthening cybersecurity:** BED reached a key milestone with IT Forward, its information technology systems plan, in FY23, with the April 2023 go-live of the new Meter Data Management System (MDMS), one of three key technology systems envisioned for upgrade. Following the MDMS will be both a new customer energy usage portal and a new outage map. Thereafter, BED will tackle a new Customer Information System (CIS) in FY24. BED has invested heavily in infrastructure modernization, cybersecurity, and disaster recovery. Teams have worked through Department of Homeland Security Cybersecurity and Infrastructure Security Agency assessments, launched a new backup and disaster recovery platform, upgraded major network systems, increased network redundancy, tightened end user policies and procedures, and launched regular security trainings for all BED users.
- **Enhancing community outreach:** BED continues to engage the community through events like Art Hop, Lake Monsters Games, farmers markets, Summervale, its second annual, bigger and better Net Zero Energy Festival, and more. As we move forward, BED is expanding its outreach by having its new Energy Equity Analyst hold "office hours" at the King Street Laundromat and by hosting a tent at Burlington's upcoming Juneteenth event.

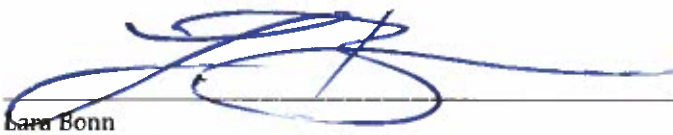
Thank you for the opportunity to serve the Burlington community and to present this report. We appreciate all the impactful work you do for Burlington.



Scott Moody, Chair



Bethany Whitaker, Vice Chair



Lara Bonn



Jim Chagnon



Robert Herendeen



Fee \$25.00

May 1, 2023 ---- April 30, 2024

**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 Burlington City Arts
2. D/B/A (Business Name) _____ 3. Bus. Phone 802-846-2523
4. Business Address 135 Church St, Burlington, VT 05401
5. Mailing Address 135 Church St, Burlington, VT 05401
6. Contact person Zach Williamson 7. Contact Phone 802-846-2523
8. Email contact address zwilliamson@burlingtoncityarts.org

**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 & Saturday, August 4 & 5, 2023
4. Proposed Hours for this Special Event 5pm to 10pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
The top block of Church Street, outside of Halvorsen's.

For this Proposed location please answer the following questions:

- a) Occupancy Load 100ppl at any given time b) # of Restrooms 6 c) # of Egresses 2
- d) Date of last Fire/Safety Check _____ 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

(Continued on back)

PART III

Fee \$25.00

DESCRIPTION OF ENTERTAINMENT

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

Description ____ As part of Burlington City Arts' 16th annual Festival of Fools, we are partnering with Hendrick's Gin, Switchback Brewery and Halvorsen's to produce the Top Block Cabaret as a special event within the larger Festival. We will build a small 12x16x1' stage on the side of the street opposite of Halvorsen's, set up chairs and high top tables and use existing outdoor seating of Halvorsen's. Halvorsen's will have a small outdoor bar and serve drinks and light appetizers. They have applied for a permit from the DLC on their current liquor permits.

Load in and set up will start around 2pm, with programming starting at 5pm and ending at 10pm. Performance acts are from 5 to 8 and then one local band each night performs from 8:30 to 10pm. BCA festival staff will handle sound and management. Lee Anderson to handle site design. Jason Liggett to provide lighting.

BCA will coordinate with nearby businesses per usual. Chocolate Thunder to provide security. Site plan (attached) to be approved by Burlington Fire Marshall. _____

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: _____

SIGNATURE OF APPLICANT _____

PRINT NAME: _____

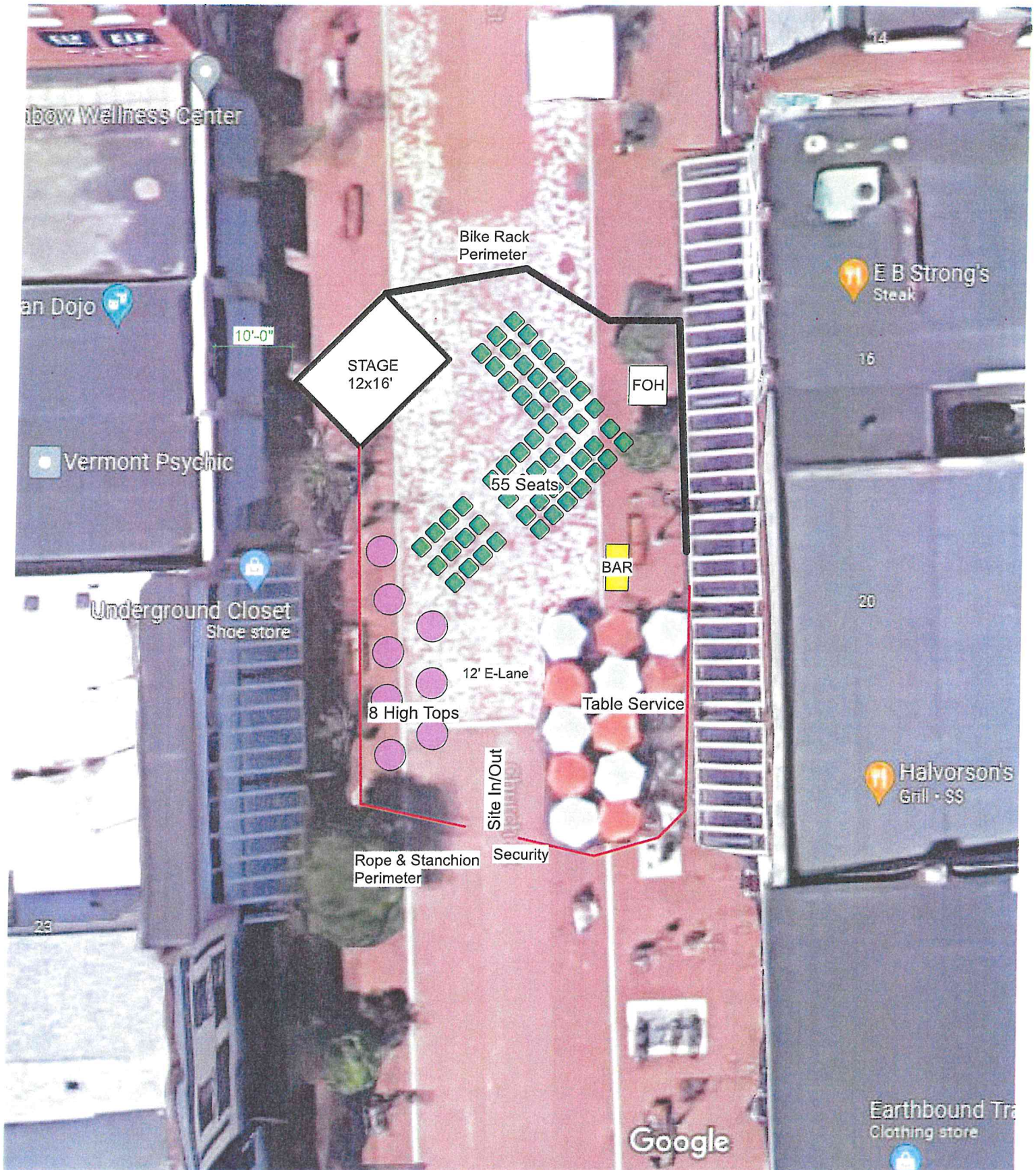
RELATIONSHIP TO BUSINESS _____

OFFICE USE ONLY

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

At their meeting of 7/12/23, the Burlington City Council License Committee recommended
Approval X Denial _____

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





Fee \$25.00

May 1, 2023 — April 30, 2024

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

☐ Indoor

☒ Outdoor

PART I
ORGANIZATION

All information in this section is required

29 JUL 5 4:40

1. Corporation/Sole Proprietor name Vermont Professionals of Color Network
2. D/B/A (Business Name) Vermont Professionals of Color Network
3. Bus. Phone 802-391-9988
4. Business Address P.O. Box 4277, Burlington, VT 05406
5. Mailing Address P.O. Box 4277, Burlington, VT 05406
6. Contact person Krystal Sanchez 7. Contact Phone 802-391-9988
8. Email contact address krystal@vtpoc.net

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 Saturday, August 12, 2023
4. Proposed Hours for this Special Event 12-6pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
O.N.E Community Center Parking Lot

For this Proposed location please answer the following questions:

- a) Occupancy Load Outdoors b) # of Restrooms 2 c) # of Egresses Outdoors
d) Date of last Fire/Safety Check Outdoors 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

(Continued on back)

PART III DESCRIPTION OF ENTERTAINMENT

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

Description: VT PoC is excited to host our third annual August Kickback on Saturday, August 12, from 12:00-6:00pm. Held this year at O.N.E Community Center in Burlington, this event is fun way to relax and build community with other BIPOC Vermonters and their households (all identities welcomed!).

Each Kickback event has a pre-identified theme that supports the wellness of BIPOC Vermonters. This year's theme focuses on accessible housing. VT PoC will work with statewide partners to offer productive resources during our fair!

We are requesting a live DJ for this event during the hours of 12-6pm.

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: 6/15/2023

23 JUL 5 PM 2:41

SIGNATURE OF APPLICANT Krystal Sanchez

PRINT NAME: Krystal Sanchez

RELATIONSHIP TO BUSINESS Projects & Events Manager

OFFICE USE ONLY

Fee Paid \$ 25.00 Date: 7/5/23 Fee Returned \$ _____ Date: _____

At their meeting of 7/12/23, the Burlington City Council License Committee recommended
Approval X Denial _____

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



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET · ROOM 32 · CITY HALL · BURLINGTON, VT 05401
(802) 865-7144 · (802) 865-7024 (FAX)

www.cedoburlington.org

MEMORANDUM

To: Board of Finance and City Council
From: Brian Pine, CEDO Director and Rachel Jolly, Assistant Director, CJC
CC: Mayor Miro Weinberger
Katherine Schad, Chief Administrative Officer

DATE: June 26, 2023
RE: Court Diversion Grant #02100-FY24/25-CN

This is a request from CEDO's Burlington Community Justice Center (BCJC) for Board of Finance and City Council approval to accept and execute a one year grant award with the VT Attorney General's office in the amount of \$510,526. The performance period of the grant is for two years—FY24 and FY25 (with two additional one-year extensions) and the current allocation is for one year. The AGO will be issuing an amendment to the FY24/25 grant with the FY25 allocation next June. Please see Attachment B, p. 6, for confirmation that the monetary grant award extends from July 1, 2023 to an end date of June 30, 2024

This grant award enables our fifth year of delivering a variety of court diversion and pretrial services that the BCJC took on starting July 1, 2019: Court Diversion, Youth Substance Awareness and Safety Program (YSASP), the Civil Driving with License Suspended program (DLS), Pre-Trial Services and Tamarack. In FY23, we served approximately 1000 people, offering them restorative alternatives to the court process, rapid referrals to mental health and substance use treatment, screenings and brief interventions for underage drinking and marijuana possession and assistance with regaining drivers' licenses. The grant covers a portion of twelve CJC staff members for a total FTE of 6.06.

Please see the attached grant award for more information.

Board of Finance Motion: To approve and recommend that the City Council approve the acceptance of the State of Vermont Grant Award #02100-FY2023-CN, in the amount of \$510,526, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2024, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and all other documents necessary to implement the grant, subject to the review and approval of the City Attorney's Office.

City Council Motion: to approve the acceptance of the State of Vermont Grant Award #02100-FY2023-CN, in the amount of \$510,526, which will extend the court diversion and pretrial services being provided by the BCJC to June 30, 2024, and to authorize CEDO Director, Brian Pine to sign the grant agreement, and all other documents necessary to implement the grant, subject to the review and approval of the City Attorney's Office.

STATE OF VERMONT GRANT AGREEMENT					Part 1-Grant Award Detail		
SECTION I - GENERAL GRANT INFORMATION							
¹ Grant #: 02100-FY24/25-CN				² Original ☒		Amendment # ☐	
³ Grant Title: Court Diversion & Pretrial Services							
⁴ Amount Previously Awarded: \$0.00		⁵ Amount Awarded This Action: \$510,526.00		⁶ Total Award Amount: \$510,526.00			
⁷ Award Start Date: 07/01/2023		⁸ Award End Date: 06/30/2025		⁹ Subrecipient Award: YES ☐ NO ☒			
¹⁰ Vendor #: 0000040096		¹¹ Grantee Name: Burlington City Treasurer					
¹² Grantee Address: Community Justice Center, 200 Church St Ste 101							
¹³ City: Burlington				¹⁴ State: VT		¹⁵ Zip Code: 05401	
¹⁶ State Granting Agency: Attorney General's Office						¹⁷ Business Unit: 02100	
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind:		Description:			
²⁰ If this action is an amendment, the following is amended: Amount: ☐ Funding Allocation: ☐ Performance Period: ☐ Scope of Work: ☐ Other: ☐							
SECTION II - SUBRECIPIENT AWARD INFORMATION							
²¹ Grantee Identifier [UEI] #:				²² Indirect Rate: %		²³ FFATA: YES ☐ NO ☐	
²⁴ Grantee Fiscal Year End Month (MM format):				(Approved rate or de minimis 10%)		²⁵ R&D: ☐	
²⁶ Entity Identifier [UEI] Name (if different than VISION Vendor Name in Box 11):							
SECTION III - FUNDING ALLOCATION							
STATE FUNDS							
Fund Type		²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions		
General Fund			\$510,526.00	\$510,526.00			
Special Fund				\$0.00			
Global Commitment (non-subrecipient funds)				\$0.00			
Other State Funds				\$0.00			
FEDERAL FUNDS (includes subrecipient Global Commitment funds)					Required Federal Award Information		
³¹ CFDA#	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Fed Award Date	³⁸ Total Federal Award
				\$0.00			
³⁹ Federal Awarding Agency:		⁴⁰ Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
				\$0.00			
Federal Awarding Agency:		Federal Award Project Descr:					
Total Awarded - All Funds		\$0.00	\$510,526.00	\$510,526.00			
SECTION IV - CONTACT INFORMATION							
⁴¹ STATE GRANTING AGENCY				⁴² GRANTEE			
NAME: Willa Farrell				NAME: Rachel Jolly			
TITLE: Court Diversion & Pretrial Services Director				TITLE: CEDO Assistant Director			
PHONE: (802) 371-8375				PHONE: (802) 865-7185			
EMAIL: willa.farrell@vermont.gov				EMAIL: rjolly@burlingtonvt.gov			

Part 2 – Grant Agreement # 02100-FY24/25-CN

1. Parties

This is a Grant Agreement between State of Vermont, Office of the Attorney General, Community Justice Unit, (hereinafter called “State”), and Burlington City Treasurer, Community Justice Center, with a principal place of business in Burlington, VT 05401 (hereinafter called “Grantee”). It is the grantee’s responsibility to contact the Vermont Department of Taxes to determine if, by law, the grantee is required to have a Vermont Department of Taxes Business Account Number.

2. Subject Matter

The subject matter of this Grant Agreement is providing Court Diversion and Pretrial Services in Chittenden County.

3. Award Details

Amounts, dates and other award details are as shown in the attached *Grant Agreement Part I-Grant Award Detail*. A detailed scope of work covered by this award is described in Attachment A.

4. Amendment

No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Subrecipient.

5. Cancellation

This Grant Agreement may be suspended or cancelled by either party by giving written notice at least 30 days in advance.

6. Attachments

This Grant consists of 13 pages including the following attachments that are incorporated herein:

- Grant Agreement-Part 1 – Grant Award Detail
- Attachment A – Scope of Work To Be Performed
- Attachment B – Payment Provisions
- Attachment C – Customary State Grant Provisions

WE THE UNDERSIGNED PARTIES AGREE TO BE BOUND BY THIS GRANT AGREEMENT.

By the State of Vermont:

Date: _____
Signature: _____
Name: Robert F. McDougall
Title: Deputy Attorney General

By the Grantee:

Date: _____
Signature: _____
Name: Brian Pine
Title: CEDO Director

ATTACHMENT A SCOPE OF WORK TO BE PERFORMED

The purpose of this grant is for Burlington City Treasurer, Community Justice Center, to provide the State of Vermont, Office of the Attorney General with services, in Chittenden County, hereafter "County," in particular: Court Diversion in accordance with 3 V.S.A §163 and §164; Tamarack Program in accordance with 3 V.S.A §164; Youth Substance Awareness Safety Program (YSASP) in accordance with 7 V.S.A §656 and 18 V.S.A §4230b; Civil DLS Diversion in accordance with Act 147 (2011, Adjourned Session); risk assessment, needs screening, and pretrial services in accordance with 13 V.S.A §7554c.

GRANT REPRESENTATIVES

Primary representative for the State shall be Willa Farrell, Court Diversion & Pretrial Services Director.

Primary representative for the Grantee shall be Rachel Jolly, CEDO Assistant Director.

GRANT TERM

The period of Grantee's performance shall be from July 1, 2023, to June 30, 2025. At the option of the State, this Grant may be amended to add up to two additional one-year terms.

SERVICES PROVIDED

A. The Grantee shall provide Diversion and Pretrial Services in full compliance with relevant statutes and the Court Diversion and Pretrial Services Policy and Procedures Manual (the Manual), dated July 2023, and any revisions to the Manual issued by the AGO. Examples of required services shall include but are not limited to the following:

1. Resolve cases that are referred to the Grantee pursuant to 3 V.S.A. §163 and 3 V.S.A. §164 from the State's Attorney and transferred from other programs, pursuant to the provisions of 3 V.S.A. §163 and §164;
2. Resolve violations that are referred pursuant to 7 V.S.A. §656 and 18 V.S.A. §3230(b) to the Grantee by law enforcement and transferred from other programs, pursuant to the provisions of 7 V.S.A. §656, 18 V.S.A. §3230(b), and 18 V.S.A. §4230f(e)(2);
3. Resolve civil DLS diversion cases, following the procedures in the Manual, in cooperation with the Department of Motor Vehicles and the Vermont Judicial Bureau;
4. Each business week of the grant term, offer risk assessments and needs screenings according to the provisions of 13 V.S.A. §7554c to incarcerated individuals;
5. Provide pretrial services as ordered by a court pursuant to 13 V.S.A. §7554(c) and to individuals referred by their defense attorney;
6. Use the screening and assessment tools selected by the State;
7. Record on a separate piece of paper the social security number collected from a Diversion participant as part of a Restitution Unit repayment agreement and not retain a copy after sending the document to the Restitution Unit;
8. Enter all case information in the case management system provided by the State;
9. Abide by the Memorandum of Understanding, hereafter "MOU," between the Vermont Association of Court Diversion Programs (VACDP) and the Department for Children and Families' (DCF) Family Services Division effective October 2013, as may be amended;

10. Meet twice during the grant term with the DCF district office serving the County to review the MOU and practices around implementation of the MOU;
11. Provide the State the name, job title, and contact information of the program director, business manager(s), and all staff providing direct services under the terms of this grant, hereafter “staff”;
12. Inform the State immediately of any staff terminated and within five business days of any other change in staff or staff roles;
13. Provide a statement of non-disclosure, on a form provided by the State, signed by each staff person and volunteer providing direct services under the terms of this contract within 10 business days of the start of this contract or of the recruitment of the staff person or volunteer;
14. Provide the State with the name, mailing address, email address, and telephone number of each member of the governing/community advisory board;
15. Ensure that the program director participates in a minimum of nine monthly meetings designated by the State as meetings of program directors;
16. Assign and hire staff to provide the services under the terms of this grant who possess a Bachelor’s Degree in a related field, or a minimum of three years of related experience;
17. Recruit all new staff and fill leadership positions following a competitive process and offer jobs only following reference checks satisfactory to the Grantee;
18. Provide regular training, support and supervision to all staff and conduct an annual performance evaluation, which includes feedback of colleagues, key stakeholders, and community partners, of all staff;
19. Provide regular training, support and supervision to all volunteers following guidance provided in the Manual;
20. Report information in accordance with the State’s laws regarding reporting suspected abuse or neglect of children (33 V.S.A. § 4913) and vulnerable adults (33 V.S.A. § 6903) and provide training regarding these laws for all staff providing services under this grant. If agency staff do not fall under these laws as mandated reporters, staff shall obtain consent from prospective participants regarding potential reporting of information in accordance with these laws; otherwise, staff shall inform prospective participants regarding potential reporting of information in accordance with these laws.
21. Develop and maintain collaborative partnerships with key stakeholders in the County, to include, at a minimum, law enforcement, the State’s Attorney’s Office, Defense Bar, the Court, correctional facilities, and designated and preferred treatment providers;
22. Develop written agreements with designated and preferred treatment providers regarding referral of individuals and ongoing communication and follow-up processes;
23. Convene a minimum of one meeting per grant year to review and discuss the Youth Substance Awareness Safety Program to which the State’s Attorney and representatives of each law enforcement agency in the County are invited;
24. Collaborate with the State in identifying criteria for prioritizing the delivery of services or adjusting of operations to meet fiscal constraints.

B. The State shall

1. Provide access to Vermont criminal history information through Vermont Crime Information Center and the Judiciary’s Odyssey Public Portal;
2. Provide a case management system, training and support in the use of the system, and forms for Civil DLS Diversion reporting;
3. Provide a summary of the results of surveys completed by Diversion and Pretrial Services participants and victims of cases referred to Diversion;
4. Consult with the Grantee regarding changes to the Manual; and
5. Consult with the Grantee regarding any legislative proposals affecting Court Diversion and Pretrial Services.

PERFORMANCE MANAGEMENT

The Grantee shall

1. Provide to the State, by August 1 of each year on a form provided by the State, a plan designed to improve the quality of services, for review and approval by the State;
2. Email the State by the 5th business day of October, January, April, and July using forms provided by the State
 - a) confirmation that records in the case management system are current for all activities as of the final calendar day of the previous month, and
 - b) a report documenting Civil DLS Diversion cases;
3. Survey Diversion and Pretrial Services program participants and victims of cases referred to Diversion/Tamarack using surveys provided by the State;
4. Complete and return to the State by November 15 of each year the internal controls self-assessment provided by the State and if requested, provide documentation of the procedures referenced in the internal controls self-assessment by the deadline established at time of selection;
5. Record any fee revenue that is not expended during the fiscal year and unexpended fee revenue from past years as appropriate, specific to Diversion/Tamarack, in the grantee's accounting system;
6. Retain an itemized list detailing to whom any restitution cash balances belong;
7. Return to the State any deferred fee revenue upon termination or non-renewal of this grant;
8. Submit by December 15 and May 15 of each year narrative reports signed by the Grantee's primary contact person and their supervisor that summarize
 - a) Trends, successes and challenges relative to the grantee's quality improvement plan and services provided under the terms of this grant since the start of the grant;
 - b) Work completed on development of written agreements with treatment providers regarding referral of individuals and ongoing communication and follow-up processes;
 - c) Meeting(s) with the Court, State's Attorney's Office, DCF District Office, law enforcement, and other partners including names of participants, topics discussed, and any action items agreed to;
9. Submit to the State within one month of the start of the grantee's fiscal year the board or other governing body's meeting minutes documenting the adoption of the grantee's budget;
10. Submit to the State within six months of the end of the grantee's fiscal year any financial audit completed by an independent accountant; and
11. If a financial audit is not completed, submit to the State by October 1 of each year the following accounting reports as of June 30 of the prior year.
 - a) Balance sheet
 - b) Income/Expense Statement
 - c) Trial balance for the Court Diversion/Pretrial Services grant
 - i) Submit by November 30 of each year any revisions to the balance sheet, income/expense statement, and trial balance, and the grantee's Form 990.

ATTACHMENT B PAYMENT PROVISIONS

In consideration of the services to be performed by the Grantee, the State shall pay Grantee a sum not to exceed \$ 510,526.00 for the period July 1, 2023 – June 30, 2024. This maximum dollar amount payable under this Grant is not intended as any form of a guaranteed amount and is subject to the availability of funds.

1. Prior to commencement of work and release of any payments, Grantee shall submit to the State a certificate of insurance consistent with the requirements set forth in Attachment C, Section 8 (Insurance), and with any additional requirements for insurance as may be set forth elsewhere in this grant agreement.
2. Within 15 days of the close of each quarter, Grantee shall complete and return the State's electronic financial and fee reports with a request for funding to:

Willa Farrell, Court Diversion & Pretrial Services Director, Office of the Attorney General
Willa.Farrell@vermont.gov

3. SERVICES – Grantee shall submit reports based on an approved budget as stated in Section 3a of this attachment.
 - a) Prior to beginning operations, the Grantee shall have a budget, approved by the State, for the period July 1, 2023 through June 30, 2024, for all services and performance management detailed in Attachment A.
 - b) The Grantee shall submit to the State, for review and approval, an annual budget that is subsequently revised and that increases the total budget by 10 percent or more, along with an explanation for the revision to include identification of the funding source(s) covering the increase.
 - i) Any budget increase will not affect the maximum payable amount of the grant.
 - c) The Grantee shall submit quarterly financial reports that document expenses and revenue relative to the budget.
 - d) The Grantee shall submit a final financial report by October 1 of each year. Any revisions from the 4th quarter report shall be captured here and a reasonable explanation for any budgeted line item overages of 10% or \$500 provided.
 - e) Quarterly payment may be withheld if a report is not received by the due date.

**ATTACHMENT C: STANDARD STATE PROVISIONS
FOR CONTRACTS AND GRANTS
REVISED DECEMBER 15, 2017**

1. Definitions: For purposes of this Attachment, “Party” shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. “Agreement” shall mean the specific contract or grant to which this form is attached.

2. Entire Agreement: This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.

3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial: This Agreement will be governed by the laws of the State of Vermont. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State with regard to its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.

4. Sovereign Immunity: The State reserves all immunities, defenses, rights or actions arising out of the State’s sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State’s immunities, defenses, rights or actions shall be implied or otherwise deemed to exist by reason of the State’s entry into this Agreement.

5. No Employee Benefits For Party: The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

6. Independence: The Party will act in an independent capacity and not as officers or employees of the State.

7. Defense and Indemnity: The Party shall defend the State and its officers and employees against all third party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.

After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.

The Party shall indemnify the State and its officers and employees if the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.

Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys' fees, collection costs or other costs of the Party or any third party.

8. Insurance: Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the State through the term of this Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont. Vermont will accept an out-of-state employer's workers' compensation coverage while operating in Vermont provided that the insurance carrier is licensed to write insurance in Vermont and an amendatory endorsement is added to the policy adding Vermont for coverage purposes. Otherwise, the party shall secure a Vermont workers' compensation policy, if necessary to comply with Vermont law.

General Liability and Property Damage: With respect to all operations performed under this Agreement, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

- Premises - Operations
- Products and Completed
- Operations Personal Injury
- Liability Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

- \$1,000,000 Each Occurrence
- \$2,000,000 General Aggregate
- \$1,000,000 Products/Completed Operations Aggregate
- \$1,000,000 Personal & Advertising Injury

Automotive Liability: The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than \$500,000 combined single limit. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, limits of coverage shall not be less than \$1,000,000 combined single limit.

Additional Insured. The General Liability and Property Damage coverages required for performance of this Agreement shall include the State of Vermont and its agencies, departments, officers and employees as Additional

Insureds. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, then the required Automotive Liability coverage shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Notice of Cancellation or Change. There shall be no cancellation, change, potential exhaustion of aggregate limits or non- renewal of insurance coverage(s) without thirty (30) days written prior written notice to the State.

9. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports and other proofs of work.

10. False Claims Act: The Party acknowledges that it is subject to the Vermont False Claims Act as set forth in 32 V.S.A. § 630 *et seq.* If the Party violates the Vermont False Claims Act it shall be liable to the State for civil penalties, treble damages and the costs of the investigation and prosecution of such violation, including attorney's fees, except as the same may be reduced by a court of competent jurisdiction. The Party's liability to the State under the False Claims Act shall not be limited notwithstanding any agreement of the State to otherwise limit Party's liability.

11. Whistleblower Protections: The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

12. Location of State Data: No State data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the continental United States, except with the express written permission of the State.

13. Records Available for Audit: The Party shall maintain all records pertaining to performance under this agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

14. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

15. Set Off: The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

16. Taxes Due to the State:

- A. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- B. Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- C. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- D. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

17. Taxation of Purchases: All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

18. Child Support: (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, he/she:

- A. is not under any obligation to pay child support; or
- B. is under such an obligation and is in good standing with respect to that obligation; or
- C. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

19. Sub-Agreements: Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54).

Party shall include the following provisions of this Attachment C in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 (“False Claims Act”); Section 11 (“Whistleblower Protections”); Section 12 (“Location of State Data”); Section 14 (“Fair Employment Practices and Americans with Disabilities Act”); Section 16 (“Taxes Due the State”); Section 18 (“Child Support”); Section 20 (“No Gifts or Gratuities”); Section 22 (“Certification Regarding Debarment”); Section 30 (“State Facilities”); and Section 32.A (“Certification Regarding Use of State Funds”).

20. No Gifts or Gratuities: Party shall not give title or possession of anything of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.

21. Copies: Party shall use reasonable best efforts to ensure that all written reports prepared under this Agreement are printed using both sides of the paper.

22. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds.

Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State’s debarment list at: <https://bgs.vermont.gov/purchasing-contracting/debarment>

23. Conflict of Interest: Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

24. Confidentiality: Party acknowledges and agrees that this Agreement and any and all information obtained by the State from the Party in connection with this Agreement are subject to the State of Vermont Access to Public Records Act, 1V.S.A. § 315 et seq.

25. Force Majeure: Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lock-outs) (“Force Majeure”). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.

26. Marketing: Party shall not refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

27. Termination:

- A. Non-Appropriation:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
- B. Termination for Cause:** Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party's notice or such longer time as the non-breaching party may specify in the notice.
- C. Termination Assistance:** Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

28. Continuity of Performance: In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

29. No Implied Waiver of Remedies: Either party's delay or failure to exercise any right, power or remedy under this Agreement shall not impair any such right, power or remedy, or be construed as a waiver of any such right, power or remedy. All waivers must be in writing.

30. State Facilities: If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party's performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to and use of State facilities which shall be made available upon request. State facilities will be made available to Party on an "AS IS, WHERE IS" basis, with no warranties whatsoever.

31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements: If this Agreement is a grant that is funded in whole or in part by Federal funds:

- A. Requirement to Have a Single Audit:** The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

- B. Internal Controls:** In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- C. Mandatory Disclosures:** In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

32. Requirements Pertaining Only to State-Funded Grants:

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party’s employee’s rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents:
- (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify, and
 - (ii) that it will comply with the requirements stated therein.

(End of Standard Provisions)

Board of Finance and City Council Submission Checklist

Department: CEDO/CJC Submitter: Brian Pine/Rachel Jolly

Title/Subject: Approval of AGO Court Diversion Grant FY24

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/27/2023	Approved
Mayor's Office informed and approved memo	Yes	6/29/2023	Approved
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	6/29/2023	Approved by Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	6/29/2023	Approved by Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	7/7/2023	Approved by 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?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	No	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401

(802) 865-7144 • (802) 865-7024 (FAX)

www.burlingtonvt.gov/cedo

MEMORANDUM

To: Board of Finance/City Council
From: Brian Pine, CEDO Director
Rachel Jolly, Assistant Director, Community Justice Center
CC: Mayor Miro Weinberger
Katherine Schad, Chief Administrative Officer
DATE: July 17, 2023
RE: Department of Corrections Grant: “Safer Communities” (Grant Amendment # 03520-1542)

This is a request from CEDO’s Community Justice Center (CJC) for Board of Finance and City Council approval of a Safer Communities Grant Amendment in the amount of \$347,805 to be expended between July 1, 2023 and June 30, 2024. The purpose of this grant is to develop and provide local restorative crime, conflict and dispute resolution services and offender reentry services. This funding supports 3.15 FTEs, spread over 9 staff members, to deliver Restorative Justice Panels, the Circles of Support and Accountability program, and various reentry services. This is a continuation of our oldest contract, dating back to 1999.

The projected operating budget is \$379,905 for the fiscal year, with \$347,805 coming from the DOC and \$32,100 coming from the City as a match. This represents an 8% increase of the FY23 grant from the Department of Corrections, and is thanks to legislative advocacy the CJC’s made this past year as it relates to cost of living increases and the Justice Reinvestment Act. The match for their grant was included in our FY24 budget, using a portion of the City’s General Fund.

Please see the attached grant for more information. Please do not hesitate to contact me with any questions.

Board of Finance Motion: Move to approve and recommend that the City Council approve and: 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1542 in the amount of \$347,805 for FY24, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY24 budget lines associated with the grant.

City Council Motion: Move to approve and 1) authorize the CEDO Director to accept and execute a second amendment to State Grant #03520-1542 in the amount of \$347,805 for FY24, and 2) authorize the CAO or their designee to effectuate any budget amendments necessary to reflect the necessary changes to the FY24 budget lines associated with the grant.

Thank you.

Part 1-Grant Award Detail

¹ Grant #: 03520-1542			² Original ☐		Amendment # ☐ 2	
³ Grant Title: Community and Restorative Justice Services						
⁴ Amount Previously Awarded: \$326,000.00		⁵ Amount Awarded This Action: \$347,805.00		⁶ Total Award Amount: \$673,805.00		
⁷ Award Start Date: 07/01/2022		⁸ Award End Date: 06/30/2024		⁹ Subrecipient Award: YES ☐ NO ☒		
¹⁰ Vendor #: 0000002678		¹¹ Grantee Name: Burlington, City of				
¹² Grantee Address: City Hall, 149 Church Street						
¹³ City: Burlington			¹⁴ State: VT		¹⁵ Zip Code: 05401	
¹⁶ State Granting Agency: AHS / Department of Corrections					¹⁷ Business Unit: 03520	
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind: \$67,380.50 Description: 10% annual match				
²⁰ If this action is an amendment, the following is amended: Amount: ☒ Funding Allocation: ☐ Performance Period: ☒ Scope of Work: ☐ Other: ☐						

²¹ Gantee DUNS #:		²² Indirect Rate: % (Approved rate or de minimis 10%)	²³ FFATA: YES ☐ NO ☐	
²⁴ Gantee Fiscal Year End Month (MM format):			²⁵ R&D: ☐	
²⁶ DUNS Registered Name (if different than VISION Vendor Name in Box 11):				

STATE FUNDS

Fund Type	²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions
General Fund	\$326,000.00	\$347,805.00	\$673,805.00	
Special Fund			\$0.00	
Global Commitment (non-subrecipient funds)			\$0.00	
Other State Funds			\$0.00	

³¹ CFDA#	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Fed Award Date	³⁸ Total Federal Award
				\$0.00			
³⁹ Federal Awarding Agency:			⁴⁰ Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
				\$0.00			
Federal Awarding Agency:			Federal Award Project Descr:				
Total Awarded - All Funds		\$326,000.00	\$347,805.00	\$673,805.00			

TM STATE GRANTING AGENCY	TM GRANTEE
NAME: Chris Barton, VT Department of Corrections	NAME: Brian Pine
TITLE: Restorative System Administrator	TITLE: CEDO Director
PHONE: (802) 505-0993	PHONE: (802) 578-6953
EMAIL: chris.barton@vermont.gov	EMAIL: bpine@burlingtonvt.gov

AMENDMENT

It is agreed by and between the State of Vermont, Department of Corrections (hereafter called "State") and City of Burlington of Burlington, Vermont (hereafter called "Grantee") that grant #03520-1542 dated June 23, 2022, between said State and Grantee is hereby amended as follows:

- I. To update Maximum Amount, from \$326,000 to \$673,805.
- II. To update Grant Term, from end on 06/30/2023 to end on 06/30/2024.
- III. To update Attachment B Payment Provisions, Page 15, Section 2: to add f-i.
 - f. The State agrees to pay Grantee \$86,951.25 for the period of July 1, 2023, through September 30, 2023.
 - g. The State agrees to pay Grantee \$86,951.25 for the period of October 1, 2023, through Dec. 31, 2023.
 - h. The State agrees to pay Grantee \$86,951.25 for the period of January 1, 2024, through March 31, 2024.
 - i. The State agrees to pay Grantee \$86,951.25 for the period of April 1, 2024, through June 30, 2024.
- IV. To update Attachment B, Payment Provisions, Page 15, Section 5:
 - 5. Grantee is required to provide a 10% annual match, in cash and/or services in kind.

Except as modified by this above amendment, and any and all previous amendments to this grant, all provisions of this grant #03520-1542 dated June 23, 2022, shall remain unchanged and in full force and effect.

The effective date of this amendment is June 30, 2023.

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THE TERMS OF THIS GRANT AS AMENDED.

STATE OF VERMONT

GRANTEE

by:

by:

Nicholas Deml, Commissioner, AHS, DOC

Brian Pine, CEDO Director

bpine@burlingtonvt.gov

City Hall; 149 Church Street, Burlington, VT 05401
(802) 578-6953

APPROVED AS TO FORM:

Assistant Attorney General Date

Board of Finance and City Council Submission Checklist

Department: CEDO/CJC Submitter: Rachel Jolly

Title/Subject: DOC "Safer Communities" FY24 Grant Amendment Approval

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/13/2023	Approved by Todd Rawlings, filling in for Brian
Mayor's Office informed and approved memo	Yes	6/14/2023	Approved
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	6/13/2023	Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	6/13/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	6/14/2023	Approved
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

City of Burlington Capital Program



MEMORANDUM

To: Board of Finance and City Council

Fr: Ashley Parker, Capital Program Director

Cc: Katherine Schad, CAO
Richard Haesler, Projects & Policy Specialist, CEDO
Andrea Gunther, Senior Accountant, CT

Re: Approval for MuniCap, Inc., FY24 TIF District Administration Consultant Contract

Date: July 17, 2023

Summary

The Clerk/Treasurer's (CT) Office seeks Board of Finance and City Council approval of a one-year contract not to exceed \$100,000 with MuniCap, Inc. to continue supporting City Staff across Departments by providing administrative services for the City's two tax increment financing (TIF) districts.

MuniCap is a public finance consulting firm based in Columbia, Maryland, that specializes in the administrative and accounting aspects of public finance, specifically with TIF Districts, and has been working with the City on better management of the Downtown and Waterfront TIF Districts for the last year. During the Waterfront TIF State Audit, the State Auditor's Office recommended that the City engage with MuniCap to develop and implement best practices for TIF District administration, and approval of this request will allow the City to continue this effort throughout FY24.

Justification

Over the last year, City staff have been engaged with representatives from MuniCap on developing TIF Cost procedures for better tracking and documentation of project costs, the calculation of increment for both Districts, the review and compilation of bond requisitions to the City's Trustee, and support with documentation related to the City's Waterfront TIF audit. This work has provided the City with better processes and training for staff to administer the TIF Districts, and has given the State Auditor's Office confidence that the City is making progress on improving its administration of TIF.

During FY23, MuniCap was directed to focus more on assisting the City with the Downtown TIF District as the State's Audit of the Waterfront TIF District wrapped up; but as the City Place project continues to ramp up, staff have identified the specific tasks where MuniCap's expertise will be critical in managing the Waterfront TIF District. In advance of a new agreement for FY24, City Staff worked on developing a scope of work that would enable MuniCap to continue providing similar support for the Downtown TIF District, while also incorporating the same needs for the Waterfront TIF District. MuniCap has reviewed the scope of work that covers both the Downtown and Waterfront TIF Districts, and has agreed to provide the identified services. This contract will allow the City to continue developing procedures that will strengthen the City's administration of TIF, while also ensuring proper project and accounting documentation is in place for future audits. The proposed contract also provides an option for an extension pending evaluation of current TIF

administrative tasks, City need, and interest on behalf of MuniCap. The proposed contracts and all relevant documents are enclosed for your review.

Sole Source

MuniCap, Inc., has assisted with almost \$8.0 billion in bonds, primarily with the use of TIF and provides services for over 300 public-private partnership development projects across the country. As a result, MuniCap is familiar with specific issues related to TIF. MuniCap's broad experience in many states has facilitated a thorough knowledge of public policy issues and the many various techniques and methodologies employed in public-private partnerships across the country. As a result of this experience, MuniCap is aware of national best practices and evolving trends.

In addition, MuniCap has been working for the City over the past year, assisting City staff in developing best management practices for the administration of TIF, leading to better documentation and accounting of TIF projects and their expenses.

Given MuniCap's unique qualifications related to TIF administration, the ongoing work with City staff in the proper administration of the City's TIF Districts, and the recommendation of the State Auditor's Office to utilize MuniCap for TIF support, the Chief Administrative Officer has granted a sole source exemption to MuniCap on June 8, 2023.

Funding

MuniCap's services are considered to be eligible related costs per TIF statute, which also means they are eligible for reimbursement by TIF increment during the City's annual TIF reimbursement process. As MuniCap's scope of work has tasks defined per TIF District (Downtown and Waterfront), the subsequent invoices will also be broken up to specify tasks covered each pay period for each District. At the end of FY24, all Downtown TIF District MuniCap invoices will be eligible for reimbursement with Downtown TIF increment; and all Waterfront TIF District MuniCap invoices will be eligible for reimbursement with Waterfront TIF increment. Prior to this reimbursement process, their expenses will be covered by the City's General Fund.

Motions

For Board of Finance –

Move to recommend that City Council approve and authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a one-year contract not to exceed \$100,000, for the purposes of providing administrative support for the City's Downtown and Waterfront TIF Districts, subject to final review and approval by the City Attorney's Office

For City Council –

Move to authorize the Chief Administrative Officer to enter into an agreement with MuniCap, Inc., for a one-year contract not to exceed \$100,000, for the purposes of providing administrative support for the City's Downtown and Waterfront TIF Districts, subject to final review and approval by the City Attorney's Office.

Encl: Proposed Contract with MuniCap, Inc., including all contract documentation (i.e.: Proposed SOW and Consultant's Estimated Costs)

**CITY OF BURLINGTON
CONSULTANT CONTRACT
MUNICAP, INC TIF ADMINISTRATION
FY2024**

This Consultant Contract (“Contract”) is entered into by and between the City of Burlington, Vermont (“the City”), and MuniCap, Inc. (“Consultant”), a Maryland corporation located at 8965 Guilford Rd., Suite 210, Columbia, Maryland 21046, registered with the Secretary of State to do business in Vermont, with URS Agents, LLC, a Vermont registered agent, located at 417 Barre Street, Montpelier, VT 05602.

Consultant and the City agree to the terms and conditions of this Contract.

1. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. “Contract Documents”** means all the documents identified in Section 4 (Scope of Work) of this Contract.
- B. “Effective Date”** means the date on which this Contract is approved and signed by the City, as shown on the signature page.
- C. “Party”** means the City or Consultant, and “Parties” means the City and Consultant.
- D. “Project”** means the Administrative support for the City of Burlington Downtown & Waterfront TIF Districts.
- E. “Work”** means the services described in Section 5 (Payment for Services) of this Contract, along with the specifications contained in the Contract Documents as defined in Section 4 (Scope of Work) below.

2. RECITALS

- A. Authority.** Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party’s obligations have been duly authorized.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Contract.
- C. Purpose.** The City seeks to employ the Consultant to provide administrative services to the City as further described in the scope of services detailed in Section 4.

3. EFFECTIVE DATE & TERM

- A. Effective Date.** This Contract shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Contract before the Effective Date and shall have no obligation to pay Consultant for any performance or expense incurred before the Effective Date or after the expiration or termination of this Contract.
- B. Term.** This Contract and the Parties' respective performance shall commence on the Effective Date and expire on June 30, 2024, or upon the satisfaction of the City, unless sooner terminated as provided herein. The Parties reserve the right to evaluate the need for services and maintain an option for extending the Contract for an extended term pending agreement on a scope of work by both Parties and that such agreement will be reached prior to the expiration of the term stated herein.

4. SCOPE OF WORK

The Consultant, selected via the City's Sole Source purchasing policy, shall perform the services listed in Attachments A (Proposed Scope of Work to MuniCap FY24) and B (Consultant's Burlington SOW and Estimated Costs FY24).

5. PAYMENT FOR SERVICES

- A. Amount.** The City shall pay the Consultant for completion of the Work in accordance with Attachment B (Consultant's Burlington SOW and Estimated Costs FY24).
- Consultant agrees to accept this payment as full compensation for performance of all services and expenses incurred under this Agreement.
- B. Payment Schedule.** The City shall pay the Consultant in the manner and at such times as set forth in the Contract Documents. The City seeks to make payment within thirty days of receipt of an invoice and any backup documentation requested under subsection D (Invoice) below.
- C. Maximum Limiting Amount.** The total amount that may be paid to the Consultant for all services and expenses under this Contract shall not exceed the maximum limiting amount of \$100,000. The City shall not be liable to Consultant for any amount exceeding the maximum limiting amount without duly authorized written approval.
- D. Invoice.** Consultant shall submit one copy of each invoice, including rates and a detailed breakdown by task for each individual providing services, and backup documentation for any equipment or other expenses to the following:

City of Burlington, Vermont
Clerk Treasurer's Office
149 Church Street
Burlington, VT 05401
Attention: Ashley Parker, Capital Program Director
Email: aparker@burlingtonvt.gov

The City reserves the right to request supplemental information prior to payment. Consultant shall not be entitled to payment under this Contract without providing sufficient backup documentation satisfactory to the City.

6. SECTION & ATTACHMENT HEADINGS

The article and attachment headings throughout this Contract are for the convenience of City and Consultant and are not intended nor shall they be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

7. CONTRACT DOCUMENTS & ORDER OF PRECEDENT

- A. Contract Documents.** The Contract Documents are hereby adopted, incorporated by reference, and made part of this Contract. The intention of the Contract Documents is to establish the necessary terms, conditions, labor, materials, equipment, and other items necessary for the proper execution and completion of the Work to ensure the intended results.

The following documents constitute the Contract Documents:

Attachment A: Proposed Scope of Work to MuniCap FY24
Attachment B: Consultant's Burlington SOW and Estimated Costs FY24
Attachment C: Burlington Standard Contract Conditions for Consultants
Attachment D: Burlington Livable Wage Ordinance Certification
Attachment E: Burlington Outsourcing Ordinance Certification
Attachment F: Burlington Union Deterrence Ordinance Certification
Attachment G: Consultant's Certificate of Insurance
Attachment H: MuniCap MSRB Notices

- B. Order of Precedent.** To the extent a conflict or inconsistency exists between the Contract Documents, or provisions therein, then the Contract takes precedent. Any Invitation for Bids, Additional Contract Provisions, and the City Ordinance Certifications shall prevail over any inconsistency with the Contractor's Scope of Work and Cost Proposal.

8. [Reserved]

— Signatures follow on the next page —

SIGNATURE

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

**Consultant
MuniCap, Inc.**

By: _____

Date: _____

**City of Burlington
Clerk/Treasurer's Office**

By: _____
Katherine Schad
Chief Administrative Officer

Date: _____

**Attachment A:
Proposed Scope of Work to MuniCap FY24**

DRAFT

ATTACHMENT A

Proposed Scope of Work to MuniCap FY24

Burlington Downtown TIF District:

- Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.
 - To include: Cost Procedures (Related & Construction); Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing); Creation of TIF Parcel Value Reports & Certifications
- Tasks associated with the calculation of tax increment revenues:
 - Estimate and reconcile tax increment revenues (including tracking of municipal and education tax increment over time).
 - Coordinate with the City's Assessor to review and confirm valid parcel report for coming fiscal year.
 - Provide support to the City when submitting calculation reports to outside entities, like VEPC, the State Auditor's Office, or Marcum, the City's auditing team.
- Assistance in review and compiling of City generated invoice requisitions associated with related costs and construction costs.
 - Assist in reconciliation of invoices and payments against contracts, POs, accounts receivable journals, accounts payable, and trustee bond statements.
 - Confirm compliance with relevant bond documents and applicable Vermont TIF law.
 - Assist in the review and reconciliation of bond transactions.
- Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment.

Burlington Waterfront TIF District:

- Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.
 - To include: Cost Procedures (Related & Construction); Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing); Creation of TIF Parcel Value Reports & Certifications
- Assistance in the review of documentation submitted by the City Place Partners as required by the ARDA and for reimbursement by TIF District funds.
 - Coordinate responses related to cost eligibility to the developer with City staff, including requests for additional or supplemental documentation.
 - Set up filing system to compile all necessary documentation for future audits.
 - Provide recommendations to City staff regarding any eligibility questions that arise as part of this task.
- Tasks associated with the calculation of tax increment revenues:

- Estimate and reconcile tax increment revenues (including tracking of municipal and education tax increment over time).
- Coordinate with the City's Assessor to review and confirm valid parcel report for coming fiscal year.
- Provide support to the City when submitting calculation reports to outside entities, like VEPC, the State Auditor's Office, or Marcum, the City's auditing team.
- Assistance in review and compiling of City generated invoice requisitions associated with related costs and construction costs.
 - Assist in reconciliation of invoices and payments against contracts, POs, accounts receivable journals, accounts payable, and trustee bond statements.
 - Confirm compliance with relevant bond documents and applicable Vermont TIF law.
 - Assist in the review and reconciliation of bond transactions.
- Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment.

Optional Items (as needed):

These items are not included in final SOW and cost estimate provided by MuniCap, including the final agreement covering FY2024. Any additional item will require an amendment to the FY2024 agreement, to include cost estimates for any new task.

- Support the City in Tax/Assessor Related Tasks (for both Districts):
 - Develop a procedure that defines the duties of the Assessor's office in regards to administration of the City's TIF Districts. This should include a timeline of when tasks should be carried out.
 - Confirm parcel information included in the City's Parcel Value Reports for both Districts annually.
 - Ensure there is an accurate parcel database that the City can rely on for both Districts.
 - Develop annual parcel data reports in coordination with City staff that will be used as part of the annual TIF certification process, and ensure that all final certified reports are well documented for reference by City staff and other entities with an interest in the City's TIF Districts.
- Cash Flow Verification Reports
 - Identify and track annual expenses of the Districts, including: debt service, administrative expenses, and provision for delinquencies.
 - Prepare year-end reconciliation to determine surplus tax increment revenues, interest earnings, and other credits.
 - Determine if the tax increment revenues and other credits are sufficient to cover the annual expenses for the upcoming year.
 - Prepare a report detailing these calculations and certifying the cash flows for the year.

**Attachment B:
Burlington SOW and Estimated Costs FY24**

DRAFT

ATTACHMENT B

Burlington SOW and Estimated Costs FY24

Mo Hrs Annual Cost

Downtown TIF District

1. Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.		
Cost Procedures (Related & Construction)	1	\$ 3,600.00
Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing)	3	\$10,800.00
Creation of TIF Parcel Value Reports & Certifications		\$ 3,500.00
2. Calculation of tax increment revenues		\$ 7,500.00
3. Review and compiling of City generated invoice requisitions associated with related costs and construction costs	2.5	\$ 9,000.00
4. Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment	2	\$ 7,200.00
Downtown TIF District Total:		\$41,600.00

Waterfront TIF District

1. Assist in the preparation, review, and updating of policies and procedures associated with the administration of the District.		
Cost Procedures (Related & Construction)	1	\$ 3,600.00
Accounting Procedures (Debt Service, Increment tracking, Reimbursement Processing)	3	\$10,800.00
Creation of TIF Parcel Value Reports & Certifications		\$ 3,500.00
2. Assist with review of City Place Partners documentation as required by ARDA and for reimbursment by TIF funds.		\$10,000.00
Coordinate responses related to cost eligibility to the Developer		
Prepare filing system to compile all documentaton for future audits		
Provide guidance to City regarding eligibility questions		
3. Calculaton of Tax Increment Revenues		\$10,000.00
4. Review and compiling of City generated invoice requisitions associated with related costs and construction costs	2.5	\$ 9,000.00
5. Confirm the adequacy of records that support expenditures and investments of bond proceeds and tax increment	2	\$ 7,200.00
Waterfront TIF District Total:		\$54,100.00

**Attachment C:
Burlington Standard Contract Conditions For Consultants**

DRAFT

**ATTACHMENT C:
BURLINGTON STANDARD CONTRACT CONDITIONS
FOR CONSULTANTS**

1. DEFINITIONS:

- A. The “Contract” shall mean the Contract between Consultant and the City to which these conditions apply and includes this Attachment C.
- B. The “Consultant” shall mean MuniCap, Inc.
- C. The “City” shall mean the City of Burlington, Vermont or any of its departments.
- D. The “Effective Date” shall mean the date on which the Contract becomes effective according to its terms, or if no effective date is stated, the date that all parties to it have signed.
- E. The “Parties” shall mean the parties to this Contract.
- F. The “Work” shall mean the services being provided by the Consultant, as provided in the Contract.

2. REGISTRATION: The Consultant agrees to be registered with the Vermont Secretary of State’s office as a business entity doing business in the State of Vermont at all times this Contract is effective. This registration must be complete prior to Contract execution.

3. INSURANCE: Prior to beginning any work, the Consultant shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont and having an A.M. Best insurance rating of at least A-, financial size category VII or greater (www.ambest.com). The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. The insurance policies shall provide that insurance coverage cannot be canceled or revised without thirty (30) days prior notice to the City. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required. Each policy (with the exception of professional liability and worker’s compensation) shall name the City as an additional insured for the possible liabilities resulting from the Consultant’s actions or omissions. The liability insurance furnished by the Consultant is primary and non-contributory for all the additional insured.

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

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

- A. General Liability And Property Damage:** With respect to all operations performed by the Consultant, sub-consultants, agents or workers, it is the Consultant’s responsibility to

ensure that general liability insurance coverage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

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

Coverage limits shall not be less than:

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

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

1. Bodily Injury by Accident: \$500,000 each accident
2. Bodily Injury by Disease: \$500,000 policy limit,
\$500,000 each employee

C. Professional Liability Insurance:

1. General: The Consultant shall carry appropriate professional liability insurance covering errors and omissions made during their performance of contractual duties with the following minimum limits:
 - (a) \$3,000,000 - Annual Aggregate
 - (b) \$2,000,000 - Per Occurrence
2. Deductibles: The Consultant is responsible for any and all deductibles.
3. Coverage: Prior to performing any work, the Consultant shall provide evidence of professional liability insurance coverage defined under this section. In addition, the Consultant shall maintain continuous professional liability coverage for the period of the Contract and for a period of five years following substantial completion of construction.

D. Automobile Liability: The Consultant shall carry commercial automobile liability insurance covering all motor vehicles, including owned, non-owned and hired, used in connection with the Contract. Each policy shall provide coverage with a limit not less than: \$1,000,000 Combined Single Limit for each occurrence.

E. Valuable Papers And Records Insurance: The Consultant shall carry valuable papers insurance in a form and amount sufficient to ensure the restoration or replacement of any plans, drawings, field notes, or other information or data relating to the work, whether supplied by the City or developed by the Consultant, sub-consultant, worker, or agent, in the event of loss, impairment, or destruction. Such coverage shall remain in force until the final plans as well as all related materials have been delivered by the consultant to, and accepted by, the City. Unless otherwise provided, Valuable Papers and Records Insurance shall provide coverage on an “individual occurrence” basis with limits in the amount of one hundred and fifty thousand dollars (\$150,000) when the insured items are in the Consultant’s possession, and in the amount of forty thousand dollars (\$40,000) regardless of the physical location of the insured items.

F. Umbrella Liability:

1. \$1,000,000 Each Event Limit
2. \$1,000,000 General Aggregate Limit

4. CONFLICT OF INTEREST: The Consultant shall disclose in writing to the City any actual or potential conflicts of interest or any appearance of a conflict of interest by the Consultant, its employees or agents, or its subconsultants, if any.

The Consultant has also provided the City its MSRB Notice which is found in Attachment H of this set of contract documents.

The Consultant has determined after exercising reasonable diligence, that it has no known material conflicts of interest that would impair its ability to provide advice to Client in accordance with its fiduciary duty to municipal-entity clients and the standard of care required by MSRB Rule G-42(a)(i) concerning obligated persons clients. To the extent any material conflicts of interest arise after the date of this agreement, Consultant will provide information concerning any material conflicts of interest in the form of a written supplement to this agreement.

As part of this registration, the Consultant is required to disclose any legal or disciplinary event that is material to the client’s evaluation of the Consultant or the integrity of its management or advisory personnel. The Consultant has determined that no such event exists.

5. PLANS, RECORDS, AND AVAILABLE DATA: The City agrees to make available, at no charge, for the Consultant’s use all available data related to the Contract including any

preliminary plans, maps, drawings, photographs, reports, traffic data, calculations, EDM, valuable papers, topographic survey, utility location plats, or any other pertinent public records.

- 6. PERSONNEL REQUIREMENTS AND CONDITIONS:** The Consultant shall employ only qualified personnel with appropriate and valid licensure, to the extent a license is required for the work performed. The City shall have the right to approve or disapprove key personnel assigned to administer activities related to the Contract.

Except with the approval of the City, during the life of the Contract, the Consultant shall not employ:

1. Any City employees who are directly involved with the awarding, administration, monitoring, or performance of the Contract or any project(s) that are the subjects of the Contract.
2. Any person so involved within one (1) year of termination of employment with the City.

The Consultant warrants that no company or person has been employed or retained, other than a bona fide employee working solely for the Consultant, to solicit or secure this Contract, and that no company or person has been paid or has a contract with the Consultant to be paid, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the Contract. For breach or violation of this warranty, the City shall have the right to annul the Contract, without liability to the City, and to regain all costs incurred by the City in the performance of the Contract.

The City reserves the right to require removal of any person employed by a Consultant, from work related to the Contract, for misconduct, incompetence, or negligence as determined by the City, in the due and proper performance of Consultant's duties, or for neglecting or refusing to comply with the requirements of the Contract.

- 7. PERFORMANCE:** Consultant warrants that performance of Work will conform to the requirements of this Contract. Consultant shall use that degree of ordinary care and reasonable diligence that an experienced and qualified provider of similar services would use acting in like circumstances and experience in such matters and in accordance with the standards, practices and procedures established by Consultant for its own business.
- 8. DESIGN STANDARDS:** Unless otherwise specifically provided for in the Contract, or directed in writing, Consultant services, studies or designs, that include or make reference to plans, specifications, special provisions, computations, estimates, or other data shall be in conformance with applicable City, state, and federal specifications, manuals, codes or regulations, including supplements to or revisions thereof, adopted prior to or during the duration of this Contract. In case of any conflict with the guidelines referenced, the Consultant is responsible to identify and follow any course of direction provided by the City.

9. RESPONSIBILITY FOR SUPERVISION: The Consultant shall assume primary responsibility for general supervision of Consultant employees and their sub-consultants for all work performed under the Contract and shall be solely responsible for all procedures, methods of analysis, interpretation, conclusions and contents of work performed under the Contract. The Consultant shall be responsible to the City for all acts or omissions of its subconsultants and any other person performing work under this Contract.

10. UTILITIES: Whenever a facility or component of a private, public, or cooperatively-owned utility will be affected by any proposed construction, the Consultant will counsel with the City, plus achieve any necessary contacts and discussions with the affected owners, regarding any requirement necessary for revisions of facilities or existing installations, both above and below ground. Any such installations must be completely and accurately exhibited on any detail sheets or plans. The Consultant shall inform the City, in writing, of any such contacts and the results thereof.

11. INSPECTION OF WORK: The City shall, at all times, have access to the Consultant's work for the purposes of inspection, accounting, and auditing, and the Consultant shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Consultant 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 Consultant pursuant to the Contract, as well as any preparatory work, work-in-progress, or completed work at a field site, where applicable.

Conferences, visits to a site, or an inspection of the work, may be held at the request of any involved party or by representatives of the City.

12. REVIEWS AND ACCEPTANCES: All preliminary and detailed designs, plans, specifications, estimates or other documents prepared by the Consultant, shall be subject to review and endorsement by the City.

Approval for any inspections or sequences of progress of work shall be documented by letters, memoranda or other appropriate written means.

A frequency for formal reviews shall be set forth in the Contract. Informal reviews, conducted by the City will be performed as deemed necessary. The Consultant shall respond to all official comments regardless of their source. The Consultant shall supply the City with written copies of all correspondence relating to formal and informal reviews.

No acceptance shall relieve a Consultant of their professional obligation to correct any defects or errors in their work at their own expense.

13. PUBLIC RELATIONS: Whenever it is necessary to perform work in the field, particularly with respect to reconnaissance, the Consultant will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Consultant shall conduct themselves with propriety. The Consultant agrees to inform property owners

and/or tenants, in a timely manner, if there is need for entering upon private property as an agent of the City, in accordance with 19 V.S.A. § 35 and §.503, to accomplish the work under the Contract. The Consultant agrees that any work will be done with minimum damage to the land and disturbance to the owner. Upon request of the Consultant, the City shall furnish a letter of introduction to property owners soliciting their cooperation and explaining that the Consultant is acting as an agent of the City.

- 14. ACKNOWLEDGEMENTS:** Acknowledgment of the City's support must be included in any and all publications, renderings and project publicity, including audio/visual materials developed under this Contract.

15. APPEARANCES:

- A. Hearings and Conferences:** The Consultant shall provide services required by the City and necessary for furtherance of any work covered under the Contract. These services shall include appropriate representation at design conferences, public gatherings and hearings, and appearances before any legislative body, commission, board, or court, to justify, explain and defend its contractual services covered under the Contract.

The Consultant shall perform any liaison that the City deems necessary for the furtherance of the work and participate in conferences with the City, at any reasonable time, concerning interpretation and evaluation of all aspects covered under the Contract.

The Consultant further agrees to participate in meetings with the City and any other interested or affected participant, for the purpose of review or resolution of any conflicts pertaining to the Contract.

The Consultant shall be equitably paid for such services and for any reasonable expenses incurred in relation thereto in accordance with the Contract.

- B. Appearance as Witness:** If and when required by the City, the Consultant, or an appropriate representative, shall prepare and appear for any litigation concerning any relevant project or related contract, on behalf of the City. The Consultant shall be equitably paid, to the extent permitted by law, for such services and for any reasonable expenses incurred in relation thereto, in accordance with the Contract.

- 16. PAYMENT PROCEDURES:** The City shall pay, or cause to be paid, to the Consultant or the Consultant's legal representative payments in accordance with the Contract. All payments will be made in reliance upon the accuracy of all representations made by the Consultant, whether in invoices, progress reports, emails, or other proof of work. When applicable, for the type of payment specified in the Contract, the progress report shall summarize actual costs and any earned portion of fixed fee.

All invoices and correspondence shall indicate the applicable project name, project number and the Contract number. When relevant, the invoice shall further be broken down in detail between projects.

When applicable, for the type of payment specified in the Contract, expenses for meals and travel shall be limited to the current approved in-state rates, as determined by the State of Vermont's labor contract, and need not be receipted. All other expenses are subject to approval by the City and must be accompanied with documentation to substantiate their charges.

No approval given or payment made under the Contract, shall be conclusive evidence of the performance of the Contract, either wholly or in part thereof, and no payment shall be construed to be acceptance of defective work or improper materials.

The City agrees to pay the Consultant and the Consultant agrees to accept, as full compensation, for performance of all services rendered and expenses incurred, the fee specified in the Contract.

Upon completion of all services covered under the Contract and payment of the agreed upon fee, the Contract with its mutual obligations shall end.

17. DUTY TO INFORM CITY OF CONTRACT DOCUMENT ERRORS: If Consultant knows, or has reasonable cause to believe, that a clearly identifiable error or omission exists in the Contract Documents, including but not limited to unit prices and rate calculations, Consultant shall immediately give the City written notice thereof. Consultant shall not cause or permit any Work to be conducted which may relate to the error or omission without first receiving written notice by the City that City representatives understand the possible error or omission and have approved of modifications to the Contract Documents or that Consultant may proceed without any modification being made to Contract Documents.

18. NON-APPROPRIATION: The obligations of the City under this Contract are subject to annual appropriation by the Burlington City Council. If no funds or insufficient funds are appropriated or budgeted to support continuation of payments due under this Contract, the Contract shall terminate automatically on the first day of the fiscal year for which funds have not been appropriated. The Parties understand and agree that the obligations of the City to make payments under this Contract shall constitute a current expense of the City and shall not be construed to be a debt or a pledge of the credit of the City. The decision whether or not to budget and appropriate funds during each fiscal year of the City is within the discretion of the Mayor and City Council of the City. The City shall deliver written notice to Consultant as soon as practicable of any non-appropriation, and Contract Consultant shall not be entitled to any payment or compensation of any kind for work performed after the City has delivered written notice of non-appropriation.

19. CHANGES AND AMENDMENTS: No changes or amendments to the Work of the Contract shall be effective unless documented in writing and signed by authorized representatives of the City and the Consultant.

20. EXTENSION OF TIME: The Consultant agrees to prosecute the work continuously and diligently and no charges or claims for damages shall be made by the Consultant for delays or hindrances, from any cause whatsoever, during the progress of any portion of services specified in the Contract. Such delays or hindrances, if any, may be compensated for by an extension of

time for such reasonable period as the City may decide. Time extensions shall be granted by amendment, only for excusable delays, such as delays beyond the control of the Consultant and without the fault or negligence of the Consultant.

21. PUBLIC HEALTH EMERGENCY:

- A. Compliance with Mandates and Guidance:** The Consultant is advised that public health emergencies—meaning public health emergencies, as declared by the City, the State of Vermont, or the Federal Government—may introduce significant uncertainty into the project. The Consultant must comply with all local, state, federal orders, directives, regulations, guidance, advisories during a public health emergency. Consultant shall adhere to the below provisions and consider public health emergencies as it develops project schedules and advances the Work.
- B. Enforcement & Stoppage of Work:** Consultant fails to comply with either 1) the approved public health emergency plan, or 2) any local, state, federal orders, directives, regulations, guidance, or advisories during a public health emergency, the City may stop Work under the Contract until such failure is corrected. Such failure to comply shall constitute a breach of the Contract.

Upon stoppage of work, the City may allow Work to resume, at a time determined by the City, under this Contract if such failure to comply is adequately corrected. The City shall have sole discretion in determining if Consultant has adequately corrected its failure to comply with the above.

If Consultant's breach of Contract has not been cured within seven (7) days after notice to stop Work from the City, then City may terminate this Contract, at its discretion.

- C. City Liability Relating to Potential Delays:** If a public health emergency is declared, the City will not be responsible for any delays related to the sequence of operations or any expenses or losses incurred as a result of any delays. Any delays related to a public health emergency will be excusable, but will not be compensable.

- 22. FORCE MAJEURE:** Neither Party to this Contract shall be liable to the other for any failure or delay of performance of any obligation under this Contract to the extent the failure or delay is caused by acts of God, public health emergencies, epidemics, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage, or any other circumstances for which it is not responsible or which is not under its control ("Force Majeure"). To assert Force Majeure, the nonperforming party must prove that a) it made all reasonable efforts to remove, eliminate, or minimize the cause of delay or damage, b) diligently pursued performance of its obligations, c) substantially fulfilled all obligations that could be fulfilled, and d) timely notified the other part of the likelihood or actual occurrence of a Force Majeure event. If any such causes for delay are of such magnitude as to prevent the complete

performance of the Contract within two (2) years of the originally scheduled completion date, either Party may by written notice request to amend or terminate the Contract. The suspension of any obligations under this section shall not cause the term of this Contract to be extended and shall not affect any rights accrued under this Contract prior to the occurrence of the Force Majeure. The Party giving notice of the Force Majeure shall also give notice of its cessation.

23. PAYMENT FOR EXTRA WORK, ADDITIONAL SERVICES OR CHANGES: The City may, in writing, and without invalidating the Contract, require changes resulting from revision or abandonment of work already performed by the Consultant or changes in the scope of work.

The value of such changes, to the extent not reflected in other payments to the Consultant, shall be incorporated in an amendment and be determined by mutual agreement. Any adjustments of this nature shall be executed under the appropriate fee established in the Contract, based on the adjusted quantity of work.

No changes for which additional fee payment is claimed shall be made unless pursuant to a written order from the City, and no claim for payment shall be valid unless so ordered.

The Consultant agrees to maintain complete and accurate records, in a form satisfactory to the City for all time devoted directly to same by Consultant employees. The City reserves the right to audit the records of the Consultant related to any extra work or additional services. Any such services rendered shall be subject, in all other respects, to the terms of the Contract. When changes are so ordered, no additional work shall be performed by the Consultant until a Contract amendment has been fully executed, unless written notice to proceed is issued by the City. Any claim for extension of time that may be necessitated as a result of extra work or additional services and changes shall be given consideration and evaluated insofar as it directly relates to the change.

24. FAILURE TO COMPLY WITH TIME SCHEDULE: If the City is dissatisfied because of slow progress or incompetence in the performance of the Work in accordance with the schedule for completion of the various aspects of construction, the City shall give the Consultant written notice in which the City shall specify in detail the cause of dissatisfaction. Should the Consultant fail or refuse to remedy the matters complained of within five days after the written notice is received by the Consultant, the City shall have the right to take control of the Work and either make good the deficiencies of the Consultant itself or direct the activities of the Consultant in doing so, employing such additional help as the City deems advisable. In such events, the City shall be entitled to collect from the Consultant any expenses in completing the Work. In addition, the City may withhold from the amount payable to the Consultant an amount approximately equal to any interest lost or charges incurred by the City for each calendar day that the Consultant is in default after the time of completion stipulated in the Contract Documents.

25. RETURN OF MATERIALS: Consultant agrees that at the expiration or termination of this Contract, it shall return to City all materials provided to it during its engagement on behalf of City.

- 26. ACCEPTANCE OF FINAL PAYMENT; RELEASE:** Consultant's acceptance of the final payment shall be a release in full of all claims against the City or its agents arising out of or by reason of the Work. Any payment, however, final or otherwise, shall not release the Consultant or their sureties from any obligations under the Contract Documents or any performance or payment bond.
- 27. OWNERSHIP OF THE WORK:** The Consultant agrees that the ownership of all studies, data sheets, survey notes, subsoil information, drawings, tracings, estimates, specifications, proposals, diagrams, calculations, EDM and other material prepared or collected by the Consultant, hereafter referred to as "instruments of professional service", shall become the property of the City as they are prepared and/or developed during execution of the Contract. The Consultant agrees to allow the City access to all "instruments of professional service" at any time. The Consultant shall not copyright any material originating under the Contract without prior written approval of the City. No publications or publicity of the work, in part or in total, shall be made without the express written agreement of the City, except that Consultant may in general terms use previously developed instruments of professional service to describe its abilities for a project in promotional materials. The defined "instruments of professional service" shall exclude Consultants working Excel models as these are proprietary.
- 28. PROPRIETARY RIGHTS:** The Parties under the Contract hereby mutually agree that, if patentable discoveries or inventions should result from work performed by the Consultants under the Contract, all rights accruing from such discoveries or inventions shall be the sole property of the Consultant. The Consultant, however, agrees to and does hereby grant to the City an irrevocable, nonexclusive, non-transferable, and royalty-free license to the manufacture, use, and disposition of any discovery or invention that may be developed as a part of the Work under the Contract.
- 29. PUBLIC RECORDS:** The Consultant understands that any and all records related to and acquired by the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act and that the determination of how those records must be handled is solely within the purview of City. The Consultant shall identify all records that it considers to be trade secrets as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act and shall also identify all other records it considers to be exempt under the Act. It is not sufficient to merely state generally that the record is proprietary or a trade secret or is otherwise exempt. Particular records, pages or section 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.
- 30. RECORDS RETENTION AND ACCESS:** The Consultant agrees to retain, in its files, and to produce to the City—within the time periods requested—all books, documents, Electronic Data Media (EDM), accounting records, and other records produced or acquired by the Consultant in the performance of this Contract which are related to the City, at any time during this Contract and for a period of at least three (3) years after its completion or termination. In addition, if any audit, claim, or litigation is commenced before the expiration of that three (3) year period, the records shall be retained until all related audits, claims, or litigation are

resolved. The Consultant further agrees that the City shall have access to all the above information for the purpose of review and audit during the Contract period and anytime within the aforementioned retention period. Copies of all of the above referenced information shall be provided to the City, if requested, in the format in which the records were obtained, created, or maintained, such that their original use and purpose can be achieved. Consultant, sub-consultants, or their representatives performing work related to the Contract, are responsible to ensure that all data and information created or stored on EDM is secure and can be duplicated and used if the EDM mechanism is subjected to power outage, obsolescence, or damage.

31. CONTRACT DISPUTES: In the event of a dispute between the parties to this Contract each party will continue to perform its obligations unless the Contract is terminated in accordance with these terms.

32. SETTLEMENTS OF MISUNDERSTANDINGS: To avoid misunderstandings and litigation, it is mutually agreed by all Parties that the City's Chief Administrative Officer shall act as referee on all questions arising under the terms of the Contract and that the decision of the Chief Administrative Officer in such cases shall be binding upon both Parties.

33. CITY'S OPTION TO TERMINATE: The Contract may be terminated in accordance with the following provisions, which are not exclusive:

A. Termination for Convenience: At any time prior to completion of services specified under the Contract, the City may terminate the Contract for any reason by submitting written notice via certified or registered mail to the Consultant, not less than fifteen (15) days prior to the termination date, of its intention to do so. If the termination is for the City's convenience, payment to the Consultant will be made promptly for the amount of any fees earned to the date of the notice of termination and costs of materials obtained in preparation for Work but not yet installed or delivered, less any payments previously made. However, if a notice of termination is given to a Consultant prior to completion of twenty (20) percent of the estimated services, as set forth in the approved Work Schedule and Progress Report, the Consultant will be reimbursed for that portion of any reasonable and necessary expenses incurred to date of the notice of termination that are in excess of the amount earned under its approved fee to the date of said termination. Such requests for reimbursement shall be supported with factual data and shall be subject to the City's approval. The Consultant shall make no claim for additional compensation against the City by reason of such termination.

B. Termination for Cause:

- i. **Breach:** Consultant shall be in default if Consultant fails in any manner to fully perform and carry out each and all conditions of this Contract, including, but not limited to, Consultant's failure to begin or to prosecute the Work in a timely manner or to make progress as to endanger performance of this Contract; failure to supply a sufficient number of properly skilled employees or a sufficient quantity of materials of proper quality; failure to perform the Work unsatisfactorily as determined by the City; failure to neglect or refuse to remove materials; or in the event of a breach of

warranty with respect to any materials, workmanship, or performance guaranty. Consultant will not be in default for any excusable delays as provided in Sections 19-21.

The City may give Consultant written notice of such default. If Consultant does not cure such default or provide a plan to cure such default which is acceptable to the City within the time permitted by the City, then the City may terminate this contract for cause.

- ii. Proceedings for Relief of Debtors: If a federal or state proceeding for relief of debtors is undertaken by or against Consultant, or if Consultant makes an assignment for the benefit of creditors, then the City may immediately terminate this contract.
- iii. Dishonest Conduct: If Consultant engages in any dishonest conduct related to the performance or administration of this Contract then the City may immediately terminate this contract.
- iv. Cover: In the event the City terminates this contract as provided in this section, the City may procure, upon such terms and in such manner as the City may deem appropriate, services similar in scope and level of effort to those so terminated, and Consultant shall be liable to the City for all of its costs and damages, including, but not limited to, any excess costs for such services, interest, or other charges the City incurs to cover.
- v. Rights and Remedies Not Exclusive: The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

34. GENERAL COMPLIANCE WITH LAWS: The Consultant and any subconsultant approved under this Contract shall comply with all applicable Federal, State and local laws, including but not limited to the Burlington Livable Wage Ordinance, the Non-Outsourcing Ordinance, and the Union-Deterrence Ordinance and shall provide the required certifications attesting to compliance with these ordinances (see attached ordinances and certifications).

Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties. If, for any reason, a provision in the Contract is unenforceable or invalid, that provision shall be deemed severed from the Contract, and the remaining provisions shall be carried out with the same force and effect as if the severed provisions had never been a part of the Contract.

35. CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY: During performance of the Contract, the Consultant will not discriminate against any employee or applicant for employment because of 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. Consultant, and any

subconsultants, shall comply with any Federal, State, or local law, statute, regulation, Executive Order, or rule that applies to it or the services to be provided under this contract concerning equal employment, fair employment practices, affirmative action, or prohibitions on discrimination or harassment in employment.

36. CHILD SUPPORT PAYMENTS: By signing the Contract, the Consultant certifies, as of the date of signing the Contract, that the Consultant (a) is not under an obligation to pay child support; or (b) is under such an obligation and is in good standing with respect to that obligation; or (c) has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan. If the Consultant is a sole proprietorship, the Consultant's statement applies only to the proprietor. If the Consultant is a partnership, the Consultant's statement applies to all general partners with a permanent residence in Vermont. If the Consultant is a corporation, this provision does not apply.

37. TAX REQUIREMENTS: By signing the Contract, the Consultant certifies, as required by law under 32 VSA, Section 3113, that under the pains and penalties of perjury, that the Consultant is in good standing with respect to payment, or in full compliance with a plan to pay, any and all taxes due the State of Vermont as of the date of signature on the Contract.

38. INDEMNIFICATION:

A. Indemnification by Consultant: Except for the active negligence or willful misconduct of the City, or any of its boards, officers, agents, employees, assigns and successors in interest, consultant undertakes and agrees to defend, indemnify and hold harmless the City and any of its boards, officers, agents, employees, assigns, and successors in interest from and against all suits and causes of action, claims, losses, demands and expenses, including, but not limited to, attorney's fees (both in house and outside counsel) and cost of litigation (including all actual litigation costs incurred by the City, including but not limited to, costs of experts and consultants), damages or liability of any nature whatsoever, for death or injury to any person, including Consultant's employees and agents, or damage or destruction of any property of either party hereto or of third parties, arising in any manner by reason of the negligent acts, errors, omissions or willful misconduct incident to the performance of this Contract by Consultant or its subconsultants of any tier.

B. Notice of Claims & City's Right to Participate: If the City, its officers, 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 Consultant in writing that a claim to which the indemnification provision may apply has been filed. Consultant 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. Consultant's obligation hereunder shall not exceed the percentage of the Claim caused by Consultant and/or persons employed or utilized by Consultant in the performance of the Work.

C. City's Rights and Remedies: Rights and remedies available to the City under this provision are cumulative of those provided for elsewhere in this Contract and those allowed under the laws of the United States and the State of Vermont.

D. No Indemnification by City: Under no conditions shall the City be obligated to indemnify the Consultant 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 Consultant or any third party.

39. NO GIFTS OR GRATUITIES: The Consultant shall not make any payment or gift or donation of substantial value to any elected official, officer, employee, or agent of the City during the term of this Contract.

40. ASSIGNMENT: Consultant shall not sublet or assign this Work, or any part of it, without the written consent of the City. If any subconsultant is approved, Consultant shall be responsible and liable for all acts or omissions of that subconsultant for any Work performed. If any subconsultant is approved, Consultant shall be responsible to ensure that the subconsultant is paid as agreed and that no lien is placed on any City property.

41. TRANSFERS, SUBLETTING, ETC: The Consultant shall not assign, sublet, or transfer any interest in the work, covered by this Contract, without prior written consent of the City, and further, if any sub-consultant participates in any work involving additional services, the estimated extent and cost of the contemplated work must receive prior written consent of the City. The approval or consent to assign or sublet any portion of the work, shall in no way relieve the Consultant of responsibility for the performance of that portion of the work so transferred. The form of the sub-consultant's contract shall be as developed by the Consultant and approved by the City. The Consultant shall ensure that insurance coverage exists for any operations to be performed by any sub-consultant as specified in the insurance requirements section of this Contract.

The services of the Consultant, to be performed under the Contract, shall not be transferred without written authorization of the City. Any authorized sub-contracts shall contain all of the same provisions contained in and attached to the original Contract with the City.

42. CONTINUING OBLIGATIONS: The Consultant agrees that if because of death, disability, or other occurrences, it becomes impossible to effectively perform its services in compliance with the Contract, neither the Consultant nor its surviving members shall be relieved of their obligations to complete the Contract unless the City agrees to terminate the Contract because it determines that the Consultant is unable to satisfactorily execute the Contract.

43. INTERPRETATION & IMPLEMENTATION: Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties.

44. ARM'S LENGTH: This Contract has been negotiated at arm's length, and any ambiguity in any of its terms or provisions shall be interpreted in accordance with the intent of the Parties and not against or in favor of either the City or Consultant.

45. RELATIONSHIP: The Consultant is an independent consultant and shall act in an independent capacity and not as officers or employees of the City. To that end, the Consultant shall determine the method, details, and means of performing the work, but will comply with all legal requirements in doing so. The Consultant shall provide its own tools, materials, or equipment. The Parties agree that neither the Consultant nor its principal(s) or employees are entitled to any employee benefits from the City. Consultant understands and agrees that it and its principal(s) or employees have no right to claim any benefits under the Burlington Employee Retirement System, the City's worker's compensation benefits, health insurance, dental insurance, life insurance, or any other employee benefit plan offered by the City. The Consultant agrees to execute any certifications or other documents and provide any certificates of insurance required by the City and understands that this Contract is conditioned on its doing so, if requested.

The Consultant understands and agrees that it is responsible for the payment of all taxes on the above sums and that the City will not withhold or pay for Social Security, Medicare, or other taxes or benefits or be responsible for any unemployment benefits.

46. CHOICE OF LAW: Vermont law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. Any provision rendered null and void by operation of this provision shall not invalidate the remainder of this Contract to the extent capable of execution.

47. JURISDICTION: All suits or actions related to this Contract shall be filed and proceedings held in the State of Vermont.

48. BINDING EFFECT AND CONTINUITY: This Contract shall be binding upon and shall inure to the benefit of the Parties, their' respective heirs, successors, representatives, and assigns. If a dispute arises between the Parties, each Party will continue to perform its obligations under this Contract during the resolution of the dispute, until the Contract is terminated in accordance with its terms.

49. SEVERABILITY: The invalidity or unenforceability of any provision of this Contract, shall not affect the validity or enforceability of any other provision, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under this Contract in accordance with the intent of this Contract.

50. ENTIRE CONTRACT & AGREEMENT: This Contract constitutes the entire Contract, agreement, and understanding of the Parties with respect to the subject matter of this Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.

51. APPENDICES: The City may attach to these conditions appendices containing various forms

and typical sample sheets for guidance and assistance to the Consultant in the performance of the work. It is understood, however, that such forms and samples may be modified, altered, and augmented from time to time by the City as occasions may require. It is the responsibility of the Consultant to ensure that they have the latest versions applicable to the Contract.

52. NO THIRD PARTY BENEFICIARIES: This Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract 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 Contract are incidental to this Contract, and do not create any rights for such third parties.

53. WAIVER: A Party's failure or delay in exercising any right, power, or privilege under this Contract, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

**Attachment D:
Burlington Livable Wage Ordinance Certification**

DRAFT

Certification of Agreement to Comply with the City of Burlington's Livable Wage Ordinance

I, _____, on behalf of _____ ("the Contractor"), in connection with a contract for _____

services to be provided to the City of Burlington ("the City"), hereby certify, under oath, that the Contractor (and any of its subcontractors or subgrantees under this contract) shall comply with the City's Livable Wage Ordinance ("LWO"), B.C.O. 21-80 et seq., and that:

- (1) The Contractor shall pay all "covered employees" as defined by the LWO (including covered employees of subcontractors or subgrantees) a livable wage (as determined, or adjusted, annually by the City's chief administrative officer), and shall provide required paid time off for the term of the contract (*or the duration of the contracted project*);
 - (a) Full-time employees are entitled to 12 days of paid time off per year; and
 - (b) Part-time employees are entitled to 12 days of paid time off per year on a prorated basis;
 - (c) For a covered employer that provides employer assisted health care, the livable wage shall be at least \$17.44 per hour; and
 - (d) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least \$18.59 per hour.
- (2) The Contractor shall post a notice regarding the applicability of the LWO in the workplace or in other locations where covered employees normally work, and where such notice can be readily seen;
- (3) Upon request of the City's chief administrative officer, the Contractor, for itself and, as applicable, for any of its subcontractors or subgrantees, shall provide payroll records, health insurance enrollment records, and other relevant documentation, as deemed necessary by the chief administrative officer, within ten (10) business days from receipt of the City's request;
- (4) The Contractor shall cooperate in any investigation conducted pursuant to the LWO by the City's designated accountability monitors or the City's Office of City Attorney & Corporate Counsel;
- (5) The Contractor shall not retaliate, nor allow any of its subcontractors or subgrantees to retaliate, against an employee or other person because such employee or person has exercised rights or is planning to exercise rights protected under the LWO, or has cooperated in an investigation conducted pursuant to the LWO;
- (6) The Contractor is required to insert in all subcontracts the requirements of the LWO. The Contractor is liable for violations of the LWO committed by its covered subcontractors.

Date: _____

By: _____

Contractor, or its duly authorized agent

Subscribed and sworn to before me:

Date: _____

Notary Public

**Attachment E:
Burlington Outsourcing Ordinance Certification**

DRAFT

ATTACHMENT E

Certification of Compliance with the City of Burlington's Outsourcing Ordinance

I, _____, on behalf of _____
(Contractor) and in connection with the _____[project].

hereby certify under oath that (1) Contractor shall comply with the City of Burlington's Outsourcing Ordinance (Ordinance §§ 21-90 – 21-93); (2) as a condition of entering into this contract or grant, Contractor confirms that the services provided under the above-referenced contract will be performed in the United States or Canada.

Dated at _____, Vermont this ____ day of _____, 2018.

By: _____
Duly Authorized Agent

Subscribed and sworn to before me: _____
Notary

**Attachment F:
Burlington Union Deterrence Ordinance Certification**

DRAFT

Certification of Compliance with the City of Burlington's
Union Deterrence Ordinance

I, _____, on behalf of _____
(Contractor) and in connection with _____ (City
contract/project/grant), hereby certify under oath that _____
(Contractor) has not advised the conduct of any illegal activity, and it does not currently, nor will
it over the life of the contract advertise or provide union deterrence services in violation of the
City's union deterrence ordinance.

Dated at _____, Vermont this ____ day of _____, 20__.

By: _____
Duly Authorized Agent

**Attachment G:
Consultant's Certificate of Insurance**

DRAFT

**Attachment H:
MuniCap MSRB Notice**

DRAFT

MuniCap MSRB Notices

Consultant is registered as a “municipal advisor” under Section 15B of the Securities Exchange Act of 1934 and rules and regulations adopted by the Securities Exchange Commission (the “SEC”) and the Municipal Securities Rulemaking Board (the “MSRB”). Pursuant to MSRB Rule G-10, Consultant (MuniCap, Inc.) is required to provide Client with the following information.

Consultant has determined, after exercising reasonable diligence, that it has no known material conflicts of interest that would impair its ability to provide advice to Client in accordance with its fiduciary duty to municipal-entity clients and the standard of care required by MSRB Rule G-42(a)(i) concerning obligated person clients. To the extent any material conflicts of interest arise after the date of this agreement, Consultant will provide information concerning any material conflicts of interest in the form of a written supplement to this agreement.

As part of this registration, the Consultant is required to disclose any legal or disciplinary event that is material to the client’s evaluation of the Consultant or the integrity of its management or advisory personnel. The Consultant has determined that no such event exists.

Copies of Consultant filings with the SEC are available via the SEC’s EDGAR system by searching “Company Filings,” which is available via the Internet at:

<https://www.sec.gov/edgar/searchedgar/companysearch.html>. Search for “MuniCap” or for Consultant’s CIK number, which is 0001614774.

The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

Board of Finance and City Council Submission Checklist

Department: CT Office Submitter: Ashley Parker

Title/Subject: MuniCap, Inc., FY24 TIF District Administration Consultant Contract

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/27/2023	Katherine Schad
Mayor's Office informed and approved memo	Yes	7/12/2023	Jordan Redell
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/11/2023	Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/11/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	7/11/2023	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?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	Yes	All additional contract documents.
Draft Resolution or Motion?	Yes	Motion in the memo
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

To: Board of Finance
City Council

From: Cindi Wight, Director of Parks, Recreation & Waterfront
Gary Rogers, Recreation Superintendent
Kerin Durfee, Director of Human Resources
Tony Berry, Human Resources Manager

Date: July 17, 2023

Re: Re-classification/re titling of one (1) position

Executive Summary:

Parks, Recreation & Waterfront is proposing the reclassification/re titling of one (1) position and the creation of one (1) position as summarized below:

- Reclassification and retitling of the Event Planner, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 15, role to Event Manager, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Parks, Recreation, and Waterfront.

Background:

Events

Aligning the Event Planner position with similar event staff in the City moves this position from a grade 15 to a grade 17. The individual takes on significant work managing large and small events, including July 3, with budget responsibility, seasonal staff oversight, and requires significant logistical expertise. The FY24 budget anticipates a higher-grade salary.

Similar City positions

- City Arts: Event Manager, Grade 17
- Racial Equity, Inclusion, and Belonging: Event Planner, Grade 17 (this role has been eliminated)
- Workforce Development: Projects & Events Manager, Grade 18

Financial Impact:

The Event Coordinator was budgeted at a Grade 17 in the FY24 budget so the financial impact has already been taken into account.



Position	Current Grade	Current Salary	Proposed Grade	FY24 New Salary
Event Manager	15	\$62,123	17	\$66,149

Motions

Board of Finance Motion:

To recommend that City Council approve the:

- Reclassification and retitling of the Event Planner, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 15, role to Event Manager, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Parks, Recreation, and Waterfront.

City Council Motion:

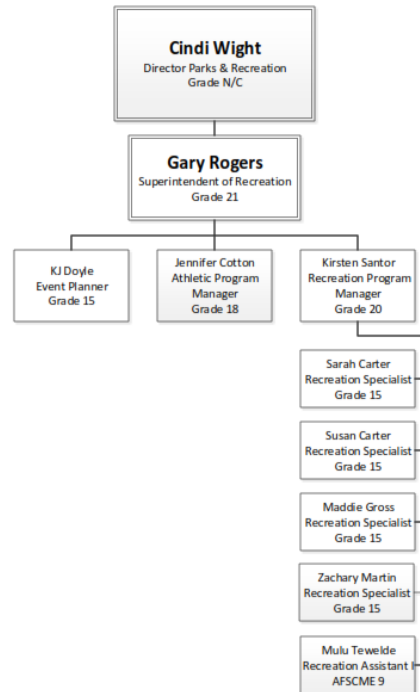
To approve the:

- Reclassification and retitling of the Event Planner, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 15, role to Event Manager, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Parks, Recreation, and Waterfront.



Current Organization Chart

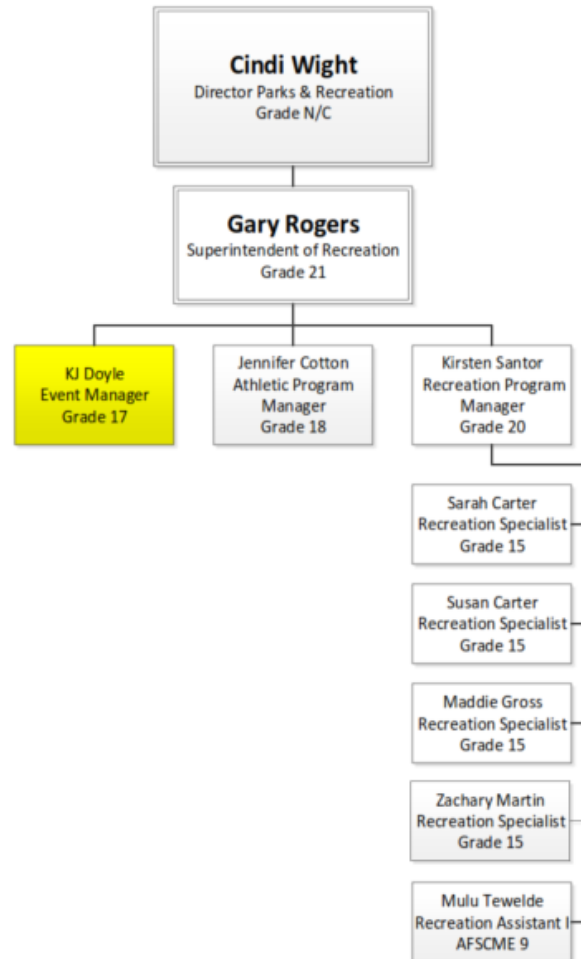
**BPRW-
Recreation Division
City of Burlington
April 2023**





Proposed Organization Chart

**BPRW-
Recreation Division
City of Burlington
July 2023**





Job Description

City of Burlington Job Description

Position Title: Event ~~Planner~~ Manager

Department: Parks, Recreation and Waterfront

Reports to: Superintendent of Recreation

Pay Grade: 1745

Job Code: 1257

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose:

The primary function of this position is to coordinate and program internal special events and oversee department contract for sponsorship and advertising services. This position performs professional work in the development, administration, and evaluation and hands-on production of wide range of internal and partner special events.

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.)

- Plan, coordinate and stage special events, festivals, concerts, and related activities. These should be geared towards all segments of the population.
- Develop the Department's entire internal event calendar, with input from all applicable parties.
- Oversee advertising vendor contract, to include negotiating scope of work performed and compensation.
- Maintain financial records, including revenues and fees generated by events, event operational costs, budget projections and analyses.
- Negotiate and monitor contracts for service providers, i.e., sound, portable toilets, trash disposal, vendors, supplies, contract employees, site plans, barricades, insurance for events.
- Manage catering, security and other vendors while they are on site for events.
- Issue rental and performer agreements, assist with administration work for all events.
Manage required insurance documents for events including but not limited to liquor liability and general liability policies for event bookings.
- Develop and enhance a working relationship with various organizations, non-profits, service clubs, and businesses.
- Develop and enhance a working relationship with new and returning special event sponsors.



- Prepare and submit marketing information on internal special events to Marketing and Outreach Manager and appropriate media outlets, in accordance with Department and City procedures and policies.
- Procure, inventory, and issue supplies, equipment and instructional materials to staff for proper event management.
- Assist with selecting, evaluating and supervising part-time, temporary, and seasonal staff and volunteers.
- Follow all state ACT 250 requirements designed for Waterfront Park, and applicable ordinances for other Burlington parks.
- Design procedures or make recommendations to the Superintendent of Recreation for the effective and efficient use of Department and community resources.
- Prepare and submit reports and records of special events to the Superintendent of Recreation.
- Participate as an active member of the event or operations staff for all large-scale BPRW-produced festivals and events as needed, including on holidays.
- Work in collaboration with event staff across multiple City departments
- Participate in the development of goals and objectives for the Recreation Division.
- Perform all work duties and activities in accordance with City policies and procedures.
- Monitor and follow city-wide safety policy and practices and adhere to responsibilities concerning safety prevention, and report any unsafe activities and conditions.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Associate's Degree and two (2) of experience in municipal special event management or related field. Bachelor's Degree preferred. Additional experience may be substituted for a degree requirement on a two-for-one year basis.
- Must be able to obtain and maintain a CPRP, or IFEA certification from state and national professional associations.
- Knowledge of the principles and practices of recreational services program administration required.
- Highly developed organizational skills required to manage simultaneous event execution.
- Ability to recruit and coordinate event sponsors, vendors and volunteers.
- Ability to work independently and set own tasks.
- Ability to communicate effectively orally and in writing and knowledge of contractual writing.
- Ability to develop and adapt a schedule of recreational events to meet the needs of a diverse population.
- Knowledge of budgetary procedures preferred.
- Must be able to operate standard and computerized office equipment.
- Ability to establish/maintain effective working relationships with City staff and the general public.
- Ability to obtain and maintain a valid driver's license required.



- Ability to work in all weather conditions.
- Ability to work evenings weekends and holidays.
- Ability to coordinate the planning, scheduling, implementation, promoting and staging of special events, concerts and festivals.
- 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. 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.

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

Supervision:

Directly Supervises: _____ Indirectly Supervises: 2 seasons, ~~320~~ 320 volunteers

Board of Finance and City Council Submission Checklist

Cindi Wight, Director of Parks,
Recreation & Waterfront
Gary Rogers, Recreation
Superintendent
Kerin Durfee, HR Director

Department: Parks, Recreation, Waterfront Submitter: Tony Berry, HR Managaer

Title/Subject: Re-classification/retitling of one (1) position

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/7/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	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	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/12/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/12/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	7/12/2023	Tony Berry
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



HUMAN RESOURCES DEPARTMENT City of Burlington

200 Church Street, Suite 100, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

To: Board of Finance/ City Council
From: Kerin Durfee, Director of Human Resources,
Jon Murad, Chief of Police
Date: 6/27/2023
RE: Reclassification of Emergency Communication Specialists

Burlington Police Department/ Increase in AFSCME Roles

Several recent factors have led to the request to reclassify the Emergency Communication Specialists. Factors include the staffing crisis at the Burlington Police Department, coupled with the expansion and creation of non-sworn professional roles, as well as an expansion of duties in some existing roles.

As new leadership positions (such as the Community Support Supervisor and the Community Service Manager) were created, many AFSCME employees at BPD began requesting reclassifications per City policy. In responding to these requests it was clear that many of the non-sworn union and non-union roles within BPD had not kept pace with salaries at the rest of the City. Many had not been reclassified despite the modernization of equipment, assignment of additional duties, and the reclassification of similar roles in the City at large. During this transitional period, the Emergency Communication Specialist role, informally known as “dispatcher,” was not reclassified due to the existence of a Memorandum Of Understanding (MOU) that was put in place on 4/25/2022 as written below:

Memorandum of Understanding: Emergency Compensation for Dispatchers

At the onset of contract negotiations in 2022, the City’s largest union, AFSCME, requested that an MOU be put in place to address an emergency staffing crisis in dispatch. Per the MOU:

Executive Summary:

Following a recent employee departure, the staffing levels in the Emergency Communications Unit (informally called "dispatch") at the Burlington Police Department have dropped so low so as to become untenable. Factors contributing to the low staffing level include high turnover, retirement, and the imminence of regionalization. **Full staffing levels are considered 12 dispatchers and the unit is currently down to just 7 full-time dispatchers.** Two more departures potentially mean removing sworn officers from patrol to cover vacant shifts and ultimately even shuttering the midnight shift. This continuous job opening remains unfilled, and has few applicants, owing to factors such as the current labor market and later or overnight shift hours for less senior employees. This has led to increased overtime and requires calling dispatchers in when they are not scheduled to work overtime for both full and part-time dispatchers. The Administration worked closely with AFSCME to develop this temporary recruitment and retention incentive, which will immediately compensate ECS personnel, aid with



HUMAN RESOURCES DEPARTMENT

City of Burlington

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recruitment, and prevent more turnover. We recognize this is urgent given that there is still a year or more until regionalization occurs and we believe this is the best way to maintain an Emergency Communications Unit in the meantime.

Background:

Dispatch has experienced chronic staffing issues but recently the duties within the department have become more complicated. This is due to the implementation of a Priority Response model stemming from a reduction in sworn personnel, the creation of new roles such as the Community Support Liaisons (CSLs) and the expansion of the Community Service Officers (CSOs) and the need to determine which calls go to which roles. ECS personnel are now responsible for not only prioritizing call types but also determining who gets these calls (CSO, CSL, Sworn Personnel, Fire Department), and, perhaps most difficult, explaining to citizens when their call may not be prioritized due to Police Department staffing.

As we entered negotiations with the City's largest union, AFSCME, the issue of staffing in dispatch is so urgent that it warrants an agreement now, as opposed to waiting for negotiations to conclude.

Outcomes

During the period that the above MOU has been in place, dispatch turnover has continued. The Mayor authorized additional wages outside of the MOU on 9/11/2022 when staffing levels fell to just five full-time dispatchers. Currently, there are seven full-time dispatchers available for duty, the same number of employees as when the MOU was created. Of these seven, three were hired in the last six months and have just recently completed the required training.

Through the process of reclassification, the City can maintain competitive wages for Emergency Services Communication Specialists while allowing the MOU to sunset.

Financial Impact

The total annual cost of the reclassification is \$71,952.19 and is included in the FY'24 budget.

Current Step (FY24)	AFSCME 15 Base	AFSCME 15 (+15%)	AFSCME 17	% increase	\$ increase	Total
Step 1	27.01	\$31.0568	\$31.8027	15.4%	4.80	9977.344
Step 2	27.52	\$31.6481	\$32.3894	15.4%	4.87	10128.14
Step 1	27.01	\$31.0568	\$31.8027	15.4%	4.80	9977.344
Step 7	30.09	\$34.6044	\$35.3226	15.1%	5.23	10882.14
Step 1	27.01	\$31.0568	\$31.8027	15.4%	4.80	9977.344
Step 1	27.01	\$31.0568	\$31.8027	15.4%	4.80	9977.344
Step 9	30.61	\$35.1959	\$35.9092	15.1%	5.30	11032.53
						71952.19



HUMAN RESOURCES DEPARTMENT

City of Burlington

200 Church Street, Suite 100, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

Motions:

Board of Finance:

Move to recommend that the City Council approve the reclassification of the Emergency Communications Specialist position, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15 to Emergency Communications Specialist, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position.

City Council:

Move to approve the reclassification of the Emergency Communications Specialist position, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15 to Emergency Communications Specialist, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17 position.

Board of Finance and City Council Submission Checklist

Department: Burlington Police Department Submitter: Kerin Durfee

Title/Subject: Reclassification of Emergency Services Communication Specialists

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/11/2023	Chief Murad
Mayor's Office informed and approved memo	Yes	7/6/2023	Jordan Redell
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	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CAO has reviewed budget, financing, and memo	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	7/6/2023	Kerin Durfee, Director of Human Resources
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



To: Board of Finance
City Council

From: Megan Moir, Division Director - Water Resources

Cc: Chapin Spencer, DPW Director
Kerin Durfee, Director of Human Resources
Tony Berry, Human Resources Manager

Date: July 17, 2023

Subject: 1. Creation of two (2) new Water Distribution Field Technician positions
2. Reclassification of the Water Distribution Working Foreman position

EXECUTIVE SUMMARY

The Water Resources Division (WRD) of the Department of Public Works (DPW) requests Board of Finance and City Council approval for:

1. Creation of two (2) Water Distribution Field Technicians, Regular, Full-time, Non-Exempt, AFSCME, Grade 15, roles in the Department of Public Works.
2. Reclassification and retitling of the Water Distribution Working Foreman, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 16, role to Water Distribution Working Foreperson, a Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Public Works. *Please note this request also includes Retroactive pay of approximately \$5,500 due to being effective January 24, 2023.*

Additional details are provided below in the background.

Funds for the creation of the two additional Distribution Field Technician positions (including benefits) and the reclassification of the two (2) working foreperson positions were included as part of the approved FY24 budget.

BACKGROUND

Creation of two additional Water Distribution Field Technician positions

Addition of staff to the Distribution workgroup was one of the recommendations of the Raftelis Staffing Recommendation Study completed in May 2023 (see <https://bit.ly/2023WRStaffing>) and presented to the City Council as part of the FY24 Budget Approval process. The Distribution Team is responsible for maintaining and repairing the City's network of water mains, hydrants and service lines. A minimum crew size of 4 employees is needed to safely and efficiently perform the majority of the construction projects assigned to this team. The current number of distribution field technicians (8 total, including the 2 working forepersons) does not account for true labor yield which would appropriately factor in time off, illness, position vacancies etc. Additionally, the hiring of seasonal or temporary employees has been increasingly more challenging in the recent years. The temporary nature of these types of employees can limit their usefulness during many types of jobs and

emergencies – as water distribution jobs require a high level of safety and technical training given that they are involved with protecting the drinking water supply and ultimately public health.

As a result, it is a frequent occurrence that at least one crew does not meet minimum staffing. Because of this, the workgroup struggles to complete critical preventative maintenance activities such as valve exercising or hydrant flushing, and cannot take on other capital improvement projects which would improve the system. In some cases, for extended emergency work, there are not enough crew members to complete the work and contractors must be called in (at significant cost to the City) to complete emergency work. The addition of these two FTEs will improve the ability of the two crews to complete annual work-plans and to respond to emergencies, while reducing the use of overtime. In the winter time, if not being used to supplement crews on winter main breaks, these new employees can be assigned to support the meter technician team with meter replacement (approximately 70% of the City's meters are past their useful life) and support the City's plowing operations.

Reclassification of the Water Distribution Working Foreman positions

There are currently two (2) Water Distribution Working Foreman positions on the Distribution team. Each leads a crew of 3 distribution technicians. In accordance with the Collective Bargaining Agreement, Section 9.2, AFSCME requested a reclassification review of the Working Distribution Working Foreman job descriptions on January 24, 2023. As the result of this request, staff worked in consultation with management to make several updates to the job description and submitted it for grading to the Human Resource Department. The submission for grading included management's description of the technical skills that must be employed and safety hazards that must be managed by these individuals as they lead these small teams, as well as the importance of these role to protecting the City's water supply and thus public health. Since these are AFSCME Bargaining Unit roles, HR and management worked with the appropriate representatives from AFSCME during the process.

The grading committee determined that, based on Willis classification scoring, the grade of the position should be increased one grade from Grade 16 to Grade 17.

In addition to being paid at the higher grade moving forward, these individuals are owed retroactive pay from January 24, 2023.

Please see the proposed organizational chart for these proposed changes.

BUDGET IMPACT

The City's Human Resources Department has reviewed the position descriptions, and determined the recommended pay scale for these positions as:

Position	Grade	Salary Impact
2 Distribution Technicians (new)	AFSCME, Grade 15	\$112,344 to \$125,176 ¹
Reclassification of two Water Distribution Working Forepersons - total (reclassification)	AFSCME, Grade 17	\$8,100 ²
Total Retroactive pay estimate		\$5,500

Notes

1) Unless otherwise noted, salary shown is Step 1-7 within the grade.

- 2) Total annual increase for the two incumbents in the position is shown.
- 3) Estimated retroactive pay, including potential retroactive payment on overtime hours.

Funds for the creation of the two additional Distribution Field Technician positions (including benefits) and the reclassification of the two (2) working foreperson positions were included as part of the approved FY24 budget.

Motions

Board of Finance Motion:

To recommend that City Council approve the:

1. Creation of two (2) Water Distribution Field Technician positions, Regular, Full-time, Non-Exempt, AFSCME, Grade 15, roles in the Department of Public Works.
2. Reclassification and retitling of the two (2) Water Distribution Working Foreman, Regular, Full-Time, Non-Exempt, AFSCME, Grade 16, roles to Water Distribution Working Foreperson, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, roles in the Department of Public Works, retroactive to January 24, 2023 and further authorize associated retroactive pay not to exceed \$5,500.

City Council Motion:

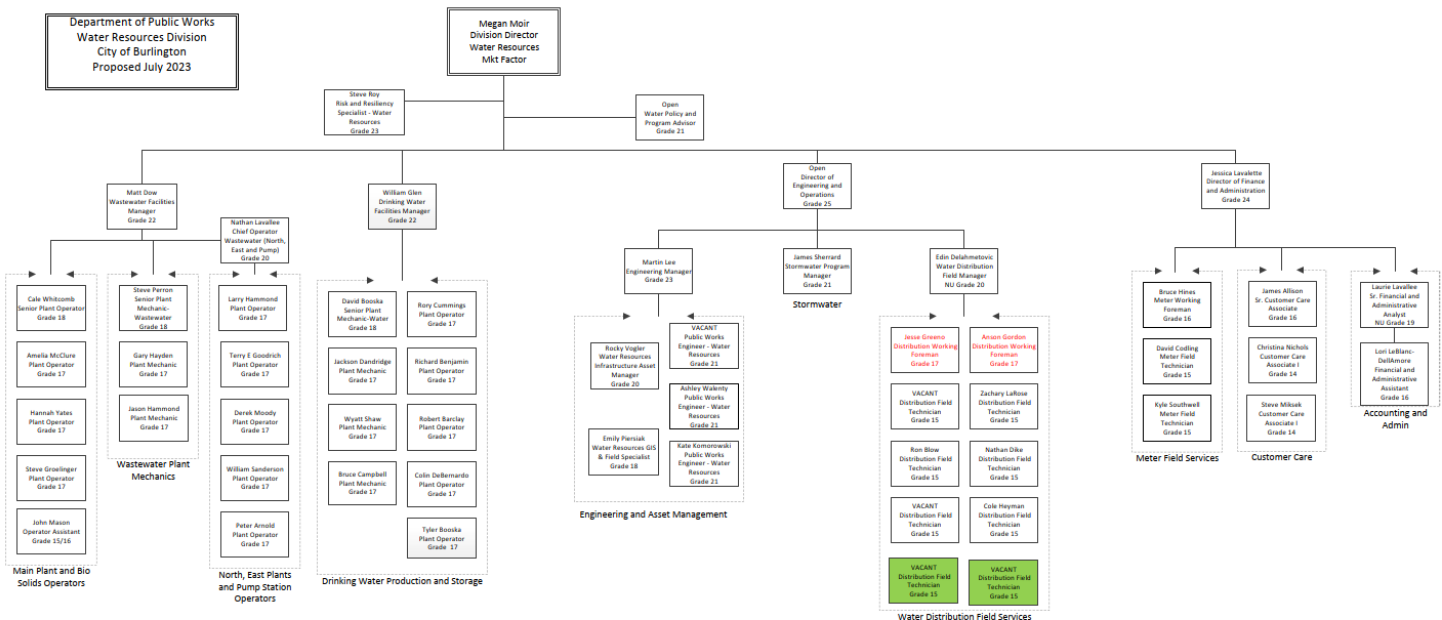
To approve the:

1. Creation of two (2) Water Distribution Field Technician, a Regular, Full-time, Non-Exempt, AFSCME, Grade 15, roles in the Department of Public Works.
2. Reclassification and retitling of the two (2) Water Distribution Working Foreman, Regular, Full-Time, Non-Exempt, AFSCME, Grade 16, roles to Water Distribution Working Foreperson, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, roles in the Department of Public Works, retroactive to January 24, 2023 and further authorize associated retroactive pay not to exceed \$5,500.

Attachments:

- A. Job Descriptions
- B. Organizational Chart

Proposed Organizational Chart



Job Description

City of Burlington Job Description

Position Title: Water Distribution Working Foreperson

Department: Department of Public Works

Reports to: Water Distribution Field Manager

Pay Grade: 1746

Job Code: 1168

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose: This position is responsible for providing on-site leadership, direction and technical expertise to field service crew members engaged in installing, maintaining and repairing the City's Water Distribution system and connections [in accordance with Federal, State, City and AWWA \(American Water Works Association\) standards and regulations](#). This position acts as a liaison between the Department of Public Works and the general public as it relates to field work being performed.

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.)

- Required to perform all essential tasks of the Distribution Field Technicians, as needed.
- Prepare, coordinate, provide technical oversight to and review the work of the Distribution Field Technicians in daily work assignments and projects including, but not limited to:
 - maintenance and repair of all aspects of the water system including water mains, water services, hydrants, and valves
 - related repairs such as maintenance and restoration of excavated areas such as lawns, greenbelts and paved surfaces
 - dig safe response as necessary
 - Coordination activities include:
 - preparing job parts lists and ensuring parts availability with Inventory Specialist
 - pulling excavation permits
 - ensuring customer estimate appointments are kept
 - scheduling external traffic control
 - coordinating with Metering group, Street Maintenance or external contractors as needed for additional resources
 - Technical oversight includes ensuring all activities above are completed in accordance with [American Water Works Association \(AWWA\)](#) standards and/or Division procedures, ordinances or policies, including [digsafe](#), traffic control and

excavation backfill standards.

- Oversight and direction regarding the safe and timely completion of projects and restoration of water service
- Complete required paper work accurately, including but not limited to production reports, crew schedules, service estimates, first report of accident and computer based asset tracking applications (valve inspections, water break reporting etc.).
- Assist Water Distribution Field Manager with supervision, coaching, and training of crew members.
- Participate, promote and encourage safe work practices in accordance with Federal, State and Local regulations.
- Requisition materials required to complete projects in a manner consistent with Department policies, procedures and City/State/AWWA standards.
- Maintain control over progress and quality of work in accordance with departmental goals, objectives and standards [and City/State/AWWA Standards](#).
- Respond to distribution related See Click Fix requests.
- Participate in the hiring process including but not limited to interviewing, evaluating and recommending applicants.
- Review and coordinate collection of asset information for the various categories of infrastructure through the use of applicable technology.
- Comply with and promote adherence to all departmental safety policies, protocols and procedures and OSHA regulations, including but not limited to ensuring a safe work area, wearing appropriate Personal Protective Equipment, and stopping work if there is any question of safety. Oversee compliance with and tracks safety training of subordinates related to these requirements.
- Act as “Ambassador” for the City and DPW by carrying out work and interacting with co-workers and the public in a respectful, professional manner.
- Represent Water Resources at community events to promote departmental initiatives and programs.
- Plow City streets and sidewalks with the Street Division in accordance with the provisions of the Union contract.
- Provide on-call coverage as assigned, including after-hours, nights, weekends and holidays.

Non-Essential Job Functions:

- Perform other duties as required.

Qualifications/Basic Job Requirements:

- High School diploma or equivalent required.
- Three (3) years of experience in underground water infrastructure construction, maintenance and repair with at least one (1) year in a supervisory role required. Additional experience in metering or plumbing is preferred.
- Possession of a Commercial Driver’s License B at time of application, and must obtain and maintain a Commercial Driver’s License Class A within one (1) year of date of hire required.

- Vermont State Operator Classification, Class D required or the ability to obtain certification with one (1) year of date of hire required.
- Demonstrated knowledge of the water distribution system, connectors, including but not limited to locating underground service lines such as gas and power supply, principles of water pressure and hydraulic engineering.
- Demonstrated knowledge of water main installation and repairs, water main valve installation and repairs, water service installation and repairs, and fire hydrant installation and repairs.
- Ability to direct work activities of a small work crew and lead by example.
- Ability to select and assign staff to each task.
- Ability to determine and demonstrate appropriate methods, procedures and techniques for tasks assigned.
- Ability to complete work projects in a safe and timely manner to avoid extensive disruption of service for water users.
- Ability to read and understand blue prints and/or GIS maps to identify and locate water shutoffs and water lines.
- Knowledge of the internal works of plumbing, fixtures and water meters with residential and commercial properties.
- Knowledge about and ability to operate power and hand tools related to water distribution and metering.
- Ability to use computers, smart phones, iPads, email and the internet effectively.
- [Ability to use Asset Management software.](#)
- Ability to read and understand blue prints to identify and locate water shut offs and water lines.
- Strong problem solving and decision making skills required.
- Strong communication skills, both oral and written required.
- Ability to train, motivate and coach subordinate workers.
- Ability to safely operate dump truck, front end loader, sidewalk plows, jackhammer, backhoe, and other related equipment.
- Ability to complete work projects in a timely manner to avoid extensive interruption of service for water users.
- Ability to operate wheeled and tracked snow plow equipment on City streets and sidewalks to plow, remove snow and ice, salt and sand.
- Ability to work outdoors in all weather conditions.
- Physical ability to perform manual labor required for water distribution work (see chart below)
- Ability to work in confined spaces and in moving traffic areas.
- Ability to work after-hours, nights, weekends and on call as required.
- Ability to work effectively with field service members, leaders, other divisions, and the general public.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies. This includes ongoing trainings and professional development.

- Regular and timely 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 and Chapter 31 of the City ordinance.
- Ability to create and maintain an environment that embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.

Physical & Mental/Reasoning Requirements; Work Environment:

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

x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (73 pounds, 8 inches to 48 inches and waist to shoulder lift of 40 pounds – a two person lift is required for 73 pounds and above)
x	hearing/listening	x	carrying (73 pounds, a two person carry is required for 73 pounds and above)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger	x	ability to mount and dismount forklift
x	reading – basic	x	pushing/pulling – up to 65 pounds
	reading – complex	x	shift work
x	math skills – basic	x	Spinal rotation – twisting/turning
	math skills – complex	x	pressurized equipment
x	writing – basic	x	extreme heat
	writing – complex	x	extreme cold
x	analysis/comprehension	x	high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside	x	hazardous materials
x	works alone	x	electrical equipment
x	works with others	x	mechanical equipment
x	face-to-face contact	X	Reaching X Stooping X Bending
x	verbal contact w/others	X	Kneeling X Crouching
X	Walking – up to 12 hours per day	X	Sitting – up to 4 hours per day

Supervision:

Directly Supervises: 0

Indirectly Supervises: 3 (plus temporary position(s) as needed)

City of Burlington Job Description

Position Title: Water Distribution Field Technician

Department: Department of Public Works

Reports to: Water Distribution Field Manager

Pay Grade: 15

Job Code: 428

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose: This position is responsible for all activities in the water distribution system. This includes installing, maintaining and repairing the City water main distribution system, domestic and commercial service connections and fire hydrants. In addition, may be required to support the Meter Field Crew as assigned.

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.)

- Receive daily work schedule from Water Distribution Working Foreman directing job activities, tasks and specific instructions; load required equipment, tools, materials etc., and safely complete tasks according to schedule.
- Respond to emergency call outs as directed including but limited to suspected water leaks and main breaks. In the event of a confirmed break, begin process of shutting down isolating valves immediately.
- Re-fill and resurface roadways.
- Install, maintain, repair or replace sections of water mains, valves or domestic and commercial water service connections as scheduled, in a manner in accordance with American Water Works Association (AWWA) standards.
- Install, maintain, repair or replace fire hydrants; re-surface ground area; maintain free access to hydrants by clearing debris, shoveling or plowing accumulated snow, flush, pump and flow test fire hydrants as necessary.
- Ensure a safe work area for all projects assigned.
- Inspect new water lines laid by contractors for conformance to departmental and State regulations and standards.
- Gather asset information for the various categories of infrastructures, signs, hydrants, making use of hand-held computer and GPS receiver.
- Locate, expose and raise or lower road and gate boxes as directed for Street Division paving projects.
- Respond to Dig-Safe notifications as assigned and identify all water supply lines according to departmental protocol.

- Maintain assigned vehicle and equipment in proper working order, keep required equipment, tools, materials & supplies on vehicle as needed.
- Plow City streets and sidewalks with the street division in accordance with the provisions of the Union contract.
- Perform backfilling and landscaping of City green belt and lawn areas.
- Act as “Ambassador” for the City, carrying out work and interacting with co-workers and the public in a respectful, professional manner.
- Comply with all departmental safety policies, protocols and procedures and OSHA regulations, including but not limited to ensuring a safe work area, wearing appropriate Personal Protective Equipment, and stopping work if there is any question of safety.
- Attend safety and professional development trainings as required.
- May be required to assist the Metering Field Crew with routine metering work as necessary as assigned by the Water Distribution Field Manager.
- Provide on-call coverage as assigned including nights, weekends and holidays.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- High School Diploma or equivalent required.
- One (1) year previous experience in underground water construction or other underground construction preferred.
- Vermont State Operator Classification, Class D or equivalent required or the ability to obtain certification within one (1) year of date of hire required.
- Demonstrated working knowledge of the internal works of plumbing and fixtures with residential and commercial properties preferred.
- Ability to read and understand blue prints to identify and locate water shut-offs, and water lines.
- Training in construction equipment and tool use and their related safety practices required.
- Possession of a Commercial Driver’s License Class B at time of application, but must obtain and maintain a Commercial Driver’s License Class A within the probationary period of the position required.
- Ability to learn City water distribution system and connectors, including but not limited to: locating underground service lines such as gas and power supply, principles of water pressure and hydraulic engineering, good safety practices, etc.
- Physical ability to perform manual labor required for water distribution work (see chart below)
- Ability to safely operate various hand held tools, including but not limited to: jack hammer, pick and shovel.
- Previous backhoe operation experience preferred.
- Ability to climb ladders in and out of trench excavations.
- Ability to work in confined spaces required.
- Ability to work in all weather conditions required.

- Work on after-hours, nights, holidays and weekends and on call as required.
- Flexible team player that takes direction well, is safety conscious, customer-oriented, and willing and able to learn to operate all equipment and perform all tasks as assigned.
- Ability to create and maintain an environment that appropriately embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to work effectively and in a professional manner with crew members and leaders, other divisions and the general public.
- Ability to learn and maintain VOSHA safety rules and regulations as they pertain to the Department of Public Works.
- 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 and timely 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 and Chapter 31 of the City ordinance.

Physical & Mental/Reasoning Requirements; Work Environment:

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

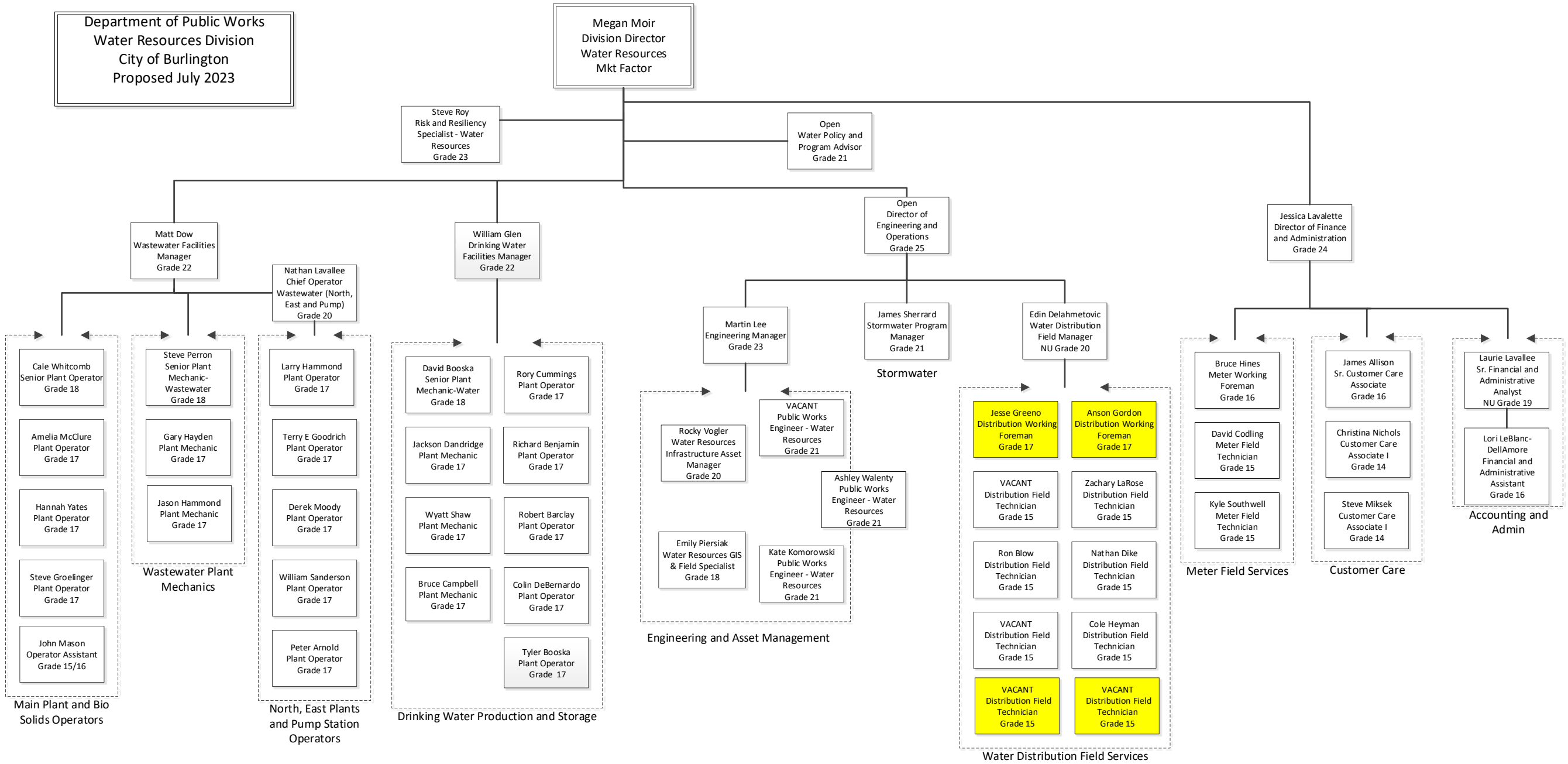
x	seeing	x	ability to move distances within warehouses and offices
x	color perception (red, green, amber)	x	lifting (76 pounds, 8 inches to 48 inches and waist to shoulder lift of 60 pounds)
x	hearing/listening	x	carrying (76 pounds, a two person carry is required for 77 pounds and above)
x	clear speech	x	climbing
x	touching	x	driving
x	dexterity x hand x finger	x	ability to mount and dismount forklift
x	reading – basic	x	pushing/pulling – up to 65 pounds
	reading – complex	x	shift work
x	math skills – basic	x	Spinal rotation – twisting/turning
	math skills – complex	x	pressurized equipment
x	writing – basic	x	extreme heat
	writing – complex	x	extreme cold
x	analysis/comprehension	x	high places
x	judgment/decision making	x	noise
x	clerical	x	fumes/odors
x	inside	x	dirt/dust
x	outside	x	hazardous materials
x	works alone	x	electrical equipment

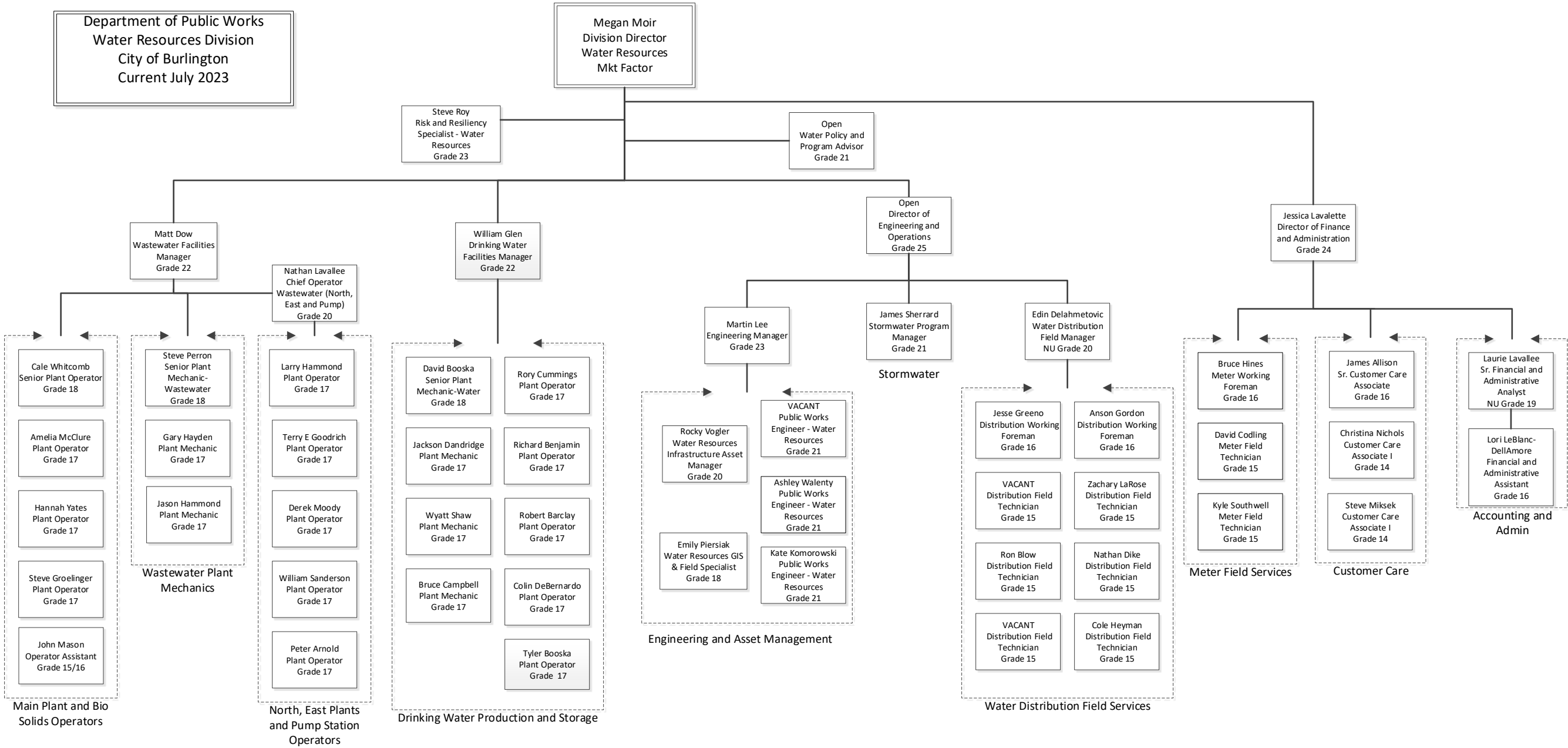
x	works with others	x	mechanical equipment
x	face-to-face contact	X	Reaching X Stooping X Bending
x	verbal contact w/others	X	Kneeling X Crouching
X	Walking – up to 12 hours per day	X	Sitting – up to 4 hours per day

Supervision:

Directly Supervises: __0__

Indirectly Supervises: __0__





Board of Finance and City Council Submission Checklist

Megan Moir, Division Director -
Water Resources
Chapin Spencer, DPW Director
Kerin Durfee, Director HR

Department: DPW Submitter: Tony Berry, Human HR

Creation of two (2) new Water Distribution Field Technician positions
Reclassification of the Water Distribution Working Foreman position

Title/Subject: _____

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/11/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	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	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/11/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	7/12/2023	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	Yes	7/11/2023	Tony Berry
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

MEMO

Date: July 17, 2023

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: City Hall Elevator Modernization

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to modernize the elevator in City Hall. It is critical to modernize the elevator to ensure is safety and functionality for both Burlingtonians and visitors who need help with accessibility. Elevator modernization consists of updating the supporting machinery and controls to provide safe and efficient transportation throughout the facility levels.

II. Background

This work will improve reliability and significantly reduce the chance of the elevator system breaking down. From a safety standpoint, this work is essential to safeguard passengers in the facility.

The following are the specifics of what will be upgraded:

- Electrical Controller
- Submersible Pump Unit
- Hydraulic Piping
- Electrical Wiring
- LED Call Buttons
- Door Operators and Tracks
- Elevator Cab Interior

III. PROCESS

In March 2023, the City posted a public RFP and invited local elevator companies to bid on this project to modernize the elevator in City Hall. We received two qualified bids and selected Mack Brothers Elevator LLC based on their low bid and Vermont ties. Please note the following dates associated with the RFP:

Date of Issuance: March 15, 2023

Site Visit: By Appointment

Questions Due: March 28, 2023 12:00 PM

Answers Posted: March 30, 2023 12:00 PM

Proposal Due Date: April 6, 2023 12:00 PM



IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project is coming from Facilities Capital for City Hall Elevator Modernization as shown in the FY '23 budget. This budget was approved by the Capital Committee prior to the budget being approved by City Council.

Funding Sources & Budget	
Facilities Capital	\$180,000.00
Total Budget	\$180,000.00
Contractor bid	\$135,609.35
~10% Contingency (on above items)	\$13,560.00
Total Project Estimate	\$149,169.35

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the installation.

V. SCHEDULE

The anticipated project schedule is as follows:

- March 2023: RFP issued for Elevator Modernization project
- July 2023: Board of Finance and City Council approvals
- July 2023: Contract signed
- Start of construction TBD based on the availability of materials and working around best City Hall coordination – This will include coordination, notification and signage for employees, the public and any public meetings. Regarding public meetings, we have options to schedule around a month or more without public meetings, or work with the City team to appropriately move the meetings to a different location, or hold them online.

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize the execution of a contract with Mack Brothers Elevator LLC, for a price not to exceed \$135,609.45, to provide services related to the modernization of City Hall's elevator, plus a project contingency of \$13,560.00 (total request including contingency not to exceed \$149,169.45), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

City Council Motion:



To approve and authorize the execution of a contract with Mack Brothers Elevator LLC, for a price not to exceed \$135,609.45, to provide services related to the modernization of City Hall's elevator, plus a project contingency of \$13,560.00 (total request including contingency not to exceed \$149,169.45), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Kim Bleakley

Title/Subject: City Hall Elevator Modernization

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/7/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	Click or tap here to enter text.
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	7/11/2023	Kyle
CAO has reviewed budget, financing, and memo	Choose an item.	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?	Choose an item.	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

MEMO

Date: July 17, 2023

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: City Hall Exterior Restoration

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to restore the exterior of City Hall.

II. Background

City Hall is a historic building designed by McKim, Mead & White. It is currently in need of exterior restoration to make sure that any lead paint dangers are mitigated for employees and the public, and to have our downtown jewel box be a proud, beautiful building in Burlington.

The work will meet the Secretary of Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. This project will include exterior painting, restoring damaged window glazing, applying one coat of gold leaf to cupola, restoring wrought iron railing and window coverings, exterior wood door repairs, restoring in place third floor arched windows and an additional five-year maintenance contract.

III. PROCESS

In May 2023, the City publicly posted an RFP and invited local contractors to bid on the exterior restoration project. We received one bid from a South Burlington contractor who has done other projects for the City, Heritage Environmental Projects, Inc. Please note the following dates regarding the RFP for this project:

Date of Issuance: May 7, 2023

Questions Due: May 19, 2023 12:00 PM

Answers Posted: May 22, 2023 12:00 PM

Proposal Due Date: May 26, 2023 12:00 PM

IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project comes from Facilities Capital and was approved as part of the FY '23 budget. The Capital Committee approved this budget in 2022, prior to the City Council approving the budget.

Funding Sources & Budget	
Facilities Capital	\$192,500.00
Total Budget	\$192,500.00
Contractor bid	\$128,870.00



~10% Contingency (on above items)	\$12,887.00
Total Project Estimate	\$141,757.00

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the restoration.

V. SCHEDULE

The anticipated project schedule is as follows:

- May 2023: RFP issued for the exterior restoration of City Hall
- July 2023: Board of Finance and City Council approvals
- July 2023: Contract signed
- Late Summer 2023: Estimated construction begins

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council authorize the execution of a contract with Heritage Environmental Projects, Inc., for a price not to exceed \$128,870.00, to complete exterior restoration at City Hall, plus a project contingency of \$12,887.00 (total request including contingency not to exceed \$141,757.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

City Council Motion:

To approve and authorize the execution of a contract with Heritage Environmental Projects, Inc., for a price not to exceed \$128,870.00 to complete exterior restoration at City Hall, plus a project contingency of \$12,887.00 (total request including contingency not to exceed \$141,757.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Kim Bleakley

Title/Subject: City Hall Exterior Restoration

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/7/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	Click or tap here to enter text.
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	7/11/2023	Kyle
CAO has reviewed budget, financing, and memo	Choose an item.	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?	Choose an item.	Click or tap here to enter text.
Contract Attached, if applicable?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

MEMO

Date: July 17, 2023

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: Replacement Remote Sump Tank for City Hall

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to replace the remote sump tank in City Hall.

II. Project Background

The City has a remote sump tank in the basement of City Hall. This tank is in place as part of the evaporative cooling system in the building. It is at end of life, to the point where it is getting pinholes in the tank material. Because of this, it must be replaced immediately before further deteriorating causes a flood in the basement. Should we have a flood, this is a potential for significant damage, including the possibility of needing to shut down the building for a short period.

In March 2023, BPRW publicly posted an RFP to work with an Energy Performance Contractor (EPC) for City buildings. Energy Performance Contractors improve occupant comfort and productivity, reduce energy consumption and operating costs, and increase property value through renovation. An EPC will help the City to design and implement upgrades to bring City buildings as close as possible to Net Zero Energy within the constraints of building structure, age and budget.

BPRW received one complete proposal and reviewed it for value, experience, qualifications and completeness. Energy Efficient Investments (EEI), as the only proposal received, met all requirements. We know that this proposal cost is reasonable because EEI leverages their internal resources, engineers and city-preferred contractors to put together a comprehensive and cost effective solution to each project they address. Unless hazardous materials or severe existing code issues are uncovered during construction, EEI does not request additional funds to complete the project, such as reasonable change orders. The local EEI team uses their considerable HVAC and construction experience to ensure the entire covered, the costs are controlled, and a turn-key system is delivered upon completion. In addition, their pricing is "open book" in that they will show exactly how we arrived at the proposed project cost, including providing copies of subcontractor proposals.

III. EPC Process

As noted above, the City is collaborating with an Energy Performance Contractor for future energy efficiency and systems projects in our buildings. This collaboration will help us to upgrade our



facilities by finding energy savings that pay in part or in full for the cost of the upgrades over time. These projects will be done on a turnkey basis, making our spending more efficient.

The goal of partnering with an EPC is to develop an energy efficient roadmap for City buildings. Our City staff may then move forward with the EPC on select projects to implement. Any selected project will require its own contract and cost estimate, which will then be reviewed and approved by our Board of Finance and City Council.



Regarding the RFP process for our EPC, the following dates should be noted:

Issued: March 15, 2023

Questions Due: March 22, 2023 12:00 PM

Post Answers: March 27, 2023 12:00 PM

Due: April 3, 2023



IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project is coming from Facilities Capital for City Hall HVAC Mechanical Upgrades as shown in the FY '23 budget. This budget was approved by the Capital Committee prior to the budget being approved by City Council. The balance of this project will be paid from the Facilities Contingency FY '24 budget, which was approved by the Capital Committee prior to being approved by City Council.

Funding Sources & Budget	
Facilities Capital	\$140,000.00
Facilities Contingency	\$60,928.00
Total Budget	\$182,662.00
Contractor bid	\$182,662.00
~10% Contingency (on above items)	\$18,266.00
Total Project Estimate	\$200,928.00

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the installation.

V. SCHEDULE

The anticipated project schedule is as follows:

- March 2023: RFP issued for Energy Performance Contracting services
- July 2023: Board of Finance and City Council approvals
- July 2023: Contract signed
- September 2023: Estimated construction begins

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed \$182,662.00, to replace the remote sump tank in City Hall, plus a project contingency of \$18,662.00 (total request including contingency not to exceed \$200,928.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.



City Council Motion:

To approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed \$182,662.00, to replace the remote sump tank in City Hall, plus a project contingency of \$18,662.00 (total request including contingency not to exceed \$200,928.00), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Kim Bleakley

Title/Subject: Replacement Sump Tank in City Hall

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/7/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	Click or tap here to enter text.
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	7/11/2023	Kyle
CAO has reviewed budget, financing, and memo	Yes	7/13/2023	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	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

MEMO

Date: July 17, 2023

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: Exterior Temporary Fencing for Memorial Auditorium

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to furnish and install exterior temporary fencing around Memorial Auditorium.

II. Background

The Department of Parks, Recreation & Waterfront (BPRW), along with the Department of Community and Economic Development Office (CEDO) have been collaborating to stabilize Memorial Auditorium after the December 2022 public bond vote authorizing up to \$1M in expenses for this purpose. In February 2023, the Board of Finance approved structural roof work to be completed on the building. The next step of this stabilization is to have exterior temporary fencing installed around the building. This will provide a barrier around the building should any debris fall off of the building, keeping people safe around the exterior.

III. PROCESS

In fall 2022, CEDO hired a local engineer to produce specifications and drawings for this project. With this information, in March 2023, BPRW posted and invited local businesses to bid on an RFP to furnish and install exterior temporary fencing around the building. We had one contractor bid on this project, and are recommending that the City award the contract to the bidder, Waterman Siteworks, LLC. We are confident in our bidding process to make sure that all interested qualified bidders were able to engage. This same contractor has also been awarded similar City projects, per RFP guidelines in the last three years.

Please note the following dates associated with the RFP for this project:

Date of Issuance: March 24, 2023

Site Visit: By Appointment

Questions Due: March 30, 2023 12:00 PM

Answers Posted: March 31, 2023 12:00 PM

Proposal Due Date: April 3, 2023 12:00 PM

IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project comes from Facilities Capital, as shown in Central Facilities FY '23 and FY '24 budgets.



Funding Sources & Budget	
Memorial Project Capital	\$813,371.53
Total Budget	\$131,725.00
Contractor bid	\$119,750.00
~10% Contingency (on above items)	\$11,975.00
Total Project Estimate	\$131,725.00

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the restoration.

V. SCHEDULE

The anticipated project schedule is as follows:

- March 2023: RFP issued for the exterior temporary fencing around Memorial Auditorium
- July 2023: Board of Finance and City Council approvals
- July 2023: Contract signed
- Late Summer / Early Fall 2023: Estimated construction begins

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$119,750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of \$11,975.00 (total request including contingency not to exceed \$131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

City Council Motion:

To approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$119.750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of \$11,975.00 (total request including contingency not to exceed \$131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Kim Bleakley

Title/Subject: Memorial Fencing

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/3/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	Click or tap here to enter text.
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	7/11/2023	Kyle
CAO has reviewed budget, financing, and memo	Yes	7/13/2023	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	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

MEMORANDUM

TO: Mayor Miro Weinberger
Board of Finance
City Council

FROM: Brian Pine, Director CEDO

CC: Marcella Gange, Community Development Manager, CEDO
Todd Rawlings, Assistant Director, Grants & Finance Community & Economic Development Office (CEDO)
Sarah Russell, Special Asst to End Homelessness
Jared Pellerin, Assistant City Attorney, City Attorney's Office

RE: **Approval to accept Planning Grant Continuum of Care VT-501 & Permanent Supportive Housing Grant Agreements in FY24**
VT0030L1T012213 - \$306,080 Shelter Plus Care - New Horizons, September 1, 2023
VT0053L1T012207 - \$248,364 Beacon Place Apartments, September 1, 2023
CoC Planning Grant VT-501 \$32,776, January 1st 2024

Summary

This communication seeks Board of Finance and City Council approval to accept approximately \$600,000 across two separate Continuum of Care (CoC) Permanent Supportive Housing (PSH) Grants and the Continuum of Care (CoC) VT-501 Planning Grant from the U.S. Department of Housing and Urban Development (HUD) and to authorize the CEDO Director to sign contracts and any necessary documents related to accepting these funds. The above referenced grants will continue to support the City and Continuum of Care efforts by utilizing federal funding to support housing for those in our community with a disabling condition and who are experiencing chronic homelessness, as well as to provide for coordination and planning support to the activities of the Continuum of Care.

Background

Permanent supportive housing pairs long-term tenant-based rental assistance in permanent housing with case management and supportive services to address the needs of people with a disabling condition who are currently experiencing chronic homelessness. The services are designed to build independent living and tenancy skills and connect people with community-based health care, treatment, and employment services. In addition to ending homelessness for people experiencing chronic homelessness, research has demonstrated that permanent supportive housing can also increase housing stability and improve health.

A cost-effective solution, permanent supportive housing has been shown to lower public costs associated with the use of crisis services such as shelters, hospitals, and the judicial system.

Chittenden County accesses funding for PSH grants through the Chittenden CoC as part of its commitment to making homelessness rare and brief. The two CoC PSH grants for these funds were assumed for administration by the City of Burlington and are operated in partnership with Burlington Housing Authority (BHA) and with Community Health Centers of Burlington - Safe Harbor and Pathways Vermont, as service providers. As the Collaborative Applicant for the Burlington/Chittenden CoC, CEDO, City of Burlington has administered the Planning Grant funds since 2014. The Planning Grant funds serve to assist the CoC to carry out a number of responsibilities including coordination, planning, and conducting of the annual Point in Time count, as well as drafting the application, reporting, and monitoring of funds awarded by HUD to the CoC.

Recommended Actions by the City

It is recommended that CEDO continue the administration of these grants in order to maintain this important funding that brings a combined value of approximately \$600,000 and leverages a total value of \$750,000. Without these grants, the City would lose important funding to provide services and rental assistance for individuals with a history of homelessness and disability, severe mental illness, substance use, or medical vulnerability. Furthermore, these grants have joint goals of increased housing and economic stability.

Required Resources to be Committed

Administration of the PSH grants will require at least a 0.1 FTE CEDO staff. The staff time should be fully grant funded. This will almost certainly be accomplished by FY25, but for FY24 there is a possibility that ongoing General Funds will be needed to supplement the costs to administer and oversee the program to ensure all costs are eligible for reimbursement. The responsibilities to oversee these grants are currently integrated and budgeted into the Senior Community Development Manager – Homelessness role.

Administering the PSH grants gives the City the opportunity to engage more fully, with allocated staff time, on homelessness and housing response. It complements CEDO's current work as Collaborative Applicant with the CoC and allows CEDO to support coherent homelessness and housing response at a time of great increase in the number of community members experiencing homelessness. Staff time for administering the CoC Planning Grant is funded by the grant.

Requested Actions:

Board of Finance: Move to approve and recommend that the City Council approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care grants (**VT0030L1T012213, VT0053L1T012207, CoC Planning Grant VT-501**) to begin in FY24 and authorize the Director of CEDO to execute all documents necessary to accept the total funding of approximately \$600,000 from HUD, subject to the review and approval of the City Attorney's Office.

City Council: Move to approve the acceptance of three U.S. Dept. of Housing and Urban Development Continuum of Care grants (**VT0030L1T012213, VT0053L1T012207, CoC Planning Grant VT-501**) to begin in FY24 and authorize the Director of CEDO to execute all documents necessary to accept the total funding of approximately \$600,000 from HUD, subject to the review and approval of the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Marcella Gange

Title/Subject: Communication Acceptance Grants HUD CoC PSH and PG FY24

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/11/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/13/2023	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	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/11/2023	JP
CAO has reviewed budget, financing, and memo	Yes	7/13/2023	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?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

MEMORANDUM

TO: Board of Finance, City Council
FROM: Brian Pine, Director, Community and Economic Development Office
CC: Mayor Miro Weinberger
Katherine Schad,
CAO Jared Pellerin, Asst. City Attorney
Sarah Russell, Special Asst. to End Homelessness
Marcella Gange Community Development Manager
RE: Authorization to accept grant funds for the operation of
the Elmwood Emergency Shelter Community – Housing
Opportunity Grant Program SFY 2024 \$1,250,257.00

Request:

The Community and Economic Development Office (“CEDO”) is requesting Board of Finance and City Council approval to accept \$1,250,257 in FY24 grant funds from the State of Vermont, Department of Children and Families Office of Economic Opportunity Housing and Opportunities Program (SoV OEO HOP) and authorization for the CEDO Director to execute all documents necessary to accept the funding. The above referenced grant will support operations and services of the Elmwood Emergency Shelter Community, an activity of the City of Burlington’s Initiative to End Homelessness.

Background:

The number of people experiencing homelessness and housing insecurity continues to be almost triple those pre-pandemic and access to emergency housing is restricted and often times far too inaccessible. Mayor Miro Weinberger launched a 10 point action plan to fulfill the promise of housing as a human right in Burlington in 2021 and on October 25th 2021, the City Council called for the use of ARPA funds to meet the needs of those experiencing homelessness.

In February 2022, the Council approved the allocation of \$2.975 million in ARPA dollars to address the issue of chronic homelessness in the City of Burlington, which included the creation of an emergency shelter community and a community resource center.

The emergency shelter commenced operations in January, 2023. The Elmwood Emergency Shelter Community offers a service enriched environment and 24 hour per

day low-barrier emergency shelter for up to 35 individuals experiencing unsheltered homelessness. The emergency shelter operations are managed by Champlain Housing Trust and Champlain Valley Office of Economic Opportunity provides essential services.

The Department for Children and Families Office of Economic Opportunity Housing Opportunity Grant Program provides funding to operate emergency overnight shelter for the State of Vermont. HOP funds provide essential services to shelter guests; provide transitional housing where appropriate; rapidly rehouse homeless individuals and families; prevent individuals and families experiencing a housing crisis from becoming homeless; implement coordinated entry to streamline client access to resources; and administer the Homeless Management Information System (HMIS).

Funding for the Elmwood Emergency Shelter Community

On February 7, 2022, the Board of Finance and City Council approved the allocation of \$2.975M in ARPA funds for the specific purpose of addressing and ameliorating homelessness in the City of Burlington including \$1.47M for the construction and operation of a new low barrier emergency shelter community. In addition, the City has now been awarded the second year of annual operating funds from the SoV OEO HOP for the operation of the Elmwood Emergency Shelter Community. City staff will continue to identify additional funding sources.

Motions

Action for Board of Finance:

To approve and recommend that the City Council approve the acceptance of SFY 2024 grant funds in the amount of \$1,250,257 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all contracts and documents necessary to accept the funding through the period of June 30th 2024, including retroactive approval for the period of July 1st to July 24th 2023, subject to the final review and approval of the City Attorney's Office.

Action for City Council:

To approve and the acceptance of SFY 2024 grant funds in the amount of \$1,250,257 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of CEDO to execute all documents and contracts necessary to accept the funding through the period of June 30th 2024, including retroactive approval for the period of July 1st to July 24th 2023, subject to the final review and approval of the City Attorney's Office.

Attachments

Email SFY24 HOP Award Notice (CEDO)
City Council ARPA Resolution 02-07-2022

Lori Olberg

From: Kisler, Ari <Ari.Kisler@vermont.gov>
Sent: Monday, July 3, 2023 1:17 PM
To: Sarah Russell
Cc: Marcella Gange; Brian Pine; Michael Monte; pdragon; Phillips, Sarah; Winters, Chris; Duquette-Hoffman, Kerri
Subject: SFY24 HOP Award Notice (CEDO)

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

Hi Sarah,

I am pleased to let you know that the Department for Children and Families is awarding the City of Burlington's CEDO **\$1,250,257** in Housing Opportunity Grant Program (HOP) funds for SFY 2024 (7/1/2023 – 6/30/2024). For SFY24 we are moving forward with an award to CEDO for the Elmwood Shelter project, but for future cycles we will plan to directly fund the entities operating the site (currently CHT) and providing on-site services (currently CVOEO). We will work with CEDO to ensure that there continues to be shared oversight and accountability of the project, even when funds are not passed through the City.

In the coming weeks, we will process a SFY 2024 Grant Agreement which will detail the terms and requirements for this award. This will be routed for electronic approval and signature and reflect the following:

Activity	OEO-GSF
Emergency Shelter Operations	\$1,040,011.00
Emergency Shelter Essential Services	\$210,246.00
SFY24 Total	\$1,250,257.00

Please let me know if you have questions or concerns!

On behalf of all of DCF, please express our sincerest gratitude to your team for their ongoing commitment and dedication to Vermonters.

Ari Kisler (she/her)
Community Services Program Manager
Vermont Office of Economic Opportunity
802-760-9872

Resolution Relating to

REQUEST FOR 2.975M IN AMERICAN RESCUE PLAN FUNDS TO ADDRESS AND AMELIORATE HOMELESSNESS IN THE CITY OF BURLINGTON AND TO CREATE THE POSITION OF SPECIAL ASSISTANT TO END HOMELESSNESS.

RESOLUTION 6.03

Sponsor(s): Councilor(s) *Carpenter, Hightower, Magee*

Introduced: 02/07/22

Referred to: _____

Action: adopted

Date: 02/07/22

Signed by Mayor: 02/18/22

CITY OF BURLINGTON

In the year Two Thousand Twenty-Two

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, in the American Rescue Plan (ARPA) of 2021, Congress has allocated \$27.3 million to
2 Burlington for COVID recovery funds; and

3 WHEREAS, those funds have been partially dispersed to the City of Burlington in May 2021 and
4 September 2021; and

5 WHEREAS, the City has actively engaged the public so as to best understand their desires for the
6 investment of the ARPA funds; and

7 WHEREAS, the results of the City engagement has indicated that the Burlington community strongly
8 desire to use the expenditure of ARPA funds to address chronic homelessness and to implement solutions to
9 find humane housing for all; and

10 WHEREAS, that the action items for which the administration is seeking ARPA funding are consistent
11 with the City Council resolution adopted on October 25, 2021 calling for the use of ARPA funds to meet the
12 needs of those experiencing homelessness; and

13 WHEREAS, Kara Alnasrawi, Economic Recovery Director, Brian Pine, CEDO Director, and Kerin
14 Durfee, Human Resources Director , have outlined a plan of action by the City to address the issue of chronic
15 homelessness through the expenditure and use of ARPA funds per the attached memo; and

16 WHEREAS, as part of the plan of action to end homelessness, the position of "Special Assistant to
17 End Homelessness" is proposed. This position will oversee, coordinate, manage and implement CEDO-led
18 initiatives to end homelessness, as well as support homeless families and individuals throughout the
19 community;

20 NOW, THEREFORE, BE IT RESOLVED that to carry out the action plan intended to address the
21 issue of chronic homelessness in Burlington, as outlined in the attached memo, the City Council approves the
22 allocation of \$2.975M in ARPA funds, subject to the approval of expenditures by the CAO and pursuant to the
23 City's spending policies; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

Page 2

Resolution Relating to REQUEST FOR 2.975M IN AMERICAN RESCUE PLAN FUNDS TO ADDRESS AND AMELIORATE HOMELESSNESS IN THE CITY OF BURLINGTON AND TO CREATE THE POSITION OF SPECIAL ASSISTANT TO END HOMELESSNESS.

24 BE IT FURTHER RESOLVED, that the City Council approve and authorize the creation of the
25 Special Assistant to End Homelessness, a Regular, Full-Time, Exempt, Non-Union, Grade 21 role in the
26 Community and Economic Development Office.

27

28

29 TM/KA/Resolutions 2022/REQUEST FOR 2.975M IN AMERICAN RESCUE PLAN FUNDS TO ADDRESS AND AMELIORATE
30 HOMELESSNESS IN THE CITY OF BURLINGTON AND TO CREATE THE POSITION OF SPECIAL ASSISTANT TO END
31 HOMELESSNESS

32 2/3/2022

* * * * *

DISTRIBUTION:

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

HR
CEDO Director Pine

ORIGINAL

RESOLUTION RELATING TO

Request For 2.975M In American Rescue Plan Funds To Address And Ameliorate
Homelessness In The City Of Burlington And To Create The Position Of Special
Assistant To End Homelessness

Adopted by the City Council

February 7, 2022

Clerk

Approved February 16, 2022

Mayor

Attest:

Lori Olberg

Licensing, Voting and Records Coordinator

Vol.

Page

* * * * *

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Sarah Russell

Title/Subject: Communication Acceptance of SoV HOP grant FY24 Elmwood Emergency Shelter

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/11/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	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	N/A		Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/12/2023	JP
CAO has reviewed budget, financing, and memo	Yes	7/12/2023	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?	No	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

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

FROM: Nic Longo, Director of Aviation

DATE: July 17, 2023

SUBJECT: Authorization to Execute a Contract with Alert Enterprise for identity management software suite and associated professional services.

Request:

The Patrick Leahy Burlington International Airport ("BTV" or "Airport") seeks Board of Finance recommendation and City Council approval to sign a contract with Alert Enterprise Inc. for professional services related to and use of an identity management software suite with badging and security functions for the Airport Operations Department over a five-year term.

Executive Summary:

Background:

The airport badging system is administratively demanding as it helps the Airport maintain FAA and TSA compliance amongst its 1,800 SIDA (security identification display area) badge-holders. Alert Enterprise's services and software will greatly consolidate the processes and allow Airport Operations to re-focus on critical areas of the airport involving FAA safety and TSA security. Currently, the badging process involves drawing information ranging from FAA-required interactive employee training, TSA background checks, and a 10-year FBI background investigation needed for each SIDA badge-holder to help prevent insider threats at the Airport. The software will allow for badge scheduling for both initial applicants and renewals as well as electronic billing. This will bring all the information to one management software suite, and it is anticipated that this will reduce errors, expedite the process, digitize the thousands of badge folders in the Ops badging office, and ensure 100-percent regulatory compliance, as it allows for audit functionality.

Selection of Contractor:

On February 10, 2023, the Airport advertised a Request for Proposals (“RFP”) for an Identity Management Software Suite. Proposals were due on March 10, 2023, and the Airport received four (4) proposals. Alert Enterprise, Inc. submitted both the lowest bid and the most functionality for the needs of the airport.

Each year, the software suite will be \$48,600 recurring for a five year term. Year One will include a payment for professional services in the amount of \$34,020 to establish the software, including integration, implementation, and employee training. The work will begin in FY2024 and extend over the course of five fiscal years. The total amount is \$277,020 with a 20% contingency, for a maximum limiting amount of \$332,424.

Financing: This has been budgeted in the FY24 budget and will be budgeted in subsequent fiscal years over the term of the contract.

Motions: The Airport 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 Aviation be authorized to execute a contract with Alert Enterprise, Inc. for \$277,020 over a five-year term with a 20% contingency for a maximum limiting amount of \$332,424 for the provision of and professional services related to an identity management software suite for the Airport Operations Department, subject to the final review and approval by the Office of the City Attorney.”

City Council

2. “To authorize the Director of Aviation to execute a contract with Alert Enterprise, Inc. for \$277,020 over a five-year term with a 20% contingency for a maximum limiting amount of \$332,424 for the provision of and professional services related to identity management software suite for the Airport Operations Department, subject to the final review and approval by the Office of the City Attorney.”

Thank you for your continued support.

CITY OF BURLINGTON CONSULTANT CONTRACT

This Consultant Contract (“Contract”) is entered into by and between the City of Burlington, Vermont (“the City”), and Alert Enterprise, Inc. (“Consultant”), a Delaware corporation registered to do business in Vermont with the Vermont Secretary of State, with a registered agent located at 4350 Starboard Drive, Fremont, California 94538.

Consultant and the City agree to the terms and conditions of this Contract.

1. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. “Contract Documents”** means all the documents identified in Section 4 (Scope of Work) of this Contract.
- B. “Effective Date”** means the date on which this Contract is approved and signed by the City, as shown on the signature page.
- C. “Party”** means the City or Consultant, and “Parties” means the City and Consultant.
- D. “Project”** means a Full-Scale Exercise (“FSE”) as defined by Federal Aviation Administration (“FAA”) requirements for 14 CFR Part 139.
- E. “Work”** means the services described in Section 5 (Payment for Services) of this Contract, along with the specifications contained in the Contract Documents as defined in Section 4 (Scope of Work) below.

2. RECITALS

- A. Authority.** Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party’s obligations have been duly authorized.
- B. Consideration.** The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Contract.
- C. Purpose.** The City seeks to contract with the Consultant for the provision, development, delivery, management, and evaluation of an FSE.

3. EFFECTIVE DATE & TERM

- A. Effective Date.** This Contract shall not be valid or enforceable until the Effective Date. The City shall not be bound by any provision of this Contract before the Effective Date and shall have no obligation to pay Consultant for any performance or

expense incurred before the Effective Date or after the expiration or termination of this Contract.

- B. Term.** This Contract and the Parties' respective performance shall commence on the Effective Date and expire on July 25, 2028 or upon the satisfaction of the City, unless sooner terminated as provided herein.

4. SCOPE OF WORK

The Consultant shall perform the services listed in Attachment B (Consultant's Proposal dated March 10, 2023).

5. PAYMENT FOR SERVICES

- A. Amount.** The City shall pay the Consultant for completion of the Work in accordance with Attachment B (Consultant's Proposal dated March 10, 2023).

Consultant agrees to accept this payment as full compensation for performance of all services and expenses incurred under this Agreement.

- B. Payment Schedule.** The City shall pay the Consultant in the manner and at such times as set forth in the Contract Documents. The City seeks to make payment within thirty days of receipt of an invoice and any backup documentation requested under subsection D (Invoice) below.

- C. Maximum Limiting Amount.** The total amount that may be paid to the Consultant for all services and expenses under this Contract shall not exceed the maximum limiting amount of Two Hundred and Seventy-Seven Thousand and Twenty Dollars (\$277,020). The City shall not be liable to Consultant for any amount exceeding the maximum limiting amount without duly authorized written approval.

- D. Invoice.** Consultant shall submit one copy of each invoice, including rates and a detailed breakdown by task for each individual providing services, and backup documentation for any equipment or other expenses to the following:

David Carman
Deputy Director of Aviation
Patrick Leahy Burlington International Airport
1200 Airport Dr., Ste. 1200
South Burlington, VT 05403
dcarman@btv.aero

The City reserves the right to request supplemental information prior to payment. Consultant shall not be entitled to payment under this Contract without providing sufficient backup documentation satisfactory to the City.

6. SECTION & ATTACHMENT HEADINGS

The article and attachment headings throughout this Contract are for the convenience of City and Consultant and are not intended nor shall they be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

7. CONTRACT DOCUMENTS & ORDER OF PRECEDENT

- A. Contract Documents.** The Contract Documents are hereby adopted, incorporated by reference, and made part of this Contract. The intention of the Contract Documents is to establish the necessary terms, conditions, labor, materials, equipment, and other items necessary for the proper execution and completion of the Work to ensure the intended results.

The following documents constitute the Contract Documents:

Attachment A: Request for Proposal dated February 10, 2023

Attachment B: Consultant's Proposal dated March 10, 2023

Attachment C: Software as a Service Agreement

Attachment D: Burlington Standard Contract Conditions for Consultants

Attachment E: Burlington Livable Wage Ordinance Certification

Attachment F: Burlington Outsourcing Ordinance Certification

Attachment G: Burlington Union Deterrence Ordinance Certification

Attachment H: Consultant's Certificate of Insurance

- B. Order of Precedent.** To the extent a conflict or inconsistency exists between the Contract and Contract Documents, or provisions therein, then Attachment C (Software as a Service Agreement) takes precedent. Any Invitation for Bids, Additional Contract Provisions, and the City Ordinance Certifications shall prevail over any inconsistency with the Contractor's Scope of Work and Cost Proposal.

8. [Reserved]

— Signatures follow on the next page —

SIGNATURE

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

Consultant
Alert Enterprise, Inc.

By: _____
Name & Signature

Date: _____

City of Burlington
Patrick Leahy Burlington International Airport

By: _____
Nic Longo
Director of Aviation

Date: _____

Attachment A:
Request for Proposals dated February 10, 2023

Attachment B:
Contractor's Proposal dated March 10, 2023

May 23, 2023

David Carmen
dcarman@btv.aero
Deputy Director of Aviation
Burlington International Airport
1200 Airport Drive
South Burlington, VT 05403

Mr. Carmen,

Per your request, AlertEnterprise Inc. is pleased to present Burlington International Airport (BTV) with the following letter proposal for development and delivery of a Full-Scale Exercise (FSE).

AlertEnterprise Inc. is honored to be working with BTV to plan this important FSE. Per the requirements contained within the RFP related to the "Identity Management Software Suite" we are pleased to provide Professional Services and Delivery of an identity management software suite to include badging and security functions for the Airport Operations Department.

As a basis of the RFP released by BTV, the software package and professional services elected are as follows:

Item Code	Item Name	Item Description	Quantity	MSRP
AIR-GUARDIAN	Airport Guardian	Airport IDMS application to automate the contractor enrollment and credential management. Below is the high-level feature set included in the application - Company Management Asset Management - 100 Assets Applicant/AS Portal (with-in Airport Network) Appointment scheduler Trusted Agent Portal CBP Seal, Icons Approvals Badge Audit Background Check, Rap back Adjudication Badge Validator - Mobile View Comes with 4 Connectors - 1 DACS Channel, 1 Training System (AAAE-IET), 1 PACS (AMAG Symmetry), 1 Biometric (Idemia Morpho) Premium Care Program (24x7x365)	1,800	\$85,500.00
AIR-ADD-ENRL-STN	Enrollment Station	Badging Office Operations to process applicants. Below features would be available on Windows Station - I9 Capture Picture Signature Criminal History Questionnaire 10 Fingerprint Livescan capture Badge Printing and issuance (Hardware Peripherals needs to be procured separately from the third-party vendor) {Require Airport Guardian Product]	1	\$4,500.00

Total Yearly Software Price	Price before discount - \$90,000.00
Sales Discount	40%
Yearly Net Price (USD) – 5 Year Contract Term	5 years Contract Term \$48,600.00

Item Code	Item Name	Item Description	Quantity	MSRP
PROF-SRV-PMO	Professional Services - Project Management	PS Project Management Hours to manage end to end project that include Project Plan, tracking activities, deliverables, and communication	20	\$6,750.00
PROF-SRV-ARCHITECT	Professional Services - Solution Architect	PS Solution Architect Hours to design, review and govern the deployment architecture details	30	\$10,125.00
PROF-SRV-TECH-CONSLT	Professional Services - Technical Consultant	PS Technical Consultant hours to configure, test and go-live the system for the defined scope	30	\$8,505.00
PROF-SRV-FUNC-CONSLT	Professional Services - Functional Consultant	PS Functional Consultant hours to document use cases, create functional design document, UAT scripts and data accuracy validations	20	\$4,770.00
PROF-SRV-DOC-TRN	Professional Services - Documentation/Training	PS Documentation/Training hours to create End Users, Approvers, Badge admin guides, Train the Trainer online classroom training	20	\$3,870.00
Total Professional Services Price				\$34,020.00

To fulfill the above set of requested objectives by BTV in support of the FSE execution, AlertEnterprise Inc. will invoice BTV \$48,600 as it relates to the software suite on a recurring annual basis (5 year term), and \$17,010 upon delivery of Purchase order and \$17,010 (50% / 50%) upon substantial completion as it relates to Professional Services. The Annual Software subscription fee is payable in advance at the beginning of the annual term.

If this proposal does not align with the request from BTV, AlertEnterprise Inc. is able to revise as needed to ensure that scope of services attached meets their needs. We are very excited for the opportunity to increase our level of support for this exercise.

Sincerely,

Mike Harris, VP Sales East US
AlertEnterprise Inc.
4350 Starboard Drive
Freemont, CA 94538
Mike.harris@AlertEnterprise.com

Attachment C:
Software as a Service Agreement

Attachment D:
Burlington Standard Contract Conditions for Consultants

**ATTACHMENT D:
BURLINGTON STANDARD CONTRACT CONDITIONS
FOR CONSULTANTS**

1. REGISTRATION

The Consultant agrees to be registered with the Vermont Secretary of State's office as a business entity doing business in the State of Vermont at all times this Contract is effective. This registration must be complete prior to Contract execution.

- 2. INSURANCE:** Prior to beginning any work, the Consultant shall obtain the following insurance coverage from an insurance company registered and licensed to do business in the State of Vermont and having an A.M. Best insurance rating of at least A-, financial size category VII or greater (www.ambest.com). The certificate of insurance coverage shall be documented on forms acceptable to the City. Compliance with minimum limits and coverage, evidenced by a certificate of insurance showing policies and carriers that are acceptable to the City, must be received prior to the Effective Date of the Contract. The insurance policies shall provide that insurance coverage cannot be canceled or revised without thirty (30) days prior notice to the City. If this Contract extends to more than one year, evidence of continuing coverage must be submitted to the City on an annual basis. Copies of any insurance policies may be required. Each policy (with the exception of professional liability and worker's compensation) shall name the City as an additional insured for the possible liabilities resulting from the Consultant's actions or omissions. The liability insurance furnished by the Consultant is primary and non-contributory for all the additional insured.

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

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

- A. General Liability And Property Damage:** With respect to all operations performed by the Consultant, sub-consultants, agents or workers, it is the Consultant's responsibility to ensure that general liability insurance coverage, on an occurrence form, provides all major divisions of coverage including, but not limited to:

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

Coverage limits shall not be less than:

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

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

1. Bodily Injury by Accident: \$500,000 each accident
2. Bodily Injury by Disease: \$500,000 policy limit,
\$500,000 each employee

C. Professional Liability Insurance:

1. General: The Consultant shall carry appropriate professional liability insurance covering errors and omissions made during their performance of contractual duties with the following minimum limits:

(a) \$3,000,000 - Annual Aggregate

(b) \$2,000,000 - Per Occurrence

2. Deductibles: The Consultant is responsible for any and all deductibles.
3. Coverage: Prior to performing any work, the Consultant shall provide evidence of professional liability insurance coverage defined under this section. In addition, the Consultant shall maintain continuous professional liability coverage for the period of the Contract and for a period of five years following substantial completion of construction.

D. Automobile Liability: The Consultant shall carry commercial automobile liability insurance covering all motor vehicles, including owned, non-owned and hired, used in connection with the Contract. Each policy shall provide coverage with a limit not less than: \$1,000,000 Combined Single Limit for each occurrence.

E. Valuable Papers And Records Insurance: The Consultant shall carry valuable papers insurance in a form and amount sufficient to ensure the restoration or replacement of any plans, drawings, field notes, or other information or data relating to the work, whether supplied by the City or developed by the Consultant, sub-consultant, worker, or agent, in the event of loss, impairment, or destruction. Such coverage shall remain in force until the final plans as well as all related materials have been delivered by the consultant to, and

accepted by, the City. Unless otherwise provided, Valuable Papers and Records Insurance shall provide coverage on an “individual occurrence” basis with limits in the amount of one hundred and fifty thousand dollars (\$150,000) when the insured items are in the Consultant’s possession, and in the amount of forty thousand dollars (\$40,000) regardless of the physical location of the insured items.

3. **CONFLICT OF INTEREST:** The Consultant shall disclose in writing to the City any actual or potential conflicts of interest or any appearance of a conflict of interest by the Consultant, its employees or agents, or its subconsultants, if any.
4. **PLANS, RECORDS, AND AVAILABLE DATA:** The City agrees to make available, at no charge, for the Consultant’s use all available data related to the Contract including any preliminary plans, maps, drawings, photographs, reports, traffic data, calculations, EDM, valuable papers, topographic survey, utility location plats, or any other pertinent public records.
5. **PERSONNEL REQUIREMENTS AND CONDITIONS:** The Consultant shall employ only qualified personnel with appropriate and valid licensure, to the extent a license is required for the work performed. The City shall have the right to approve or disapprove key personnel assigned to administer activities related to the Contract.

Except with the approval of the City, during the life of the Contract, the Consultant shall not employ:

1. Any City employees who are directly involved with the awarding, administration, monitoring, or performance of the Contract or any project(s) that are the subjects of the Contract.
2. Any person so involved within one (1) year of termination of employment with the City.

The Consultant warrants that no company or person has been employed or retained, other than a bona fide employee working solely for the Consultant, to solicit or secure this Contract, and that no company or person has been paid or has a contract with the Consultant to be paid, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the Contract. For breach or violation of this warranty, the City shall have the right to annul the Contract, without liability to the City, and to regain all costs incurred by the City in the performance of the Contract.

The City reserves the right to require removal of any person employed by a Consultant, from work related to the Contract, for misconduct, incompetence, or negligence as determined by the City, in the due and proper performance of Consultant’s duties, or for neglecting or refusing to comply with the requirements of the Contract.

6. **PERFORMANCE:** Consultant warrants that performance of Work will conform to the requirements of this Contract. Consultant shall use that degree of ordinary care and reasonable diligence that an experienced and qualified provider of similar services would use acting in like circumstances and experience in such matters and in accordance with the standards, practices and procedures established by Consultant for its own business.
7. **DESIGN STANDARDS:** Unless otherwise specifically provided for in the Contract, or directed in writing, Consultant services, studies or designs, that include or make reference to plans, specifications, special provisions, computations, estimates, or other data shall be in conformance with applicable City, state, and federal specifications, manuals, codes or regulations, including supplements to or revisions thereof, adopted prior to or during the duration of this Contract. In case of any conflict with the guidelines referenced, the Consultant is responsible to identify and follow any course of direction provided by the City.
8. **RESPONSIBILITY FOR SUPERVISION:** The Consultant shall assume primary responsibility for general supervision of Consultant employees and their sub-consultants for all work performed under the Contract and shall be solely responsible for all procedures, methods of analysis, interpretation, conclusions and contents of work performed under the Contract. The Consultant shall be responsible to the City for all acts or omissions of its subconsultants and any other person performing work under this Contract.
9. **Intentionally Omitted**
10. **INSPECTION OF WORK:** The City shall, at all times, have access to the Consultant's work for the purposes of inspection, accounting, and auditing, and the Consultant shall provide whatever access is considered necessary to accomplish such inspections. At any time, the Consultant 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 Consultant pursuant to the Contract, as well as any preparatory work, work-in-progress, or completed work at a field site, where applicable.

Conferences, visits to a site, or an inspection of the work, may be held at the request of any involved party or by representatives of the City.

11. **REVIEWS AND ACCEPTANCES:** All preliminary and detailed designs, plans, specifications, estimates or other documents prepared by the Consultant, shall be subject to review and endorsement by the City.

Approval for any inspections or sequences of progress of work shall be documented by letters, memoranda or other appropriate written means.

A frequency for formal reviews shall be set forth in the Contract. Informal reviews, conducted by the City will be performed as deemed necessary. The Consultant shall respond to all official comments regardless of their source. The Consultant shall supply the City with written copies of all correspondence relating to formal and informal reviews.

No acceptance shall relieve a Consultant of their professional obligation to correct any defects or errors in their work at their own expense.

12. PUBLIC RELATIONS: Whenever it is necessary to perform work in the field, particularly with respect to reconnaissance, the Consultant will endeavor to maintain good relations with the public and any affected property owners. Personnel employed by or representing the Consultant shall conduct themselves with propriety. The Consultant agrees to inform property owners and/or tenants, in a timely manner, if there is need for entering upon private property as an agent of the City, in accordance with 19 V.S.A. § 35 and §.503, to accomplish the work under the Contract. The Consultant agrees that any work will be done with minimum damage to the land and disturbance to the owner. Upon request of the Consultant, the City shall furnish a letter of introduction to property owners soliciting their cooperation and explaining that the Consultant is acting as an agent of the City.

13. ACKNOWLEDGEMENTS: Acknowledgment of the City's support must be included in any and all publications, renderings and project publicity, including audio/visual materials developed under this Contract.

14. APPEARANCES:

A. Hearings and Conferences: The Consultant shall provide services required by the City and necessary for furtherance of any work covered under the Contract. These services shall include appropriate representation at design conferences, public gatherings and hearings, and appearances before any legislative body, commission, board, or court, to justify, explain and defend its contractual services covered under the Contract.

The Consultant shall perform any liaison that the City deems necessary for the furtherance of the work and participate in conferences with the City, at any reasonable time, concerning interpretation and evaluation of all aspects covered under the Contract.

The Consultant further agrees to participate in meetings with the City and any other interested or affected participant, for the purpose of review or resolution of any conflicts pertaining to the Contract.

The Consultant shall be equitably paid for such services and for any reasonable expenses incurred in relation thereto in accordance with the Contract.

B. Appearance as Witness: If and when required by the City, the Consultant, or an appropriate representative, shall prepare and appear for any litigation concerning any relevant project or related contract, on behalf of the City. The Consultant shall be equitably paid, to the extent permitted by law, for such services and for any reasonable expenses incurred in relation thereto, in accordance with the Contract.

15. PAYMENT PROCEDURES: The City shall pay, or cause to be paid, to the Consultant or the Consultant's legal representative payments in accordance with the Contract. All payments will be made in reliance upon the accuracy of all representations made by the Consultant, whether in

invoices, progress reports, emails, or other proof of work. When applicable, for the type of payment specified in the Contract, the progress report shall summarize actual costs and any earned portion of fixed fee.

All invoices and correspondence shall indicate the applicable project name, project number and the Contract number. When relevant, the invoice shall further be broken down in detail between projects.

When applicable, for the type of payment specified in the Contract, expenses for meals and travel shall be limited to the current approved in-state rates, as determined by the State of Vermont's labor contract, and need not be receipted. All other expenses are subject to approval by the City and must be accompanied with documentation to substantiate their charges.

No approval given or payment made under the Contract, shall be conclusive evidence of the performance of the Contract, either wholly or in part thereof, and no payment shall be construed to be acceptance of defective work or improper materials.

The City agrees to pay the Consultant and the Consultant agrees to accept, as full compensation, for performance of all services rendered and expenses incurred, the fee specified in the Contract.

Upon completion of all services covered under the Contract and payment of the agreed upon fee, the Contract with its mutual obligations shall end.

16. DUTY TO INFORM CITY OF CONTRACT DOCUMENT ERRORS: If Consultant knows, or has reasonable cause to believe, that a clearly identifiable error or omission exists in the Contract Documents, including but not limited to unit prices and rate calculations, Consultant shall immediately give the City written notice thereof. Consultant shall not cause or permit any Work to be conducted which may relate to the error or omission without first receiving written notice by the City that City representatives understand the possible error or omission and have approved of modifications to the Contract Documents or that Consultant may proceed without any modification being made to Contract Documents.

17. NON-APPROPRIATION: The obligations of the City under this Contract are subject to annual appropriation by the Burlington City Council. If no funds or insufficient funds are appropriated or budgeted to support continuation of payments due under this Contract, the Contract shall terminate automatically on the first day of the fiscal year for which funds have not been appropriated. The Parties understand and agree that the obligations of the City to make payments under this Contract shall constitute a current expense of the City and shall not be construed to be a debt or a pledge of the credit of the City. The decision whether or not to budget and appropriate funds during each fiscal year of the City is within the discretion of the Mayor and City Council of the City. The City shall deliver written notice to Consultant as soon as practicable of any non-appropriation, and Contract Consultant shall not be entitled to any payment or compensation of any kind for work performed after the City has delivered written notice of non-appropriation.

18. CHANGES AND AMENDMENTS: No changes or amendments to the Work of the Contract

shall be effective unless documented in writing and signed by authorized representatives of the City and the Consultant.

19. EXTENSION OF TIME: The Consultant agrees to prosecute the work continuously and diligently and no charges or claims for damages shall be made by the Consultant for delays or hindrances, from any cause whatsoever, during the progress of any portion of services specified in the Contract. Such delays or hindrances, if any, may be compensated for by an extension of time for such reasonable period as the City may decide. Time extensions shall be granted by amendment, only for excusable delays, such as delays beyond the control of the Consultant and without the fault or negligence of the Consultant.

20. PUBLIC HEALTH EMERGENCY:

A. Compliance with Mandates and Guidance: The Consultant is advised that public health emergencies—meaning public health emergencies, as declared by the City, the State of Vermont, or the Federal Government—may introduce significant uncertainty into the project. The Consultant must comply with all local, state, federal orders, directives, regulations, guidance, advisories during a public health emergency. Consultant shall adhere to the below provisions and consider public health emergencies as it develops project schedules and advances the Work.

B. City Liability Relating to Potential Delays: If a public health emergency is declared, the City will not be responsible for any delays related to the sequence of operations or any expenses or losses incurred as a result of any delays. Any delays related to a public health emergency will be excusable, but will not be compensable.

21. FORCE MAJEURE: Neither Party to this Contract shall be liable to the other for any failure or delay of performance of any obligation under this Contract to the extent the failure or delay is caused by acts of God, public health emergencies, epidemics, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage, or any other circumstances for which it is not responsible or which is not under its control (“Force Majeure”). To assert Force Majeure, the nonperforming party must prove that a) it made all reasonable efforts to remove, eliminate, or minimize the cause of delay or damage, b) diligently pursued performance of its obligations, c) substantially fulfilled all obligations that could be fulfilled, and d) timely notified the other part of the likelihood or actual occurrence of a Force Majeure event. If any such causes for delay are of such magnitude as to prevent the complete performance of the Contract within two (2) years of the originally scheduled completion date, either Party may by written notice request to amend or terminate the Contract. The suspension of any obligations under this section shall not cause the term of this Contract to be extended and shall not affect any rights accrued under this Contract prior to the occurrence of the Force Majeure. The Party giving notice of the Force Majeure shall also give notice of its cessation.

22. PAYMENT FOR EXTRA WORK, ADDITIONAL SERVICES OR CHANGES: The City may, in writing, and without invalidating the Contract, require changes resulting from revision or abandonment of work already performed by the Consultant or changes in the scope of work.

The value of such changes, to the extent not reflected in other payments to the Consultant, shall be incorporated in an amendment and be determined by mutual agreement. Any adjustments of this nature shall be executed under the appropriate fee established in the Contract, based on the adjusted quantity of work.

No changes for which additional fee payment is claimed shall be made unless pursuant to a written order from the City, and no claim for payment shall be valid unless so ordered.

The Consultant agrees to maintain complete and accurate records, in a form satisfactory to the City for all time devoted directly to same by Consultant employees. The City reserves the right to audit the records of the Consultant related to any extra work or additional services. Any such services rendered shall be subject, in all other respects, to the terms of the Contract. When changes are so ordered, no additional work shall be performed by the Consultant until a Contract amendment has been fully executed, unless written notice to proceed is issued by the City. Any claim for extension of time that may be necessitated as a result of extra work or additional services and changes shall be given consideration and evaluated insofar as it directly relates to the change.

23. RETURN OF MATERIALS: Consultant agrees that at the expiration or termination of this Contract, it shall return to City all materials provided to it during its engagement on behalf of City.

24. ACCEPTANCE OF FINAL PAYMENT; RELEASE: Consultant's acceptance of the final payment shall be a release in full of all claims against the City or its agents arising out of or by reason of the Work. Any payment, however, final or otherwise, shall not release the Consultant or their sureties from any obligations under the Contract Documents or any performance or payment bond.

25. OWNERSHIP OF THE WORK: Consultant, or its suppliers or licensors, retains all right, title, interest and intellectual property rights in the Software as a Service Solution and underlying software, documentation, and other deliverables provided by Consultant under this Contract, including all modifications, improvements, upgrades, derivative works and feedback related thereto (which feedback may include, but not limited to, any suggestion or idea for improving or otherwise modifying any of Consultant's products or services). The City agrees to assign all right, title, and interest it may have in the foregoing to Consultant. The City acknowledges that any breach of its obligations with respect to the proprietary rights of Consultant or its suppliers or licensors may cause irreparable injury, for which there may be inadequate remedy at law and, therefore, Consultant will be entitled to seek equitable relief in addition to all other rights and remedies available to it.

26. PROPRIETARY RIGHTS: The Parties under the Contract hereby mutually agree that, if patentable discoveries or inventions should result from work performed by the Consultants under the Contract, all rights accruing from such discoveries or inventions shall be the sole property of the Consultant. The Consultant, however, agrees to and does hereby grant to the City an irrevocable, nonexclusive, non-transferable, and royalty-free license to the manufacture, use, and disposition of any discovery or invention that may be developed as a part of the Work under the Contract.

- 27. PUBLIC RECORDS:** The Consultant understands that any and all records related to and acquired by the City, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act and that the determination of how those records must be handled is solely within the purview of City. The Consultant shall identify all records that it considers to be trade secrets as that term is defined by subsection 317(c)(9) of the Vermont Public Records Act and shall also identify all other records it considers to be exempt under the Act. It is not sufficient to merely state generally that the record is proprietary or a trade secret or is otherwise exempt. Particular records, pages or section 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.
- 28. RECORDS RETENTION AND ACCESS:** The Consultant agrees to retain, in its files, and to produce to the City—within the time periods requested—all books, documents, Electronic Data Media (EDM), accounting records, and other records produced or acquired by the Consultant in the performance of this Contract which are related to the City, at any time during this Contract and for a period of at least three (3) years after its completion or termination. In addition, if any audit, claim, or litigation is commenced before the expiration of that three (3) year period, the records shall be retained until all related audits, claims, or litigation are resolved. The Consultant further agrees that the City shall have access to all the above information for the purpose of review and audit during the Contract period and anytime within the aforementioned retention period. Copies of all of the above referenced information shall be provided to the City, if requested, in the format in which the records were obtained, created, or maintained, such that their original use and purpose can be achieved. Consultant, sub-consultants, or their representatives performing work related to the Contract, are responsible to ensure that all data and information created or stored on EDM is secure and can be duplicated and used if the EDM mechanism is subjected to power outage, obsolescence, or damage.
- 29. CONTRACT DISPUTES:** In the event of a dispute between the parties to this Contract each party will continue to perform its obligations unless the Contract is terminated in accordance with these terms.
- 30. SETTLEMENTS OF MISUNDERSTANDINGS:** To avoid misunderstandings and litigation, it is mutually agreed by all Parties that the City's Director of Aviation shall act as referee on all questions arising under the terms of the Contract and that the decision of the Director of Aviation in such cases shall be binding upon both Parties.
- 31. CITY'S OPTION TO TERMINATE:** The Contract may be terminated in accordance with the following provisions, which are not exclusive:
- A. Termination for Convenience:** At any time prior to completion of services specified under the Contract, the City may terminate the Contract for any reason by submitting written notice via certified or registered mail to the Consultant, not less than fifteen (15) days prior to the termination date, of its intention to do so. If the termination is for the City's convenience, payment to the Consultant will be made promptly for the amount of any fees

earned to the date of the notice of termination and costs of materials obtained in preparation for Work but not yet installed or delivered, less any payments previously made. However, if a notice of termination is given to a Consultant prior to completion of twenty (20) percent of the estimated services, as set forth in the approved Work Schedule and Progress Report, the Consultant will be reimbursed for that portion of any reasonable and necessary expenses incurred to date of the notice of termination that are in excess of the amount earned under its approved fee to the date of said termination. Such requests for reimbursement shall be supported with factual data and shall be subject to the City's approval. The Consultant shall make no claim for additional compensation against the City by reason of such termination.

B. Termination for Cause:

- i. Breach: Consultant shall be in default if Consultant fails in any manner to fully perform and carry out each and all conditions of this Contract, including, but not limited to, Consultant's failure to begin or to prosecute the Work in a timely manner or to make progress as to endanger performance of this Contract; failure to supply a sufficient number of properly skilled employees or a sufficient quantity of materials of proper quality; failure to perform the Work unsatisfactorily as determined by the City; failure to neglect or refuse to remove materials; or in the event of a breach of warranty with respect to any materials, workmanship, or performance guaranty. Consultant will not be in default for any excusable delays as provided in Sections 19-21.

The City may give Consultant written notice of such default. If Consultant does not cure such default or provide a plan to cure such default which is acceptable to the City within the time permitted by the City, then the City may terminate this contract for cause.

- ii. Proceedings for Relief of Debtors: If a federal or state proceeding for relief of debtors is undertaken by or against Consultant, or if Consultant makes an assignment for the benefit of creditors, then the City may immediately terminate this contract.
- iii. Dishonest Conduct: If Consultant engages in any dishonest conduct related to the performance or administration of this Contract then the City may immediately terminate this contract.
- iv. Cover: In the event the City terminates this contract as provided in this section, the City may procure, upon such terms and in such manner as the City may deem appropriate, services similar in scope and level of effort to those so terminated, and Consultant shall be liable to the City for all of its costs and damages, including, but not limited to, any excess costs for such services, interest, or other charges the City incurs to cover.

- v. Rights and Remedies Not Exclusive: The rights and remedies of the City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

32. GENERAL COMPLIANCE WITH LAWS: The Consultant and any subconsultant approved under this Contract shall comply with all applicable Federal, State and local laws, including but not limited to the Burlington Livable Wage Ordinance, the Non-Outsourcing Ordinance, and the Union-Deterrence Ordinance and shall provide the required certifications attesting to compliance with these ordinances (see attached ordinances and certifications).

Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties. If, for any reason, a provision in the Contract is unenforceable or invalid, that provision shall be deemed severed from the Contract, and the remaining provisions shall be carried out with the same force and effect as if the severed provisions had never been a part of the Contract.

33. CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY: During performance of the Contract, the Consultant will not discriminate against any employee or applicant for employment because of 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. Consultant, and any subconsultants, shall comply with any Federal, State, or local law, statute, regulation, Executive Order, or rule that applies to it or the services to be provided under this contract concerning equal employment, fair employment practices, affirmative action, or prohibitions on discrimination or harassment in employment.

34. CHILD SUPPORT PAYMENTS: By signing the Contract, the Consultant certifies, as of the date of signing the Contract, that the Consultant (a) is not under an obligation to pay child support; or (b) is under such an obligation and is in good standing with respect to that obligation; or (c) has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan. If the Consultant is a sole proprietorship, the Consultant's statement applies only to the proprietor. If the Consultant is a partnership, the Consultant's statement applies to all general partners with a permanent residence in Vermont. If the Consultant is a corporation, this provision does not apply.

35. TAX REQUIREMENTS: By signing the Contract, the Consultant certifies, as required by law under 32 VSA, Section 3113, that under the pains and penalties of perjury, that the Consultant is in good standing with respect to payment, or in full compliance with a plan to pay, any and all taxes due the State of Vermont as of the date of signature on the Contract.

36. INDEMNIFICATION:

A. Indemnification by Consultant: Consultant will defend the City against any claims, demands, suits, or proceedings made or brought by a third party against the City to the extent based upon an allegation that the Software as a Service Solution as furnished by Consultant hereunder and used by the City within the scope of this Contract, infringes any

copyright or any U.S. patent or trademark rights of any third party (a “Claim”) and pay all amounts awarded by a court of law or agreed to in a mutually agreed to settlement of such Claim. The foregoing states the entire obligation of Consultant and its licensors with respect to any alleged or actual infringement or misappropriation of intellectual property rights by the Software as a Service Solution. Consultant and its licensors shall have no liability under this section to the extent that any Claims are based on any combination of the Software as a Service Solution with products, services, methods, content or other elements not furnished by Consultant, or any use of the Software as a Service Solution in a manner that violates the terms of Attachment C (Software as a Service Agreement).

- B. Mitigation Measures:** In the event of any Claim or potential Claim covered by this section, Consultant may, in its discretion, seek to mitigate the impact of such Claim by modifying the Software as a Service Solution to avoid the infringement, and/or by suspending or terminating the City’s access to the Software as a Service Solution upon reasonable notice (provided, in the case of such suspension or termination, that Consultant will refund a portion of any fees that the City has prepaid for the then-current Term, based on the portion of that Term that is affected by Consultant’s suspension or termination.
- C. Notice of Claims & City’s Right to Participate:** If the City, its officers, 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 Consultant in writing that a claim to which the indemnification provision may apply has been filed. Consultant 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.
- D. City’s Rights and Remedies:** Rights and remedies available to the City under this provision are cumulative of those provided for elsewhere in this Contract and those allowed under the laws of the United States and the State of Vermont.
- E. Indemnification by City:** The City shall defend Consultant against any third party claim, suit, or proceeding arising out of or related to Customer's alleged or actual use of, misuse of the Software as a Service Solution, including without limitation: (a) claims relating to any breach of this Contract by the City, its affiliates, employees, agents or authorized users, (b) claims related to unauthorized disclosure or exposure of personally identifiable information or other private information, including personal data and other customer content, as defined in Attachment C (Software as a Service Agreement); (c) claims related to infringement or violation of a copyright, trademark, trade secret, or privacy or confidentiality right by written material, images, logos or other content uploaded to the Software as a Service Solution through the City’s account, including without limitation by customer content; and (d) claims that use of the Software as a Service Solution through the City’s account, including by the City’s clients or authorized users, harasses, defames, or defrauds a third party or violates the CAN-Spam Act of 2003 or any other law or restriction on electronic advertising.

37. NO GIFTS OR GRATUITIES: The Consultant shall not make any payment or gift or donation of substantial value to any elected official, officer, employee, or agent of the City during the term of this Contract.

38. ASSIGNMENT: Consultant shall not sublet or assign this Work, or any part of it, without the written consent of the City. If any subconsultant is approved, Consultant shall be responsible and liable for all acts or omissions of that subconsultant for any Work performed. If any subconsultant is approved, Consultant shall be responsible to ensure that the subconsultant is paid as agreed and that no lien is placed on any City property.

39. TRANSFERS, SUBLETTING, ETC: The Consultant shall not assign, sublet, or transfer any interest in the work, covered by this Contract, without prior written consent of the City, and further, if any sub-consultant participates in any work involving additional services, the estimated extent and cost of the contemplated work must receive prior written consent of the City. The approval or consent to assign or sublet any portion of the work, shall in no way relieve the Consultant of responsibility for the performance of that portion of the work so transferred. The form of the sub-consultant's contract shall be as developed by the Consultant and approved by the City. The Consultant shall ensure that insurance coverage exists for any operations to be performed by any sub-consultant as specified in the insurance requirements section of this Contract.

The services of the Consultant, to be performed under the Contract, shall not be transferred without written authorization of the City. Any authorized sub-contracts shall contain all of the same provisions contained in and attached to the original Contract with the City.

40. CONTINUING OBLIGATIONS: The Consultant agrees that if because of death, disability, or other occurrences, it becomes impossible to effectively perform its services in compliance with the Contract, neither the Consultant nor its surviving members shall be relieved of their obligations to complete the Contract unless the City agrees to terminate the Contract because it determines that the Consultant is unable to satisfactorily execute the Contract.

41. INTERPRETATION & IMPLEMENTATION: Provisions of the Contract shall be interpreted and implemented in a manner consistent with each other and using procedures that will achieve the intent of both Parties.

42. ARM'S LENGTH: This Contract has been negotiated at arm's length, and any ambiguity in any of its terms or provisions shall be interpreted in accordance with the intent of the Parties and not against or in favor of either the City or Consultant.

43. RELATIONSHIP: The Consultant is an independent consultant and shall act in an independent capacity and not as officers or employees of the City. To that end, the Consultant shall determine the method, details, and means of performing the work, but will comply with all legal requirements in doing so. The Consultant shall provide its own tools, materials, or equipment. The Parties agree that neither the Consultant nor its principal(s) or employees are entitled to any employee benefits from the City. Consultant understands and agrees that it and its principal(s) or employees have no right to claim any benefits under the Burlington Employee

Retirement System, the City's worker's compensation benefits, health insurance, dental insurance, life insurance, or any other employee benefit plan offered by the City. The Consultant agrees to execute any certifications or other documents and provide any certificates of insurance required by the City and understands that this Contract is conditioned on its doing so, if requested.

The Consultant understands and agrees that it is responsible for the payment of all taxes on the above sums and that the City will not withhold or pay for Social Security, Medicare, or other taxes or benefits or be responsible for any unemployment benefits.

- 44. CHOICE OF LAW:** Vermont law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Contract. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. Any provision rendered null and void by operation of this provision shall not invalidate the remainder of this Contract to the extent capable of execution.
- 45. JURISDICTION:** All suits or actions related to this Contract shall be filed and proceedings held in the State of Vermont.
- 46. BINDING EFFECT AND CONTINUITY:** This Contract shall be binding upon and shall inure to the benefit of the Parties, their' respective heirs, successors, representatives, and assigns. If a dispute arises between the Parties, each Party will continue to perform its obligations under this Contract during the resolution of the dispute, until the Contract is terminated in accordance with its terms.
- 47. SEVERABILITY:** The invalidity or unenforceability of any provision of this Contract, shall not affect the validity or enforceability of any other provision, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under this Contract in accordance with the intent of this Contract.
- 48. ENTIRE CONTRACT & AGREEMENT:** This Contract constitutes the entire Contract, agreement, and understanding of the Parties with respect to the subject matter of this Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.
- 49. APPENDICES:** The City may attach to these conditions appendices containing various forms and typical sample sheets for guidance and assistance to the Consultant in the performance of the work. It is understood, however, that such forms and samples may be modified, altered, and augmented from time to time by the City as occasions may require. It is the responsibility of the Consultant to ensure that they have the latest versions applicable to the Contract.
- 50. NO THIRD PARTY BENEFICIARIES:** This Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract 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 Contract are incidental to this Contract, and do not create any rights for such third parties.

51. WAIVER: A Party's failure or delay in exercising any right, power, or privilege under this Contract, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

Attachment E:
Burlington Livable Wage Ordinance Certification

Certification of Compliance with the City of Burlington's Livable Wage Ordinance

I, Kaval Kaur, on behalf of AlertEnterprise, Inc. ("the Contractor") in connection with a contract for Burlington International Airport (BTV) and the development and delivery of a Full-Scale Exercise (FSE) that we provide to the City, hereby certify under oath that the Contractor (and any subcontractors under this contract) is and will remain in compliance with the City of Burlington's Livable Wage Ordinance, B.C.O. 21-80 et seq., and that

(1) as a condition of entering into this contract or grant, we confirm that all covered employees as defined by Burlington's Livable Wage Ordinance (including the covered employees of subcontractors) shall be paid a livable wage (as determined, or adjusted, annually by the City of Burlington's chief administrative officer) and provided appropriate time off for the term of the contract;

(2) a notice regarding the applicability of the Livable Wage Ordinance shall be posted in the workplace(s) or other location(s) where covered employees work;

(3) we will provide verification of an employee's compensation, produce payroll or health insurance enrollment records or provide other relevant documentation (including that of any subcontractor), as deemed necessary by the chief administrative officer, within ten (10) business days from receipt of a request by the City;

(4) we will cooperate in any investigation conducted by the City of Burlington's City Attorney's office pursuant to this ordinance; and

(5) we will not retaliate (nor allow any subcontractor to retaliate) against an employee or other person because an employee has exercised rights, or the person has cooperated in an investigation conducted pursuant to this ordinance.

Date _____ By: _____
Contractor

Subscribed and sworn to before me:

Date _____ Notary _____

ARTICLE VI. LIVABLE WAGES¹

21-80 Findings and purpose.

In enacting this article, the city council states the following findings and purposes:

- (a) Income from full-time work should be sufficient to meet an individual's basic needs;
- (b) The City of Burlington is committed to ensuring that its employees have an opportunity for a decent quality of life and are compensated such that they are not dependent on public assistance to meet their basic needs;
- (c) The City of Burlington is committed, through its contracts with vendors and provision of financial assistance, to encourage the private sector to pay its employees a livable wage and contribute to employee health care benefits;
- (d) The creation of jobs that pay livable wages promotes the prosperity and general welfare of the City of Burlington and its residents, increases consumer spending with local businesses, improves the economic welfare and security of affected employees and reduces expenditures for public assistance;
- (e) It is the intention of the city council in passing this article to provide a minimum level of compensation for employees of the City of Burlington and employees of entities that enter into service contracts or receive financial assistance from the City of Burlington.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-81 Definitions.

As used in this article, the following terms shall be defined as follows:

- (a) *Contractor or vendor* is a person or entity that has a service contract with the City of Burlington where the total amount of the service contract or service contracts exceeds fifteen thousand dollars (\$15,000.00) for any twelve (12) month period, including any subcontractors of such contractor or vendor.
- (b) *Grantee* is a person or entity that is the recipient of financial assistance from the City of Burlington in the form of grants, including any contractors or subgrantees of the grantee, that exceed fifteen thousand dollars (\$15,000.00) for any twelve (12) month period.

(c) *Covered employer* means the City of Burlington, a contractor or vendor or a grantee as defined above. The primary contractor, vendor, or grantee shall be responsible for the compliance of each of its subcontractors (or of each subgrantee) that is a covered employer.

(d) *Covered employee* means an "employee" as defined below, who is employed by a "covered employer," subject to the following:

(1) An employee who is employed by a contractor or vendor is a "covered employee" during the period of time he or she expends on furnishing services under a service contract with the City of Burlington, notwithstanding that the employee may be a temporary or seasonal employee;

(2) An employee who is employed by a grantee who expends at least half of his or her time on activities funded by the City of Burlington is a "covered employee."

(e) *Designated accountability monitor* shall mean a nonprofit corporation which has established and maintains valid nonprofit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and that is independent of the parties it is monitoring.

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

(g) *Employer-assisted health care* means health care benefits provided by employers for employees (or employees and their dependents) at the employer's cost or at an employer contribution towards the purchase of such health care benefits, provided that the employer cost or contribution consists of at least one dollar and twenty cents (\$1.20) per hour. (Said amount shall be adjusted every two (2) years for inflation, by the chief administrative officer of the city.)

(h) *Livable wage* has the meaning set forth in Section 21-82.

(i) *Retaliation* shall mean the denial of any right guaranteed under this article, and any threat, discipline, discharge, demotion, suspension, reduction of hours, or any other adverse action against an employee for exercising any right guaranteed under this article. Retaliation shall also include coercion, intimidation, threat, harassment, or interference in any manner with any investigation, proceeding, or hearing under this article.

(j) *Service contract* means a contract primarily for the furnishing of services to the City of Burlington (as opposed to the purchasing or leasing of goods or property). A contract involving the furnishing of financial products, insurance products, or software, even if that contract also includes some support or other services related to the provision of the products, shall not be considered a service contract.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-82 Livable wages required.

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

(1) For a covered employer that provides employer assisted health care, the livable wage shall be at least thirteen dollars and ninety-four cents (\$13.94) per hour on the effective date of the amendments to this article.

(2) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least fifteen dollars and eighty-three cents (\$15.83) per hour on the effective date of the amendments to this article.

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

(b) The amount of the livable wage established in this section shall be adjusted by the chief administrative officer of the city as of July 1 of each year based upon a report of the Joint Fiscal Office of the State of Vermont that describes the basic needs budget for a single person but utilizes a model of two (2) adults residing in a two (2) bedroom living unit in an urban area with the moderate cost food plan. Should there be no such report from the Joint Fiscal Office, the chief administrative officer shall obtain and utilize a basic needs budget that applies a similar methodology. The livable wage rates derived from utilizing a model of two (2) adults residing in a two (2) bedroom living unit in an urban area with a moderate cost food plan shall not become effective until rates meet or exceed the 2010 posted livable wage rates. Prior to May 1 preceding any such adjustment and prior to May 1 of each calendar year thereafter, the chief administrative officer will provide public notice of this adjustment by posting a written notice in a prominent place in City Hall by sending written notice to the city council and, in the case of covered employers that have

requested individual notice and provided contact information to the chief administrative officer, by notice to each such covered employer. However, once a livable wage is applied to an individual employee, no reduction in that employee's pay rate is permissible due to this annual adjustment.

(c) Covered employers shall provide at least twelve (12) compensated days off per year for full-time covered employees, and a proportionate amount for part-time covered employees, for sick leave, vacation, personal, or combined time off leave.

(Ord. of 11-19-01; Ord. of 5-2-11; Ord. of 6-13-11; Ord. of 10-21-13)

21-83 Applicability.

(a) This article shall apply to any service contract or grant, as provided by this article that is awarded or entered into after the effective date of the article. After the effective date of the article, entering into any agreement or an extension, renewal or amendment of any contract or grant as defined herein shall be subject to compliance with this article.

(b) The requirements of this article shall apply during the term of any service contract subject to the article. Covered employers who receive grants shall comply with this article during the period of time the funds awarded by the City of Burlington are being expended by the covered employer.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-84 Enforcement.

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

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

- (1) Verification of an individual employee's compensation;

- (2) Production of payroll, health insurance enrollment records, or other relevant documentation; or
- (3) Evidence of proper posting of notice.

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

(c) The City of Burlington shall appoint a designated accountability monitor that shall have the authority:

- (1) To inform and educate employees of all applicable provisions of this article and other applicable laws, codes, and regulations;
- (2) To create a telephonic and electronic accountability system under this article that shall be available at all times to receive complaints under this article;
- (3) To establish and implement a system for processing employees' complaints under this article, including a system for investigating complaints and determining their initial credibility; and
- (4) To refer credible complaints to the city attorney's office for potential enforcement action under this article.

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

(d) Any covered employee who believes his or her covered employer is not complying with this article may file a complaint in writing with the city attorney's office within one (1) year after the alleged violation. The city attorney's office shall conduct an investigation of the complaint, during which it may require from the covered employer evidence such as may be required to determine whether the covered employer has been compliant, and shall make a finding of compliance or noncompliance within a reasonable time after receiving the complaint. Prior to ordering any penalty provided in subsection (e), (f), or (g) of this section, the city attorney's office shall give notice to the covered employer. The covered employer may request a hearing within thirty (30) days of receipt of such notice. The hearing shall be conducted by a hearing officer appointed by the city attorney's office, who shall affirm or reverse the finding or the penalty based upon evidence presented by the city attorney's office and the covered employer.

(e) The City of Burlington shall have the right to modify, terminate and/or seek specific performance of any contract or grant with a covered employer from any court of competent jurisdiction, if the covered employer has not complied with this article.

(f) Any covered employer who violates this article may be barred from receiving a contract or grant from the city for a period up to two (2) years from the date of the finding of violation.

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

(h) If a complaint is received that implicates any City of Burlington employee in a possible violation of this article, that complaint will be handled through the City's personnel procedures, not through the process outlined in this article.

(i) Any covered employee aggrieved by a violation of this article may bring a civil action in a court of competent jurisdiction against the covered employer within two (2) years after discovery of the alleged violation. The court may award any covered employee who files suit pursuant to this section, as to the relevant period of time, the following:

(1) The difference between the livable wage required under this article and the amount actually paid to the covered employee;

(2) Equitable payment for any compensated days off that were unlawfully denied or were not properly compensated;

(3) Liquidated damages in an amount equal to the amount of back wages and/or compensated days off unlawfully withheld or fifty dollars (\$50.00) for each employee or person whose rights under this article were violated for each day that the violation occurred or continued, whichever is greater;

(4) Reinstatement in employment and/or injunctive relief; and

(5) Reasonable attorneys' fees and costs.

(j) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article. No person shall engage in retaliation against an employee or threaten to do so because such employee has exercised rights or is planning to exercise rights protected under this article or has cooperated in any investigation conducted pursuant to this article.

(Ord. of 11-19-01; Ord. of 2-17-04; Ord. of 5-2-11; Ord. of 10-21-13)

21-85 Other provisions.

(a) No covered employer shall reduce the compensation, wages, fringe benefits or leave available to any covered employee in order to pay the livable wage required by this article. Any action in violation of this subsection shall be deemed a violation of this article subject to the remedies of Section 21-84.

(b) No covered employer with a current contract, as of the effective date of this provision, with the City of Burlington for the use of property located at the Burlington International Airport may reduce, during the term of that contract, the wages of a covered employee below the livable wage as a result of amendments to this article.

(c) Where pursuant to a contract for services with the city, the contractor or subcontractor incurs a contractual obligation to pay its employees certain wage rates, in no case except as stated in subsection (d) of this section, shall the wage rates paid pursuant to that contract be less than the minimum livable wage paid pursuant to this article.

(d) Notwithstanding subsection (c) of this section, where employees are represented by a bargaining unit or labor union pursuant to rights conferred by state or federal law and a collective bargaining labor agreement is in effect governing the terms and conditions of employment of those employees, this chapter shall not apply to those employees, and the collective bargaining labor agreement shall control.

(e) Covered employers shall inform employees making less than twelve dollars (\$12.00) per hour of their possible right to the Earned Income Tax Credit under federal and state law.

(f) The chief administrative officer of the city shall have the authority to promulgate rules as necessary to administer the provisions of this article, which shall become effective upon approval by the city council.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-86 Exemptions.

An exemption from any requirement of this article may be requested for a period not to exceed two (2) years:

(a) By a covered employer where payment of the livable wage would cause substantial economic hardship; and

(b) By the City of Burlington where application of this article to a particular contract or grant is found to violate specific state or federal statutory, regulatory or constitutional provisions or where granting the exemption would be in the best interests of the City.

A covered employer or grantee granted an exemption under this section may reapply for an exemption upon the expiration of the exemption. Requests for exemption may be granted by majority vote of the city council. All requests for exemption shall be submitted to the chief administrative officer. The finance committee of the City of Burlington

shall first consider such request and make a recommendation to the city council. The decision of the city council shall be final.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-87 Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of the remaining parts of this article.

(Ord. of 11-19-01; Ord. of 10-21-13)

21-88 Annual reporting.

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

- (a) A list of all covered employers broken down by department;
- (b) A list of all covered employers whose service contract did not contain the language required by this article; and
- (c) All complaints filed and investigated by the city attorney's office and the results of such investigation.

(Ord. of 10-21-13)

21-89 Effective date.

The amendments to this article shall take effect on January 1, 2014 and shall not be retroactively applied.

(Ord. of 10-21-13)

Attachment F:
Burlington Outsourcing Ordinance Certification

Certification of Compliance with the City of Burlington's Outsourcing Ordinance

I, Kaval Kaur, on behalf of AlertEnterprise, Inc. (Contractor) in connection with the Burlington International Airport (BTV) and the development and delivery of a Full-Scale Exercise (FSE) [Project], hereby certify under oath that (1) Contractor shall comply with the City of Burlington's Outsourcing Ordinance (Ordinance §§ 21-90 – 21-93); (2) as a condition of entering into this contract or grant, Contractor confirms that the services provided under the above-referenced contract will be performed in the United States or Canada.

Dated at _____, Alameda County, California this ____ day of _____, 2023.

By: _____
Duly Authorized Agent

Subscribed and sworn to before me: _____
Notary

ARTICLE VII. OUTSOURCING

21-90 Policy.

It is the policy of the City of Burlington to let service contracts to contractors, subcontractors and vendors who perform work in the United States.

(Ord. of 11-21-05/12-21-05)

21-91 Definitions.

(a) *Contractor or vendor.* A person or entity that has a contract with the City of Burlington primarily for the furnishing of services (as opposed to the purchasing of goods), including any subcontractors of such contractor or vendor.

(b) *Government funded project.* Any contract for services which involves any city funds and the total amount of the contract is fifty thousand dollars (\$50,000.00) or more. Burlington School Department contracts shall not be considered government funded projects under this article.

(c) *Outsourcing.* The assigning or reassigning, directly, or indirectly through subcontracting, of services under a government funded project to workers performing the work outside of the United States.

(Ord. of 11-21-05/12-21-05)

21-92 Implementation.

(a) No contract for a government funded project shall be let to any contractor, subcontractor, or vendor who is outsourcing, or causing the work to be performed outside of the United States or Canada.

(b) Prior to the commencement of work on a government funded project a contractor, subcontractor or vendor shall provide written certification that the services provided under the contract will be performed in the United States or Canada.

(Ord. of 11-21-05/12-21-05)

21-93 Exemption.

An exemption from requirements of this article may be authorized by the chief administrative officer based upon a determination that the services to be performed for the government funded project are not available in the United States or Canada at a reasonable cost. Any such exemption decision by the chief administrative officer shall be reported

to the board of finance in writing within five (5) days. The board of finance may, if it should vote to do so, override the exemption decision if such vote occurs within fourteen (14) days of the date of the chief administrative officer's communication to such board.

(Ord. of 11-21-05/12-21-05)

21-94 Enforcement.

(a) Any contractor, subcontractor or vendor who files false or materially misleading information in connection with an application, certification or request for information pursuant to the provisions of this article or outsources work on a government funded project shall be deemed to be in violation of this article.

(b) A violation of this article shall be a civil offense subject to a civil penalty of from one hundred dollars (\$100.00) to five hundred (\$500.00). All law enforcement officers, and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any violation of any provision of this article shall continue shall constitute a separate violation.

(c) The City of Burlington shall have the right to modify, terminate and or seek specific performance of any contract for a government funded project if the contractor, subcontractor or vendor has not complied with this article.

(Ord. of 11-21-05/12-21-05)

21-95—21-99 Reserved.

Attachment G:
Burlington Union Deterrence Ordinance Certification

Certification of Compliance with the City of Burlington's

Union Deterrence Ordinance

I, Kaval Kaur, on behalf of Alert Enterprise, Inc. (Contractor) and in connection with Burlington International Airport (BTV) and the development and delivery of a Full-Scale Exercise (FSE), hereby certify under oath that (Contractor) has not advised the conduct of any illegal activity, and it does not currently, nor will it over the life of the contract advertise or provide union deterrence services in violation of the City's union deterrence ordinance.

Dated at _____, Alameda County, California ____ day of _____, 2020.

By: _____
Duly Authorized Agent

Subscribed and sworn to before me: _____
Notary

ARTICLE VIII. UNION DETERRENCE

21-100 Policy.

It is the policy of the City of Burlington to limit letting contracts to organizations that provide union deterrence services to other companies.

(Ord. of 3-27-06/4-26-06)

21-101 Definitions.

(a) *Contractor or vendor.* A person or entity that has a contract with the City of Burlington primarily for the furnishing of services (as opposed to the purchasing of goods), including any subcontractors of such contractor or vendor.

(b) *Government funded project.* Any contract for services which involves any City funds and the total amount of the contract is fifteen thousand dollars (\$15,000.00) or more. Burlington School Department contracts shall not be considered government funded projects under this article.

(c) *Union deterrence services.* Services provided by a contractor, subcontractor or vendor that are not restricted to advice concerning what activities by an employer are prohibited and permitted by applicable laws and regulations, but extend beyond such legal advice to encouraging an employer to do any of the following:

- 1) Hold captive audience, (i.e., mandatory) meetings with employees encouraging employees to vote against the union;
- 2) Have supervisors force workers to meet individually with them to discuss the union;
- 3) Imply to employees, whether through written or oral communication, that their employer may have to shut down or lay people off if the union wins the election;
- 4) Discipline or fire workers for union activity;
- 5) Train managers on how to dissuade employees from supporting the union.

(d) *Substantial portion of income.* For the purposes of this article, substantial portion of income shall mean greater than ten (10) percent of annual gross revenues or one hundred thousand dollars (\$100,000.00), whichever is less.

(Ord. of 3-27-06/4-26-06)

21-102 Implementation.

- (a) No contract for a government funded project shall be let to any contractor, subcontractor, or vendor who
- 1) Advises or has advised an employer to conduct any illegal activity in its dealings with a union.
 - 2) Advertises union deterrence services as specialty services;
 - 3) Earns a substantial portion of its income by providing union deterrence services to other companies in order to defeat union organizing efforts.
- (b) Prior to the commencement of work on a government funded project a contractor, subcontractor or vendor shall provide written certification that it has not advised the conduct of any illegal activity, it does not currently, nor will it over the life of the contract provide union deterrence services in violation of this article.

(Ord. of 3-27-06/4-26-06)

21-103 Enforcement.

- (a) Any contractor, subcontractor or vendor who files false or materially misleading information in connection with an application, certification or request for information pursuant to the provisions of this article or provided union deterrence services during the life of a contract for a government funded project shall be deemed to be in violation of this article.
- (b) The City of Burlington shall have the right to modify, terminate and or seek specific performance of any contract for a government funded project if the contractor, subcontractor or vendor has not complied with this article.

(Ord. of 3-27-06/4-26-06)

21-104—21-110 Reserved.

**Attachment H:
Consultant's Certificate of Insurance**

ALERTENTERPRISE, INC.
4350 Starboard Drive
Fremont, CA 94538
RETURN FAX #: 510-897-6785

SOFTWARE AS A SERVICE AND MANAGED SERVICES AGREEMENT

CUSTOMER:

ADDRESS: _____
CITY/STATE/ZIP: _____

STATE OF INCORPORATION: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

AGREEMENT TO BE RETURNED TO: _____

INTERNAL TECHNICAL _____

REPRESENTATIVE: _____

Email: _____

Email: _____

This Software as a Service and Managed Services Agreement is entered into as of the last signature date indicated below, by and between AlertEnterprise, Inc., a Delaware corporation ("**ALERT**"), and the "**Customer**" set forth above. In consideration of the terms and conditions contained in this Facing Page, the Standard Terms and Conditions and the attached Schedules (collectively the "**Agreement**") the parties agree to be bound hereby.

ATTACHMENTS:

STANDARD TERMS AND CONDITIONS

SCHEDULES:

Schedule 1	Description of Managed Services
Schedule 2	Form of Order Schedule

IN WITNESS WHEREOF, THE PARTIES LISTED BELOW HAVE EXECUTED THIS AGREEMENT, AND THIS AGREEMENT IS EFFECTIVE, AS OF THE DATE OF THE LAST SIGNATURE SET FORTH BELOW (THE "EFFECTIVE DATE").

ALERTENTERPRISE, INC.

CUSTOMER: CITY OF BURLINGTON, VERMONT

By: _____

By: _____

Printed: _____

Printed: Nic Longo

Title: _____

Title: Director of Aviation

Date: _____

Date: _____

ALERTENTERPRISE, INC.
SOFTWARE AS A SERVICE AND MANAGED SERVICES AGREEMENT
STANDARD TERMS AND CONDITIONS

ALERT provides an internet-accessible service (hosted by ALERT or its service provider) made available on a term-use basis (the **"SaaS Solution"**). ALERT also provides support services related to implementation and management of the SaaS Solution. The parties have agreed that ALERT will provide the SaaS Solution to Customer, as well as such support services as the parties may agree, now and pursuant to future Order Schedule(s). Therefore, in consideration for the commitments set forth below, the adequacy of which consideration the parties hereby acknowledge, the parties agree as follows:

1. **DEFINITIONS:**

"Authorized Users" shall mean those parties authorized by Customer to access the SaaS Solution and is limited to Employees and Business Third Parties.

"Business Third Parties" shall mean any third party, including service providers, consultants, SaaS Solutions integrators and the like, whose work for Customer requires access to the SaaS Solution to facilitate Customer's internal business activities.

"Confidential Information" shall have the meaning given such term in Section 15.

"Customer Affiliate" shall mean an entity in which Customer owns more than fifty percent (50%) of the voting securities. Any such entity shall be considered a Customer Affiliate for only such time as Customer continues to own such equity interest.

"Customer Content" shall mean information, data files, and materials, downloaded, transferred or input by Customer or Authorized Users to the SaaS Solution, including, without limitation, background queries and the results of those queries. Customer retains ownership and intellectual property rights in and to its Customer Content.

"Documentation" shall mean the documentation, which will be updated from time to time, provided by ALERT in connection with the SaaS Solution.

"Employees" shall mean employees, full or part-time, who are employed by Customer and under its direct supervision.

"Errors" shall have the meaning given in Schedule 1 Description of Managed Services.

"Authorized Facilities" shall mean Customer's facilities (equipment, networks or other access controlled resources as well as physical premises) with respect to which Customer is authorized to use certain SaaS Solution functionality provided by ALERT (e.g.: FedCheck Services) as indicated in the Order Schedule.

"Identities(s)" shall mean a unique identifier entered into the SaaS Solution that corresponds to an individual, for example, a visitor, contractor, tenant, vendor, etc.

"Managed Services" shall mean the support and services as described in Schedule 1 to this Agreement.

"Order Schedule" shall mean a separate ordering document for use and access to the SaaS Solution and Managed Services entered into between Customer and ALERT or an ALERT authorized reseller in the form attached hereto as Schedule 2.

"Servers" shall mean the number of servers or devices authorized to receive access to the SaaS Solution.

"Service Term" shall mean that period specified in an Order Schedule during which Customer will have access to the SaaS Solution in addition to any renewal of the initial Service Term. If the Service Term is not stated in the Order Schedule, then the Service Term shall commence on the date of the Order Schedule and will continue until the end of the first annual period plus, if applicable, the number of day remaining following the (1) year date to the end of the then current calendar quarter and include any additional renewal period.

2. **ACCESS RIGHTS AND MANAGED SERVICES:**

A. **Use of the SaaS Solution.** Subject to compliance with the terms of this Agreement including, without limitation, payment of all applicable Fees, Customer shall, during the Service Term provided in the Order Schedule, have the non-exclusive, non-assignable, royalty free, worldwide right to access and use the SaaS Solution solely for Customer's internal business operations subject to the terms of this Agreement and any limitations provided in the applicable Order Schedule (e.g.: Authorized Facilities, Identities and Servers documented in the Order Schedule).

B. **Authorized Users and Passwords.** Customer shall be solely responsible for the acts and omissions of the Authorized Users. Customer is responsible for maintaining the confidentiality of all passwords and for ensuring that each password is used only by the applicable Authorized Users. If Customer wishes to provide access to the SaaS Solution to Customer Affiliates(s) such Customer Affiliate shall enter into a

separate Order Schedule with ALERT prior to accessing or using the SaaS Solution. Customer is entirely responsible for any and all activities that occur under Customer's account and all charges incurred from use of the SaaS Solution accessed with Authorized User's passwords. Customer shall: (a) notify ALERT immediately of any unauthorized use of any password or user id or any known or suspected breach of security, (b) report to ALERT immediately and use reasonable efforts to stop any unauthorized use of the SaaS Solution that is known or suspected by Customer, and (c) not provide false identity information to gain access to or use of the SaaS Solution. Customer shall indemnify ALERT and its licensors against losses or damages suffered by ALERT arising from any misuse of the SaaS Solution by Authorized Users.

- C. **Managed Services.** ALERT shall provide the Managed Services described in Schedule 1 in connection with any set-up and SaaS Solution Errors listed in Schedule 1. The remedies provided in connection with SaaS Solution Errors as described in Schedule 1 are Customer's sole remedy for any failure of the SaaS Solution, and Customer recognizes and agrees that if Schedule 1 does not list a remedy for a given failure, it has no remedy. ALERT is not required to issue credits or refunds under any circumstances, including without limitation after termination of this Agreement.

3. **PAYMENT OF FEES:**

Customer will pay ALERT the then applicable fees described in a mutually agreed to Order Schedule in accordance with the terms therein (the "**Fees**"). ALERT's invoices are due within 30 days of the date of invoice. For late payments, Customer shall pay interest charges from the time the payment was due at the rate that is the lower of 1.5% per month or the highest rate permissible under applicable law. If Customer's use of the SaaS Solution exceeds the Identities and/or other limitations set forth on the Order Schedule or otherwise requires the payment of additional fees (per the terms of this Agreement), Customer shall be billed for such usage and Customer agrees to pay the additional fees in the manner provided herein. Company reserves the right to change the Fees or applicable charges and to institute new charges and Fees at the end of the initial Service Term or then-current renewal term, upon thirty (30) days prior notice to Customer (which may be sent by email). All amounts payable under this Agreement are exclusive of all sales, use, and other taxes. Customer is responsible for all taxes assessed in connection with this Agreement, including sales, use, excise, value-added or governmental charges imposed on the use of the SaaS Solution or Managed Services. Alert shall be responsible for its own income taxes.

4. **CUSTOMER RESPONSIBILITIES:**

- A. **Results.** Customer retains full responsibility for Customer's and its Authorized User's use of the SaaS Solution, including how information obtained through the SaaS Solution ("**Results**") is used, and for any decisions and actions that Customer and/or its Authorized Users may make or undertake in reliance of the SaaS Solution or such Results.

- B. **Customer Responsibilities.** Customer is responsible for obtaining, configuring and maintaining all computer hardware, software and communications equipment needed to access and use the SaaS Solution, and for paying all third-party access charges (e.g., ISP, telecommunications, hosting services, etc.) incurred while using the SaaS Solution. Customer shall provide commercially reasonable information and assistance to ALERT to enable ALERT to deliver the SaaS Solution and Managed Services. Customer acknowledges that ALERT's ability to deliver the SaaS Solution in a manner provided in this Agreement may depend upon the accuracy and timeliness of such information and assistance.

5. **USER RESTRICTIONS:**

Except as expressly permitted under this Agreement, Customer and its Authorized Users may not: (i) copy, reproduce, modify or republish the SaaS Solution, (ii) use the SaaS Solution for any credit-verification or credit reporting purposes, or in connection any hiring or other employment action (other than as screening to access Authorized Facilities) or to screen individuals or otherwise discriminate based on race, color, national origin, religion, age, gender, sexual orientation, or disability or any other unlawful or improper basis, (iii) make the SaaS Solution available to any person other than an Authorized User, (iv) upload, transmit or distribute any data or files that contain viruses, malicious code, corrupted files or any similar software or programs to or through the SaaS Solution, (v) distribute, disseminate, reverse engineer, decompile, translate, disassemble or otherwise attempt to derive the source code of the SaaS Solution, Software or mobile app provided under this Agreement or allow others to do so, (vi) use the SaaS Solution to provide software application services, time-sharing or service bureau services to third parties (vii) disclose any ALERT trade secret or Confidential Information including, non-public SaaS Solution features with any third party, (viii) remove, modify or obscure any copyright, trademark or proprietary notices contained in the SaaS Solution or contained in the Documentation (ix) breach, disable, tamper with, or develop or use (or attempt) any workaround for, any security measure provided or used by the SaaS Solution; (ix) access the SaaS Solution via any bot, web crawler or non-human user, or to perform any data scraping, data mining, caching, or similar

function; or (x) access or use (or permit a third party to access or use) the SaaS Solution for any unlawful purpose, or for purposes of monitoring the availability, performance or functionality of the SaaS Solution or for any other benchmarking or competitive purposes.

No right or license, express or implied, is granted hereunder for the use of any of ALERT or Customer trade names, service marks or trademarks. All rights not expressly granted under this Agreement are reserved by ALERT. There are no implied rights granted herein. Customer agrees to implement reasonable controls to ensure compliance with the intended use of the SaaS Solution authorized by this Agreement.

6. COMPLIANCE WITH LAWS:

Each party represents and warrants that (i) it has the full right, power and authority to execute and enter into this Agreement and to perform its obligations hereunder; (ii) it is knowledgeable as to all federal, state, and local laws and regulation pertaining to its business, operations and intended use of the SaaS Solution; and (iii) it is a legitimate business entity in good standing and has a lawful purpose for use of the SaaS Solution, consistent with the usage restrictions herein. Customer shall comply with all applicable local, state, national and foreign laws in connection with the use of the SaaS Solution and Managed Services, including the laws related to data privacy, international communications and the transmission of technical or personal data. Customer agrees to comply fully with all relevant export laws and regulations of the United States and other applicable jurisdictions to ensure that neither the SaaS Solution nor any direct product thereof, are: (i) exported or re-exported directly or indirectly in violation of such export laws and regulations; or (ii) used for any purposes prohibited by such export laws and regulations.

7. GOVERNMENT RIGHTS:

If Customer is the U.S. government or any agency or other division thereof, the SaaS Solution is furnished under the Agreement as a “commercial item,” and more specifically as “commercial computer software” and “commercial computer software documentation” (as applicable), as those terms are defined and used in the U.S. Code of Federal Regulations (48 C.F.R. § 2.101) and other applicable regulations, and the government’s rights with respect to such software and services (and to any associated technical data or other materials) are limited to those rights expressly granted in this Agreement.

8. ALERT ACCESS:

During the Service Term, Customer grants to ALERT access to Customer’s network, computer SaaS Solutions, and Customer Content (as defined below) as

needed to provide the SaaS Solution, and Managed Services.

9. CUSTOMER CONTENT AND USER INFORMATION:

A. **Customer Content.** Customer acknowledges that ALERT exercises no control over the Customer Content. ALERT will have no responsibility or liability for the accuracy of data uploaded to the SaaS Solution, including without limitation Customer Content and any other data uploaded by Authorized Users. Customer is solely responsible for ensuring, and Customer hereby represents and warrants, that Customer’s provision of Customer Content to ALERT, and the collection, processing, and use of Customer Content by ALERT as contemplated by this Agreement, will (and for so long as Customer uses the SaaS Solution will continue to) comply with applicable laws and third-party terms and conditions of use, and privacy and security best practices. Customer hereby agrees to indemnify and hold ALERT harmless for any loss, damage, expense, cost, or claim (including reasonable attorneys’ fees), arising from Customer’s failure to comply with this provision or applicable laws. Customer shall not upload, post, reproduce or distribute any information, software, or other material protected by copyright, privacy rights, or other intellectual property rights without first obtaining the permission of the owner of such rights. Customer acknowledges and agrees that ALERT’s performance of this Agreement may require ALERT to process, transmit, and/or store personal data of Customer or the personal data of Identities (“**Personal Data**”). By submitting Personal Data to the SaaS Solution, Customer agrees that ALERT may process, transmit, and/or store Personal Data only to the extent necessary for, and for the sole purpose of enabling ALERT to perform its obligations under this Agreement. In relation to all Personal Data, Customer will be responsible as the Data Controller for complying with all applicable data protection or similar law such as the EU General Data Protection Regulation 2016/679 and laws implementing that Regulation that regulate the processing of Personal Data and special categories of data as such terms are defined in that Regulation. Customer agrees to obtain all necessary consents and make all necessary disclosures before including Personal Data in Customer Content and confirms that Customer is solely responsible for all Personal Data included in Customer Content. Customer agrees that the specific terms for the processing of Personal Data will be in accordance with the terms of ALERT’s standard and current Data Processing Addendum incorporated into this Agreement. Customer recognizes and agrees that hosting data online involves risks of unauthorized disclosure or exposure and that, in accessing and using the SaaS

Solution, Customer assumes such risks. ALERT shall use commercially reasonable efforts to prevent unauthorized disclosures of data hosted by ALERT.

B. **Information about Devices.** Customer acknowledges and agrees that ALERT collects (a) information about devices in and around Customer's network, including, but not limited to, Internet Protocol (IP) addresses of devices in Customer's network(s) and (b) additional information about these devices such as information about device activity, host name, configuration, operating SaaS Solution, and login identities used from the devices ((a) and (b), collectively "**Device Information**").

C. **Information about Users.** In addition to information described in Sections 9A and 9B above, the SaaS Solution has the ability to capture additional information depending on which features Customer chooses to enable. If Customer chooses to enable any optional functionality in the SaaS Solution that takes as input or collects information about users accessing Customer's network ("**User Identities**"), ALERT will receive and store such information in accordance with the data entry and/or configuration settings Customer makes. ALERT will receive and store User Identities utilizing data protection tools and techniques in accordance with industry practices.

10. **WARRANTY:**

ALERT warrants to Customer, during the applicable Service Term, the SaaS Solution will perform materially in accordance with the applicable Documentation. The sole and exclusive remedy of Customer, and the entire liability of ALERT, under this limited warranty is described in Schedule 1 Description of Managed Services. EXCEPT AS SPECIFIED IN THIS AGREEMENT, ALERT MAKES NO WARRANTIES AND HEREBY DISCLAIMS AND EXCLUDES ALL OTHER WARRANTIES, WHETHER STATUTORY, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, SATISFACTORY QUALITY, NON-INFRINGEMENT AND THOSE ARISING FROM A COURSE OF DEALING, USAGE OF TRADE. CUSTOMER MUST NOTIFY ALERT IN WRITING PROMPTLY OF ANY CLAIMED BREACH OF ANY WARRANTIES DURING THE WARRANTY PERIOD. CUSTOMER'S SOLE AND EXCLUSIVE REMEDY FOR BREACH OF WARRANTY SHALL BE, AT ALERT'S OPTION, CORRECTION OF THE SAAS

SOLUTION ERRORS PURSUANT TO THE MANAGED SERVICES PROGRAM, OR TERMINATION OF THE APPLICABLE SERVICES AND RETURN OF THE UNEARNED PORTION OF THE FEES PREPAID TO ALERT BY CUSTOMER FOR SUCH NON-CONFORMING SAAS SERVICES. THIS DISCLAIMER AND EXCLUSION SHALL APPLY EVEN IF THE EXPRESS WARRANTY AND LIMITED REMEDY SET FORTH ABOVE FAILS OF ITS ESSENTIAL PURPOSE.

11. **THIRD PARTY SOFTWARE:**

If, in connection with Customer's access and/or use of the SaaS Solution, Customer accesses or uses any third-party software or services, Customer's use of such software and services shall be governed by the terms and conditions of the agreement under which Customer accesses or licenses such software from the third party. Customer shall defend, indemnify, and hold ALERT and its affiliates and their respective officers, directors, employees, affiliates, subsidiaries, agents, licensors, suppliers, service providers and representatives harmless against any liabilities, losses, damages, claims, demands, fees, expenses and other costs of any kind or nature, including, without limitation, any attorney fees, expert fees, filing fees, judgments, awards and settlement amounts associated therewith, as and when incurred, arising out of or related to Customer's use of third-party software and/or services in connection with the SaaS Solution.

12. **DISCLAIMER:**

ALERT DOES NOT GUARANTEE THAT THE SAAS SOLUTION WILL PERFORM ERROR-FREE OR UNINTERRUPTED. CUSTOMER ACKNOWLEDGES THAT ALERT DOES NOT CONTROL THE TRANSFER OF DATA OVER COMMUNICATION FACILITIES INCLUDING THE INTERNET, AND THAT THE SAAS SOLUTION MAY BE SUBJECT TO LIMITATIONS AND DELAYS AND OTHER PROBLEMS INHERENT IN THE USE OF SUCH COMMUNICATIONS FACILITIES. CUSTOMER ACKNOWLEDGES THAT CERTAIN FUNCTIONALITY PROVIDED BY A THIRD PARTY LICENSOR OR SERVICE PROVIDER MAY IMPACT THE AVAILABILITY OF CERTAIN FUNCTIONALITY IN THE SAAS SOLUTION. ALERT DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY DATA OR RESULTS GENERATED BY THE SAAS SOLUTION AND SHALL NOT BE LIABLE FOR ANY INACCURACY, OMISSION OR OTHER DEFECT IN THE RESULTS.

13. **LIMITATION OF LIABILITY:**

THE PARTIES AGREE THAT IN NO EVENT SHALL ALERT, ITS SUPPLIERS OR LICENSORS HAVE ANY

LIABILITY TO CUSTOMER FOR ANY INDIRECT, INCIDENTAL, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES INCLUDING WITHOUT LIMITATION, LOST PROFITS, LOSS OF DATA, LOSS OF FUNCTIONALITY, INTERRUPTION OF BUSINESS, OR COSTS OF PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, WHETHER UNDER THEORY OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE ARISING FROM OR ASSOCIATED IN ANY WAY WITH THE SAAS SOLUTION, DOCUMENTATION, THIRD PARTY SOFTWARE OR MANAGED SERVICES, EVEN IF ALERT IS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE PARTIES AGREE TO THE ALLOCATION OF LIABILITY RISK, WHICH IS SET FORTH IN THIS SECTION. SOME JURISDICTIONS DO NOT ALLOW THE LIMITATION OF LIABILITY FOR CERTAIN DAMAGES, AND AS A CONSEQUENCE SOME OF THE ABOVE LIMITATION MAY NOT APPLY TO CUSTOMER.

IN NO EVENT WILL ALERT'S, ITS SUPPLIER'S OR LICENSOR'S LIABILITY FOR ANY CLAIM, WHETHER IN CONTRACT, TORT OR ANY OTHER THEORY OF LIABILITY, EXCEED THE AGGREGATE OF THE AMOUNTS PAID AND PAYABLE BY THE CUSTOMER TO ALERT FOR ACCESS AND USE OF THE SAAS SOLUTION IN THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING THE INCIDENT GIVING RISE TO THE CLAIM.

The provisions regarding limitation of liability and disclaimer shall survive the expiration or termination of this Agreement.

14. INDEMNIFICATION:

A. **Indemnification by ALERT.** ALERT will defend Customer against any claims, demands, suits or proceedings made or brought by a third party against Customer to the extent based upon an allegation that the SaaS Solution as furnished by ALERT hereunder and used by Customer within the scope of this Agreement, infringes any copyright or any U.S. patent or trademark rights of any third party (a "**Claim**") and pay all amounts awarded by a court of law or agreed to in a mutually agreed to settlement of such Claim. THE FOREGOING STATES THE ENTIRE OBLIGATION OF ALERT AND ITS LICENSORS WITH RESPECT TO ANY ALLEGED OR ACTUAL INFRINGEMENT OR MISAPPROPRIATION OF INTELLECTUAL PROPERTY RIGHTS BY THE SAAS SOLUTION. ALERT and its licensors shall have no liability under this Section to the extent that any Claims are based on any combination of the SaaS Solution with products, services, methods, content or other

elements not furnished by ALERT, or any use of the SaaS Solution in a manner that violates the terms of this Agreement.

B. **Mitigation Measures.** In the event of any Claim or potential Claim covered by this Section, ALERT may, in its discretion, seek to mitigate the impact of such Claim by modifying the SaaS Solution to avoid the infringement, and/or by suspending or terminating Customer's access to the SaaS Solution upon reasonable notice (provided, in the case of such suspension or termination, that ALERT will refund a portion of any fees that Customer has prepaid for the then-current Service Term, based on the portion of that Service Term that is affected by our suspension or termination).

C. **Indemnification by Customer.** Customer shall defend ALERT against any third party claim, suit, or proceeding arising out of or related to Customer's alleged or actual use of, misuse of the SaaS Solution, including without limitation: (a) claims relating to any breach of this Agreement by Customer, its affiliates, employees, agents or Authorized Users, (b) claims related to unauthorized disclosure or exposure of personally identifiable information or other private information, including Personal Data and other Customer Content; (c) claims related to infringement or violation of a copyright, trademark, trade secret, or privacy or confidentiality right by written material, images, logos or other content uploaded to the SaaS Solution through Customer's account, including without limitation by Customer Content; and (d) claims that use of the SaaS Solution through Customer's account, including by Customer's clients or Authorized Users, harasses, defames, or defrauds a third party or violates the CAN-Spam Act of 2003 or any other law or restriction on electronic advertising.

15. CONFIDENTIALITY:

Confidential Information means any non-public information, data or know-how that has been disclosed by a party to this Agreement to the other party in writing, orally or by access to the disclosing party's premises and either identified by the disclosing party as confidential or proprietary or which should reasonably be expected under the circumstances to be confidential or proprietary, including information disclosed by ALERT to Customer regarding the SaaS Solution, its design, workflow and Documentation, and any confidential information of ALERT's licensors. The Software and SaaS Solution (including, the specific design and structure of Software and SaaS Solution) and Documentation are Confidential Information and trade secrets of ALERT and/or its licensors.

With respect to Confidential Information, the receiving party shall (i) use it solely for the purposes specifically provided in this Agreement; and (ii) not disclose it to a third party, other than employees on a need to know basis or consultants, affiliates, agents or subcontractors (third parties) under nondisclosure agreements at least as strict as this Agreement, provided that such third parties are not competitors of the disclosing party, for a period of five (5) years from the date of disclosure or in perpetuity if the Confidential Information constitutes a trade secret under applicable law. The receiving party is liable for any misuse of Confidential Information by third parties. The foregoing obligations do not apply to information that (a) was rightfully in the possession of, or was known by, the receiving party prior to its receipt from the disclosing party, free of any obligation of confidence; (b) is or becomes generally known to the public without violation of this Agreement; (c) is obtained by the receiving party from a third party, without an obligation to keep such information confidential; or (d) is independently developed by the receiving party without use of the Confidential Information.

Any and all records submitted to the Customer, whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act. ALERT agrees to retain, in company files, all documents, records, and other evidence pertaining to costs incurred for work performed under this Agreement for a period of at least three (3) years after the termination of this agreement, unless otherwise notified by the Customer. The determination of how those records must be handled is solely within the purview of Customer. All records considered to be trade secrets, as that term is defined by subsection §317(c)(9) of the Vermont Public Records Act, shall be identified, as shall all other records considered to be exempt under the act. It is not sufficient to merely state generally that the proposal is proprietary or a trade secret or is otherwise exempt. Particular records, pages or section 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.

This section will not affect any other nondisclosure agreement between the parties. In the event the receiving party is required to disclose Confidential Information, including, but not limited to Customer Content, pursuant to applicable law, excluding as above provided under the Vermont Public Records Act, judicial or governmental order, or valid subpoena, such party will promptly notify the other party to allow intervention in response to such order. This Agreement does not transfer ownership of Confidential Information or grant a license thereto. Each party will retain all right, title, and interest in and to all their Confidential Information.

16. TERM; TERMINATION:

- A. **Term.** The term of this Agreement will commence on the Effective Date and continue unless and until terminated pursuant to this Section 16. Unless otherwise provided in an Order Schedule, the initial Service Term for the SaaS Solution and Managed Services shall be one (1) year commencing on the Order Effective Date, plus, if applicable, the number of day remaining following the (1) year date to the end of the then current calendar quarter and shall each automatically renew for successive 12 month periods unless either party delivers written notice of non-renewal to the other party at least sixty (60) days prior to the expiration of the then-current Service Term.
- B. **Termination.**
- i. **Termination by ALERT.** ALERT reserves the right to suspend delivery of the SaaS Solution if Customer fails to timely pay any undisputed amount due to ALERT under this Agreement, but only after ALERT notifies Customer of such failure and such failure continues for fifteen (15) days. Suspension of the SaaS Solution shall not release Customer of its payment obligations under this Agreement.
 - ii. **Cause.** Either party may terminate this Agreement and any Order Schedule upon written notice if the other party materially breaches this Agreement and fails to cure such breach within thirty (30) days written notice specifying the breach in detail. Notwithstanding any contrary provision herein, any termination of this Agreement pursuant to this Section 16 shall not terminate any Order Schedule mutually agreed to prior to any notice of termination herein and the terms of this Agreement shall continue to apply to such Order Schedule(s) unless and until such Order Schedule(s) is are terminated.
 - iii. **Survival.** Sections that by their nature survive expiration or termination shall survive any expiration or termination of this Agreement.
 - iv. **Customer Content:** Upon any termination, ALERT will make all Customer Content available to Customer for electronic retrieval for a period of thirty (30) days, but thereafter ALERT may, but is not obligated to, delete stored Customer Content. Upon termination of an Order Schedule for use of the SaaS Solution, Company shall immediately cease all use of the SaaS Solution and delete, destroy, or return all copies of the Documentation in its possession or control.

17. TITLE; OWNERSHIP AND EQUITABLE RELIEF:

ALERTENTERPRISE, INC.
SOFTWARE AS A SERVICE AND MANAGED SERVICE AGREEMENT
STANDARD TERMS AND CONDITIONS

A. **Title.** ALERT, or its suppliers or licensors, retains all right, title, interest and intellectual property rights in the SaaS Solution and underlying software, Documentation, and other deliverables provided by ALERT under this Agreement, including all modifications, improvements, upgrades, derivative works and feedback related thereto (which feedback may include, but not limited to, any suggestion or idea for improving or otherwise modifying any of ALERT'S products or services). Customer agrees to assign all right, title, and interest it may have in the foregoing to ALERT.

B. **Equitable Relief.** Customer acknowledges that any breach of its obligations with respect to the proprietary rights of ALERT or its suppliers or licensors may cause irreparable injury, for which there may be inadequate remedy at law and, therefore, ALERT will be entitled to seek equitable relief in addition to all other rights and remedies available to it.

18. **ASSIGNMENT:**

Customer may not assign its rights or obligations under this Agreement, without the prior written consent of ALERT. ALERT may freely assign its rights and obligations under this Agreement. Any attempted assignment in derogation of this section will be null and void.

19. **EXPORT:**

Customer shall not: (a) permit any third party to access or use the SaaS Solution in violation of any U.S. law or regulation; or (b) export any software provided by ALERT or otherwise remove it from the United States except in compliance with all applicable U.S. laws and regulations. Without limiting the generality of the foregoing, Customer shall not permit any third party to access or use the SaaS Solution in, or export such software to, a country subject to a United States embargo.

20. **GOVERNING LAW:**

This Agreement shall be governed and construed by the laws of the State of Vermont excluding its conflict of law rules and International Sale of Goods.

21. **ENTIRE AGREEMENT:**

This Agreement, together with the Schedules and Order constitute the entire agreement between the parties regarding Customer's use of the SaaS Solution, Documentation and Managed Services. Third party software licensed to ALERT and used in providing the SaaS Solution is subject to applicable licensing agreements posted at

<http://www.alertenterprise.com/docs/3rdpartycomponents.html>. No purchase orders, other ordering documentation, email or any handwritten or typewritten text which purports to modify or supplement this Agreement shall add to or vary the terms and conditions of this Agreement and ALERT expressly objects to any additional or different terms in any purchase orders or other correspondence submitted by Customer, and any such conflict terms are expressly rejected by ALERT. This Agreement replaces and supersedes any prior verbal understanding, written communications or representations made by the parties regarding the subject matter contained in this Agreement. No inconsistent, additional, or different terms in another document will have any force or effect unless such terms are incorporated into a formal amendment to this Agreement signed by both parties.

22. **FORCE MAJEURE:**

Neither Party shall be responsible for any resulting loss to the other Party if the fulfillment of any of the terms or provisions of this Agreement is delayed or prevented by strikes, work stoppages, shortage in materials, pandemic or epidemic, labor unrest, transportation stoppages, riots, wars, acts of terrorism, national emergency, floods, fires, earthquakes, tornadoes, acts of God, or by any other similar cause not within the control of the party whose performance is interfered with (each, an event of "**Force Majeure**").

23. **GENERAL:**

Notices shall be in writing, sent to the addresses listed on the Facing Page and sent by overnight mail, courier, first-class mail or facsimile (followed by confirmation copy by mail), and are deemed received upon delivery. The parties shall not be liable for any failure to perform due to causes beyond its reasonable control. The failure to enforce any right will not be deemed a waiver of such or any other right, including the right to enforce a subsequent breach of the same obligation. In the event that any part of this Agreement is found to be unenforceable, the remainder shall continue in effect and such part shall be changed and interpreted so as to best accomplish the objectives of such part to the extent permissible by law and consistent with the intent of the parties as of the Effective Date. The parties are independent contractors and this Agreement will not be construed as a teaming agreement or joint venture. This Agreement may be executed in counterparts, each of which will be considered an original, but all counterparts together will constitute one agreement. A facsimile of a signed copy of this Agreement received from Customer may be relied upon as an original. The parties executing this Agreement represent and warrant they have the authority to enter into this Agreement on behalf of their respective party.

SCHEDULE 1 MANAGED SERVICES

Subject to Customer's payment for and subscription to the Managed Services, ALERT shall provide Managed Services which include: (i) Implementation Services and (ii) Maintenance Services as described below.

ANY SERVICES THAT ARE NOT EXPRESSLY INCLUDED IN THIS DESCRIPTION OF MANAGED SERVICES ARE NOT REQUIRED TO BE PROVIDED BY ALERT. IN THE EVENT THE PARTIES AGREE THAT ALERT WILL PROVIDE ANY ADDITIONAL SERVICES, SUCH SERVICES SHALL BE PROVIDED BY ALERT PURSUANT TO A SEPARATE STATEMENT OF WORK TO BE NEGOTIATED AND AGREED UPON BY THE PARTIES.

IMPLEMENTATION SERVICES

Technical requirements and related services to be provided by ALERT in connection with specific product numbers may be found in ALERT's Documentation.

ALERT will assist the implementation of the SaaS Solution as follows:

Implementation Scope

The System will be pre-configured with out of the box use cases, based on the subscribed part numbers in the order form. The ALERT team will demonstrate the use cases and make required changes as per the Customer requirements, and 'allowed changes' defined on the use case definition.

The use cases library for each part number can be referenced on ALERT community Portal.

Assumptions:

- Customer will make Network, firewall changes required in customer environment to make end to end stable connection to the Cloud.
- Customer will provide necessary remote/network/VPN/Citrix and system logs access to ALERT Managed Services team for the software, services and systems in scope for troubleshooting.
- Customer will assign decision empowered resources and project will have sponsorship from customer leadership and will share escalation point of contacts with ALERT counterparts. The Implementation Services will have sponsorship from Customer's senior management, who will be available on a timely and regular basis to monitor the implementation progress and to act as a decision maker for policy decisions.
- Customer must provide a working test environment for scoped in systems and production like data for end-to-end testing.
- Customer will provide clean data as per ALERT accepted formats. Any existing data cleansing or data cleanup is wholly the responsibility of Customer that includes removing duplicate Identity profiles, establishing referential integrity among the systems to establish unique identity profile, maintenance of mandatory attributes etc. However, ALERT team would help with data quality check during the test phase.
- Customer will provide timely signoffs on necessary documents or testing as per the agreed time schedule.
- All third-party API/SDK licenses required to connect the third-party system to the Cloud will be purchased by Customer.
- The project duration is for set timeline and duration, in case of the delays caused due to Customer responsible tasks, ALERT will submit the change order to Customer to cover for additional time.
- Customer will assign a Project Manager to assist with PM responsibilities and act as a liaison between AlertEnterprise and Customer task owners as necessary.
- Customer will specify the components and the systems to be included in the scope of the implementation.
- All supporting documentation deliverables will be developed for industry standard Microsoft Windows-based PCs using appropriate (as reasonably determined by AlertEnterprise) Microsoft Office applications (Word, Excel, and PowerPoint) or other mutually agreeable documentation development processes and/or applications.
- Customer will assign the resources as per the typical (representative) Staffing Model during the project as below (numbers reflect percentage per day during the project).

Activity /Phase	Project Manager	PIAM System Owners	PACS System Owners	Maintenance/Support Team Member (L1)
Kick off and Planning	25%	20%	20%	0%
Design and Blueprinting	25%	20%	20%	0%
Solution Construction and Acceptance Testing and training	25%	20%	20%	0%
Production setup and Data loads and go live	100%	50%	50%	50%
Post Go live, Support and Maintenance	0%	0%	20%	100%

- Customer acknowledges and agrees that the fixed fee provided in an order for Managed Services may change if the project resources are not provided for, information on which the fee is based is inaccurate or incomplete, or there is otherwise a failure of the assumptions or Customer's responsibilities. If one of the preceding occurs, the need for a change order will be immediately communicated with Customer.
- ALERT has the right to temporarily re-assign consultants upon advance notice. ALERT reserves the right to, at its sole discretion; replace any assigned Consultant with another ALERT Consultant with equivalent skills. ALERT must make the necessary project knowledge transfer to new project resources.
- Customer agrees and understands that the assigned ALERT consultant(s) may perform implementation services remotely from an AlertEnterprise office. Customer will be provided in advance a resource working schedule (times and locations) for ALERT resources.
- No custom or developed code, shall be delivered by ALERT to Customer.
- A separate Statement of Work can be discussed if there are use cases that are not in above out of the box use cases of library, or the configurations doesn't suit the business need. A separate timeline and cost would be provided once the scope is finalized. Custom Professional Services provided by ALERT shall be provided pursuant to ALERT's standard Professional Services terms.

Responsibilities:

- ALERT is responsible for providing the guidance, technical expertise, and leadership to deliver the scenarios.
- ALERT is responsible for providing functional and implementation guidance and training to Customer personnel on the use of the SaaS System.
- ALERT is responsible for configuring the connectors in ALERT and providing relevant details to the Customer

RESPONSIBILITY MATRIX (A=Accountable, C=Contributing, N/A- Not Applicable)	ALERT	CUSTOMER
1.1 Project Charter	C	A
1.2 Project Team Organization Chart	C	A
1.3 Project Work plan	A	C
1.4 Communication Plan	C	A
1.5 Overall Change Management Plan	C	A
1.6 Project Standards and Procedures	C	A
1.7 Preliminary Enterprise Scope Document	C	A
1.8 Landscape Architecture Design	A	A
1.9 Technical Architecture Design	A	C
1.11 Issue Resolution Plan	A	C
1.12 Knowledge Transfer Plan	A	C
1.13 User Readiness Assessment Matrix/Plan	A	C
1.14 Organizational Impact Analysis Plan	C	A
1.15 Sandbox/Development/Test/Production Environment Established (ALERT Cloud)	A	C
Sandbox/Development/Test/Production Environment Established - Customer Owned Cloud	N/A	A
DevOps, Monitoring, Patching, Upgrades – ALERT Cloud	A	C
DevOps, Monitoring, Patching, Upgrades – Customer Owned Cloud	N/A	A
1.16 Alternate Implementation Schedules	A	C
1.17 Operational Readiness Plan	C	A

NOT Included in Managed Services: Migration of data from one Physical Access Control System (PACS) to another PACS

- Setting up of hardware peripherals in any access control system or visitor management solution
- Setting up of access levels/clearances in any access control system
- Migration of existing visitors and visit data
- Procurement, installation, and maintenance of any 3rd party vendor APIs that are needed to make connection with connector systems in the scope.

MAINTENANCE SERVICES

ALERT will provide customer support services during business hours (8:00 a.m. to 5:00 p.m. local time), Monday through Friday (excluding major holidays) including support on minor configuration changes and customization as outlined below (See: **Production Issues Support Priority Errors and Response Times** and **Coverage & Exclusions**). Managed Services includes customer support to resolve Errors (defined below) that are reported by Customer via the AlertEnterprise Support Portal (accessed at <https://alertenterprise.crm.dynamics.com/main.aspx>) pursuant to the terms and schedule outlined in the **"Production Issues Support Priority Errors and Response Times"** section of this document. The services outlined in below in **Service Exclusions** and **Out of Scope** are excluded from Managed Services.

1. **DEFINITIONS**

- **"Case"** shall mean a report sent by Customer to the TCO (Technical Support Organization) regarding an Error or a service request.
- **"Customer Technical Representative(s)"** shall mean engineers of Customer who serve as the contacts with ALERT on all Managed Services.
- **"Error"** shall mean a material failure of the SaaS Solution to conform to the documented design specifications.
- **"Fix"** shall mean, in ALERT's discretion, a temporary work-around, Patch, or bypass supplied by ALERT to diminish or avoid the effect of an Error in the SaaS Solution.
- **"New Release"** shall mean a new SaaS Solution release, SaaS Solution Version Release, or Interim Release of the SaaS Solution.
- **"Patch"** shall mean an engineering Fix to a problem to be incorporated into the SaaS Solution New Version Release.
- **"Response"** shall mean an acknowledgment from TSO of the receipt of the Case.
- **"Technical Support Organization"** shall mean a team of ALERT product specialists in the technical support organization and may also be referred to as "TSO."
- **"AE SaaS Solution Release"** shall mean an updated version of the SaaS Solution with a limited number of new or enhanced functions and/or features. A new SaaS Solution ion Release typically will be indicated by the addition of one (1) to the second digit of the release number (e.g., vX2.X would be the next Version Release after v.X.1.X).

2. **PRODUCTION ISSUES SUPPORT PRIORITY ERRORS AND RESPONSE TIMES**

- a. To receive Managed Services, a Customer Technical Representative must report a Case to ALERT's Technical Support Organization. A Case must be reported through the AlertEnterprise Support Portal at <https://alertenterprise.crm.dynamics.com/main.aspx>. Once a Case is received via the Support Portal a Response will be issued by ALERT within four (4) hours for Priority 1 issues. If a Case is submitted after hours, a Response will be issued on the next business day. ALERT will exercise commercially reasonable efforts to correct any Error reported by Customer according to the procedures set forth herein.

Table 2.A Priority Levels and Response Times

Priority of End User Incident	Description	SLA for Initial Reaction Time	SLA for Corrective Action	SLA for Response Time
Priority 1 (Very high)	An Error is properly ascribed “Priority 1” if the Error has very serious consequences for normal business transactions and urgent, business critical work cannot be performed. The Error requires immediate processing because the malfunction can cause serious losses. Complete SaaS Solution outage • Malfunctions of SaaS Solution in the environment production • Top Issues	1 hour (24x7 hours)	~4-8 hours (24x7 hours)	SLA for Corrective Action
Priority 2 (High)	An Error is properly ascribed “Priority 2” if normal business transactions are seriously affected, and necessary tasks cannot be performed. This is caused by incorrect or inoperable functions in the SaaS Solution that are required to perform such transactions and/or tasks. The Error requires immediate processing because the malfunction can seriously disrupt the entire productive business flow.	4 hours Local Office Hours)	Resolution or Workaround ' in 7 business days.	4 business days (Local Office Hours)
Priority 3 (Medium)	An Error is properly ascribed “Priority 3” if normal business transactions are affected. The Error is caused by incorrect or inoperable functions in the SaaS Solution. Or A request for “General Services” Request that requires a change in "SaaS Solution Configuration" for the features in use by the customer. Please refer General Services-Coverage section for details Or A feature/product enhancement request which requires a code fix if accepted by ALERT as a product roadmap item.	2 days	AE product roadmap	Align with AE product roadmap
Priority 4 (Low)	An Error is properly ascribed “Priority 4” if the Error has few or no effects on normal business transactions. The problem is caused by incorrect or inoperable functions	15 days	AE product roadmap	Align with AE product roadmap

	in the SaaS Solution that are not required daily or are rarely used.			
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- b. Upon receipt of a Case, a Technical Support Organization member will communicate with the Customer Technical Representative and report the status of ALERT's efforts to correct the Error. In those instances where: (i) ALERT cannot provide a Fix to a Priority 1 Error within a reasonable time span after a member of TSO has responded to the Customer, or (ii) Customer is not satisfied with the progress attained, ALERT will review the plan for addressing such Error with Customer. Customer may escalate the matter to ALERT's management if it reasonably determines the plan of action does not demonstrate ALERT is making commercially reasonable efforts to correct the Error considering its impact on Customer's business.
- c. All General Service Requests are served as a separate queue for configuration and customization requests as "**Medium**" business Priority, any code/engineering enhancements are outside the scope of Managed Service. Such requests will be submitted to the ALERT Product Management group for review and approval for the future ALERT product roadmap subject to their acceptance. ALERT does not guarantee, such requests will be added to AE product in current or future roadmap. ALERT reserves all such rights to add or deny any such product customization requests in its sole discretion.

3. PRODUCTION SUPPORT EXCLUSIONS

Problems caused by or arising from the following will not be considered "Errors" for the purposes hereof and will not be subject to ALERT's obligation to resolve:

- failure of server hardware or equipment not owned or directly controlled by ALERT.
- failure due to a third-party service provider (e.g.: cloud hosting provider, customer owned third party vendor software, homegrown applications, or third-party API licenses etc.).
- failure of telecommunications or internet hardware or equipment not owned or directly controlled by ALERT.
- failure resulting from errors made by the Customer's software administrator.
- irreversible destruction of data caused by direct actions taken by Customer.
- Force Majeure.
- errors caused by scheduled downtime (maintenance, etc.)
- regular maintenance/patching/security of the operating software, databases and other environment software in customer's cloud environment

ALERT Managed Services covers support on standard functionality of the SaaS Solution. It does not include the provision of customization advice or consulting services out of the implemented modules.

4. SaaS Solution release or upgrades

AE can upgrade/patch the SaaS Solution anytime. However, Alert TSO would notify the customer contact person in advance about the upgrade and potential downtime window. Required SaaS Solution version release notes can be found at AE community portal <https://community.alertenterprise.com/>

Additional Services/Professional Services Program:

The following general terms and conditions apply to all Professional Services Program Statements of Work under this Agreement. Additionally, the Fees are listed on an Order Schedule and the payment terms are as stated in this Agreement.

Services. The applicable Statement of Work ("SOW") describes the level of Professional Services selected by Customer. The SOW is an estimate of the effort and activities required, based on ALERT's current understanding of the project scope, objectives, internal resources, and technical environment of Customer. The project managers from ALERT and Customer will meet to review project plans and status.

The Professional Services provided hereunder will be performed on a "time and materials" basis. ALERT will document consulting efforts on an hourly basis (where a consulting day is equivalent to 8 hours), for each consultant

working on the project. The hourly rate is equivalent to the daily rate divided by 8 hours. On work days that exceed 8 hours, ALERT will bill for the additional hours.

Expenses. Expenses will include the cost of transport to the work vicinity, local lodging, local transportation, meals, and any other project-specific expenses.

Other. Customer must participate actively in the project to ensure its success. Customer will provide the full-time services of a technical (system administrator) and business resource (project manager) when an ALERT consultant is at Customer's facilities. Customer resources will take part in the development of the project solution (specific roles and effort to be determined during project planning). It is requested that Customer dedicate proper technical and project management staff to work with ALERT personnel during much of the engagement. This is intended to benefit Customer by providing sufficient knowledge transfer time during the engagement, allowing Customer staff to continue to maintain and possibly extend solutions as needed. Customer will provide adequate facilities and computing and communication resources necessary for ALERT to work productively. ALERT will require root access to allow the configuration of the system. Otherwise, the full-time presence of a system administrator employed by Customer will be required to ensure that the tasks described in the SOW can be performed in a timely manner. Customer agrees to obtain for ALERT the right to use, for the purpose of performing the Professional Services, such third party information, materials and technology, as ALERT reasonably requires, in order to perform the Professional Services. In the event Customer is unable to obtain such right or otherwise acquire such information, materials or technology, ALERT shall have the right to immediately terminate any affected SOW.

SCHEDULE 2
ORDER SCHEDULE FOR SOFTWARE AS A SERVICE AND MANAGED SERVICES

CUSTOMER:

ADDRESS: _____
CITY/STATE/ZIP: _____

STATE OF INCORPORATION: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

AGREEMENT TO BE RETURNED TO: _____

INTERNAL TECHNICAL _____

REPRESENTATIVE: _____

Email: _____

Email: _____

INITIAL SAAS SERVICE TERM: _____

INITIAL MANAGED SERVICES TERM: _____

Service Description:

Number of Identities:

Number of Servers:

Annual Fees:

Other Notes:

Additional third party SaaS Solution features, if any (e.g.: FedCheck), and Authorized Facilities:

ALERTENTERPRISE, INC.

CUSTOMER:

By: _____

By: _____

Printed: _____

Printed: _____

Title: _____

Title: _____

Order Effective Date: _____

Date: _____

By executing this Order Schedule and not indicating above that a separate purchase order is required, Customer agrees that a separate purchase order is not required for this transaction.

Department: Airport Submitter: H. Dusablon

Title/Subject: Request for Authorization of Identity Management Software Suite Contract

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	6/1/2023	N. Longo
Mayor's Office informed and approved memo	Yes	7/11/2023	J. Redell
Board/Commission, if required	Yes	6/7/2023	
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	6/2/2023	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	6/2/2023	K. Clauss
CAO has reviewed budget, financing, and memo	Yes	7/11/2023	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

INNOVATION & TECHNOLOGY DEPARTMENT

CITY OF BURLINGTON

149 Church Street, Burlington, VT 05401
Phone: (802) 865-7000



TO: City of Burlington Board of Finance & City Council

FROM: Scot Barker, Chief Innovation Officer

DATE: July 17, 2023

RE: Contract Renewal for ESRI GIS Services

Overview:

For multiple years, the City of Burlington has used Environmental Systems Research Institute, Inc. (Esri) for all our (Geographic Information System (GIS) needs. The City of Burlington uses GIS data to track physical plant from water and electric infrastructure, City buildings, roadways and other assets. This data is used in planning maintenance schedules and tracking work orders. This system also supports the City's open data source efforts, providing the public access to data such as SeeClickFix issues, housing statistics, police information, and other public facing web applications that serve as resources for the public. The current contract expires at the end of July 2023 and must be renewed so the City of Burlington can continue to access these important services. The Innovation & Technology department recommends the renewals of the Esri GIS services for our municipality. Esri continues to be the most suitable and comprehensive provider for our GIS needs and qualifies for a sole source exemption. This memo outlines several reasons behind this recommendation:

- **Unmatched Expertise and Reputation:** Esri has established itself as a leader in the GIS industry, with a long-standing reputation for delivering high-quality services and products. Their software solutions are widely recognized as reliable, innovative, and scalable. By continuing our relationship with Esri, we benefit from their extensive expertise.
- **Comprehensive GIS Capabilities:** Esri offers a comprehensive suite of GIS tools and services that address our municipality's diverse needs. Their software, powerful mapping, analysis, and visualization capabilities allow us to efficiently manage and analyze geospatial data, create maps and applications, perform spatial analysis, and engage our citizens through their open-data sharing capabilities.
- **Seamless Integration and Interoperability:** Esri's GIS solutions are designed to integrate with our VUEWorks Asset Management system. This interoperability is crucial for our municipality, as it allows us to efficiently manage physical assets across the city.

In light of the reasons outlined above, I recommended and the CAO approved granting a sole source exemption to continue to contract with Esri GIS services for our municipality. Their expertise, comprehensive capabilities, seamless integration, extensive training and support, and long-term cost-effectiveness continue to make them the best solution for our GIS needs.

Finances:

The current three-year contract expires at the end of July 2023. A new three-year agreement (Esri Small Municipal and County Government Enterprise Agreement) will ensure our access to the Esri GIS services continues, and will lock in the price of \$39,700 per year for the duration of the contract. Our previous 3-year total cost was approximately \$116,400. The total cost of this three-year contract to the City of Burlington will not exceed \$120,000.

Board of Finance Motion:

1. *To approve and recommend that the City Council approve and authorize the Chief Innovation Officer to execute a three-year contract with Environmental Systems Research Institute, Inc. in an amount not to exceed \$120,000 for Geographic Information System services, subject to final review and approval by the City Attorney's Office.*

INNOVATION & TECHNOLOGY DEPARTMENT

CITY OF BURLINGTON

149 Church Street, Burlington, VT 05401

Phone: (802) 865-7000



City Council Motion:

1. *To approve and authorize the Chief Innovation Officer to execute a three-year contract with Environmental Systems Research Institute, Inc. in an amount not to exceed \$120,000 for Geographic Information System services, subject to final review and approval by the City Attorney's Office.*



June 6, 2023

Warren Rich
City of Burlington
149 Church St
Burlington, VT 05401-8429

Dear Warren,

The Esri Small Municipal and County Government Enterprise Agreement (SGEA) is a three-year agreement that will grant your organization access to Esri term license software. The EA will be effective on the date executed and will require a firm, three-year commitment.

Based on Esri's work with several organizations similar to yours, we know there is significant potential to apply Geographic Information System (GIS) technology in many operational and technical areas within your organization. For this reason, we believe that your organization will greatly benefit from an Enterprise Agreement (EA).

An EA will provide your organization with numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Complete flexibility to deploy software products when and where needed

The following business terms and conditions will apply:

- All current departments, employees, and in-house contractors of the organization will be eligible to use the software and services included in the EA.
- If your organization wishes to acquire and/or maintain any Esri software during the term of the agreement that is not included in the EA, it may do so separately at the Esri pricing that is generally available for your organization for software and maintenance.
- The organization will establish a single point of contact for orders and deliveries and will be responsible for redistribution to eligible users.
- The organization will establish a Tier 1 support center to field calls from internal users of Esri software. The organization may designate individuals as specified in the EA who may directly contact Esri for Tier 2 technical support.
- The organization will provide an annual report of installed Esri software to Esri.
- Esri software and updates that the organization is licensed to use will be automatically available for downloading.
- The fee and benefits offered in this EA proposal are contingent upon your acceptance of Esri's Small Municipal and County Government EA terms and conditions.

- Licenses are valid for the term of the EA.

This program offer is valid for 90 days. To complete the agreement within this time frame, please contact me within the next seven days to work through any questions or concerns you may have.

To expedite your acceptance of this EA offer:

1. Sign and return the EA contract with a Purchase Order or issue a Purchase Order that references this EA Quotation and includes the following statement on the face of the Purchase Order:

"THIS PURCHASE ORDER IS GOVERNED BY THE TERMS AND CONDITIONS OF THE ESRI SMALL MUNICIPAL AND COUNTY GOVERNMENT EA, AND ADDITIONAL TERMS AND CONDITIONS IN THIS PURCHASE ORDER WILL NOT APPLY."

Have it signed by an authorized representative of the organization.

2. On the first page of the EA, identify the central point of contact/agreement administrator. The agreement administrator is the party that will be the contact for management of the software, administration issues, and general operations. Information should include name, title (if applicable), address, phone number, and e-mail address.
3. In the purchase order, identify the "Ship to" and "Bill to" information for your organization.
4. Send the purchase order and agreement to the address, email or fax noted below:

Esri
Attn: Customer Service SG-EA
380 New York Street
Redlands, CA 92373-8100

e-mail: service@esri.com
fax documents to: 909-307-3083

I appreciate the opportunity to present you with this proposal, and I believe it will bring great benefits to your organization.

Thank you very much for your consideration.

Best Regards,

Carl Nylen



Quotation # Q-498621

Date: June 6, 2023

Customer # 7887 Contract #

City of Burlington
Information Technology Dept
149 Church St
Burlington, VT 05401-8429

ATTENTION: Warren Rich
PHONE:
EMAIL: wrich@burlingtonvt.gov

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of
this quotation to your purchase order.
Quote is valid from: 6/6/2023 To: 9/4/2023*

Material	Qty	Term	Unit Price	Total
168178	1	Year 1	\$39,700.00	\$39,700.00
Populations of 25,001 to 50,000 Small Government Enterprise Agreement Annual Subscription				
168178	1	Year 2	\$39,700.00	\$39,700.00
Populations of 25,001 to 50,000 Small Government Enterprise Agreement Annual Subscription				
168178	1	Year 3	\$39,700.00	\$39,700.00
Populations of 25,001 to 50,000 Small Government Enterprise Agreement Annual Subscription				

Subtotal: \$119,100.00

Sales Tax: \$0.00

Estimated Shipping and Handling (2 Day Delivery): \$0.00

Contract Price Adjust: \$0.00

Total: \$119,100.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:

Carl Nylén

Email:

cnylen@esri.com

Phone:

(909) 793-2853 x8449

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. US Federal government entities and US government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some US state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin for customers located in the USA.

Esri Use Only:

Cust. Name _____
 Cust. # _____
 PO # _____
 Esri Agreement # _____



SMALL ENTERPRISE AGREEMENT COUNTY AND MUNICIPALITY GOVERNMENT (E214-2)

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

Table A
List of Products

Uncapped Quantities**Desktop Software and Extensions** (Single Use)

ArcGIS Desktop Advanced
 ArcGIS Desktop Standard
 ArcGIS Desktop Basic
 ArcGIS Desktop Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS
 Schematics, ArcGIS Workflow Manager, ArcGIS Data
 Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise (Advanced and Standard)
 ArcGIS Monitor
 ArcGIS Enterprise Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS
 Workflow Manager, ArcGIS Data Reviewer

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Runtime Standard
 ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
 Two (2) ArcGIS CityEngine Single Use Licenses
 100 ArcGIS Online Viewers
 100 ArcGIS Online Creators
 17,500 ArcGIS Online Service Credits
 100 ArcGIS Enterprise Creators
 3 ArcGIS Insights in ArcGIS Enterprise
 3 ArcGIS Insights in ArcGIS Online
 10 ArcGIS Location Sharing for ArcGIS Enterprise
 10 ArcGIS Location Sharing for ArcGIS Online
 3 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
 3 ArcGIS Utility Network User Type Extensions (Enterprise)
 3 ArcGIS Trace Network User Type Extensions (Enterprise)

OTHER BENEFITS

Number of Esri User Conference registrations provided annually	3
Number of Tier 1 Help Desk individuals authorized to call Esri	3
Maximum number of sets of backup media, if requested*	2
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: _____

Telephone: _____

Address: _____

Fax: _____

City, State, Postal Code: _____

E-mail: _____

Country: _____

Quotation Number (if applicable): _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

- c. Esri's federal ID number is 95-2775-732.

- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 Order Requirements. Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
- b. The following information will be included in each Ordering Document:
 - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
 - (2) Order number
 - (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

- 9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2** If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

Board of Finance and City Council Submission Checklist

Department: Innovation & Technology Submitter: Scot Barker, CIO

Title/Subject: ESRI GIS Contract Renewal

	Approval:	Meeting Date:
X	Board of Finance	July 17, 2023
X	City Council	July 24, 2023
	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/7/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	Jordan asked to add examples
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	7/7/2023	
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	yes	7/7/2023	requested changes to memo completed
CAO has reviewed budget, financing, and memo	YES	7/7/2023	requested changes to memo completed
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	YES	7/7/2023	

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	Yes	
Additional Materials, if necessary	N/A	
Draft Resolution or Motion? Yes	yes	
If for submission to Council, are sponsors identified?	Yes	Scot Barker, CIO



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Chief of Police Jon Murad
Kerin Durfee, Director of Human Resources
DATE: July 12, 2023
RE: Creation of Executive Manager for the Police Department

Executive Summary:

The Burlington Police Department (BPD) seeks to create an Executive Manager for the Police Department. We propose the following:

- Creation of Executive Manager for the Police Department, a Regular, Full-time, Exempt, Non-Union, Grade 21 position.

Background for Executive Manager:

The BPD is in the midst of significant transformation. The volume of change requires a new position that can guide this growth. It is envisioned that the position would:

- a) Administratively and managerially support the Chief of Police, the Deputy Chief of Administration, the Deputy Chief of Operations, and the Assistant Director of CAIP, in the manner of a Chief of Staff;
- b) Manage the BPD's cooperation with the Police Commission;
- c) Lead the directive reviews and project management and project implementation associated with the CNA report;
- d) Oversee the Public Information Officer & Community Engagement Coordinator and, through that position, the Redaction Specialist;
- e) Oversee the Budget Manager and, through that position, the Inventory Control Specialist and Fire / Police Accountant;
- f) Oversee the Executive Assistant
- g) Work with the Queen City Police Foundation and organize the projects the QCPF conceives and underwrites, including police memorials, award ceremonies, and other events;
- h) Address a myriad of other accumulated duties, including but not limited to responsibilities for answering and/or applying for and/or administering various RFPs and grants; and

- i) Manage and implement the plans and assignments from a variety of assessments and resolutions, including those of the City Council or its various committees.

The Mayor announced his support to hire a Project Manager as part of the BPD’s Rebuilding Strategy in August 2022, with an emphasis on executing and implementing the recommendations of the CNA report. In January 2023, he again described the role while articulating “[Next Steps for Advancing Burlington Public Safety Priorities](#),” in a section labeled “continue making progress on 21st Century Policing reforms”:

Increasing department capacity for implementing reforms and new policies including CNA recommendations. The BPD will create a new civilian Project Manager position to assist the Chief on advancing a range of initiatives and directives. In the first year, much of this new capacity will be dedicated to implementing the work plan that has been agreed upon between Chief Murad, the Police Commission and the City Council Public Safety Committee for implementing outstanding items from the CNA report.

This implementation will be an ongoing process and take several years to complete. The position will take on the duties of a Project Manager and absorb the need to hire an additional staff person for project management needs. A key recommendation of the CNA report was that the BPD needed to articulate its strategic goals; this position includes duties to fulfill that recommendation.

Furthermore, the BPD will lose its current Business Manager to retirement in September 2023, after a 47-year tenure. The Executive Manager will help ensure proper knowledge transfer from the current Business Manager to her (as-yet-unhired) successor. The Executive Manager will also maintain continuity of operations on the business, contracts, and accounting side of the BPD during the search for and transition to that successor.

Financial Impact:

Position	Proposed Grade	FY24 Salary
Executive Manager for the Police Department	21	\$83,957.24

This position has already been included in the FY24 budget. It was called a “Project Manager” in that budget, and initially estimated to be a Grade 18. A more thorough review by H/R and committee resulted in it’s being graded at Grade 21. For the FY24 budget, the \$16,093 difference (Grade 21 \$83,957 minus Grade 18 \$67,854) will be funded by attrition. Additionally, it is anticipated that there may be other savings because the BPD’s Executive Assistant position may be reduced in grade to align it with other, similar City positions.

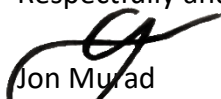
Board of Finance Motion:

To approve and recommend that the City Council approves the creation of the position of Executive Manager for the Police Department, a Regular, Full-time, Exempt, Non-Union, Grade 21 position.

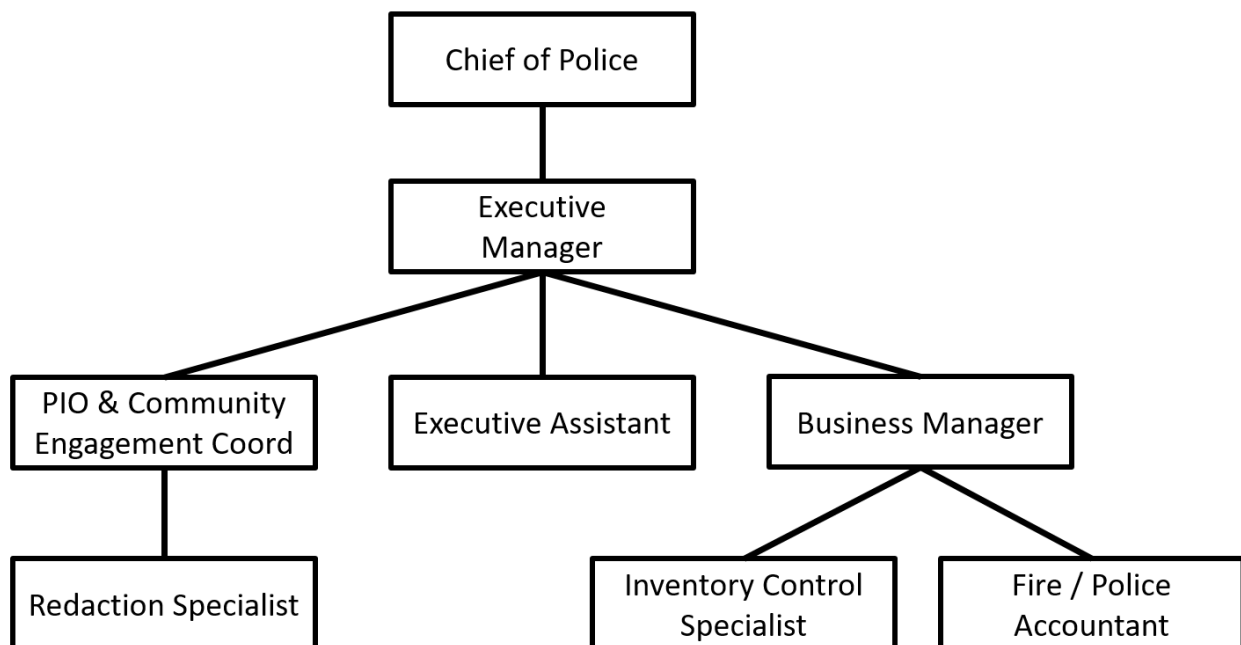
City Council Motion:

To approve the creation of the position of the Executive Manager for the Police Department, a Regular, Full-time, Exempt, Non-Union Grade 21 position.

Respectfully and sincerely,


Jon Murad
Chief of Police

APPENDIX 1



###

City of Burlington Job Description

Position Title: Executive Manager for the Police Department

Department: Burlington Police Department

Reports to: Chief of Police

Pay Grade: 21

Job Code: TBD

Exempt/Non-Exempt: Exempt

Union: n/a

General Purpose: This position is responsible for providing executive-level project management for the Burlington Police Department and the Chief of Police, and serves as a professional (non-sworn) member of the command staff. The Executive Manager provides project management services including identifying, planning, researching, organizing, managing, coordinating, and executing projects designed to improve the BPD and the way it serves the people of Burlington. The Executive Manager also ensures effective achievement of the BPD's strategic goals, and helps to maintain the efficiency of the department. This includes conducting confidential inquiries on internal matters on the Chief's behalf. The Executive Manager administers the office of the Chief of Police, and manages department workflows, including the prioritization and distribution of tasks. The Executive Manager oversees the Business Manager and the Business Manager's direct reports; the Public Information & Community Engagement Coordinator and that position's direct report; and the Executive Assistant. The Executive Manager demands a deep knowledge of the BPD's policing operations and Burlington's crime and quality-of-life conditions, and the Executive Manager assists in the development of the BPD's responses to those conditions. Accordingly, the Executive Manager must have intimate knowledge of the city's communities and constituencies.

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.)

Business and Project Management

- Facilitate the strategic planning of the department with the Chief of Police and Command Staff. For new policies and/or activities or initiatives resulting from such planning, conduct research and provide advice on the implementation of plans and the impact of plans to day-to-day operations and long-term goals.
- Manage relationships with stakeholders, City Councilors, Committees, Commissions, other City departments on those strategic goals.

- Supervise the Business Manager and, through that position, the Business Manager's direct reports (the Inventory Control Specialist and the Fire/Police Accountant).
- Supervise the Public Information & Community Engagement Coordinator and, through that position, the Redaction Specialist.
- Supervise the Executive Assistant to command staff
- Set priorities and plan workload to meet deadlines and achieve department objectives. Distribute/delegate responsibilities and critical tasks amongst staff.
- Track the status of projects, provide coordination, identify areas of concern, and lead meetings or other activities necessary to maintain project schedules.
- Assess the workflow of the department. Recommend and implement organizational changes and process improvements, with a focus on supporting staff growth, increasing efficiency, and consistently delivering services to the public.
- Develop, maintain, analyze, report and problem solve on a variety of BPD information, including, but not limited to, personnel, financial information, operating statistics, etc requiring the exercise of discretion, independent judgment, and with no supervision.
- Research, draft, post, and manage any department RFPs. Coordinate pending contracts, timelines, implementation, deadlines, and final deliverables.
- Provide monitoring of strategies, plans and policies as they relate to the administration of BPD.
- Maintain and update Burlington Police Department's Website and Intranet sites.
- Compile information for narrative, fiscal and statistical reports, determine appropriate report format. May contact officials, City employees or other agencies to secure data.
- Manage and assist in the implementation of selected projects and innovations on behalf of the chief of police.
- Answer questions relating to researching information and relaying explanations of laws, policies, and procedures; refer matters requiring policy decisions.
- Help with the creation of the police department's Annual Report
- Responsible for department policy and directive review, edits, and revisions. Work collaboratively with all stakeholders to include the City, the Police Commission, and affected labor unions on revisions and new policy.

Executive Support to the Command Staff

- In the manner of a Chief of Staff, facilitate the day-to-day activities of the Police Department's Command Staff through frequent interaction with all City organizational levels, the public, other law enforcement agencies, vendors and others, both in person, and via email and telephone.
- Act as the liaison between the Chief of Police and department staff, and between the Chief of Police and the public and state and federal offices.
- Attend Board, Commission, and Committee meetings, as needed, on items regarding the Department.

- Prioritize, organize, and delegate a variety of administrative tasks; practices and policies, and general department procedures.
- Maintain confidential information regarding departmental matters, including union negotiations; record actions to be taken on sensitive matters; release information to authorize parties, attorneys or the press.
- Process authorizations to release personnel files or records for employment matters, inquiries, or employment verifications.
- Maintain up-to-date job descriptions for all BPD's positions, update organizational chart, and coordinate HR documents for signature.
- Work closely with the Chief of Police to keep the Chief well informed of and prepared for upcoming commitments and responsibilities. Capture outcomes and next steps and facilitate follow-up.
- Coordinate with the Public Information Officer on statements to print, radio and television media as the chief's designated spokesperson. Oversee the preparation and distribution of press releases and informational documents to the press and public with the Public Information Officer.
- Gather facts and information about police incidents of importance to the city and the department and prepare informational briefings about these matters as needed.
- Work closely with crime and intelligence analysts, investigators and police supervisors to ascertain information about critical incidents for the purpose of briefing the chief and the command staff.
- Oversee execution of Department functions and events.
- Respond to public requests for information, resolve complaints, inaccuracies in documentation, or other situations requiring diplomacy and tact.
- Be the principal liaison between the Department and the Queen City Police Foundation, assisting in its operations and coordinating the efforts of the Foundation with the strategic plan of the Department.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications / Basic Job Requirements:

- Completion of Bachelor's Degree and two years' experience preferred; or an Associate's Degree and three years' experience; or a high school diploma or equivalent and five years' experience in an office environment as an Executive Administrator required.
- Must maintain strict confidentiality with extremely sensitive material.
- Demonstrated knowledge of BPD policies, procedures, and legal requirements required.
- Ability to manage and implement complex police administration projects.
- Ability to issue accurate and concise statements in written and oral form to the press and the public.

- Ability to learn specific laws, ordinances, codes and regulations applicable to the operations of the police department.
- Ability to research records pertaining to City Council and other documents related to City business.
- Demonstrated advanced working knowledge of multiple software office products, including Microsoft word and excel, access, Power point and specifically Dreamweaver preferred.
- Ability to plan, develop and implement office procedures and make decisions on priority and scheduling of work.
- Must have a high level of personal creativity, initiative, and enthusiasm.
- Ability to work in a team environment, while also being self-directed and have highly developed interpersonal skills.
- 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.
- Ability to adapt to changing job duties and be able to multi-task.
- Ability to assume administrative responsibility and carry out tasks with minimal instruction.
- Ability to plan, organize and coordinate workload.
- Ability to display excellent verbal and written communication skills.
- Ability to interact well with the public.
- Ability to be flexible, a problem-solver and critical thinker.
- Ability to work evenings, weekends, special events, and holidays as required.
- Upon conditional offer of employment, candidate must successfully complete a criminal-history background check and meet the requirements for having access to Criminal Justice Information Systems.

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.

☒ seeing	☒ ability to move distances	☒ lifting (specify)
☒ color perception	within and between	10_ pounds
(red, green, amber)	warehouses/offices	☒ carrying (specify)

☒ hearing/listening	☐ climbing	☐ 10 pounds
☒ clear speech	☐ ability to mount and	☒ driving (local/over
☒ touching	dismount forklift/truck	the road)
☒ dexterity	☐ pushing/pulling	
☒ hand		
☒ finger		
☒ reading - basic	☒ math skills - basic	☐ analysis/comprehension
☒ reading - complex	☐ math skills - complex	☒ judgment/decision
☐ writing - basic	☒ clerical	making
☒ writing - complex		
☐ shift work	☐ outside	☐ pressurized equipment
☐ works alone	☐ extreme heat	☐ moving objects
☒ works with others	☐ extreme cold	☐ high places
☒ verbal contact w/others	☐ noise	☐ fumes/odors
☒ face-to-face contact	☐ mechanical equipment	☐ hazardous materials
☐ inside	☐ electrical equipment	☐ dirt/dust

Supervision:

Directly Supervises: 3

Indirectly Supervises: 3

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: _____

###

Board of Finance and City Council Submission Checklist

Department: Police Submitter: Chief of Police Jon Murad

Title/Subject: Creation of Executive Manager for the Police Department

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/11/2023	Chief Murad
Mayor's Office informed and approved memo	Yes	7/11/2023	Chief of Staff Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/12/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	7/11/2023	CAO Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	7/11/2023	H/R Dir Durfee
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

To: City Council

From: Karen Paul, Council President
Katherine Schad, CAO

Date: July 24, 2023

Re: City Council and Board of Finance Meeting Dates – April 2024 to September 2024

Below is a list of meeting dates from Organization Day, April 2024 to the end of September 2024.

2024

Month	City Council	Board of Finance
April	Monday, April 1	ORGANIZATION DAY
	Monday, April 15	Tuesday, April 9 (due to Eclipse 2024)
May	Monday, May 6	Monday, April 29
	Monday, May 20	Monday, May 13
June	Monday, June 3	Monday, June 3 (concurrent due to Memorial Day)
	Monday, June 10	Monday, June 10 (concurrent)
	Monday, June 24	Monday, June 17
July	Monday, July 15	Monday, July 8
August	Monday, August 12	Monday, August 5
September	Monday, September 9	Monday, September 9 (concurrent due to Labor Day)
	Monday, September 26	Monday, September 19

The meeting on October 9, 2023 needs to be changed to Tuesday, October 10 due to Indigenous Peoples Day.

With the Council's approval, we would respectfully ask that the Council move to waive the reading, accept the communication and have these dates posted on the City calendar. This applies to the Council meeting dates as they are within the purview of the Council. The Board of Finance meetings are determined by the CAO and Mayor but as a practice, done in collaboration with the Council.

MEMO

Date: July 24, 2023

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: Replacement Hot Water System and Boiler at Paquette Arena in Leddy Park

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to replace the domestic hot water system and failed boiler system and the Gordon H. Paquette Ice Arena in Leddy Park.

II. Background

The Paquette Ice Arena is a home for the community to enjoy hockey games, skating lessons and free skate to all ages and abilities. A year ago, complaints started to arise that the hot water in the showers was failing. While troubleshooting and deciding the best way to move forward with the domestic hot water challenges, the boiler failed. The City understands that the Arena is an integral space for our community and a solution is needed quickly. This project was not previously identified for funding, but as it has become an urgent facility need, the Team is working hard to identify and secure sources of funding.

III. PROCESS

In March 2023, the Central Facilities team posted an RFP to work with an Energy Performance Contractor (EPC) for City buildings. The Central Facilities team received a proposal from one contractor that met our needs, Energy Efficient Investments (EEI). The goal of having an EPC on hand is to streamline the design and construction of any energy efficiency project at a City building to get closer to the City's Net Zero Energy goals, while also managing the various constraints of building structure, age and budget. We know that we are getting a fair price because EEI leverages their internal resources, engineers and city-preferred contractors to put together a comprehensive and cost effective solution to each project they address. Unless hazardous materials or severe existing code issues are uncovered during construction, EEI does not request additional funds to complete the project, such as reasonable change orders. The local EEI team uses their considerable HVAC and construction experience to ensure the entire covered, the costs are controlled, and a turnkey system is delivered upon completion. In addition, their pricing is "open book" in that they will show exactly how we arrived at the proposed project cost, including providing copies of subcontractor proposals.

Exploring this project, and finding the best solution for cost, timeline and energy efficiency, we explored an all-electric option, and also an option to stay with natural gas. While moving this project forward with an all-electric option is intriguing, there are several challenges associated with it. Getting all-electric equipment will most likely take a minimum of 6 months, and could easily take 12 months to be delivered.



As far as the cost goes, the equipment itself will most likely be 80 – 100% more expensive. This is a rough estimate, but based in educated reality.

One way to be successful with an all-electric system would be to dig up the parking lot, which provides a cap for the old rendering plant, and install a geothermal system. We would work on this for the next year, and would probably spend in the ballpark of \$1M to accomplish the geothermal part of this project (plus soil costs). To add, a geothermal system may need to be redone in 20 – 25 years.

Another item which would need to be planned for is the electric infrastructure itself for the building. Most likely, we would need a large upgrade, which we would work on with BED. This cost is undetermined. To summarize, an all-electric option would be a lengthy and more expensive option. We also explored staying with a natural gas solution.

As specified, this project can be done before the winter sets in. The system is 96% efficient, and, if we choose to do so, we can purchase renewable gas credits (RNG) from VGS to be Net Zero Energy for this specific addition. This specified solution also includes adding controls for maximum efficiency, and correcting voids in the building where current piping is located. Adding to this, as we have time to plan to move this building forward, the gas system will work in size and functionality with the future system, again bringing us to NZE or as close to it as possible, and be part of a future energy performance contract. To summarize, moving forward with this option is appropriate for the timeline, more cost effective, can be Net Zero Energy for this project, and work with a future upgrade to bring the entire building to Net Zero Energy, or as close as possible for us to attain.

Please note the following dates associated with the RFP for our EPC:

Issued: March 15, 2023

Questions Due: March 22, 2023 12:00 PM

Post Answers: March 27, 2023 12:00 PM

Due: April 3, 2023

IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Confirmed funding for this project is coming from Facilities Contingency and existing FY23 & FY24 Capital bond funds budgeted for replacing the roof top units at the Miller Center (to require a BA). To fill the budget gap for this project, City staff have proposed this project for the Building Communities grant, which would provide an additional \$25,000 if awarded. In addition, the Capital Program Director has committed to working with the Central Facilities Team to find the remaining \$297,000, likely from Capital Contingency funds. Understanding that this project is a high priority for the City, the Capital Committee was briefed on the potential Building Communities grant opportunity and future Central Facilities request at its June 29, 2023, meeting and was generally supportive.

Funding Sources & Budget	
FY23 Facilities Capital Contingency	\$50,000.00
FY24 Facilities Capital Contingency	\$25,000.00



Miller Funding FY '23 and FY '24	\$295,000.00
Grant: Building Communities	\$25,000.00
Possible Capital Contingency	\$296,561.00
Total Budget	\$691,561.00
Contractor bid	\$691,561.00
Contingency	
Total Project Estimate	\$691,561.00

Due to budget at this time, there is no contingency for this project.
Additionally due to budget, the ice arena itself will not be sharing in the cost of this project.

V. SCHEDULE

The anticipated project schedule is as follows:

- March 2023 RFP issued for Energy Performance Contracting services
- July 2023: Board of Finance (contract approval)
- July 2023: Contract signed
- Ordering of material starts immediately

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed **\$691,561.00** to replace the domestic hot water system and boiler, and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.



City Council Motion:

To approve and authorize the execution of a contract with Energy Efficient Investments, Inc., for a price not to exceed \$691,561.00 to replace the domestic hot water system and boiler, and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office.

To approve and authorize the Capital bond funds budgeted for replacing the RTU's at the Miller Center in FY '23 and FY '24 to be transferred for payment to this project.

Department: BPRW Submitter: Kim Bleakley

	Approval:	Meeting Date:
☒	Board of Finance	7/24/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/3/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/20/2023	Click or tap here to enter text.
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	7/11/2023	Kyle
CAO has reviewed budget, financing, and memo	Yes	7/19/2023	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.

	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?	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.

06/15/2023 11:53 AM

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, June 15, 2023 11:53 AM
Subject: DEC Press Release - Dive into Summer: Join the Vermont Lakes and Ponds Program as a Volunteer

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

PRESS RELEASE

For Immediate Release – June 15, 2023

Contact:

Peter Isles, Aquatic Biologist
Department of Environmental Conservation, Agency of Natural Resources
802-490-6130, Peter.Isles@vermont.gov

FOR INFORMATION ONLY

For complete information:
additional text, please
contact the City Clerk's Office

Dive into Summer: Join the Vermont Lakes and Ponds Program as a Volunteer

Montpelier, Vt. – This summer, the Vermont Lakes and Ponds Program is seeking volunteers to help monitor and collect information about lakes and ponds in the state. With over 800 lakes and ponds, volunteers are key to the success of the program's lake monitoring efforts. Volunteers can be found statewide greeting lake visitors, inspecting boats, collecting water samples, tracking algal or cyanobacteria blooms, reporting aquatic invasive species, and more.

"State scientists use the information volunteers collect to understand the health of Vermont's lakes and ponds," said Department of Environmental Conservation Commissioner John Beling. "Thanks to our dedicated and hardworking volunteers, we can better protect the many benefits of these special places."

The Lakes and Pond Program hosts a few programs for volunteers to get involved with:

1. Lake Monitoring Program
 - Volunteers are equipped and trained on their boats to sample lake water biweekly from June through August.
 - Information collected has helped state scientists track lake water quality conditions and trends during the summer recreation season since 1979.
 - Volunteers learn about lake ecology and stewardship while helping to inform lake protection and restoration.
 - To learn more or volunteer, contact Mark Mitchell at 802-490-6126 or Mark.Mitchell@partner.vermont.gov.
2. Vermont Invasive Patrollers Program and Vermont Invasive Patrollers for Animals Program
 - Volunteers learn how to identify aquatic invasive species, such as zebra mussels and water chestnuts, and then choose a lake to monitor each year for aquatic invasive species.
 - Tracking aquatic invasive species is key because these organisms can harm the environment, economy, and even human health.
 - To learn more, volunteer, or host a workshop, contact Kimberly Jensen at 802-490-6120 or Kimberly.Jensen@vermont.gov.
3. Public Access Greeter Program

Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Monday, June 26, 2023 5:24 PM
To: Lisa Kingsbury (she/her); NRB - Act250 Essex; kaitlin.hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; Duggan, James; ACCD - Project Review; Karen Paul
Cc: Scott Gustin
Subject: RE: E-CoS Regarding Monthly Information for LUP 4C1043-1A for June 2023
Attachments: 230620_0622_june_ACT250_LotCount.pdf; CoS UVM LUP 4C1043-1A 2023.06.26.pdf

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

I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated June 26, 2023, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot, by electronic mail to those with email addresses as indicated above.

Lani Ravin, AICP
 Associate Planner
 Planning, Design & Construction
 University of Vermont
 email: Lani.Ravin@uvm.edu
 Phone: (802) 656-3217
 Fax: (802) 656-8895
 31 Spear Street Marsh Hall Suite 10
 Burlington, VT 05405

FOR INFORMATION ONLY
 For complete information,
 additional fees, please
 contact the City Clerk's Office

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, June 29, 2023 11:57 AM
Subject: Joint Press Release: Know What Cyanobacteria Look Like This Summer

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

For Immediate Release: June 29, 2023

Media Contact:

Katie Warchut | Vermont Department of Health

802-355-9838 / 802-863-7281

AHS.VDHMedia@vermont.gov

Peter Isles, Aquatic Biologist
Department of Environmental Conservation
802-490-6130
Peter.Isles@vermont.gov

FOR INFORMATION ONLY

For confidential information,
additional text, please
contact the City Clerk's Office

Know What Cyanobacteria Look Like This Summer

Enjoy Vermont waters safely by avoiding potentially harmful blooms

BURLINGTON, VT – As many Vermonters head for the water this Fourth of July weekend, it's a good time to know what cyanobacteria blooms look like so you can avoid them. Cyanobacteria blooms can be harmful to your health and have already closed some beaches recently.

Cyanobacteria (sometimes called blue-green algae) are tiny microorganisms that are a natural part of fresh water ecosystems. Under certain conditions, cyanobacteria can multiply quickly, creating blooms on the water's surface that can also wash up along shorelines. Blooms can produce toxins harmful to humans and animals.

See a video of cyanobacteria and photos of what is – and isn't – a bloom at HealthVermont.gov/cyanobacteria.

PRESS RELEASE

For Immediate Release – June 29, 2023

Contact:

Bennet Leon, Air Quality Planning Section Chief
Department of Environmental Conservation
802-249-4221, Bennet.Leon@vermont.gov

Katie Warchut
Vermont Department of Health
802-355-9838 / 802-863-7281, Katie.warchut@vermont.gov

FOR INFORMATION ONLY

128 JUL 5 40'23

For information only
Additional text, please
Contact the City Clerk's Office

Vermont DEC Issues Air Quality Alert for Thursday

Montpelier, Vt. – The Vermont Department of Environmental Conservation is issuing an air quality alert for Vermont beginning at 10:00 AM on Thursday, June 29, 2023 through midnight. Wildfire smoke from Quebec is expected to elevate concentrations of fine particles to code Orange or Unhealthy for Sensitive Groups (i.e. people with heart or lung disease, older adults, and children) on the Air Quality Index. Particle pollution may be Moderate on the Air Quality Index for the morning hours and worsen later in the day.

The air quality forecast will be updated on Thursday afternoon for conditions expected on Friday. For up-to-date air quality forecasts and current air pollution levels in Vermont, sign up for notifications at the sites listed below or visit [AirNow.gov](https://airnow.gov).

Actions for people to take

- **Limit exposure to air pollution:** People with heart or lung disease, older adults, and children should avoid prolonged or heavy outdoor exertion during this time. People who spend a lot of time outdoors, including outdoor workers and people experiencing homelessness, should reduce prolonged or heavy exertion. It is possible for anyone to experience symptoms such as scratchy eyes or throat, headache or coughing. These are signs to take it easy or move indoors. Wearing a well-fitting N95 mask can help reduce exposure to particle pollution while outdoors.
 - **To learn more about how to stay safe from air pollution** go to www.healthvermont.gov/AirQuality
- **Sign up for air quality alerts:** Scientists predict Vermont will see more days with poor air quality this summer and well into the future due to changing fire conditions as well as climate change. Signing up for this alert is an important way to stay safe throughout the year when these types of issues come up.
 - **Sign up for VT-ALERT** to receive emergency air quality alerts.
 - Users will receive notifications when there is unhealthy air quality as well as guidance on how to protect themselves from poor air quality. If users signed up for VT-Alert prior to 2022, they may need to modify their settings to receive air quality alerts.
 - Find the Air Quality alerts under Subscriptions, Health Alerts.
 - **Sign up for EnviroFlash** to receive daily air quality forecasts and alert notifications.

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Monday, July 3, 2023 10:49 AM
To: lani.ravin@uvm.edu; lisa.kingsbury@uvm.edu; nrb.general@vermont.gov;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg;
anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov;
AOT.Act250@vermont.gov; AGR.Act250@vermont.gov;
ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: 4C0348-6A Mod + order on fee waiver request - UVM - COS
Attachments: MOD Order 4C0348-6A.pdf

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

Please find attached 4C0348-6A MOD + Order on Fee Waiver Request - UVM - COS.

For questions or
additional information
contact the City Clerk's Office

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

111 West Street
Essex Junction, VT 05452

Christine Commo *NRB Technician*

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

FOR INFORMATION ONLY

For questions and/or
additional text, please
contact the City Clerk's Office

222,000

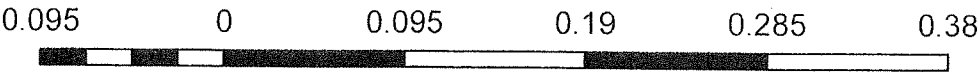
VERMONT
GENERAL HIGHWAY MAP
City of Burlington
Northern Section
CHITTENDEN COUNTY

Transportation District #5

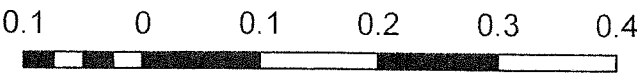
Prepared by the
Vermont Agency of Transportation
Division of Policy, Planning and Intermodal Development
in cooperation with
U.S. Department of Transportation
Federal Highway Administration

Mileage as of February 10, 2023
Map prepared June 28, 2023

SCALE 1:6,336



Miles



Kilometers

Lori Olberg

From: Lambert, Kevin - RD, VT <Kevin.Lambert@usda.gov>
Sent: Wednesday, July 5, 2023 1:44 PM
Subject: Stakeholder Announcement: USDA Accepting Letters of Interest for NEW Powering Affordable Clean Energy (PACE) program

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

Department Updates Webinar Schedule for Inflation Reduction Act Programs to Advance Affordable Clean Energy in Rural America

WASHINGTON, July 5, 2023 – U.S. Department of Agriculture (USDA) Rural Development Under Secretary Xochitl Torres Small today announced that USDA is allowing applicants more time to submit letters of interest for the **Powering Affordable Clean Energy (PACE) program**. The new opening date of **July 10, 2023**, will give organizations more time to prepare their applications.

Read the full stakeholder announcement [HERE](#).

Kevin Lambert

Public Affairs, Rural Development - VT/NH
 United States Department of Agriculture
 87 State Street, Suite 324
 PO Box 249 Montpelier, VT 05601
 www.rd.usda.gov/vt www.rd.usda.gov/nh
Office: (802) 828-6080 | Cell: (802) 318-3687
Kevin.Lambert@usda.gov



For more information, please
 contact the City Clerk's Office

2023.07.05

USDA is an equal opportunity provider, employer and lender.

Sign up for the latest news from New Hampshire and Vermont. We are now using

govDELIVERY

for our

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Friday, July 7, 2023 8:47 AM
To: dustin.resnick@drhc.com; dustin.resnick@drhc.com; dustin.resnick@drhc.com; kevinw@engineeringventures.com; juliag@engineeringventures.com; nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: Act 250 Land Use Permit Amendment 4C0116-14G
Attachments: LUP_Exhibit List_COS 4C0116-14G.pdf

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

For more information, please contact the City Clerk's Office

Hello,

Attached is Act 250 Land Use Permit Amendment 4C0116-14G - Hotel Champlain; the exhibit list, and the associated certificate of service. Be advised the electronic copy is the only copy you will receive. On request, a printed copy can be sent to you. Please contact the District 4 office with any questions.

Thank you.

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

Madeline Cotter NRB Technician
 Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: cwpughe@gmail.com
Sent: Friday, July 7, 2023 3:29 PM
To: Eric Farrell; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; anr.act250@vermont.gov; 'NRB - Act250 Essex'; nrb.act250agenda@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov
Cc: 'Anderson, Kevin'
Subject: 4C1301-7_Additional Information Requirements
Attachments: 4C1301-7_Certificate of Service Submitted_2023_07_07.pdf; WW-4-3619-7_Permit.pdf; WW-4-3619-7_Permit.DFR.pdf; WW-4-3619-7_Admin - Permit Cover Letter.pdf; DEC Email on Wetland_2023_07_05.pdf

Some people who received this message don't often get email from cwpughe@gmail.com. [Learn why this is important](#)

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

Please find the attached:

1. Certificate of Service dated 7/7/2023
2. Email dated July 5, 2023, from Tina Heath, VT DEC, indicating the wetlands are non-jurisdictional.
3. WW-4-3619-7_Admin – Permit Cover Letter dated June 19, 2023
4. WW-4-3619-7_Permit.DFR dated June 19, 2023
5. WW-4-3619-7_Permit dated June 19, 2023

For complete information,
additional text, please
contact the City Clerk's Office

Please let me know if you have any questions.

Thanks

Charlie Pughe
802-316-6826

Please note I have switched my email address to cwpughe@gmail.com

Please use this for all email correspondence. Old email addresses are forwarded to my cwpughe@gmail.com account.

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Wednesday, July 12, 2023 1:33 PM
Subject: DEC Press Release: How to Safely Pump Out Basements

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

PRESS RELEASE

For Immediate Release – July 12, 2023

Media Contact:

Tim Cropley, Spill Program Manager
Department of Environmental Conservation
802- 249-5346, Tim.Cropley@vermont.gov

For more information, please
contact the City Clerk's Office
726-2111

How to Safely Pump Out Basements

Montpelier, Vt. – Widespread flooding in Vermont has caused many basements to fill with water and, in some cases, cause a release of oil from heating oil tanks in the basement. The Department of Environmental Conservation is offering guidance for basement cleanup.

When oil or petroleum is found to be floating on the water in basements that need to be pumped out, **please report to 800-641-5005 (24/7) or 802-828-1138** during the work day before pumping out. Environmental cleanup contractors will respond to areas with significant flooding.

Contractors can be directed to homes to assist with the pump out. They will pump out the basement from the top of the liquid surface to recover any floating oil first. Pumping liquid out from the floor level or below the liquid surface will likely cause floating oil to coat everything in the basement making for a more significant cleanup.

If there is no evidence of oil in the water such as an oil sheen (nothing floating on the water or no oil odor), it may be pumped out to the ground.

For more information on flood recovery resources from the Agency of Natural Resources, Department of Environmental Conservation, Fish and Wildlife Department, or the Department of Forests, Parks, and Recreation visit <https://ANR.Vermont.gov/Flood>.

###

Non-Discrimination Notice:

The Vermont Agency of Natural Resources (ANR) operates its programs, services, and activities without discriminating on the basis of race, religion, creed, color, national origin (including limited English proficiency), ancestry, place of birth, disability, age, marital status, sex, sexual orientation, gender identity, or breastfeeding (mother and child).

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SERVICIOS GRATUITOS DE IDIOMAS | 免費語言服務 | BESPLATNE JEZIČKE USLUGE | БЕСПЛАТНЫЕ УСЛУГИ ПЕРЕВОДА |
DỊCH VỤ NGÔN NGỮ MIỄN PHÍ | 無料通訳サービス | HUDUMA ZA MSAADA WA LUGHA BILA

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, July 13, 2023 1:47 PM
Subject: [Revised] DEC Press Release - DEC on How to Safely Pump Out Basements

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

PRESS RELEASE - Revised

For Immediate Release – July 13, 2023

Media Contact:

Tim Cropley, Spill Program Manager
Department of Environmental Conservation
802- 249-5346, Tim.Cropley@vermont.gov

If you receive this message with
additional text, please
contact the City Clerk's Office

28 JUL 15 2023

DEC on How to Safely Pump Out Basements

Montpelier, Vt. – Widespread flooding in Vermont has caused many basements to fill with water and, in some cases, cause a release of oil from heating oil tanks in the basement. The Department of Environmental Conservation (DEC) is offering guidance for basement cleanup.

If there is no evidence of oil in the water – such as an oil sheen (nothing floating on the water or no oil odor) – the water may be pumped out to the ground (preferably) or storm drains.

When oil or petroleum is present floating on the water in a basement or container, report the situation to DEC at **800-641-5005 (24/7)** or **802-828-1138 (during the workday)**.

DEC can help direct contractors to assist with the pump-out. Contractors will pump out the basement from the top of the liquid surface to recover any floating oil first. (Pumping liquid out from the floor level or below the liquid surface will likely cause floating oil to coat everything in the basement making for a more significant cleanup.)

Once any oil is skimmed off the water or if there is no evidence of oil or an oil sheen floating on the water, it may be pumped out to the ground.

Basements with oil and water should only be pumped out to the ground surface outside after consulting with the DEC.

If contractors or vac trucks are not available to remove the oil from basement water first. DEC will work with you to provide guidance on how to pump the water from the top down to assure the oil is removed first followed by water only.

For more information on flood recovery resources from the Agency of Natural Resources, Department of Environmental Conservation, Fish and Wildlife Department, or the Department of Forests, Parks, and Recreation, visit <https://ANR.Vermont.gov/Flood>.

###

Non-Discrimination Notice:

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Friday, July 14, 2023 10:53 AM
Subject: DEC Press Release - Safe Flood Debris Clean Up

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

PRESS RELEASE

For Immediate Release – July 14, 2023

Media Contact:

Josh Kelly, Solid Waste Program Manager
Department of Environmental Conservation
802-522-5897, Josh.Kelly@vermont.gov

For complete release info,
additional text, please
contact the City Clerk's Office
781-401-2000

Safe Flood Debris Clean Up

Montpelier, Vt. – Recovering from this week's flooding event will be a challenge for many Vermonters across the state. Cleaning up and disposing of items damaged by floodwaters is yet another painstaking task. Unfortunately, along with the damaged belongings from your home or business lurks hazardous items, such as paint, chemicals, oil, gas, pesticides, caustic cleaners, and other materials.

To protect yourself or your clean up crew, remember to:

- Wear gloves and other protective equipment.
- Avoid dangerous and contaminated floodwaters.
- Take frequent breaks and ask for help.

To protect solid waste workers and the environment, it is critical that residents, businesses, contractors, and clean-up crews remember to:

- Separate hazardous items from trash (see the list below).
- Contact your Solid Waste District or town at www.802recycles.com to learn about household hazardous waste services. Flood damaged appliances, electronics, batteries, and tires can be brought to most local transfer stations for safe disposal and recycling.
- Avoid dumping or spilling hazardous materials on the ground or into the water.
- Safely store hazardous items until they can be disposed of properly.

Keep these items separate from trash:

- Dangerous wastes such as toxics, pesticides, explosives, gasoline, oil, pool chemicals, acids, drain cleaner, fireworks, flares, ammo, unprotected "sharps"
- Appliances such as refrigerators, freezers, air conditioners, washers, dryers, scrap metal
- Mercury products such as fluorescent bulbs, thermostats, thermometers
- Hazardous Waste
- Oil, brake cleaner, other toxic car products
- Paint, stain, varnish, paint thinner/stripper
- Propane cylinders, other gas cylinders
- Batteries and electronics

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Friday, July 14, 2023 12:41 PM
Subject: ANR Press Release: Flood Recovery Work in Rivers and Streams

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

PRESS RELEASE

For Immediate Release – July 14, 2023

Media Contacts:

Rob Evans, Rivers Program Manager
 Department of Environmental Conservation
 802-490-6152, anr.wsmdrivers@vermont.gov

Will Eldridge, Aquatic Habitat Biologist
 Vermont Fish and Wildlife Department
 802-585-4499, william.eldridge@vermont.gov

For complete information &
 additional text, please
 contact the City Clerk's Office

FOR INFORMATION ONLY

Flood Recovery Work in Rivers and Streams

Montpelier, Vt. – Flood events require work within rivers and streams to protect and repair human investments and related infrastructure. Towns have the authority to implement Emergency Protective Measures to protect public safety when a flood occurs.

The Department of Environmental Conservation (DEC) regulates activities in rivers and streams to ensure that work does not create additional flood hazards. The most common issue after a flood is over-dredging of rivers or excessive streambank filling.

While limited excavations and streambank stabilization may be needed to maintain river channel capacity and protect investments, over-dredging or over-filling creates a much more unstable river which threatens adjacent property and infrastructure during the next flood. The Fish and Wildlife Department (FWD) recommends leaving boulders, log jams, and other natural structures in streams when not hazardous to human safety. This can help streams and rivers by slowing floodwaters and benefits ecological recovery and fish populations.

For work that needs to be done in rivers and streams to recover from the recent July flooding, the following measures must be taken:

- Towns are required to report the location and nature of Emergency Protective Measure work to DEC within 72 hours. Alternatively, location information and narrative description can be emailed to anr.wsmdrivers@vermont.gov.
- Take photos of the work before and after completion. Photo documentation may help determine if the work is eligible for available disaster recovery funds.
- Comply with the State Stream Alteration Rule for any instream work. This work may require follow-up work to ensure compliance and qualify for federal reimbursement for eligible work.

DEC may require a permit and follow-up work at a later date if deemed necessary for a safe river condition.

FOR INFORMATION ONLY

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Saturday, July 15, 2023 11:28 AM
To: Brackin, Stephanie
Subject: DEC Press Release - Vermont Has a High Risk of Landslides After Recent Flooding

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

PRESS RELEASE

For Immediate Release – July 14, 2023

Contact:

Ben DeJong, State Geologist
Department of Environmental Conservation
802-461-5235, Benjamin.DeJong@vermont.gov

For complete information |
Additional text, please
contact the City Clerk's Office
7-14-23

Vermont Has a High Risk of Landslides After Recent Flooding

Montpelier, Vt. – Recent flooding across Vermont has increased the likelihood of landslide hazards starting Friday, July 14, 2023, and into the coming days.

Landslide hazards can be difficult to predict. Unlike flood hazards, they do not depend on river levels. However, a large body of work in Vermont suggests that a three- to five-inch precipitation event can trigger failures that lead to landslides, particularly when the ground is already saturated. With over six inches of rainfall in most of the Green Mountains and more rain on the way, there is a high risk of landslide hazards.

Anyone can [report a landslide online](#). Please note that this report is for simple observations, not emergencies. Dial 911 to report a life-threatening situation or other emergency.

For those with concerns that a landslide might impact your home, leave the structure and contact:

- State Geologist and Director: Benjamin DeJong, Ph.D. at 802-461-5235 or Benjamin.DeJong@vermont.gov.
- Geologist: Jonathan Kim, Ph.D. at 802-522-5401 or Jon.Kim@vermont.gov.

Learn more about [geology and hazards](#), or [landslides, rockfalls, and erosion](#).

For more information on flood recovery resources from the Agency of Natural Resources, Department of Environmental Conservation, Fish and Wildlife Department, or the Department of Forests, Parks, and Recreation, visit <https://ANR.Vermont.gov/Flood>.

###

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Language Access Notice:

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FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Monday, July 17, 2023 9:21 AM
To: claire.forbes@uvm.edu; lisa.kingsbury@uvm.edu; lani.ravin@uvm.edu; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov; kaitlin.hayes@vermont.gov
Subject: 4C0637-2C Schedule G - UVM
Attachments: Schedule G 4C0637-2C.pdf

For complete information:
Additional info. please
Contact the City Clerk's Office

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

Attached is Schedule G - UVM.

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

Christine Commo NRB Technician
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

2023 JUL 17 PM 9:21

FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Monday, July 17, 2023 9:15 AM
To: efarrell@farrellpropertiesvt.com; cwpughe@gmail.com;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; 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; Kevin.Anderson@vermont.gov
Subject: Act 250 Land Use Permit Amendment 4C1301-7 - Cambrian Rise
Attachments: LUP_Exhibit List_COS 4C1301-7.pdf

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

This document is confidential.
Additional information please
contact the City Clerk's Office

Hello,

Attached is Act 250 Land Use Permit Amendment 4C1301-7, the exhibit list, and associated certificate of service. Be advised the electronic copy is the only copy you will receive. On request, a printed copy can be mailed to you. Please contact the District 4 office with any questions.

Thank you.

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

Madeline Cotter *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

07/17/2023 10:48 AM

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Tuesday, July 18, 2023 3:10 PM
Subject: DEC Press Release - Dam Safety Inspections

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

For additional information,
Additional text, please
contact the City Clerk's Office
72 JUL 19 40:22

PRESS RELEASE

For Immediate Release – July 18, 2023

Media Contact:

Stephanie Brackin, Communications Coordinator
Agency of Natural Resources
802-261-0606, stephanie.brackin@vermont.gov

Neil Kamman, Water Investment Division Director
Department of Environmental Conservation
802 490-6137, neil.kamman@vermont.gov

Dam Safety Inspections

Montpelier, Vt. – Following historic flooding that has occurred throughout Vermont, the Department of Environmental Conservation's Dam Safety Program will be performing follow-up inspections in the coming days to identify dams that may have been impacted.

The Dam Safety Program will be prioritizing inspection of dams that have the potential to impact life and property such as homes and roads. Inspections are being performed by trained engineers at no cost to dam owners. There are over 400 dams located within Vermont that impound enough water to pose a risk should the dam fail. A large number of those dams are owned by private individuals.

To date, the Program has not been able to make contact with some dam owners to initiate inspection efforts. As outreach efforts continue, the Program asks that anyone who owns a dam and has not been directly contacted by the Program to email ANR.DamSafety@Vermont.gov, as soon as possible.

Prompt contact by dam owners is critical to ensuring that dams are inspected soon for safety risks. To the extent that the Program is not able to obtain access permission to inspect a dam during this process, the Program may require the owner to conduct an inspection and submit a report to the Program.

For more information on flood recovery resources from the Agency of Natural Resources, Department of Environmental Conservation, Fish and Wildlife Department, or the Department of Forests, Parks, and Recreation, visit <https://ANR.Vermont.gov/Flood>.

###

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CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Councilors Traverse,
Barlow
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Three

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

An Ordinance in Relation to

THERMAL ENERGY SYSTEMS AND THE ASSESSMENT OF
A CARBON POLLUTION IMPACT FEE

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

That Chapter 8, Buildings and Building Constructions, Article V, Heating Systems, of the Code of Ordinances of the City of Burlington be and hereby is amended to read as follows:

ARTICLE V. THERMAL ENERGYHEATING SYSTEMS

8-76 Purpose and Authority.

(a) Purpose. It is in the public interest and in the interest of public health and safety to achieve a high degree of conservation of energy and, ~~where possible,~~ reduce emissions of greenhouse gases by requiring buildings to meet specified energy efficiency performance standards and maximum allowable heat loss standards.

(b) Authority. All provisions in this article relating to thermal energy~~heating~~ systems are adopted pursuant to the authority and powers granted by a majority of the legal voters of the City who voted at the annual City meeting on March 7, 2023, in accordance with section 48(66) of the City Charter and its provisions on the regulation of thermal energy systems in residential and commercial buildings, including the assessment of carbon impact or alternative compliance payments, for the purpose of reducing greenhouse gas emissions throughout the City. The provisions in this article are further adopted pursuant to the authority and powers granted by the Vermont Legislature in 24 V.S.A. § 3101 (Chapter 83. Building Inspectors and Regulation of Building; Bylaws and ordinances; penalties), as reasonably necessary to improve the health, safety, and welfare of the public from fuel leaks and explosions, and from air pollution, including that which is causing climate change and thereby threatens the city and its inhabitants.

8-77 Definitions.

(a) A "fossil fuel ~~renewable primary heating~~thermal energy system" shall be subject to the alternative compliance carbon fee, and shall mean any space conditioning, domestic hot water, cooking, appliance, process heat, or other building system that relies on thermal energy from fossil fuels, including coal, oil, propane, kerosene or natural gas. -heating system that meets at least eighty-five (85) percent of the building's design heating load calculated per the Vermont Commercial Building Energy Standards (CBES) Energy Code (Section C403.1) and is fueled by:

(b) A “renewable fuel which reduces greenhouse gas emissions” is, based on the vote at the annual City meeting on March 7, 2023, not subject to the alternative compliance carbon fee, and shall mean any space conditioning, domestic hot water, cooking, appliance, process heat, or other building system that relies on thermal energy from:

- (1) Electric-powered thermal equipment, including cold-climate air source heat pumps, ground source heat pumps, and other heat pumps including district, network, grid, microgrid, and building geothermal systems; electric appliances providing thermal end uses; and heat pump water heaters (with the exception of electric resistance units prohibited by the Vermont Commercial Building Energy Standards (CBES) Energy Code (Section C403.2.3) or the Vermont Residential Building Energy Standards (RBES) Energy Code (Section 2.4b)); or
- (2) ~~Wood pellets or woodchips; Solar water heating systems;~~ or
- (3) ~~Other renewable fuel used by conventional primary heating systems, including renewable gas, biodiesel, and renewable district heating, if the building owner provides a contract demonstrating that the fuel required by the conventional primary heating system is fully sourced from such other renewable fuels for the life of that conventional heating system.~~ Renewable energy-based district heating; or
- (4) Green hydrogen sourced exclusively from renewable energy sources; or
- (5) Advanced wood heating systems that meet the 2023 or subsequently issued Vermont Small Scale Renewable Energy Incentive Program (SSREIP) Advanced Wood Heating System (AWHS) terms conditions and requirements, including for efficiency and emission controls; or
- (6) Sustainably-sourced biodiesel; or
- (7) Renewable gas, meaning methane produced by organic material and sourced from landfills, wastewater treatment facilities, and farms as offered under a Vermont Public Utility Commission-approved tariff or supply contract from a gas utility such as Vermont Gas Systems, provided that the gas utility demonstrates that the renewable gas is purchased along with its renewable attributes and has a secured contractual pathway for the physical delivery of the renewable gas from the point of injection in the pipeline to the gas utility’s delivery system; or
- (8) Any other renewable fuel that reduces greenhouse gas emissions, provided the Department of Permitting and Inspections receives sufficient analysis or documentation from the applicant that the fuel reduces greenhouse gas emissions relative to the fossil fuel it is replacing consistent with the requirements of subsection (c) below.

(c) The Department of Permitting and Inspections may disqualify any renewable fuel that reduces greenhouse gas emission listed above from being eligible to satisfy the requirements of this section if such fuel is subsequently deemed by the Vermont Public Utility Commission not to satisfy the carbon intensity requirements of a State of Vermont Clean Heat Standard or any similar state thermal energy policy. In addition, the Department may require an applicant seeking to utilize a liquid or gaseous renewable fuel that

reduces greenhouse gas emissions to submit documentation or independent analysis - utilizing the Argonne National Laboratory GREET model or modeling of similar rigor adapted to Vermont's thermal energy context - demonstrating that the renewable fuel proposed for compliance under this section reduces greenhouse gas emissions relative to the fossil fuel system or fuel it is replacing.

~~“Renewable gas” shall mean methane produced by the organic material and sourced from landfills, wastewater treatment facilities, and farms as offered under a tariff or supply contract from a utility such as Vermont Gas Systems.~~

(d) A “large existing building” shall mean a building with at least fifty thousand (50,000) feet in total floor area of enclosed conditioned space, including hotels, but excepting the following:

(1) All residential buildings; and

(2) Buildings listed, or eligible to be listed, on the National Historic Register, provided the applicant can demonstrate to the satisfaction of the Department of Permitting and Inspections that there is no thermal energy system that relies on renewable fuel available to the building due to the historic nature of the building and any limitations imposed by the National Historic Register.

(e) A “new building” shall mean the new construction of any building, excepting all additions, alterations, renovations, or repairs to an existing building.

(f) An “existing city building” means all municipal buildings constructed prior to January 1, 2023 and owned by the City of Burlington, regardless of their size or square footage.

~~(b) A “nonprimary heating system” shall include back-up heating system, water heating system, or ventilation/air tempering system.~~

8-78 Applicability.

(a) Applicants seeking permits pursuant to this chapter for a new buildings shall demonstrate that the new building will utilize a renewable primary heating thermal energy systems that rely on a renewable fuel which reduces greenhouse gas emissions. Applicants seeking permits to replace space conditioning systems or domestic water heating systems that are in large existing buildings shall demonstrate the new space conditioning or domestic water heating systems will utilize a renewable fuel which reduces greenhouse gas emissions. Existing City buildings shall follow the requirements for large existing buildings, but are not subject to the alternative compliance carbon pollution impact fee.

(b) If an applicant for a new building is seeking to use a thermal energy system that does not rely on a renewable fuel which reduces greenhouse gas emissions, or an applicant for a large existing building is seeking to use a space conditioning or domestic water heating system that does not rely on a renewable fuel which reduces greenhouse gas emissions, the applicant shall prior to receiving a permit pursuant to subsection (a) first have to demonstrate that the renewable system is uneconomical. To be determined to be uneconomical the twenty-five (25) year capital and operational cost of the least expensive renewable primary heating system, including any available incentives from the Burlington electric department or other State or

federal entities, must be more than the twenty-five (25) year capital and operational costs of a nonrenewable primary heating system, including the cost of externalities calculated by a building carbon price of one hundred fifty dollars (\$150.00) per ton for the life of the nonrenewable primary heating system. The building carbon price of one hundred fifty dollars (\$150.00) per ton shall be annually adjusted by the program administrator equivalent to one hundred (100) percent of the annual change in the Consumer Price Index For All Urban Consumers (CPI-U) in the Northeast Region, to go into effect January 1 of every ensuing year. A system demonstrating uneconomicability shall be assessed an alternative compliance -carbon pollution impact fee. However, an applicant building a new, residential multi-unit dwelling with four or more units shall not be subject to the alternative compliance carbon pollution impact fee as it applies to domestic water heating systems until January 1, 2026.

(c) Effective January 1, 2024, the alternative compliance carbon pollution impact fee shall be equal to one hundred fifty dollars (\$150.00) per ton of greenhouse gas emissions produced by the thermal energy system over its lifetime, based on a net present value calculation at the time the permit application is submitted. For large existing building applicants, the alternative compliance carbon pollution impact fee is capped at no more than 75 percent of the installed cost of the proposed space conditioning or domestic water heating system. On each subsequent January 1, the alternative compliance carbon pollution impact fee shall be increased by any percentage increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous September 1, but in no event shall the increase be greater than five percent. The adjusted alternative compliance carbon pollution impact fee shall be rounded off to the nearest dollar.

(d) For compliance purposes for all thermal energy systems that are capable of utilizing either a fossil fuel or a renewable fuel that reduces greenhouse gas emissions, such as gas utility services that could utilize fossil fuel or renewable gas, or oilheat systems that could utilize oil or biodiesel, an applicant shall demonstrate compliance either via (i) a contract demonstrating that the fuel required by the thermal energy system is fully sourced from such other renewable fuels or technologies for the life of that thermal energy system; or (ii) annual compliance certification that the applicant is purchasing renewable fuel to cover the entire need of the thermal energy system. If the applicant uses the annual compliance certification, and the applicant fails to provide an annual compliance certification in any year that the applicant is using renewable fuel that reduces greenhouse gas emissions, the applicant will be assessed an alternative compliance -carbon pollution impact fee equal to a pro rata share of the remaining expected life of the thermal energy system.

(e) If an applicant with one or more buildings is seeking a permit pursuant to this chapter, and is already using one or more thermal energy systems that rely on a renewable fuel which reduces greenhouse gas emissions, the applicant may apply for a credit towards any alternative compliance carbon pollution impact fee equal to the carbon value of the renewable fuel which reduces greenhouse gas emissions used for any thermal energy system since January 1, 2023.

(f) All alternative compliance carbon pollution impact fee proceeds shall be placed in a Clean Energy Fund established and managed by the Department of Permitting and Inspections with technical support from the Burlington Electric Department. Clean Energy Fund proceeds shall be made available as follows:

(i) The Department of Permitting and Inspections, with technical support from the Burlington Electric Department, shall determine which initiatives are eligible for funding for property owners or low income renters, but they may include, and shall not be limited to, the installation of new thermal energy systems that rely on renewable fuel, weatherization projects, or subsidizing any increased utility costs associated with purchasing renewable fuel rather than fossil fuel;

(ii) Half of the proceeds paid into the Clean Energy Fund by a large existing building applicant shall be available to the payor for projects to reduce greenhouse gas emissions at any site owned by the payor. The large existing building applicant must request these proceeds within one (1) year following payment of their alternative compliance carbon pollution impact fee, and any proceeds not requested within that year shall be made available under subsection (iii).

(iii) Any remaining proceeds collected from large existing building applicants and all proceeds paid into the Clean Energy Fund by new construction applicants shall be available to either:

1. Provide financial assistance to help low-income Burlington residents with the purposes described in subsection (i), either through direct payments to homeowners and renters who are income-qualified per the most recent income-qualification levels published by the Community and Economic Development Office (“CEDO”), or through payments to property owners of multi-family buildings where at least 25 percent of the tenants in the building are income-qualified, provided that the property owner must commit to not raising the rent of income-qualified tenants as a result of costs associated with the funded initiatives to reduce greenhouse gas emissions; or
2. Subsidize the cost of converting the City’s vehicle fleet from fossil fuel to electric.

(g) Nothing in this section prevents or prohibits applicants from utilizing any and all available local, state, or federal incentives, rebates or tax credits that support implementation of renewable fuels listed above for their buildings, and applicants are encouraged to access available incentives or rebates or tax credits.

(h) Any applicant for a permit pursuant to this chapter, for any new or existing building regardless of size, seeking to utilize a wood chip or wood pellet heating system, must demonstrate that the system meets the 2023 or any subsequently issued Vermont Small Scale Renewable Energy Incentive Program (SSREIP) Advanced Wood Heating System (AWHS) terms conditions and requirements, including for efficiency and emission controls.

~~An applicant is permitted to install and utilize nonprimary heating systems in new buildings that use nonrenewable fuels.~~

8-79 Effective DateWaiver.

The provisions of this Article shall take effect on January 1, 2024.

211 ~~The department of permitting and inspections may grant a waiver to Section 8-78 on the grounds that~~
212 ~~utilizing a renewable primary heating system in a new building would be uneconomical. To be deemed~~
213 ~~uneconomical, the twenty-five (25) year capital and operational cost of the least expensive renewable~~
214 ~~primary heating system, including any available incentives from the Burlington electric department or other~~
215 ~~State or federal entities, must be more than the twenty-five (25) year capital and operational costs of a~~
216 ~~nonrenewable primary heating system, including the cost of externalities calculated by a building carbon~~
217 ~~price of one hundred dollars (\$100.00) per ton for the life of the nonrenewable primary heating system. The~~
218 ~~building carbon price of one hundred dollars (\$100.00) per ton shall be annually adjusted by the program~~
219 ~~administrator equivalent to one hundred (100) percent of the annual change in the Consumer Price Index For~~
220 ~~All Urban Consumers (CPI-U) in the Northeast Region, to go into effect January 1 of every ensuing year.~~

Resolution Relating to

AMENDING THE CONSERVATION LEGACY FUND
POLICY DOCUMENT TO PROVIDE FOR NATURE-
BASED CLIMATE ADAPTATION

RESOLUTION _____

Sponsor(s): PAC Committee
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City Council established the Conservation Legacy Fund in September 2004 to facilitate the City’s acquisition and stewardship of conservation land and support the ongoing operation of the Burlington Conservation Legacy Program; and

WHEREAS, the City Council’s resolution establishing the Conservation Legacy Fund incorporated an attached policy document titled “Burlington Conservation Legacy Fund,” which outlined the Fund’s goals, purpose, structure, capitalization, management, and categories for disbursement; and

WHEREAS, section VI of the policy document, “Distribution and Use of the Conservation Legacy Fund,” provides for two categories of disbursements: (1) acquisition funds for land, interests in land, and associated costs identified as for permanent protection in the City of Burlington, and (2) capacity funds for land acquisition planning, stewardship, and conservation education; and

WHEREAS, the present allocations for these categories are 70 percent for land acquisition and 30 percent for stewardship; and

WHEREAS, in 2022, the City Council unanimously adopted an addendum to the *2000 Burlington Open Space Protection Plan*, which focused on nature-based climate solutions work; and

WHEREAS, the Parks, Arts, and Culture Committee and the Parks and Recreation Commission have unanimously supported amending section VI to include an additional purpose for capacity funds—nature based climate adaptation—and adjust the allocation of capacity funds accordingly;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends section VI of the Conservation Legacy Fund policy document as follows, with deletion indicated by strikethroughs and additions indicated by underlines:

- **(Capacity Funds)** During each year, the Conservation Board and the Parks & Recreation Commission shall jointly recommend to the Mayor a disbursement from the Fund to the Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning,

Stewardship, ~~and~~ Conservation Education, and Nature-Based Climate Adaptation for inclusion
in the annual budget resolution.

- No more than 30% of the annual tax revenue generated by the Fund shall be used to
support the Program's annual operations.
- No more than 30% of the annual tax revenue generated by Fund shall be used to support
the community-wide climate adaptation work as outlined by the 2022 Nature-Based
Climate Solutions addendum to the 2000 Open Space Protection Plan.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants
received, and all disbursements of principal, interest or other assets of the Fund upon the
recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing
and expenditure rules and procedures, and any staff shall be assigned for human resource
administration purposes to the Parks and Recreation Department.
- At the end of each fiscal year, any funds not spent shall roll over and be available for their specified
purposes in subsequent fiscal years.



BURLINGTON
PARKS
RECREATION
WATERFRONT

MEMO

Date: July 24, 2023

To: City Council

From: Dan Cahill, Cindi Wight and Scott Gustin

RE: Conservation Legacy Fund Adaptations

Request

Reallocate funding and establish a third category for the Conservation Legacy Fund. In addition to the existing funding categories for land acquisition and stewardship, include a new category for nature-based climate solution work. Present allocations are 70% for land acquisition and 30% for stewardship. As proposed, allocations would be 40% for land acquisition, 30% for stewardship, and 30% for nature based climate solution work.

Background

In 2022, the City Council unanimously adopted an addendum to the city's Open Space Protection Plan focused on nature based climate solutions. That adopted plan includes a matrix with a number of implementation strategies. With this plan and the recent correction to fully fund the Conservation Legacy Fund, there is opportunity now to enhance Burlington's climate action with reallocated monies from the Legacy Fund to support the implementation of nature based climate solutions in addition to land acquisition and stewardship. Legacy Fund monies for nature-based climate solutions work would be disbursed via a proposed local grant program.

Details are provided in the attachments. The changes requested here were approved by the Conservation Board on December 5, 2022; by the Parks Commission on December 13, 2022; the Parks, Arts, and Culture Committee on July 6, 2023; and the Board of Finance on July 17, 2023.

Attachments

- Legacy Fund memo
- Proposed revision to Legacy Fund distribution and use language
- Proposed draft grant structure outline

City Council Motion

To amend the Conservation Legacy Fund policy to create a new funding category for "Nature-Based Climate Solutions," and adjust the Conservation Legacy Fund's disbursement percentages



to 30% for stewardship, 40% for acquisition, and 30% for nature-based climate solutions work, subject to review by the City Attorney's Office.

VI. Distribution and Use of the Conservation Legacy

Fund (original language)

- All disbursements of principal, interest, or other assets of the Conservation Legacy Fund shall only be made in furtherance of the public purposes set out in Section I and II.
- The Conservation Legacy Fund shall have 2 categories of disbursements:
 - **(Acquisition Funds)** A joint recommendation to the Mayor from the Conservation Board and the Parks & Recreation Commission shall be made on a case-by-case basis for the disbursement of Conservation Legacy Fund monies for the acquisition of land, interests in land, and associated costs identified as for permanent protection in the City of Burlington.
 - Expenditures may be made to any form of nonprofit corporation, municipal corporation, state or federal government agency, for-profit corporation, estate, trust, Partnership or individual.
 - **(Capacity Funds)** During each year, the Conservation Board and the Parks & Recreation Commission shall jointly recommend to the Mayor a disbursement from the Fund to the Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning, Stewardship, and Conservation Education for inclusion in the annual budget resolution.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the Program's annual operations.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants received, and all disbursements of principal, interest or other assets of the Fund upon the recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing and expenditure rules and procedures, and any staff shall be assigned for human resource administration purposes to the Parks and Recreation Department.

VI. Distribution and Use of the Conservation Legacy

Fund (adapted language)

- All disbursements of principal, interest, or other assets of the Conservation Legacy Fund shall only be made in furtherance of the public purposes set out in Section I and II.
- The Conservation Legacy Fund shall have 2 categories of disbursements:
 - **(Acquisition Funds)** A joint recommendation to the Mayor from the Conservation Board and the Parks & Recreation Commission shall be made on a case-by-case basis, for the disbursement of Conservation Legacy Fund monies for the acquisition of land, interests in land, and associated costs identified as for permanent protection in the City of Burlington.
 - Expenditures may be made to any form of nonprofit corporation, municipal corporation, state or federal government agency, for-profit corporation, estate, trust, Partnership or individual.
 - **(Capacity Funds)** During each year, the Conservation Board and the Parks & Recreation Commission shall jointly recommend to the Mayor a disbursement from the Fund to the Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning, Stewardship, Nature Based Climate Adaptation and Conservation Education for inclusion in the annual budget resolution.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the Program's annual operations.
 - No more than 30% of the annual tax revenue generated by the Fund shall be used to support the community wide climate adaptation work as outlined by the 2022 Nature Based Climate Solutions, addendum to the Open Space Protection Plan.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants received, and all disbursements of principal, interest or other assets of the Fund upon the recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing and expenditure rules and procedures, and any staff shall be assigned for human resource administration purposes to the Parks and Recreation Department.
- All Funds not spent in any fiscal year, will roll-over and be available for their specified purposes in future fiscal years.

City of Burlington, Vermont**Nature-Based Climate Solutions Grant Program**

- Online informational page about Nature Based Climate Solutions and the grant program
 - Include key grant details as to desired projects, annual theme, deadlines, funding levels, and guidelines as to creating and managing projects.
 - Provide link to separate application (in OpenGov)
 - Coordinate with IT to create
- Annual grant cycle (with possible exception for emergent opportunities at discretion of the Conservation Board Chair)
 - October grant opening
 - November grant submission deadline
 - January grant awards
- Anyone can apply
 - Higher score for group effort / community benefit
 - Property, benefit provided must be in Burlington
- Annual available funding is anticipated to be ~ \$160K
 - Minimum grant award is \$1.5K
 - Aim for at least 10 grant awards per annual grant cycle
 - Encourage matching funds or in-kind work (higher matrix score for matching funds or in-kind work)
 - Up-front project funding following grant award
 - Grant funds disbursed by Parks (as with current practice for acquisition)
 - Need to follow approved accounting practices
- Application structure
 - Establish grant application on OpenGov
 - Managed by Dept. of Permitting & Inspections
 - Accessible, trackable, and reportable
 - Include acquisition applications too
 - Type of grant applications considered
 - Implementation work
 - Operational work for sustained implementation
 - Planning work
 - Application criteria & scoring matrix used in evaluation of applications
 - Scoring criteria based on Implementation Matrix in Open Space Addendum
 - Consider matching funds, including in-kind work (higher score for matching funds / in-kind work)
 - Consider community involvement (higher score for group effort / community benefit)
 - Consider annual theme
- Application review (be cognizant of conflicts of interest in any event)
 - Preferred option
 - Request City Council approval of a block of funding on an annual basis and leave the grant awards to Conservation Board and Parks Commission.

- Alternative option: Same structure as exists for Legacy Fund acquisition expenditures
 - Open Space Subcommittee
 - Conservation Board
 - Parks Commission
 - City Council
- Awarded grant time limits
 - One year, from date of funding disbursements
 - Possible 1-year extension if requested by grantee prior to expiration
- Grant closure / follow up
 - Documentation provided by grant awardee to Conservation Board and Parks Commission demonstrating implementation of grant project prior to 1-year expiration (or extension)
 - Project completion report
 - Photos
 - Other?
 - Possible site visits by Parks' staff (land steward) during project implementation phase
- Grant agreement required for performance (draft under review by City Attorney's Office)
 - Executed by grantee and Parks following grant award and prior to disbursement of funds
 - Articulate grant performance expectations and what happens if work not done (i.e. request money back, impact on future grant applications, etc.)
 - Disburse funds prior to commencement of each project milestone (articulated in application)
 - Specify that photos of the project work can be used in promotion of the grant program

Board of Finance and City Council Submission Checklist

Department: Permitting & Inspections Submitter: Scott Gustin

Title/Subject: Conservation Legacy Funding

	Approval:	Meeting Date:
☐	Board of Finance	7/17/2023
☐	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/5/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	N/A	Click or tap to enter a date.	Informed 5/23/23, 6/22/23, & 7/7/23
Board/Commission, if required	Yes	12/5/2023	Conservation Board and Parks Commission
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	7/7/2023	Klye Clauss
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?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Parks, Arts, & Culture Committee

Resolution Relating to

AMENDING THE CONSERVATION LEGACY FUND
POLICY DOCUMENT TO PROVIDE FOR NATURE-
BASED CLIMATE ADAPTATION

RESOLUTION 6.49

Sponsor(s): PAC Committee
Introduced: 07/24/23
Referred to: _____
Action: adopted
Date: 07/24/23
Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three
Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the City Council established the Conservation Legacy Fund in September 2004 to facilitate
2 the City’s acquisition and stewardship of conservation land and support the ongoing operation of the Burlington
3 Conservation Legacy Program; and
4 WHEREAS, the City Council’s resolution establishing the Conservation Legacy Fund incorporated an
5 attached policy document titled “Burlington Conservation Legacy Fund,” which outlined the Fund’s goals,
6 purpose, structure, capitalization, management, and categories for disbursement; and
7 WHEREAS, section VI of the policy document, “Distribution and Use of the Conservation Legacy
8 Fund,” provides for two categories of disbursements: (1) acquisition funds for land, interests in land, and
9 associated costs identified as for permanent protection in the City of Burlington, and (2) capacity funds for land
10 acquisition planning, stewardship, and conservation education; and
11 WHEREAS, the present allocations for these categories are 70 percent for land acquisition and 30
12 percent for stewardship; and
13 WHEREAS, in 2022, the City Council unanimously adopted an addendum to the *2000 Burlington Open*
14 *Space Protection Plan*, which focused on nature-based climate solutions work; and
15 WHEREAS, the Parks, Arts, and Culture Committee and the Parks and Recreation Commission have
16 unanimously supported amending section VI to include an additional purpose for capacity funds—nature based
17 climate adaptation—and adjust the allocation of capacity funds accordingly;
18 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends section VI of
19 the Conservation Legacy Fund policy document as follows, with deletion indicated by strikethroughs and
20 additions indicated by underlines:
21
22 ○ (**Capacity Funds**) During each year, the Conservation Board and the Parks & Recreation
23 Commission shall jointly recommend to the Mayor a disbursement from the Fund to the
24 Burlington Conservation Legacy Program for the purposes of Land Acquisition Planning,

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest: Mayor

Vol. Page

* * * * *

AMENDING THE CONSERVATION LEGACY FUND POLICY
DOCUMENT TO PROVIDE FOR NATURE-BASED CLIMATE
ADAPTATION

Stewardship, ~~and~~ Conservation Education, and Nature-Based Climate Adaptation for inclusion
in the annual budget resolution.

- No more than 30% of the annual tax revenue generated by the Fund shall be used to
support the Program’s annual operations.
- No more than 30% of the annual tax revenue generated by Fund shall be used to support
the community-wide climate adaptation work as outlined by the 2022 Nature-Based
Climate Solutions addendum to the 2000 Open Space Protection Plan.
- The Burlington City Council shall make the final approval of the annual budget, all loans and grants
received, and all disbursements of principal, interest or other assets of the Fund upon the
recommendation of the Mayor. The operations of the Fund shall be subject to all City purchasing
and expenditure rules and procedures, and any staff shall be assigned for human resource
administration purposes to the Parks and Recreation Department.
- At the end of each fiscal year, any funds not spent shall roll over and be available for their specified
purposes in subsequent fiscal years.

* * * * *

DISTRIBUTION:

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

Scott Gustin, DPI

* * * * *

ORIGINAL

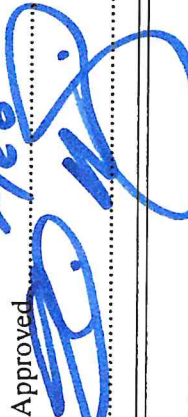
RESOLUTION RELATING TO

Amending The Conservation Legacy Fund Policy Document To Provide
For Nature-Based Climate Adaptation

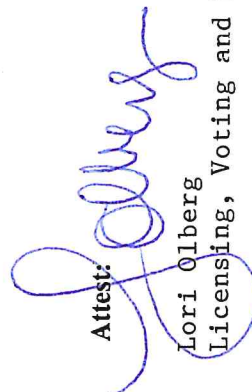
Adopted by the City Council

July 24, 2023

 Clerk

Approved  7/26/23 Mayor

Vol. Page

Attest:

Lori Olberg
Licensing, Voting and Records Coordinator

Resolution Relating to

RELEASE OF CERTAIN GLEBE AND PERPETUAL
LEASE-LAND INTERESTS AND REVISION OF THE CITY
OF BURLINGTON PERPETUAL LEASE LAND
INTERESTS LIST

RESOLUTION_____

Sponsor(s): Councilor Traverse
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on December 7, 2020, the City Council adopted a City of Burlington Retained Perpetual
Lease Interests List (hereafter Retained Interests List) pursuant to Act 152 (codified in 24 V.S.A. 2409); and
WHEREAS, the City Council requested that if City staff identified properties on the Retained Interests
List as appropriate for release in the future—for example, because outstanding issues are resolved,—those
properties should be brought forward to the Council and the Retained Interests List should be updated; and
WHEREAS, City staff have identified a number of properties that are appropriate for release since the
last release in March, 2023;
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby releases the glebe/perpetual
leased land interests it may have in the following City of Burlington properties pursuant to 24 V.S.A. §2401
and requests that the City of Burlington Retained Perpetual Lease Interests List be revised accordingly:

- 37 Barley Road (Tax ID 024-1-001-000)
- 31 Birch Court (Tax ID 024-2-054-000)
- 47 Birch Court (Tax ID 024-2-051-000)
- 125 Cayuga Court (Tax ID 024-4-040-000)
- 385 South Willard Street (Tax ID 050-2-002-000)
- 616 South Willard Street (Tax ID 054-2-017-000)

CITY OF BURLINGTON RETAINED F PERPETUAL LEASE LAND INTERESTS			LIST Last Revised 7-24-23*						
PropertyRSN	PIN	TaxID	Property Type	Assessor Use	Address	Address Numeric	Street	Street Type	Owner List
	313278722004	044-4-033-000	Land and Building	C	130	130	Bank	ST	BTC Mall Associates, LLC
536	301961736648	024-1-002-000	Land and Building	R1	36	36	Barley	RD	Matthew J. Bombard Emily K Bombard
768	302140736242	024-2-009-000	Land and Building	R1	77	77	Barley	RD	Ugljesa Vujanovic Draginja Vujanovic
7156	312422721841	049-1-143-001	Land and Building	C	60	60	Battery	ST	Diamond Rock Burlington Owner LLC
809	303377735322	024-2-052-000	Land and Building	R1	41	41	Birch	CT	Huy Vo
806	303452735586	024-2-049-000	Land and Building	R1	64	64	Birch	CT	Phet Sayamouangkhuha Bouavanh Sayamouangkhuha
1067	303515735610	024-4-001-000	Land and Building	R1	70	70	Birch	CT	Janice L Lovejoy
12228	303595735701	024-4-003-000	Land	RL	82	82	Birch	CT	Champlain Housing Trust Inc.
1073	303811735694	024-4-009-000	Land and Building	R1	99	99	Birch	CT	Joseph R. Guay Wendy M. Guay
1072	303841735726	024-4-008-000	Land	RL	105	105	Birch	CT	Champlain Housing Trust Inc.
1186	303921735755	024-4-133-000	Land and Building	R1	111	111	Birch	CT	Michael F. McGarghan Kelly J McGarghan
1185	304006735806	024-4-132-000	Land and Building	R1	115	115	Birch	CT	Victor Vieriu Vergica Ionescu Vieriu
1174	304108736082	024-4-120-000	Land and Building	R1	128	128	Birch	CT	Robert J Larue Marjorie W Larue
1175	304175736141	024-4-121-000	Land and Building	R1	132	132	Birch	CT	Ganja S. Pradhan Leela K. Pradhan
1178	304397736312	024-4-124-000	Land and Building	R1	144	144	Birch	CT	Nadia A. Mitchell Alexander V Mitchell
8554	314400717640	053-3-195-000	Land and Building	R1	20	20	Caroline	ST	Carolyn Lamoreaux Bates Revocable Trust
8500	314463717393	053-3-140-000	Land and Building	R2	65	65	Catherine	ST	Ruby L. Thibault Jed H Thibault Aurelien G. Thibault
8498	314560717370	053-3-138-000	Land and Building	R1	75-77	75	Catherine	ST	Bruce W. Bierbaum Kari Lynn Bierbaum
8497	314614717427	053-3-137-000	Land and Building	R3	83	83	Catherine	ST	Hugo Martinez-Cazon Keith S Levenson
818	303247735059	024-2-063-000	Land and Building	R1	14	14	Cayuga	CT	Cynthia B. Button Jon B. Button
826	303382734959	024-2-071-000	Land and Building	R1	17	17	Cayuga	CT	Scott S. Smith Stacey R. Smith
821	303375735162	024-2-066-000	Land and Building	R1	30	30	Cayuga	CT	Mary Logan Lockwood
823	303452735227	024-2-068-000	Land and Building	R1	40	40	Cayuga	CT	Mark P. Moye and Joyce Ann Howard Trust
1083	303587735324	024-4-019-000	Land and Building	R1	56	56	Cayuga	CT	Theresa M. Lacroix
1084	303613735368	024-4-020-000	Land and Building	R1	62	62	Cayuga	CT	Jessie Cassidy
1109	303757735252	024-4-050-000	Land and Building	R1	65	65	Cayuga	CT	Kevin Healy Arlene Healy
1107	303858735329	024-4-048-000	Land and Building	R1	75	75	Cayuga	CT	Burns Wilson Dartt III Francoise Magdalena Dartt
1105	303936735400	024-4-046-000	Land and Building	R1	81	81	Cayuga	CT	Jeffrey S Clements Lynne C. Clements
1103	304024735477	024-4-044-000	Land and Building	R1	101	101	Cayuga	CT	James F. Burt Vera Burt
1092	304083735699	024-4-028-000	Land and Building	R1	120	120	Cayuga	CT	Charles Eric Nichols Anne Williams
1098	304336735722	024-4-038-000	Land and Building	R1	129	129	Cayuga	CT	Jeffrey Desautels Tina Desautels
4860	312379722389	044-2-004-000	Land and Building	E	2	2	Cherry	ST	Epicopalian Diocese of Vermont
5329	313344722058	044-4-033-000	Land and Building	CL	75	75	Cherry	ST	BTC Mall Associates, LLC
8883	315561716908	054-1-121-000	Land and Building	R1	46	46	Chittenden	DR	Ute Regan
762	302209736468	024-2-003-000	Land and Building	R1	9	9	Clover	LN	Thanh Dang Son Tran
543	302189736725	024-1-009-000	Land and Building	R1	37	37	Clover	LN	Christine M. Thompson
542	302183736792	024-1-008-000	Land and Building	R1	45	45	Clover	LN	Timothy D. Thayer Debra Anne Thayer
4424	311724721578	043-4-001-000	Land	E	2-Jan	2	College	ST	City of Burlington - Parks Dept.
2361	302490731951	028-2-220-000	Composite	EL	8	8	College	ST	City Of Burlington - Department of Public Works
6994	311877721538	049-1-085-000	Land	EL	10	10	College	ST	City of Burlington
838	302344735027	024-2-088-000	Land and Building	R1	50	50	Cottage	GRV	Griffin Wert Joanna Wert
1936	302075734844	028-1-007-000	Land and Building	R1	80	80	Cottage	GRV	Marc Valin
1934	301926734747	028-1-004-000	Land and Building	R2	98	98	Cottage	GRV	Elmira Aliyev
1675	301706734578	027-3-058-000	Land and Building	R1	128	128	Cottage	GRV	Susan Flanders Hoxie
1674	301656734537	027-3-057-000	Land and Building	R1	134	134	Cottage	GRV	Raymond F Benoit Jr
1668	301388734295	027-3-051-000	Land and Building	R1	170	170	Cottage	GRV	James Douglas Daigle
2050	303032734650	028-1-126-000	Land and Building	R1	22	22	Cross	PKWY	Roberta P. Proulx Kelli P. LaPlant Jennifer P. Tremblay Joanne P. Ihlefeld
2048	302922734562	028-1-124-000	Land and Building	R1	38	38	Cross	PKWY	Patrica A. Heavner Christine A. Heavner Vicki L Cody
2039	302426734175	028-1-115-000	Land and Building	R1	102	102	Cross	PKWY	S. Brown Richardson Jane D. Richardson
2038	302400734124	028-1-114-000	Land and Building	R1	108	108	Cross	PKWY	Elizabeth H. Burns Alan Gladstone
2037	302315734089	028-1-113-000	Land and Building	R1	116	116	Cross	PKWY	Jasmin Pobric Gordana Pobric
2035	302197734005	028-1-111-000	Land and Building	R1	130	130	Cross	PKWY	Paul Held Susan Held
1457	300018734177	027-1-010-000	Land and Building	R1	34	34	Curtis	AVE	Tara Sullivan Brian J. Sullivan
1468	299891734057	027-1-021-000	Land and Building	R1	35	35	Curtis	AVE	George W. Buker Laurie A Buker
1467	299928734018	027-1-020-000	Land and Building	R1	43	43	Curtis	AVE	Paul E Sumner Jr Laura L. Sumner
1799	300335733791	027-3-164-000	Land and Building	R1	86	86	Curtis	AVE	Fred C Forehand Cynthia J Forehand
1800	300214733553	027-3-172-000	Land and Building	R1	121	121	Curtis	AVE	Debra Holonitch
1485	300308733403	027-3-170-000	Land and Building	R1	124	124	Curtis	AVE	Hans H. Heikel Kathryn W. Heikel
1486	300245733355	027-3-171-000	Land and Building	R1	130	130	Curtis	AVE	Travis M. Clairmont Gregory P. Clairmont
1487	300144733512	027-1-038-000	Land and Building	R1	135	135	Curtis	AVE	Jacqueline A. Dame Firley David S. Firley, Jr.
1481	300071733336	027-1-039-000	Land and Building	R2	148-150	148	Curtis	AVE	Peter D. Hayes Brian W. Hayes
1480	300013733408	027-1-040-000	Land and Building	R1	156	156	Curtis	AVE	Joshua Perrin

1479	299950733765	027-1-034-000	Land and Building	R1	187	187	Curtis	AVE	Kendrick J. Forguites
1497	299865733875	027-1-032-000	Land and Building	R2	201	201	Curtis	AVE	BPAWG, LLC
1498	299708733787	027-1-047-000	Land and Building	R1	206	206	Curtis	AVE	John P Gipson Carolyn R Gipson
147	299532734008	027-1-051-000	Land and Building	R2	232-234	232	Curtis	AVE	Francois Nsibienakou Nyame Nti A. Nsibienakou-Fawoho
12335	299647739370	021-2-046-000	Land and Building	R1	4	4	Derway	DR	Elizabeth V. O'Kane Kelly J Boudreau
1095	299541739169	021-2-080-000	Land and Building	R2	21-23	21	Derway	DR	Casey J. D. Lyon Maho Takahashi
34	299096739540	021-2-061-000	Condo Land	RA	95	95	Derway	DR	Larkin Realty
35	304264735867	024-4-034-000	Land and Building	R1	14	14	Dorset	LN	Mary E. Barr
13	298394739590	020-4-002-000	Land and Building	R1	93	93	Elbow	ST	2751 North Miami Avenue LLC
372	298411739635	020-4-003-000	Land and Building	R1	95	95	Elbow	ST	2751 North Miami Avenue LLC
376	298305739917	020-3-004-000	Land	RL	107	107	Elbow	ST	Anthony Pellegrino Eva M. Pellegrino
4975	300926737766	023-3-068-000	Land and Building	R1	32	32	Forest	ST	Elizabeth S. Wood
1968	301176737941	023-3-072-000	Land and Building	R1	66	66	Forest	ST	Raul Perez Kathleen Perez
1999	313148722869	044-2-117-000	Land and Building	R1	23	23	George	ST	Rachel Green
1989	302740734591	028-1-041-000	Land and Building	R1	45	45	Green Acres	DR	Rebecca Marie Roy Mark Edward Montalban
1980	302613734726	028-1-073-000	Land and Building	R1	46	46	Green Acres	DR	Lauren Weiner
1982	302067734294	028-1-063-000	Land and Building	R1	116	116	Green Acres	DR	Francis Bourgeois
1659	302075734077	028-1-053-000	Land and Building	R1	129	129	Green Acres	DR	Allison Curran
1707	301791734404	027-3-042-000	Land and Building	R1	176	176	Green Acres	DR	Antonia W Simpson Robert V Simpson
1711	301467735094	027-3-104-005	Land and Building	R1	5	5	Grey Meadow	DR	Jeffrey P Gendron Kathleen B Gendron
1706	301314735234	027-3-104-002	Land and Building	R1	6	6	Grey Meadow	DR	Tyce C. Foltz Kara S. Foltz
1713	301405735041	027-3-104-006	Land and Building	R1	7	7	Grey Meadow	DR	Nelson R Vargas Susan E Beil
1714	301252735176	027-3-104-001	Land and Building	R1	12	12	Grey Meadow	DR	Lynne S. Silva Roger W. Silva
1739	301294734953	027-3-104-008	Land and Building	R1	15	15	Grey Meadow	DR	Scott T Fusare Dagmar Zentrichova
1737	301235734904	027-3-104-009	Land and Building	R1	21	21	Grey Meadow	DR	James J. Chagnon Lita M Chagnon
1735	301064735046	027-3-104-034	Land and Building	R1	24	24	Grey Meadow	DR	Arthur J. Dusablon Barbara Dusablon
1720	300940734955	027-3-104-032	Land and Building	R1	32	32	Grey Meadow	DR	Nathan S. Strules
1731	300815734862	027-3-104-030	Land and Building	R1	38	38	Grey Meadow	DR	Bernard V. Bora Denise C Bora
1728	300878734637	027-3-104-015	Land and Building	R1	41	41	Grey Meadow	DR	Jessica Hook Scott Hook
1724	300572734602	027-3-104-026	Land and Building	R1	56	56	Grey Meadow	DR	Sanford W. Phillips Stephanie L. Phillips
1722	300742734398	027-3-104-023	Land and Building	R1	62	62	Grey Meadow	DR	Victor Menard Tami Menard
302	300958734144	027-3-104-019	Land and Building	R1	70	70	Grey Meadow	DR	Matthew J. Robbie Jennifer L. Heiny
67	301064734018	027-3-104-017	Land and Building	R1	74	74	Grey Meadow	DR	Catherine C. Wheeler Trust
73	299876738164	023-1-014-000	Land and Building	R1	21	21	Hardy	AVE	Lawrence A. Tulkop Lisa M. Tulkop
74	299829738223	021-2-001-000	Land and Building	R1	29	29	Hardy	AVE	Patra S Vail
75	299647738606	021-2-007-000	Land and Building	R1	71	71	Hardy	AVE	Richard E. Dion Faith B. Dion
77	299622738667	021-2-008-000	Land and Building	R1	77	77	Hardy	AVE	Philip Hincley Rosalie A. Covey
79	299594738740	021-2-009-000	Land and Building	R1	85	85	Hardy	AVE	Katherine Schumpf Douglas J Schumpf
8426	299530738887	021-2-011-000	Land and Building	R1	101	101	Hardy	AVE	Robert K Young Janice Young
8425	299630739037	021-2-013-000	Land and Building	R1	112	112	Hardy	AVE	Lawrence L. Blanchard Judie A. Kreamer
8383	314404717736	053-3-067-000	Land and Building	R3	117-119	117	Howard	ST	117-119 Howard Street LLC
3617	314463717730	053-3-066-000	Land and Building	R1	121	121	Howard	ST	Jeffrey G. Schneider Michelle C. Keegan
3549	314877717755	053-3-025-000	Land and Building	R1	153	153	Howard	ST	Andrea Gray
9016	307471727364	037-3-005-000	Land and Building	E	60	60	Institute	RD	City of Burlington - Parks Dept.
4948	308628728125	034-2-001-000	Land and Building	EL	75	75	Institute	RD	City of Burlington School Dept.
12168	315714716402	054-2-087-000	Land and Building	R1	9	9	Iranistan	RD	Karl W. Doerner Judith M. Doerner
4859	312926723089	044-2-090-000	Land and Building	RA	7-Jan	1	Johnson	ST	Beverly O'Free Rooney Richard A. Rooney
7196	312027721599	049-1-086-000	Land and Building	C	60	60	Lake	ST	Lake And College LLC
9011	311913721837	044-2-003-000	Land and Building	C	86	86	Lake	ST	Lake Street Associates Inc
9013	312327719230	049-2-039-000	Land and Building	E	101	101	Lavalley	LN	State of Vermont Building & General Services Dept. Vermont State Agency of Transportation Rail Unit
9014	315258716371	054-2-082-000	Land and Building	R1	16	16	Ledge	RD	L. Josette Noll
8580	315555716481	054-2-084-000	Land and Building	R1	50	50	Ledge	RD	Brett E. Mancini Seana Coughlin Mancini
8579	315639716371	054-2-085-000	Land and Building	R1	56-58	56	Ledge	RD	Catherine A. C. MacLachlan Trust
8575	314728717088	053-3-221-000	Land and Building	R1	38	38	Ledgemere	ST	Ila A. Abramson Joseph A. Bluestein
8576	314724717147	053-3-220-000	Land and Building	R1	44	44	Ledgemere	ST	Margaret E Joyal
8577	314578717211	053-3-216-000	Land and Building	R1	49	49	Ledgemere	ST	Austin D. Sumner Jennifer C. Sumner
832	314576717268	053-3-217-000	Land and Building	R1	55	55	Ledgemere	ST	Kevin S Cundiff Charles D. Kopplin
842	314723717268	053-3-218-000	Land and Building	R1	56	56	Ledgemere	ST	Gretchen E. Hogan Brendan P. Hogan
833	302688735119	024-2-078-000	Land and Building	R1	17	17	Loaldo	DR	Eric Guilfield
841	302581735213	024-2-096-000	Land and Building	R1	18	18	Loaldo	DR	Richard H. Yee, Jr. Mary B. Harkin
840	302647735072	024-2-079-000	Land and Building	R1	23	23	Loaldo	DR	Thomas R Carr
1963	302484735139	024-2-094-000	Land and Building	R1	32	32	Loaldo	DR	Gabriel Courage Holly Courage
1962	302377735178	024-2-092-000	Land and Building	R1	36	36	Loaldo	DR	Kenneth A Hebert Christine A. Hebert
1960	302527734886	028-1-036-000	Land and Building	R1	51	51	Loaldo	DR	Leo P. Campbell M. Eileen Campbell
1959	302521734809	028-1-035-000	Land and Building	R1	57	57	Loaldo	DR	Martha J Ledoux Robert E. Ledoux

1958	302425734726	028-1-033-000	Land and Building	R2	69	69	Loaldo	DR	Patricia Anne Hollinger
1943	302376734687	028-1-032-000	Land and Building	R1	75	75	Loaldo	DR	Harvey Family Revocable Trust
1954	302333734649	028-1-031-000	Land and Building	R1	81	81	Loaldo	DR	William A. Carlson
1953	302203734748	028-1-014-000	Land and Building	R1	84	84	Loaldo	DR	Alan LeBlanc
1950	302142734498	028-1-027-000	Land and Building	R1	105	105	Loaldo	DR	Sherri L McCoy
7198	302097734461	028-1-026-000	Land and Building	R1	111	111	Loaldo	DR	Kathryn A. Newton
8583	312070720020	049-2-041-000	Land and Building	E	1	1	Maple	ST	City of Burlington - Parks Dept.
693	313297720085	049-2-001-000	Land and Building	RA	113	113	Maple	ST	Maple Street Properties, LLC
967	314811716959	053-3-224-000	Land and Building	R1	16	16	Marian	ST	Jane Merola McKenzie
964	303439736520	024-1-116-000	Land and Building	R1	4	4	Meridian	ST	Darby Shaw Joseph Shaw
4920	303607736669	024-3-026-000	Land and Building	R1	28	28	Meridian	ST	Mustafa Jusupovic Amira Jusupovic
4928	303790736812	024-3-023-000	Land and Building	R1	50	50	Meridian	ST	O'Dell Walker
3619	312865723126	044-2-062-000	Land and Building	RA	58-64	58	Monroe	ST	Marijos Properties
2004	312876722913	044-2-070-000	Land and Building	R4	61-63	61	Monroe	ST	Carl F. Albarelli
827	308917726980	038-1-002-000	Cemetery	E	455	455	North	AVE	Burlington City Cemetery Dept. Lake View Cemetery
814	303250734902	028-1-078-000	Land and Building	R1	1464	1464	North	AVE	Migmar Dolma
830	303068734920	024-2-072-000	Land and Building	R2	1477	1477	North	AVE	John Whitehouse Revocable Trust
899	303097735140	024-2-058-000	Land and Building	R1	1490	1490	North	AVE	Sharon L. Fosbrook
831	302757734982	024-2-075-000	Land and Building	RA	1501	1501	North	AVE	Salamon Handy Mountaha Handy
848	302760735193	024-2-077-000	Land and Building	R1	1519	1519	North	AVE	Elizabeth Jane Fitzpatrick
792	302609735366	024-2-100-000	Land and Building	C	1541	1541	North	AVE	Thunderbolt Garage LLC
791	302538735400	024-2-102-000	Land	RL	1547	1547	North	AVE	Jolley Associates
849	302768735578	024-2-034-000	Land and Building	C	1548	1548	North	AVE	Litwhiler Enterprises Inc.
789	303094735926	024-2-033-000	Rental Land	E	1554	1554	North	AVE	BHA Franklin Square
869	302504735476	024-2-103-000	Land and Building	C	1555	1555	North	AVE	Jolley Associates
870	302612735734	024-2-030-000	Rental Land	E	1562	1562	North	AVE	Burlington Housing Authority
786	302372735591	024-2-127-000	Land and Building	C	1563	1563	North	AVE	Sisters & Brothers Investment Group, LLP
885	302280735657	024-2-128-000	Land and Building	R2	1571	1571	North	AVE	Lisa McLamb
783	302362735872	024-2-027-000	Land and Building	R1	1586	1586	North	AVE	Pauline R. Grogan Wanda L. Grogan Kevin L. Grogan
12273	302163735806	024-2-143-000	Land and Building	R1	1595	1595	North	AVE	John R Fisher Kathleen C. Fisher
779	302235735997	024-2-024-000	Land and Building	R1	1604	1604	North	AVE	Ginger J. Santor
778	302193736040	024-2-023-000	Land	RL	1610	1610	North	AVE	Champlain Housing Trust Inc.
511	302070736171	024-2-020-000	Land and Building	R1	1628	1628	North	AVE	Mary Lariviere
775	302029736215	024-2-019-000	Land and Building	R1	1634	1634	North	AVE	Simone M. Felty
529	301474736078	023-4-038-000	Land and Building	E	1645	1645	North	AVE	City of Burlington School Dept.
528	301904736343	024-2-016-000	Land and Building	R1	1652	1652	North	AVE	Hien Nguyen Phuong Chung
369	301761736459	023-4-056-000	Land and Building	R1	1670	1670	North	AVE	Francis J Fagga Jr Anne G Fagga
354	301722736500	023-4-055-000	Land and Building	R1	1676	1676	North	AVE	Terrence G. Moore Carol J. Moore
368	300740737598	023-3-065-000	Land and Building	RA	1922	1922	North	AVE	Elizabeth S. Lewis
353	300361737619	023-3-049-000	Land and Building	R1	1925	1925	North	AVE	New Northgate Housing, LLC
366	300696737649	023-3-064-000	Land and Building	R1	1928	1928	North	AVE	Kenneth Gokey
362	300549737529	023-3-048-000	Land and Building	R1	1929	1929	North	AVE	Leah A. Oklan Ezra Oklan
360	300604737753	023-3-062-000	Land and Building	R1	1942	1942	North	AVE	Denny Lee Johnson Christine H. Johnson
359	300537737842	023-3-057-000	Land and Building	R1	1954	1954	North	AVE	Brent Huff Nicole Huff
93	300462737951	023-3-055-000	Land and Building	R1	1968	1968	North	AVE	Edmund Parent Judy Parent
123	300432738027	023-3-054-000	Land and Building	R1	1976	1976	North	AVE	Jeannine Kneeland
122	300154738202	021-2-027-000	Land and Building	R1	2007	2007	North	AVE	Michael L. Besette Arline S Besette
99	300168738517	021-2-058-000	Land and Building	R1	2040	2040	North	AVE	Amylynn Streeter David H. Streeter
121	300154738592	021-2-057-000	Land and Building	R1	2044	2044	North	AVE	Rama Lakshmi Courcy Charles P. Courcy
101	299972738571	021-2-033-000	Land and Building	R1	2047	2047	North	AVE	Thomas M Leclair Jody A Leclair
118	300132738657	021-2-056-000	Land and Building	R1	2048	2048	North	AVE	Robert Lapointe
103	299905738701	021-2-035-000	Land and Building	R1	2061	2061	North	AVE	Gary D. Dion Linda D. Dion
114	300064738860	021-2-053-000	Land and Building	R1	2070	2070	North	AVE	Alfred Cyr III Cherie K Cyr
64	299852738831	021-2-037-000	Land and Building	R1	2075	2075	North	AVE	Tory-Ann Torres Luis Torres
62	299530739590	021-2-049-000	Land and Building	R1	3057	3057	North	AVE	Ramona M. Parker
143	298505739683	021-2-067-000	Land	RL	3127	3127	North	AVE	Thomas Furland Karen Furland
11	298595739779	021-2-065-000	Land and Building	R1	3130	3130	North	AVE	P Maria Spadanuda
41	298501739747	021-2-066-000	Land	RL	3135	3135	North	AVE	2751 North Miami Avenue LLC
25	298438739892	020-3-001-000	Land and Building	R1	3139	3139	North	AVE	Sandra A Labombard Todd M Labombard
22	298528739922	021-1-002-000	Land and Building	ML	3140	3140	North	AVE	Todd M Labombard Tina M. Tofani Irena H Labombard
4702	298469740063	020-3-019-000	Land and Building	R1	3152	3152	North	AVE	Tor D. Bortz Lorena K. Bortz
4701	298378740302	020-3-015-000	Land and Building	R1	3174	3174	North	AVE	Treehouse Garage LLC
4700	312299724080	044-1-255-000	Land and Building	R2	87	87	North	ST	PHE, INC
4699	312335724076	044-1-254-000	Land and Building	E	89	89	North	ST	Burlington Emergency Shelter Inc
32	312380724053	044-1-253-000	Land and Building	CR	93-97	93	North	ST	Melissa B. Lafayette

4877	312464724115	044-1-252-000	Land and Building	R4	101-103	101	North	ST	J. Stuart McGowan Joan H. Watson
4776	298293740997	020-3-029-000	Land	EL	0	0	North Avenue	EXT	City of Burlington - Parks Dept.
4782	312713722677	044-2-019-000	Rental Land and Building	E	20-Oct	10	North Champlain	ST	Burlington Housing Authority
59	312439723683	044-1-310-000	Land and Building	CR	99	99	North Champlain	ST	Erkson Real Estate LLC
60	312478723958	044-1-316-000	Land and Building	R1	125	125	North Champlain	ST	Martha J. Caswell Seth Wolcott-MacCausland
61	298854740073	021-1-027-000	Land and Building	R1	40	40	North Cove	RD	Robert Bristow-Johnson Phyllis Bristow-Johnson
12123	298848740167	021-1-030-000	Land and Building	R2	50	50	North Cove	RD	Chad E Deweyea
53	298852740449	021-1-031-000	Land	RL	52	52	North Cove	RD	Timothy A. Muir Frances D. Muir
50	298633740466	021-1-019-000	Land and Building	ML	94	94	North Cove	RD	Edward R. Peters Jr. Theresa Leona Peters Kathy Peters
461	298509740501	000-0-000-000	Land	X	99	99	North Cove	RD	Guy L. Southwell
1618	298528740719	021-1-014-000	Land and Building	R1	110	110	North Cove	RD	Karen Warren Susan R. Tippet
2085	300949737976	023-3-160-001	Land and Building	R1	67	67	North View	DR	David C Francis Donna Powell
1656	301769733600	027-3-001-000	Land and Building	R1	49	49	Oakland	TER	Dagnija Neimane
4900	301950733803	028-1-165-000	Land and Building	R1	50	50	Oakland	TER	George H Cootey Gail M Cootey
4753	301788733928	027-3-039-000	Land and Building	R1	74	74	Oakland	TER	Joanne Kalisz
4747	312264723375	044-2-043-000	Land and Building	R1	66	66	Park	ST	Malcolm M. Sanders
4745	312288723481	044-1-307-000	Land and Building	R2	76	76	Park	ST	James Design Build (John J. Burns)
4744	312278723743	044-1-301-000	Land and Building	RA	102	102	Park	ST	102 Park Street LLC
12282	312268723841	044-1-299-000	Land and Building	R1	112	112	Park	ST	Stephen Smith Carmen Smith
12283	312265723882	044-1-298-000	Land and Building	R2	116	116	Park	ST	Adam H. Holmes
4878	312267723949	044-1-296-000	Land	RL	124	124	Park	ST	Champlain Housing Trust Inc.
4879	312262723992	044-1-295-000	Land	RL	128	128	Park	ST	Champlain Housing Trust Inc.
4881	312963722733	044-2-021-000	Land and Building	CR	68	68	Pearl	ST	68 Pearl Street LLC
4942	313046722741	044-2-022-000	Land	EL	70	70	Pearl	ST	City Of Burlington - Department of Public Works
12732	313106722710	044-2-023-000	Rental Land and Building	CR	80-90	80	Pearl	ST	Josephine Bernardini Bove Richard J. Bove Jr.
7166	312857723305	044-2-084-000	Land and Building	R2	21	21	Peru	ST	BPS Management LLC
7168	313163721587	049-1-125-000	Condo Land and Building	CC	84	84	Pine	ST	84 Pine Street Association
7169	313229719975	049-2-007-000	Land and Building	R2	220	220	Pine	ST	Nicholas S. Papaseraaphim Deanna Papaseraaphim
7171	31322719880	049-2-009-000	Land and Building	R3	230	230	Pine	ST	Chris Khamnei
892	313233719823	049-2-010-000	Land and Building	R1	234	234	Pine	ST	Diana L. Doll
893	313253719593	049-2-013-000	Land and Building	C	266	266	Pine	ST	Pine Properties LLC
546	302324736305	024-2-150-000	Land and Building	R1	68	68	Plattsburg	AVE	Mariah Ogden
547	302314736369	024-2-151-000	Land and Building	R1	76	76	Plattsburg	AVE	Abi N. Chamlagi Mon M. Chamlagai
548	302301736570	024-1-012-000	Land and Building	R1	94	94	Plattsburg	AVE	Katherine B. Janson
1788	302293736626	024-1-013-000	Land and Building	R1	100	100	Plattsburg	AVE	Michael E. Cornell Mary E. Cornell
1744	302288736683	024-1-014-000	Land and Building	R1	104	104	Plattsburg	AVE	Kristina Wood Tyler Rouille
1787	300280734501	027-3-159-000	Land and Building	R1	21	21	Pleasant	AVE	Merima Elkaz
1784	300386734578	027-3-109-000	Land and Building	R1	22	22	Pleasant	AVE	Maureen K. Linsenmeir
1781	300336734438	027-3-158-000	Land and Building	R1	29	29	Pleasant	AVE	Margaret B. Bombard Stephen Hadeka
1751	300502734240	027-3-154-000	Land and Building	R1	55	55	Pleasant	AVE	Boris Katsnelson Marina Katsnelson
1778	300762734134	027-3-117-000	Land and Building	R1	80	80	Pleasant	AVE	David P. Devoid Jacqueline C. Devoid
1761	300699733692	027-3-124-000	Land and Building	R1	134	134	Pleasant	AVE	Cynthia A. Warwick Jason F. Seiler
1766	300523733869	027-3-127-000	Land and Building	R1	156	156	Pleasant	AVE	Thomas O. Ross Mary M. Ross
1771	300389734256	027-3-140-000	Land and Building	R1	195	195	Pleasant	AVE	Meghan Fay-McCaffrey Liam P. McCaffrey
288	300267734171	027-3-133-000	Land and Building	R1	198	198	Pleasant	AVE	Deborah L. Clemons
7227	300334734323	027-3-139-000	Land and Building	R1	203	203	Pleasant	AVE	Richard W. Hanzel Trust (Richard W. Hanzel)
7563	300444738520	021-4-001-000	Land and Building	R1	40	40	River View	DR	Karen J. Anderson
7562	313396721479	049-3-017-000	Land and Building	C	95	95	Saint Paul	ST	Investors Corporation of Vermont
8403	313439719772	049-4-045-000	Land	RL	237-241	237	Saint Paul	ST	Stephen W. Conant Margaret C. Conant
8401	313497719645	049-4-044-000	Land and Building	C	249	249	Saint Paul	ST	Carrie Ann Rockwood Todd M. Rockwood
8400	314532717779	053-3-044-000	Land and Building	CR	463-465	463	Saint Paul	ST	Alan R. Longe Pamela B. Longe
8386	314572717680	053-3-042-000	Land and Building	RA	469	469	Saint Paul	ST	Gisele J. Fontaine Family Trust (Gisele J. Fontaine)
8397	314606717643	053-3-041-000	Land and Building	R3	475-477	475	Saint Paul	ST	Yee Properties LLC
8391	314805717706	053-3-027-000	Land and Building	R4	484-486	484	Saint Paul	ST	Four Eighty Four St Paul St, LLC
8395	314700717391	053-3-038-000	Land and Building	R3	507	507	Saint Paul	ST	Amanda H. Goossen Daniel Goossen
8755	314973717440	053-3-032-000	Land and Building	R1	516	516	Saint Paul	ST	Mathew Viens Johnnie McLaughlin
8392	314811717342	053-3-036-000	Land and Building	R1	517	517	Saint Paul	ST	Bryan A. Mihok
8754	314880717150	053-3-033-000	Land and Building	R1	539	539	Saint Paul	ST	David M. Buffington Meredith A. Coeyman
8841	315081717216	054-1-004-000	Land and Building	R3	540	540	Saint Paul	ST	LBC 515 & 540, LLC
8843	314915717029	054-1-001-000	Land and Building	RA	567	567	Saint Paul	ST	Sisters & Brothers Investment Group, LLP
8844	315211717046	054-1-077-000	Land and Building	R1	4	4	Shelburne	ST	Terrance A. McGrath Timothy L. McGrath
4892	315224716923	054-1-080-000	Land and Building	R1	14	14	Shelburne	ST	Kevin F. Quirino James J. Elias
675	315177716626	054-2-014-000	Land and Building	C	44	44	Shelburne	ST	Mary S. Burns Trust
10100	303097737144	024-1-098-000	Land and Building	R1	12	12	Sky	DR	Earl J. Babcock, Jr.
8768	303251737123	024-1-100-000	Land and Building	R1	24	24	Sky	DR	Sylvia J. Bernardina

8763	318700717168	058-3-001-000	Land and Building	C	568	568	South Prospect	ST	Burlington Country Club Corp.
8762	314984717720	054-1-015-000	Land and Building	R1	467	467	South Union	ST	Rachel L. Morton Trust
8835	315058717420	054-1-010-000	Land and Building	R1	493	493	South Union	ST	Peter Keating Kathleen Keating
8760	315072717368	054-1-009-000	Land and Building	R1	499	499	South Union	ST	George L. Shelley IV Rachel W. Shelley
8836	315281717323	054-1-071-000	Land and Building	R3	508-510	508	South Union	ST	Marc L. Jacobs
8837	315226717276	054-1-072-000	Land and Building	R2	512	512	South Union	ST	Mary B. Hennessy
8758	315094717225	054-1-006-000	Land and Building	R1	515	515	South Union	ST	515 South Union Street-540 Saint Paul Street, LLC
7935	315220717219	054-1-073-000	Land and Building	R2	516-518	516	South Union	ST	William T. McGrath Jr. McGrath Income Only Trust
8865	315108717174	054-1-005-000	Land and Building	RA	525-527	525	South Union	ST	Alain W. Brunet
8862	315665718448	054-1-102-000	Land and Building	R1	405	405	South Willard	ST	Northeastern Family Institute Of Vermont Inc.
8869	315581718256	054-1-100-000	Land and Building	R1	425	425	South Willard	ST	Mark A. Stoler Diane A. Gabriel
8871	315540718188	054-1-099-000	Land and Building	R1	429	429	South Willard	ST	William Mares Christine Hadsel
8850	315795718100	054-1-106-000	Land and Building	R1	436	436	South Willard	ST	Jane A. Smith 2011 Revocable Trust
8848	315726717952	054-1-108-000	Land and Building	R1	452	452	South Willard	ST	Guido Mase Anne Kathleen Dougherty
8945	315317717210	054-1-086-000	Land and Building	R2	531-533	531	South Willard	ST	Tom Davies LLC
8946	315291717084	054-1-084-000	Land and Building	R2	543	543	South Willard	ST	Michael L. Richards
1507	315300716530	054-2-015-000	Land and Building	E	600	600	South Willard	ST	Greek Orthodox Church
1535	297948733336	027-1-061-035	Land and Building	S1	2	2	Starr Farm	BC	Daniel M. Boardman Trust
1534	298064733663	027-1-061-050	Land and Building	S1	5	5	Starr Farm	BC	Edward H. Starr Robin Robertson Starr
1503	298679733994	027-1-061-175	Land and Building	S1	9	9	Starr Farm	BC	Thomas W. Dowe Jr. Leslie E. Twitchell Elizabeth A. Dowe Kelly Dowe Engelman
1513	298716734186	027-1-061-170	Land and Building	S1	10	10	Starr Farm	BC	Pasquale George Martone Patricia M Martone
1518	298928734405	027-1-056-000	Land and Building	S1	13	13	Starr Farm	BC	W. Philip Wagner Revocable Trust Barbara E. Wagner Revocable Trust
1520	298245734244	027-1-061-065	Land and Building	S1	15	15	Starr Farm	BC	Katherine P. Pond Patrick S. Robins
1523	298537734316	027-1-061-090	Land and Building	S1	19	19	Starr Farm	BC	Gerald L. Curley Laura C. Curley
1522	298786734414	027-1-061-100	Land and Building	S1	21	21	Starr Farm	BC	Paul R. Sisson
1526	298981734539	027-1-061-115	Land and Building	S1	23	23	Starr Farm	BC	Richard H. Wiemann
1536	298899734639	027-1-061-110	Land and Building	S1	24	24	Starr Farm	BC	Kenneth R. Lee Kathleen P. Lee
498	299041734748	027-1-061-130	Land and Building	S1	27	27	Starr Farm	BC	Carmela Monaco
501	299373735397	027-1-061-180	Land and Building	S1	34	34	Starr Farm	BC	Denis O'Brien Isela M O'Brien
502	301479735575	023-4-026-000	Land	CL	43	43	Starr Farm	RD	John J. Flynn Estate
505	300969735121	023-4-028-000	Land and Building	R1	145	145	Starr Farm	RD	Denise Sauve
506	300858735154	023-4-029-000	Land and Building	R1	151	151	Starr Farm	RD	Marina C. Collins
507	300777735004	023-4-032-000	Land and Building	R1	167	167	Starr Farm	RD	Allen L. Barr Jr. Mary E. Barr
508	300679735022	023-4-033-000	Land and Building	R1	173	173	Starr Farm	RD	Daniel Elliott Joanna Elliott
1705	300625734986	023-4-034-000	Land and Building	R1	179	179	Starr Farm	RD	Neal Bernard Hayes Jr Nikki Lee Hayes
1741	300562734939	023-4-035-000	Land and Building	R1	187	187	Starr Farm	RD	Caroline M. Rudd
595	300477734780	027-3-103-000	Land and Building	R1	201	201	Starr Farm	RD	Ted Jacobites
592	300430734716	027-3-105-000	Land and Building	R1	207	207	Starr Farm	RD	Maurice A. Paquette Karen M Paquette
590	302811737138	024-1-066-000	Land and Building	R1	65	65	Sunset	DR	Richard Than
589	302949736960	024-1-063-000	Land and Building	R1	87	87	Sunset	DR	Norma C. Brunelle
689	303070736795	024-1-061-000	Land and Building	R1	109	109	Sunset	DR	Thaddeus Zabiegalski Frances Zabiegalski
898	303109736727	024-1-060-000	Land and Building	R1	117	117	Sunset	DR	Andrew E. Potter Meagan G. Potter
850	303315736735	024-1-112-000	Land and Building	R1	126	126	Sunset	DR	Mary A. Perry Joan G. Perry Judith B. Bailey
851	303299736401	024-2-157-000	Land and Building	R1	151	151	Sunset	DR	Yolanda Flores
853	302428735423	024-2-104-000	Land and Building	R1	13	13	Tracy	DR	Neil Guilmette Michelle Guilmette
1681	302371735380	024-2-105-000	Land and Building	R1	19	19	Tracy	DR	Michelle Valiquette John J. Valiquette Jr.
1683	301514734657	027-3-069-000	Land and Building	R1	131	131	Tracy	DR	Hue Thi Nguyen Tuan Nguyen
1684	301438734640	027-3-071-000	Land and Building	R1	139	139	Tracy	DR	Liam N. Page
1688	301386734597	027-3-073-000	Land and Building	R1	145	145	Tracy	DR	Debra A. LeBlanc
554	301328734553	027-3-075-000	Land and Building	R1	153	153	Tracy	DR	Lynn Crocker Wood
553	301107734379	027-3-083-000	Land and Building	R1	181	181	Tracy	DR	Margaret Poulin Kirk Poulin Robin A. Smith Laura J. Blaise Rebecca L. Richardson
12655	302040736842	024-1-020-000	Land and Building	R1	37	37	Turf	RD	Jay P. Bessette Diem T. Ha
661	302210736963	024-1-019-000	Land and Building	R2	57	57	Turf	RD	BPAWG, LLC
662	303063737772	024-1-078-000	Condo Land	RC	1	1	Valade	ST	Valade Park Condo Association
663	303195737405	024-1-084-000	Land and Building	R1	42	42	Venus	AVE	Harvey C. Allard Jr. Margaret M Allard
665	303276737383	024-1-085-000	Land and Building	R1	46	46	Venus	AVE	Ziyu Fang
953	303360737360	024-1-086-000	Land and Building	R1	54	54	Venus	AVE	Anthony M Mazza Elizabeth A Mazza
950	303507737147	024-3-012-000	Land and Building	R1	77	77	Venus	AVE	Angelina Fitzpatrick James J. Fitzpatrick
873	303733737206	024-3-016-000	Land and Building	R1	94	94	Venus	AVE	John F K Rouille Mary R Rouille
881	303700737029	024-3-009-000	Land and Building	R1	101	101	Venus	AVE	Muaz Omanovic Kija Omanovic
492	302132735650	024-2-131-000	Land and Building	R1	19	19	West	RD	Richard Sener Karen J. Sener
491	301910735636	024-2-139-000	Land and Building	R1	38	38	West	RD	Gina A. Scafa
1631	301501735308	023-4-018-000	Land and Building	R1	90	90	West	RD	Joshua Farley Andrea Farley
12221	301575735164	023-4-015-000	Land and Building	R1	95	95	West	RD	Heinrich Savelberg Christina T. Savelberg Casandra C. Savelberg
12222	301521733604	027-3-014-000	Land and Building	R1	66	66	Western	AVE	Kimberly Ann Hunt Alexander T. Messinger

463	300746737816	023-3-061-000	Land	RL	19	19	Woods	ST	Champlain Housing Trust Inc.
1626	300686738042	023-3-164-000	Land and Building	R1	40	40	Woods	ST	First United Methodist Church of Burlington VT
1625	301216733969	027-3-031-000	Land and Building	R1	10	10	York	DR	Roland A Dion Gail A Dion
1650	301364733886	027-3-009-000	Land and Building	R1	15	15	York	DR	Kim M. Palasits
	301438733948	027-3-008-000	Land and Building	R1	29	29	York	DR	Steven R. Benoit Jean M. Benoit
*Properties on	301447734149	027-3-033-000	Land and Building	R1	38	38	York	DR	Robert Hart Dorcas Hart

LEGEND:

	Department of Permitting & Inspections--Trades Division
	Department of Permitting & Inspections--Housing Division
	Department of Permitting & Inspections--Zoning Division
	Burlington Public Works--Water Resources
	Burlington Electric Department
	Department of Public Works

Resolution Relating to

RELEASE OF CERTAIN GLEBE AND PERPETUAL
LEASE-LAND INTERESTS AND REVISION OF THE CITY
OF BURLINGTON PERPETUAL LEASE LAND
INTERESTS LIST

RESOLUTION 6.50

Sponsor(s): Councilor Traverse
Introduced: 07/24/23
Referred to: _____
Action: adopted
Date: 07/24/23
Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on December 7, 2020, the City Council adopted a City of Burlington Retained Perpetual
Lease Interests List (hereafter Retained Interests List) pursuant to Act 152 (codified in 24 V.S.A. 2409); and
WHEREAS, the City Council requested that if City staff identified properties on the Retained Interests
List as appropriate for release in the future—for example, because outstanding issues are resolved,—those
properties should be brought forward to the Council and the Retained Interests List should be updated; and
WHEREAS, City staff have identified a number of properties that are appropriate for release since the
last release in March, 2023;
NOW, THEREFORE, BE IT RESOLVED that the City Council hereby releases the glebe/perpetual
leased land interests it may have in the following City of Burlington properties pursuant to 24 V.S.A. §2401
and requests that the City of Burlington Retained Perpetual Lease Interests List be revised accordingly:

- 37 Barley Road (Tax ID 024-1-001-000)
- 31 Birch Court (Tax ID 024-2-054-000)
- 47 Birch Court (Tax ID 024-2-051-000)
- 125 Cayuga Court (Tax ID 024-4-040-000)
- 385 South Willard Street (Tax ID 050-2-002-000)
- 616 South Willard Street (Tax ID 054-2-017-000)

* * * * *

DISTRIBUTION:

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

City Attorney's Office, Lisa Jones

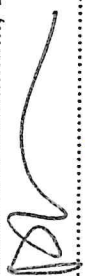
ORIGINAL

RESOLUTION RELATING TO

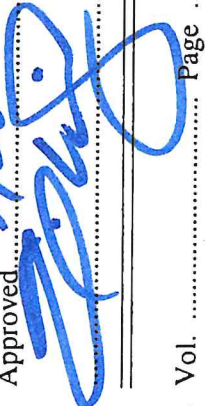
Release Of Certain Glebe And Perpetual Lease-Land Interests And
Revision Of The City Of Burlington Perpetual Lease Land Interests List

Adopted by the City Council

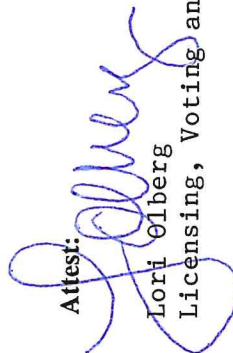
July 24....., 20 23.....

 Clerk

Approved....., 20 23.....

 Mayor

Attest:


Lori Olberg
Licensing, Voting and Records Coordinator

Vol. Page

* * * * *

BURLINGTON CITY COUNCIL PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

Pursuant to 24 V.S.A. §4442 and §4444, notice is hereby given of a public hearing by the Burlington City Council to hear comments on the following proposed amendment to the City of Burlington's *Comprehensive Development Ordinance* (CDO):

ZA-23-01: South End Innovation District

The public hearing will take place on **Monday, July 24, 2023 during the Regular City Council Meeting which begins at 6:15 pm in Contois Auditorium, Burlington City Hall, 149 Church Street, Burlington, VT or you may access the hearing/meeting as follows:**

On-line: <https://zoom.us/j/94984813154?pwd=UEEwYTk3N1psS2JTYUwwRGNIU2s5dz09>

By telephone: +1 929 205 6099

Webinar ID: 949 8481 3154

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: **ZA-23-01** creates an Overlay Zone that applies to a portion of the South End Enterprise-Light Manufacturing zone, to facilitate the development of a mixed-use district that fosters the continued growth and sustainability of the South End's arts and innovation economy and also provides access to housing.

Geographic areas affected: **ZA-23-01** applies to properties within the E-LM zoning district as shown on the proposed Map.

List of section headings affected: **ZA-23-01** modifies the following sections of the *Burlington Comprehensive Development Ordinance*: modifies Secs. 4.4.3, Enterprise Districts, 9.1.12, Additional Density and Other Development Allowances, 11.1.3, General Requirements and Applicability, 13.1.2, Definitions, and Appendix A – Use Table, and creates Sec. 4.5.8, South End Innovation District Overlay.

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. Upon request, a hard copy of the proposed amendments can be viewed at the Clerk's Office located on the second floor of City Hall, 149 Church Street, Burlington, Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Amendments>.

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Meagan Tuttle, AICP, Planning Director
Charles Dillard, AICP, Principal Planner
DATE: July 24, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District Overlay

Overview & Background

In January 2023, The Planning Commission voted to recommend the approval of this zoning amendment that creates a South End Innovation District overlay district. During its discussions of the amendment, the City Council Ordinance Committee revised the amendment in several ways. Those revisions are described below.

Key City Council Ordinance Committee Changes

The Ordinance Committee voted unanimously to recommend the amendment's approval (4-0 vote). Prior to its vote, the Committee and staff introduced several changes to the amendment:

- Narrative language introducing both the E-LM district and SEID overlay were amended to more accurately describe their intent.
- Staff proposed a revision to the block perimeter standards (Table 4.5.8-1) that allows railroad corridors and certain natural areas to be accepted as enclosing block boundaries. Previously, the amendment allowed only streets and Public Paths to be considered for block perimeter purposes.
- The maximum Floor Area Ratio (FAR) in Table 4.5.8-1 was increased from 2.25 to 2.5 in consideration of the expected dedication of rights-of-way (ROW) on development parcels that will result in reduced developable land on such parcels as currently established.
- The amendment as recommended by the Planning Commission proposed to allow 15,000 square foot floor plates on any floors seven and eight when the building is constructed of mass timber and/or to certain green building certification standards. The Committee removed the green building standards to prioritize mass timber construction and due to the likelihood that such measures would not be undertaken.
- Map 4.5.8-2 Specific Height Area Map was amended to reduce the maximum allowable height on a portion of the parcels north of Lakeside Avenue from eight stories/85 feet to six stories/65 feet.
- Table 4.5.8-2 was amended to allow courtyards placed in front of buildings to be counted in the calculation of frontage occupation by buildings.
- Sec. 4.5.8(c) 2.B.iv was amended to revise the alternative compliance methods to the standards governing ground floor non-residential uses. Previously, each of the four alternative methods were proposed to qualify for the full reduction (to 30% on Primary Frontages and 0% on Secondary Frontages). As revised, three of the methods qualify for a partial reduction, while the fourth (detached non-residential space) can qualify for the full allowable reduction.
- Sec. 4.5.8(c) C was amended to provide an alternative compliance method to achieving ground floor non-residential use requirements for building containing 16 or fewer units. This revision will allow for the development of rowhouses/townhouses and small apartment buildings where non-residential uses may not be feasible.
- The Use Table (Table 4.5.8-3) was amended to incorporate additional permitted non-residential uses.
- Sec. 13.1.2 Definitions was amended to define new terms and clarify some existing terms.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment creates an Overlay Zone that applies to a portion of the South End Enterprise-Light Manufacturing zone, to facilitate the development of a mixed-use urban district that fosters the continued growth and sustainability of the South End's arts and innovation economy and also provides access to housing.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. Amends Article 4 – Zoning Maps and Districts to create a new South End Innovation District overlay within a portion of the Enterprise-Light Manufacturing District

Creates a new Sec. 4.5.8 to establish an overlay district with a portion of the South End E-LM zone, including a map of parcels and specific zoning standards for development.

2. Creates specific regulations for land uses and urban form in the Overlay

Establishes standards for development within the proposed overlay, including:

- Land Use standards that allow for a range of residential and non-residential uses, including arts, innovation, office and other non-residential uses, as well as other district-supportive but non-essential commercial uses.
- Standards that govern lot coverage and ground floor uses in order to guide the development of a walkable, dense and human-scaled urban district.
- Standards that require buildings be close to streets and occupy the majority of a block's frontage, while providing a greater degree of flexibility than the downtown form code districts.
- Standards for building height which range from four up to eight stories, while limiting overall building size and requiring upper story variation to create a high quality and livable urban form that facilitates residential and economic growth.
- Parking standards that limit surface parking and guide the development of parking in a way that mitigates the negative impacts of car utilization.
- Requires that residential developments within the overlay comply with Inclusionary Housing standards in *Article 9*, including that a minimum of 15% of units meet affordability limits.

3. Amends Article 11 – Planned Development

Amends Sec. 11.1.3 to allow for Planned Unit Developments with the Enterprise-Light Manufacturing district.

4. Amends Article 13 - Definitions to define various terms

Amends and provides definitions for specific land uses, construction techniques, and stormwater management best practices to address questions and provide clarity for administration of the ordinance. New and amended definitions include:

- Amend definition of bowling alley
- Create definition for Block, Block Perimeter, Co-Housing, Constructed Wetland, Green Stormwater Management, Mass Timber Construction, Passive House, Perimeter Building, Pervious Pavement and Suspended Pavement

5. Amends Appendix A – Use Table to establish land use regulations within the E-ID

Amends the Use Table to make reference to district-specific land use standards contained within the proposed *Section 4.5.8.*, and adds Co-Housing.

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 overlay would implement a key land use policy adopted in 2019 with *planBTV: South End*, and amended through the 2021 *Housing Action Plan* which directed the city to explore the inclusion of housing.

The proposed amendment would, in the words of *planBTV South End*, “Reinforce and growth the South End as a center for innovative businesses and Institutions.” However, in order to “expand the visibility of the arts district to preserve and enhance its vibrancy,” the primary tools available within the proposed amendment to prioritize artist, maker and office spaces in this new district amount to exemptions from the proposed ground floor activation requirements, which may not be sufficient to facilitate this goal on their own.

Regarding density, the proposed amendment is consistent with and supports the 2021 Action Plan by proposing to allow dense, multifamily housing for the first time in the core of the South End. The proposed amendment guides development on largely undeveloped and underutilized land in a way that should create meaningful housing supply and contribute to the City’s commitment to build significant amounts of housing by 2026.

Impact on Safe & Affordable Housing

The proposed amendment creates significant positive impacts toward the creation of affordable housing. Through the proposed Inclusionary Zoning standard, the overlay would facilitate potentially hundreds of units of affordable housing. As a center of the City’s arts community, the Innovation District would also create affordable housing in an area where artists are increasingly unable to afford the rising costs of housing. Regarding safe housing, the proposed amendment seeks to create a vibrant urban mixed-use district that is accessible and supports the livelihoods of all residents.

Planned Community Facilities

The proposed amendment would cover a significant land area that includes important community facilities. In facilitating the redevelopment of large contaminated properties, the proposed amendment would support public and ecological health. Through its rigorous stormwater standards, the amendment would support the health of nearby waterbodies, including Englesby Brook, the Barge Canal and Lake Champlain. In terms of transportation, the overlay will guide development along the planned Champlain Parkway in a way that supports that facilities goal to create a more accessible transportation corridor in Burlington’s South End.

Furthermore, in promoting a dense, accessible urban form on currently inaccessible properties, the proposed amendment would improve the area's pedestrian and bicycle facilities in ways that are consistent with *planBTV* and *planBTV: South End*

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	Presentation to & discussion by Commission 8/23/22, 9/13/22, 9/27/22, 10/11/22, 1/10/23; 1/19/23, 1/24/23	Approve for Public Hearing	Public Hearing 11/15/2022, 12/13/2022	Approved & forwarded to Council 1/24/2023
City Council Process				
First Read & Referral to Ordinance Cmte 2/6/2023	Ordinance Cmte discussion 4/19/23, 5/8/23, 6/12/23, 6/28/23	Ordinance Cmte recommend 6/28/23	Second Read & Public Hearing 7/24/23	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of Planning,
Planning Commission, Ordinance
Committee
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-23-01 South End Innovation District Overlay

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

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 amending Section 4.4.3, Enterprise Districts; Table 4.4.3-1, Dimensional Standards and Density; creating Sec. 4.5.8, Enterprise-South End Innovation District Overlay; creating Map 4.5.8-1, South End Innovation District (E-SEID) Overlay Boundary; Table 4.5.8-1: SEID Dimensional Standards & Density; 4.5.8-2 SEID Specific Height Area Map; Table 4.5.8-2, Frontage and Activation Standards; Table 4.5.8-3, Uses Permitted & Limited within the SEID; amending Sec. 9.1.12, Additional Density and Other Development Allowances; amending Article 11, Planned Development, Section 11.1.3, General Requirements and Applicability; Article 13, Definitions; and Appendix A- Use Table, thereof to read as follows:

Sec. 4.4.3 *Enterprise Districts*

(a) *Purpose:*

The ~~two~~ Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing** (E-LM) district is the ~~traditional primary~~ commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, design, creating, repairing, ~~renovating, painting, cleaning~~, or assembling of physical and digital goods, merchandise, ~~or equipment, or art, without potential conflicts from interspersed residential uses.~~ ~~Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high density job creation and retention.~~ This district is primarily intended to provide for various industrial and commercial uses, with specific provisions and limits intended to preserve and enhance areas of varied character throughout district. In some locations, commercial and residential uses are allowed to support the wide range of services and employment opportunities desired in the district, and support adjacent suitable for location in areas of ~~proximity to~~ residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within,

behind, or to the side of structures. This district includes the SEID overlay which is intended to facilitate the redevelopment of a central portion of the E-LM into a walkable, mixed-use innovation district.

2. As written.

Map 4.4.3-1 Enterprise Districts As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ^{1,4})	Max. Lot Coverage ^{1,4}	Minimum Building Setbacks ^{1,4} (feet)			Max. Height ^{1,4} (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

4 – Maximum intensity, lot coverage, setbacks and building height in portions of the E-LM district are modified by provisions of the South End Innovation District overlay (SEID) in Sec. 4.5.8.

(c) Permitted and Conditional Uses:

1. The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.
2. Within the E-LM district, uses unrelated to Industrial or Art Production are permitted to be located on lots south of Home Avenue only when both of the following conditions are satisfied. For lots north of Home Avenue within the EL-M district, this standard does not apply.:
 - a. ~~When One~~ or more Industrial and/or Art Production use(s) exists on the lot; and
 - b. ~~When the combined Gross Floor Area (GFA) of all uses unrelated to Industrial or Art Production other use(s) does not exceed 49% of the Gross Floor Area on the lot. Uses limited by this provision are identified by Footnote 27 in Appendix A-Use Table; all uses marked as conditional use or with additional footnotes in Appendix A continue to apply.~~
3. Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on Table 4.5.8-3.

(d) District Specific Regulations:**1. Convenience Stores.**

The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.8: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. – E. As written.

2. Drive Thrus are not permitted.

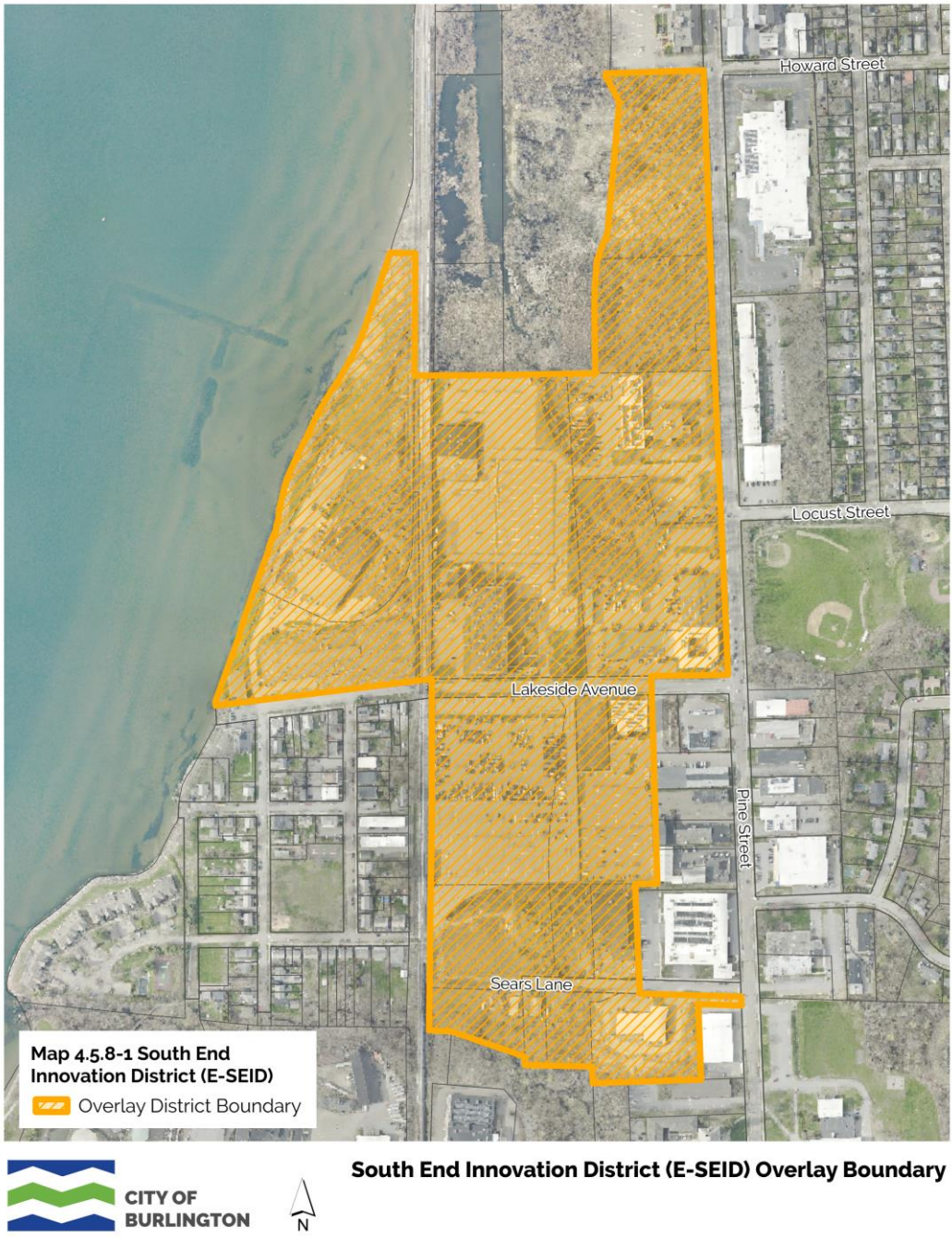
Sec. 4.5.8. South End Innovation District Overlay**(a) Purpose**

The South End Innovation District Overlay (SEID) is intended to provide for a dense, vibrant and dynamic mixed-use district. The overlay is unique in its allowance for residential uses in an in that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay permits arts, employment, and other non-residential uses intrinsic to an amenity-rich, convenient urban neighborhood.

Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure. Buildings should range in height from one to eight stories, and should be constructed of materials and in manners that limit embodied carbon and achieve the highest possible energy performance permitted by the Vermont Building Code. Sites should incorporate ample public and private open spaces and include extensive networks of accessible paths that are free of cars. Streets should be constructed in a manner that allocates the majority of their space to pedestrians and cyclists. Buildings should be oriented to the public realm – streets, paths and open spaces, in a manner that creates a safe and inviting district. Site and building design should support public and ecological health to the highest possible degree.

Parking should be hidden behind structures, including perimeter buildings or screening devices. Where possible, parking structures should be located along the most heavily trafficked roads to encourage residents, employees and visitors who arrive by car to park at the district's edge and travel on foot, by bike, or other mode of transportation that is compatible with Burlington's climate objectives. Special consideration should be given to the design and construction of parking structures to allow for their renovation to other uses in coming decades as Burlington evolves from car dependence.

(b) Areas Covered.
The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.
Map 4.5.8-1 SEID Overlay



(c) District Specific RegulationsTable 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter</u> ¹	<u>Max. Intensity (floor area ratio^{2,3})</u>	<u>Max Building Size per Floorplate</u> ^{4,5}	<u>Max. Lot Coverage & Pervious Surface Required</u> ⁶	<u>Minimum Building Setbacks</u> ⁷			<u>Max. Height</u> ⁸
				<u>Front</u>	<u>Side</u>	<u>Rear</u>	
<u>1,600'</u> <u>max</u>	<u>2.5</u> <u>FAR</u>	Floors 1-6: <u>15,000 sq.ft</u> Floors 7-8: <u>10,000 sq.ft.</u> <u>Except as</u> <u>permitted by</u> <u>Sec.4.5.8 (c) 1</u>	<u>80% max</u> <u>impervious</u> <u>25% min of</u> <u>pervious area</u> <u>must utilize GSI</u>	<u>0' min</u> <u>20' max</u> ⁵	<u>0' min</u> <u>20' max</u> ⁵	<u>0' min</u> <u>20' max</u> ⁶	<u>85'</u>

1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on Map 4.5.4-1 Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
2. Floor area ratio is described in Sec 5.2.7.
3. Bonuses for additional FAR for inclusionary housing projects are described in Sec. 9.1.12.
4. Maximum square footage applies to each floorplate.
5. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
6. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.
7. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of a public Right of Way if no curb exists.
8. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map.

1. Dimensional Standards & Density

Within the SEID the standards set forth in Table 4.5.8-1 shall apply to new development and redevelopment, except:

- a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances.
- b. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Map 4.5.8-2 SEID Specific Height Area Map

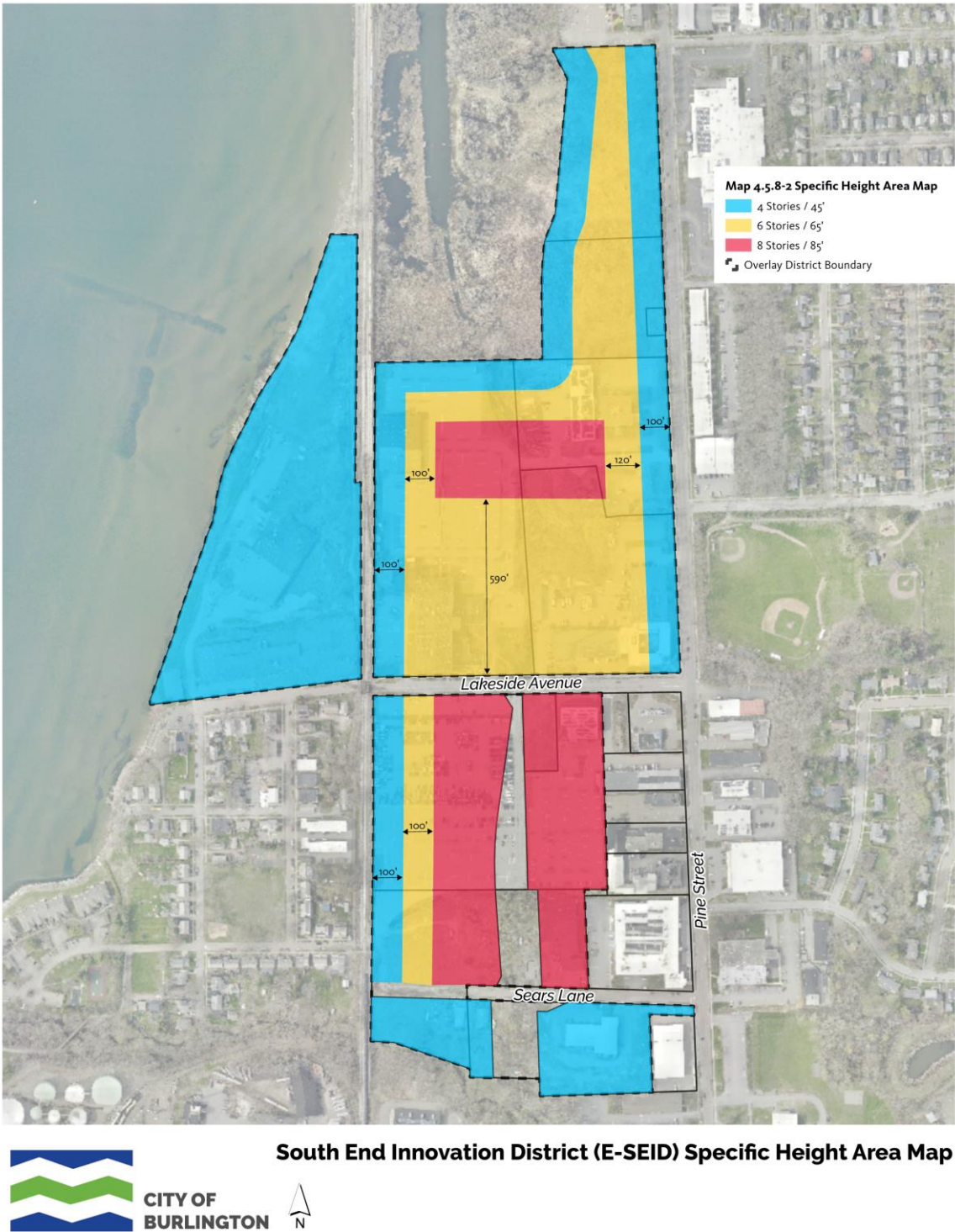


Table 4.5.8-2: Frontage and Activation Standards

<u>Frontage Type</u>	<u>Min lot frontage occupied by buildings^{1,2}</u>	<u>Percent of ground floor building frontage containing non-residential uses¹</u>	<u>Ground floor entries required</u>
<u>Primary</u>	<u>80% min</u>	<u>80% min</u>	<u>Every 60' min</u>
<u>Secondary</u>	<u>70% min</u>	<u>20% min or 500 sq. ft. whichever is greater</u>	

1) Measured linearly.

2) A courtyard on a building façade adjacent to a street or Public Path, with minimum dimensions 12 feet minimum and 35 feet maximum, shall be counted in the calculation of frontage to satisfy this requirement.

2. Frontage and Ground Floor Activation Standards

A. Lot Frontage Occupied by Buildings: Buildings shall be placed on a lot such that they frame Streets and Public Paths. The percentage of a lot's frontage that must be occupied by a building(s) located between the minimum and maximum setback is determined by Table 4.5.8-2.

(i) Primary and Secondary frontages must be identified by the property owner. Each Block must contain at least one Primary frontage.

(ii) A lot's frontage buildout may be reduced by up to 10 percent upon the determination of the Zoning Administrative Officers that the relief is necessary to access to the rear of the lot as a result of lot width or building placement constraints.

B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on Streets of Public Paths, must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.

i. Building corners, when located at the intersection of two Streets or Public Paths, must include non-residential uses.

ii. The depth of a building's ground floor non-residential uses shall be at least an average of 15 feet, measured orthogonally from the building facade.

iii. For all Streets and Public Paths, Primary and Secondary frontages must be identified by the property owner.

iv. The minimum non-residential frontage requirements may be reduced to 35% for Primary Frontages and 0% for Secondary Frontages using one of two, but not a combination thereof, of the alternative compliance methods described below:

Alternative 1: The required percentage of ground floor non-residential uses may be reduced in 15% increments for each Primary frontage and 7% increments for each secondary frontage for each of the following methods.

a. At least 30% of non-residential use ground floor area is maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).

b. A building is placed adjacent to one or more publicly accessible open spaces on the same lot. Such open spaces must be at least 4,000 sq.ft. in area and no portion of the open space may have a dimension less than 10 feet. Qualifying open spaces may be located in a courtyard on the building's frontage, to the side, or in front of the building for which a reduction in ground floor non-residential use is being sought.

c. A building containing residential uses includes an allocation of at least 10% three-bedroom units and 15% percent two-bedroom units.

Alternative 2:

A detached, one- or two-story permanent structure containing non-residential uses that is constructed within or adjacent to the public realm, including Rights-of-Way, or open space on

the same lot may be provided in lieu of required ground floor non-residential uses on a one-to-one basis as determined by the square footage of the detached structure.

- v. In buildings with 16 or fewer units, the non-residential ground floor use is not required to be in the building as long as an equal amount of non-residential square footage is provided in another building on the same lot.

- C. Ground Floor Entries: At least one ground floor public entry, not including service doors, is required each 60' linear feet of each building façade fronting on a Street, Public Path or open space on the same lot.

3. Parking

- A. No more than 20 total spaces may be permitted in Surface Parking Lots on any one lot. On Primary Frontages, Parking is not permitted between a building and the Street or Public Path. In such Parking Lots, priority parking spaces shall be made available, as described in Sec. 8.1.16 (c) c.4 – Parking Management.

B. Structured Parking

- i. All above ground Parking Structures shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
- ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
- iii. At least one pedestrian route shall lead directly to a Street or Public Path. When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

Within the E-SEID, only the following uses shall be permitted.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

<u>Permitted Uses:</u>	
<u>Residential¹</u>	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
<u>Non-Residential</u>	
<u>Adult Day Care</u>	<u>Office - General</u>
<u>Agricultural Use</u>	<u>Office – Medical/Dental</u>
<u>Amusement Arcade</u>	<u>Office - Technical</u>
<u>Animal Boarding/Kennel Shelter</u>	<u>Open Air Markets</u>
<u>Animal Grooming</u>	<u>Park</u>
<u>Animal Hospital/Veterinarian's Office</u>	<u>Parking Garage³</u>

<u>Permitted Uses:</u>	
<u>Appliance Sales/Service</u>	<u>Parking Lot³</u>
<u>Art Gallery/Studio</u>	<u>Performing Arts Center</u>
<u>Bakery</u>	<u>Performing Arts Studio</u>
<u>Bank/Credit Union</u>	<u>Pet Store</u>
<u>Bar/Tavern</u>	<u>Pharmacy</u>
<u>Beauty/Barber Shop</u>	<u>Photo Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Photography Lab</u>
<u>Billiard Parlor</u>	<u>Place of Worship</u>
<u>Bowling Alley</u>	<u>Police Station - Local</u>
<u>Cafe</u>	<u>Post Office - Local</u>
<u>Cinema</u>	<u>Printing Plant</u>
<u>Community Center</u>	<u>Printing Shop</u>
<u>Community Garden</u>	<u>Public Transit Terminal</u>
<u>Convenience Store</u>	<u>Public Works Yard/Garage</u>
<u>Crisis Counseling Center</u>	<u>Radio & TV Studio</u>
<u>Daycare</u>	<u>Recording Studio</u>
<u>Dry Cleaning Service</u>	<u>Recreational Facility - Indoor</u>
<u>Film Studio</u>	<u>Recreational Facility - Outdoor</u>
<u>Fire Station</u>	<u>Research & Development Facility</u>
<u>Food & Beverage Processing</u>	<u>Research Lab</u>
<u>Garden Supply Store</u>	<u>Restaurant</u>
<u>General Merchandise/Retail - Small < 4,000 sf</u>	<u>Restaurant – Take Out</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Salon/Spa</u>
<u>Health Club</u>	<u>School – Post-Secondary and CC</u>
<u>Health Studio</u>	<u>School - Preschool</u>
<u>Laundromat</u>	<u>School - Primary</u>
<u>Library</u>	<u>School - Secondary</u>
<u>Manufacturing - Light</u>	<u>School – Trade, or Professional</u>
<u>Mental Health Crisis Center</u>	<u>Tailor Shop</u>
<u>Museum – Small ≤ 10,000 sf</u>	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.

ARTICLE 9 INCLUSIONARY AND REPLACEMENT HOUSING

Sections 9.1.1 – 9.1.11 As written.

Sec. 9.1.12 Additional Density and Other Development Allowances

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

- (a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located. Calculations for these entitlements shall be based on the following tables:

Zoning District	Maximum Units/Acre	FAR/Height	Maximum Lot Coverage
RH	46	12' height set back 10' along street facade ¹	92%
RM	25	n/a	48%
RM-W	25	12' height set back 10' along street facade ¹	72%
RL, RL-W	8.75	n/a	44%
FD6, FD5	n/a	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	0.5 FAR+12' height set back 10' along street facade	92%
NAC-CR	n/a	0.5 FAR+12' height set back 10' along street facade	72%
<u>E-LM-SEID</u>	<u>n/a</u>	<u>0.25 FAR</u>	<u>n/a</u>

1. In the RH and RM-W residential zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.

- (b) The allowances provided for herein may be declined at the option of the applicant;
- (c) With the approval of the DRB, units added to a project as market rate units may substituted by nonresidential uses wherever such nonresidential uses are otherwise permitted in the district where the project is located. Approved substitution for nonresidential uses shall occur at the following rate: 1 market-rate dwelling unit = 1,500 square feet nonresidential space.
- (d) All provisions of Sec. 9.1.8 through 9.1.11 shall apply, without exception, to any inclusionary units that are constructed.

ARTICLE 11: PLANNED DEVELOPMENT

Secs. 11.1.1 – 11.1.2 As written.

Sec. 11.1.3 General Requirements and Applicability

With the exception of development subject to the requirements of Art. 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, RM-W, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, <u>E-LM</u>	No minimum project size.
RL, RL-W, RCO-R/G	2 acres or more

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Block: The aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by Streets and Public Paths.

Block Perimeter: The allowable maximum distance, measured linearly, of the Streets and Public Path circumscribing a block.

Bowling Alley: An indoor facility ~~that devotes more than 50 percent of its gross floor area to~~ comprised of bowling lanes and, equipment, and ~~customary playing areas with customary accessory uses such as arcades, play areas, restaurants, and~~ snack bars.

Co-Housing: Multi-unit residential buildings containing individual dwelling spaces which include bathroom facilities and may or may not contain individual kitchen facilities. Within such residential buildings, residents share amenities, such as full kitchens, and open space in a communal living arrangement. In zoning districts where dwelling unit per acre density limits are applicable, four (4) individual dwelling spaces shall be the equivalent of one Dwelling Unit.

Constructed Wetland: Stormwater treatment systems that use natural processes involving wetland vegetation, soils and their associated microbial assemblages to improve water quality.

Floor Plate: The above-ground gross floor area of each story of a building. Below-ground floor area is not included where maximum floor plate standards are established.

Green Stormwater Management: Low impact stormwater management infrastructure utilizing soil-water-plant systems to intercept stormwater and facilitate its infiltration, evaporation and release into waterbodies in a manner that promotes ecological health and environmental resilience.

Mass Timber: A method of construction defined as Type IV in the Building Code (International Building Code) and where the majority of structural load-bearing members are made of wood with a minimum dimension of 3.75 inches.

Passive House: A building construction standard that results in highly energy efficient buildings through use of airtight building envelopes, ventilation, waterproofing, heating and cooling, and electrical loads as certified and administered by Passive House Institute (PHI or PHIUS).

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens an above ground Parking Structure.

Public Path: A Right-of-Way that provides a main route of transportation for non-vehicular access. Public Paths must be designed to standards defined by DPW to provide emergency vehicle access.

Pervious Pavement: ~~Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. Pervious pavement includes porous asphalt, pervious concrete, grass pavers, and plastic grid systems, or their equivalents as deemed acceptable by the Stormwater Administrator. Alternatives to traditional pavement that allow rain and snowmelt to infiltrate underlying layers of soil and gravel in a manner that reduces runoff and promotes pollutant filtration.~~

Right-of-Way: The real property or other legal instrument, such as an access easement, associated with transportation infrastructure, including but not limited to Streets and Public Paths.

Suspended Pavement: A site construction technology that supports the weight of overlying pavement and creates a subsurface void that is filled with soil for root growth.

Appendix A- Use Table ***See attached

* Material stricken out deleted.

** Material underlined added.

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N	N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y	N	Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Bed and Breakfast ^{4, 6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	N	N	N
Co-Housing	N	N ¹	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N	Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N	N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N	CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N	CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N	N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N	N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N	N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N	CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N	Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y ²⁷

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N	CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N	Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	N	CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N	CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N	N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N	CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N	CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N	Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N	N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N	Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N	N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17, 27}

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N	Y	Y	Y	Y	N	Y
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N	N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N	CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N	CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N	CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N	Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N	CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N	N	N	N	N	N	N
Hostel	N	N	N	N	Y	N	N	CU	N	Y	Y	Y	Y	N	N
Hotel, Motel	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N	Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N	Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N	N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N	CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N	N	N	CU	N	CU	Y
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N	CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N	N	N	N	N	N	N

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y ²⁷
Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	Y ²⁷
Office-Technical	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N	N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)	Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N	CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N	N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)	CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N	Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N	CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N	Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N	Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N	Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N	N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N	CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N	N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)	N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N	CU	CU	Y	Y	N	Y

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM ³³
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 1)	N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 1)	N	Y	Y	CU	N	N
Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N	N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N	CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)	Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 1)	Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N	Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N	CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N	CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N	CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N	Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)	N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N	N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N	N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N	Y	CU	CU	CU	N	N

- 1. Residential uses are not permitted except only as an accessory use to an agricultural use.
- 2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
- 3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- 4. No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use. No more than 3 rooms permitted to be let in the RL district.
- 5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
- 6. Must be owner-occupied.
- 7. Must be located on a major street.
- 8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
- 9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
- 10. Exterior storage and display not permitted.
- 11. All repairs must be contained within an enclosed structure.
- 12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
- 13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
- 14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
- 15. Excludes storage of uncured hides, explosives, and oil and gas products.
- 16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
- 17. Allowed only as an accessory use.
- 18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
- 19. [Reserved].
- 20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
- 21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
- 22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
- 23. Allowed only on properties with frontage on Pine Street.
- 24. Such uses shall not exceed 4,000 square feet in size.
- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. ~~For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.~~
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. 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. See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay

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/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
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

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14-

As requested by Councilors Carpenter, Hightower, Shannon and Traverse, amend line 177 in the proposed amendment (ZA-23-01 SEID Amendment CC PH 7-24-23) regarding *Sec. 4.5.8(c) 3. Parking* to establish an alternative Surface Parking Lot standard in the E-SEID.

Sec. 4.5.8(c) 3 Parking

A. No more than 25 total spaces or 15% of the Lot's area, whichever is greater, may be permitted in Surface Parking Lots on any one lot. For the purposes of this standard, Surface Parking Lot area shall include area of all stalls and drive aisles. The total number of off-street parking spaces provided shall not be more than as allowed in *Table 8.1.9-1*. On Primary Frontages, Parking is not permitted between a building and the Street or Public Path. In such Parking Lots, priority parking spaces shall be made available, as described in *Sec. 8.1.16 (c) c.4 – Parking 179 Management*.

As requested by Councilor Hightower, amend line 218 in the proposed amendment (ZA-23-01 SEID Amendment CC PH 7-24-23) regarding *Sec. 9.1.13 Off-Site and Payment in Lieu Options* to prohibit the Inclusionary Zoning Off-Site and Payment-In-Lieu Options in the E-SEID.

Sec. 9.1.13 Off-Site and Payment in Lieu Options

(a) Off-Site Option

The developer of a covered project may construct inclusionary units on a lot (or lots) within the City of Burlington other than that on which the covered project is located as determined by HUD's Low- and Moderate-Income Summary Data as updated annually. The offsite option may be utilized by right per the following scenario:

(1) Covered projects located in a census block where more than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as Article 9: Inclusionary and Replacement Housing Article Last Updated: April 12, 2023 Comprehensive Development Ordinance p. 9-9 City of Burlington, VT determined by HUD's Low- and Moderate-Income Summary Data may utilize the off-site option by right.

(2) In areas where less than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate Income Summary Data, utilization of the off-site option shall not be allowed.

In all cases, utilization of the off-site option shall be subject to the following conditions:

- i. The number of inclusionary units to be provided by the developer or by the developer's designee through off-site development shall be equivalent to the number otherwise required by this Article;
- ii. No additional development provisions as outlined in Sec. 9.1.12 shall be granted to the development of units constructed off-site or to the project constructed on-site;
- iii. Off-site inclusionary units must be located within the City of Burlington;
- iv. All of the provisions of Sections 9.1.8 through 9.1.11 shall apply without exception to off-site inclusionary units under the provisions of this section; and, v. Waiver of provisions from the HTF with regard to minimum square footage and bedroom count relative to average size and bedroom count in a covered project is not permitted.

The off-site option shall not apply to a project located within a waterfront zoning district **or the South End Innovation District overlay (E-SEID)**, nor shall it apply to off-campus student housing projects as defined by this Article. For the purposes of this Sec. 9.1.13, "site" shall consist of all adjacent lots which are the subject of a PUD or other single development application.

(b) Payment In-Lieu Option

The developer of a covered project may provide a payment in lieu to the Housing Trust Fund rather than construct inclusionary units on or offsite contingent on AMI as determined by HUD's Low- and Moderate-Income Summary Data. The payment in lieu option may be utilized by right under the two following scenarios:

(1) Covered projects located in a census block where more than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate-Income Summary Data may utilize the payment in lieu option subject to the following standards:

- i. The payment in lieu fee shall be \$35,000 per dwelling unit for projects containing 5-16 dwelling units.
- ii. The payment in lieu fee shall be \$70,000 per dwelling unit for projects containing 17-49 dwelling units. Article 9: Inclusionary and Replacement Housing Article Last Updated: April 12, 2023 Comprehensive Development Ordinance p. 9-10 City of Burlington, VT
- iii. The payment in lieu fee shall be \$85,000 per dwelling unit for projects containing 50 or more dwelling units. A marginal fee approach shall be used in payment of the in lieu fees. (Example: A 17-unit project would pay a total of \$140,000 {\$35,000 for each of the first two inclusionary units and \$70,000 for the third inclusionary unit}.)

(2) Covered projects located in a census block where less than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate-Income Summary Data may utilize the payment in lieu option per the following standards:

- i. The payment in lieu fee shall be \$35,000 per dwelling unit for projects containing 5-16 dwelling units.
- ii. The payment in lieu fee shall not be allowed for projects containing 17 or more dwelling units.

The payment in lieu option shall not apply to a project located within a waterfront zoning district **or the South End Innovation District overlay (E-SEID)**. For the purposes of this Sec. 9.1.13, "site" shall consist of all adjacent lots which are the subject of a PUD or other single development application.

As requested by Councilor Shannon, amend line 194 in the proposed amendment (ZA-23-01 SEID Amendment CC PH 7-24-23) regarding Sec. 4.5.8(c) 4. Uses to remove dormitories as a permitted use in the SEID:

Permitted Uses:	
<u>Residential¹</u>	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
<u>Non-Residential</u>	
<u>Adult Day Care</u>	<u>Office - General</u>
<u>Agricultural Use</u>	<u>Office – Medical/Dental</u>
<u>Amusement Arcade</u>	<u>Office - Technical</u>
<u>Animal Boarding/Kennel Shelter</u>	<u>Open Air Markets</u>
<u>Animal Grooming</u>	<u>Park</u>
<u>Animal Hospital/Veterinarian's Office</u>	<u>Parking Garage³</u>
<u>Appliance Sales/Service</u>	<u>Parking Lot³</u>
<u>Art Gallery/Studio</u>	<u>Performing Arts Center</u>
<u>Bakery</u>	<u>Performing Arts Studio</u>
<u>Bank/Credit Union</u>	<u>Pet Store</u>
<u>Bar/Tavern</u>	<u>Pharmacy</u>
<u>Beauty/Barber Shop</u>	<u>Photo Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Photography Lab</u>
<u>Billiard Parlor</u>	<u>Place of Worship</u>
<u>Bowling Alley</u>	<u>Police Station - Local</u>
<u>Cafe</u>	<u>Post Office - Local</u>
<u>Cinema</u>	<u>Printing Plant</u>
<u>Community Center</u>	<u>Printing Shop</u>
<u>Community Garden</u>	<u>Public Transit Terminal</u>
<u>Convenience Store</u>	<u>Public Works Yard/Garage</u>
<u>Crisis Counseling Center</u>	<u>Radio & TV Studio</u>
<u>Daycare</u>	<u>Recording Studio</u>
<u>Dry Cleaning Service</u>	<u>Recreational Facility - Indoor</u>
<u>Film Studio</u>	<u>Recreational Facility - Outdoor</u>
<u>Fire Station</u>	<u>Research & Development Facility</u>
<u>Food & Beverage Processing</u>	<u>Research Lab</u>
<u>Garden Supply Store</u>	<u>Restaurant</u>
<u>General Merchandise/Retail - Small < 4,000 sqft</u>	<u>Restaurant – Take Out</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Salon/Spa</u>
<u>Health Club</u>	<u>School – Post-Secondary and CC</u>
<u>Health Studio</u>	<u>School - Preschool</u>
<u>Laundromat</u>	<u>School - Primary</u>

Permitted Uses:	
<u>Library</u>	<u>School - Secondary</u>
<u>Manufacturing - Light</u>	<u>School – Trade, or Professional</u>
<u>Mental Health Crisis Center</u>	<u>Tailor Shop</u>
<u>Museum – Small ≤ 10,000 sf</u>	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.

As requested by Councilor Traverse, amend line 194 in the proposed amendment (ZA-23-01 SEID Amendment CC PH 7-24-23) regarding Sec. 4.5.8(c) 4. Uses to permit Lodging uses, as regulated by proposed Footnote 3, in the E-SEID.

Sec. 4.5.8(c) 4. Uses

Permitted Uses:	
<u>Residential¹</u>	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
<u>Non-Residential</u>	
<u>Adult Day Care</u>	<u>Office - General</u>
<u>Agricultural Use</u>	<u>Office – Medical/Dental</u>
<u>Amusement Arcade</u>	<u>Office - Technical</u>
<u>Animal Boarding/Kennel Shelter</u>	<u>Open Air Markets</u>
<u>Animal Grooming</u>	<u>Park</u>
<u>Animal Hospital/Veterinarian's Office</u>	<u>Parking Garage³</u>
<u>Appliance Sales/Service</u>	<u>Parking Lot³</u>
<u>Art Gallery/Studio</u>	<u>Performing Arts Center</u>
<u>Bakery</u>	<u>Performing Arts Studio</u>
<u>Bank/Credit Union</u>	<u>Pet Store</u>
<u>Bar/Tavern</u>	<u>Pharmacy</u>
<u>Beauty/Barber Shop</u>	<u>Photo Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Photography Lab</u>
<u>Billiard Parlor</u>	<u>Place of Worship</u>
<u>Bowling Alley</u>	<u>Police Station - Local</u>
<u>Cafe</u>	<u>Post Office - Local</u>
<u>Cinema</u>	<u>Printing Plant</u>
<u>Community Center</u>	<u>Printing Shop</u>
<u>Community Garden</u>	<u>Public Transit Terminal</u>
<u>Convenience Store</u>	<u>Public Works Yard/Garage</u>
<u>Crisis Counseling Center</u>	<u>Radio & TV Studio</u>
<u>Daycare</u>	<u>Recording Studio</u>
<u>Dry Cleaning Service</u>	<u>Recreational Facility - Indoor</u>
<u>Film Studio</u>	<u>Recreational Facility - Outdoor</u>
<u>Fire Station</u>	<u>Research & Development Facility</u>
<u>Food & Beverage Processing</u>	<u>Research Lab</u>
<u>Garden Supply Store</u>	<u>Restaurant</u>
<u>General Merchandise/Retail - Small < 4,000 sqft</u>	<u>Restaurant – Take Out</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Salon/Spa</u>
<u>Health Club</u>	<u>School – Post-Secondary and CC</u>

Permitted Uses:	
<u>Health Studio</u>	<u>School - Preschool</u>
<u>Lodging³</u>	
<u>Laundromat</u>	<u>School - Primary</u>
<u>Library</u>	<u>School - Secondary</u>
<u>Manufacturing - Light</u>	<u>School – Trade, or Professional</u>
<u>Mental Health Crisis Center</u>	<u>Tailor Shop</u>
<u>Museum – Small ≤ 10,000 sf</u>	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.
3. South of Lakeside Avenue, one lodging use is permitted per lot established as of January 1, 2023. Lodging uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023. Lodging uses may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located. Lodging uses are not permitted north of Lakeside Avenue.

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Meagan Tuttle, AICP, Planning Director
Charles Dillard, AICP, Principal Planner
DATE: July 24, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District Overlay

Overview & Background

In January 2023, The Planning Commission voted to recommend the approval of this zoning amendment that creates a South End Innovation District overlay district. During its discussions of the amendment, the City Council Ordinance Committee revised the amendment in several ways. Those revisions are described below.

Key City Council Ordinance Committee Changes

The Ordinance Committee voted unanimously to recommend the amendment's approval (4-0 vote). Prior to its vote, the Committee and staff introduced several changes to the amendment:

- Narrative language introducing both the E-LM district and SEID overlay were amended to more accurately describe their intent.
- Staff proposed a revision to the block perimeter standards (Table 4.5.8-1) that allows railroad corridors and certain natural areas to be accepted as enclosing block boundaries. Previously, the amendment allowed only streets and Public Paths to be considered for block perimeter purposes.
- The maximum Floor Area Ratio (FAR) in Table 4.5.8-1 was increased from 2.25 to 2.5 in consideration of the expected dedication of rights-of-way (ROW) on development parcels that will result in reduced developable land on such parcels as currently established.
- The amendment as recommended by the Planning Commission proposed to allow 15,000 square foot floor plates on any floors seven and eight when the building is constructed of mass timber and/or to certain green building certification standards. The Committee removed the green building standards to prioritize mass timber construction and due to the likelihood that such measures would not be undertaken.
- Map 4.5.8-2 Specific Height Area Map was amended to reduce the maximum allowable height on a portion of the parcels north of Lakeside Avenue from eight stories/85 feet to six stories/65 feet.
- Table 4.5.8-2 was amended to allow courtyards placed in front of buildings to be counted in the calculation of frontage occupation by buildings.
- Sec. 4.5.8(c) 2.B.iv was amended to revise the alternative compliance methods to the standards governing ground floor non-residential uses. Previously, each of the four alternative methods were proposed to qualify for the full reduction (to 30% on Primary Frontages and 0% on Secondary Frontages). As revised, three of the methods qualify for a partial reduction, while the fourth (detached non-residential space) can qualify for the full allowable reduction.
- Sec. 4.5.8(c) C was amended to provide an alternative compliance method to achieving ground floor non-residential use requirements for building containing 16 or fewer units. This revision will allow for the development of rowhouses/townhouses and small apartment buildings where non-residential uses may not be feasible.
- The Use Table (Table 4.5.8-3) was amended to incorporate additional permitted non-residential uses.
- Sec. 13.1.2 Definitions was amended to define new terms and clarify some existing terms.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment creates an Overlay Zone that applies to a portion of the South End Enterprise-Light Manufacturing zone, to facilitate the development of a mixed-use urban district that fosters the continued growth and sustainability of the South End's arts and innovation economy and also provides access to housing.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. Amends Article 4 – Zoning Maps and Districts to create a new South End Innovation District overlay within a portion of the Enterprise-Light Manufacturing District

Creates a new Sec. 4.5.8 to establish an overlay district with a portion of the South End E-LM zone, including a map of parcels and specific zoning standards for development.

2. Creates specific regulations for land uses and urban form in the Overlay

Establishes standards for development within the proposed overlay, including:

- Land Use standards that allow for a range of residential and non-residential uses, including arts, innovation, office and other non-residential uses, as well as other district-supportive but non-essential commercial uses.
- Standards that govern lot coverage and ground floor uses in order to guide the development of a walkable, dense and human-scaled urban district.
- Standards that require buildings be close to streets and occupy the majority of a block's frontage, while providing a greater degree of flexibility than the downtown form code districts.
- Standards for building height which range from four up to eight stories, while limiting overall building size and requiring upper story variation to create a high quality and livable urban form that facilitates residential and economic growth.
- Parking standards that limit surface parking and guide the development of parking in a way that mitigates the negative impacts of car utilization.
- Requires that residential developments within the overlay comply with Inclusionary Housing standards in *Article 9*, including that a minimum of 15% of units meet affordability limits.

3. Amends Article 11 – Planned Development

Amends Sec. 11.1.3 to allow for Planned Unit Developments with the Enterprise-Light Manufacturing district.

4. Amends Article 13 - Definitions to define various terms

Amends and provides definitions for specific land uses, construction techniques, and stormwater management best practices to address questions and provide clarity for administration of the ordinance. New and amended definitions include:

- Amend definition of bowling alley
- Create definition for Block, Block Perimeter, Co-Housing, Constructed Wetland, Green Stormwater Management, Mass Timber Construction, Passive House, Perimeter Building, Pervious Pavement and Suspended Pavement

5. Amends Appendix A – Use Table to establish land use regulations within the E-ID

Amends the Use Table to make reference to district-specific land use standards contained within the proposed *Section 4.5.8.*, and adds Co-Housing.

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 overlay would implement a key land use policy adopted in 2019 with *planBTV: South End*, and amended through the 2021 *Housing Action Plan* which directed the city to explore the inclusion of housing.

The proposed amendment would, in the words of *planBTV South End*, “Reinforce and growth the South End as a center for innovative businesses and Institutions.” However, in order to “expand the visibility of the arts district to preserve and enhance its vibrancy,” the primary tools available within the proposed amendment to prioritize artist, maker and office spaces in this new district amount to exemptions from the proposed ground floor activation requirements, which may not be sufficient to facilitate this goal on their own.

Regarding density, the proposed amendment is consistent with and supports the 2021 Action Plan by proposing to allow dense, multifamily housing for the first time in the core of the South End. The proposed amendment guides development on largely undeveloped and underutilized land in a way that should create meaningful housing supply and contribute to the City’s commitment to build significant amounts of housing by 2026.

Impact on Safe & Affordable Housing

The proposed amendment creates significant positive impacts toward the creation of affordable housing. Through the proposed Inclusionary Zoning standard, the overlay would facilitate potentially hundreds of units of affordable housing. As a center of the City’s arts community, the Innovation District would also create affordable housing in an area where artists are increasingly unable to afford the rising costs of housing. Regarding safe housing, the proposed amendment seeks to create a vibrant urban mixed-use district that is accessible and supports the livelihoods of all residents.

Planned Community Facilities

The proposed amendment would cover a significant land area that includes important community facilities. In facilitating the redevelopment of large contaminated properties, the proposed amendment would support public and ecological health. Through its rigorous stormwater standards, the amendment would support the health of nearby waterbodies, including Englesby Brook, the Barge Canal and Lake Champlain. In terms of transportation, the overlay will guide development along the planned Champlain Parkway in a way that supports that facilities goal to create a more accessible transportation corridor in Burlington’s South End.

Furthermore, in promoting a dense, accessible urban form on currently inaccessible properties, the proposed amendment would improve the area's pedestrian and bicycle facilities in ways that are consistent with *planBTV* and *planBTV: South End*

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	Presentation to & discussion by Commission 8/23/22, 9/13/22, 9/27/22, 10/11/22, 1/10/23; 1/19/23, 1/24/23	Approve for Public Hearing	Public Hearing 11/15/2022, 12/13/2022	Approved & forwarded to Council 1/24/2023
City Council Process				
First Read & Referral to Ordinance Cmte 2/6/2023	Ordinance Cmte discussion 4/19/23, 5/8/23, 6/12/23, 6/28/23	Ordinance Cmte recommend 6/28/23	Second Read & Public Hearing 7/24/23	Council Approval & Adoption

CITY OF BURLINGTON

ORDINANCE 7.2

Sponsor: Office of Planning,
Planning Commission, Ordinance
Committee
Public Hearing Dates: 07/24/23

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-23-01 South End Innovation District Overlay

First reading: 02/06/23
Referred to: Ordinance Committee
Rules suspended and placed in all
stages of passage:
Second reading: 07/24/23
Action: adopted as amended
Date: 07/24/23
Signed by Mayor: 07/26/23
Published: 08/02/23
Effective: 08/23/23

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 amending Section 4.4.3, Enterprise Districts; Table 4.4.3-1, Dimensional Standards and Density; creating Sec. 4.5.8, Enterprise-South End Innovation District Overlay; creating Map 4.5.8-1, South End Innovation District (E-SEID) Overlay Boundary; Table 4.5.8-1: SEID Dimensional Standards & Density; 4.5.8-2 SEID Specific Height Area Map; Table 4.5.8-2, Frontage and Activation Standards; Table 4.5.8-3, Uses Permitted & Limited within the SEID; amending Sec. 9.1.12, Additional Density and Other Development Allowances; Sec. 9.1.13, Off-Site and Payment in Lieu Options; amending Article 11, Planned Development, Section 11.1.3, General Requirements and Applicability; Article 13, Definitions; and Appendix A- Use Table, thereof to read as follows:

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The two Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing** (E-LM) district is the traditional primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, design, creating, repairing, ~~renovating, painting, cleaning,~~ or assembling of physical and digital goods, merchandise, ~~or equipment, or art, without potential conflicts from interspersed residential uses.~~ Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high density job creation and retention. This district is primarily intended to provide for various industrial and commercial uses, with specific provisions and limits intended to preserve and enhance areas of varied character throughout district. In some locations, commercial and residential uses are allowed to support the wide range of services and employment opportunities desired in the district, and support adjacent suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district's past. Parking is intended to be hidden within, behind, or to the side of structures. This district includes the SEID overlay which is intended to facilitate the redevelopment of a central portion of the E-LM into a walkable, mixed-use innovation district.

2. As written.

Map 4.4.3-1 Enterprise Districts As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ^{1,4})	Max. Lot Coverage ^{1,4}	Minimum Building Setbacks ^{1,4} (feet)			Max. Height ^{1,4} (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45'
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45'

1 – Floor area ratio is further described in Art 5. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.

2 – Structures shall be setback a minimum of 25-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by enterprise and residential zones are exempt from this district boundary setback.

3 – Percentage of the lot depth.

4 – Maximum intensity, lot coverage, setbacks and building height in portions of the E-LM district are modified by provisions of the South End Innovation District overlay (SEID) in Sec. 4.5.8.

(c) Permitted and Conditional Uses:

1. The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.

2. Within the E-LM district, uses unrelated to Industrial or Art Production are permitted to be located on lots south of Home Avenue only when both of the following conditions are satisfied. For lots north of Home Avenue within the EL-M district, this standard does not apply.:

a. When One or more Industrial and/or Art Production use(s) exists on the lot; and

b. When the combined Gross Floor Area (GFA) of all uses unrelated to Industrial or Art Production other use(s) does not exceed 49% of the Gross Floor Area on the lot. Uses limited by this provision are identified by Footnote 27 in Appendix A-Use Table; all uses marked as conditional use or with additional footnotes in Appendix A continue to apply.

3. Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on Table 4.5.8-3.

(d) District Specific Regulations:

1. Convenience Stores.

The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.8: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. – E. As written.

2. Drive Thrus are not permitted.

Sec. 4.5.8. South End Innovation District Overlay

(a) Purpose

The South End Innovation District Overlay (SEID) is intended to provide for a dense, vibrant and dynamic mixed-use district. The overlay is unique in its allowance for residential uses in an in that it limits the most intensive manufacturing and industrial uses allowed elsewhere in the district. The overlay permits arts, employment, and other non-residential uses intrinsic to an amenity-rich, convenient urban neighborhood.

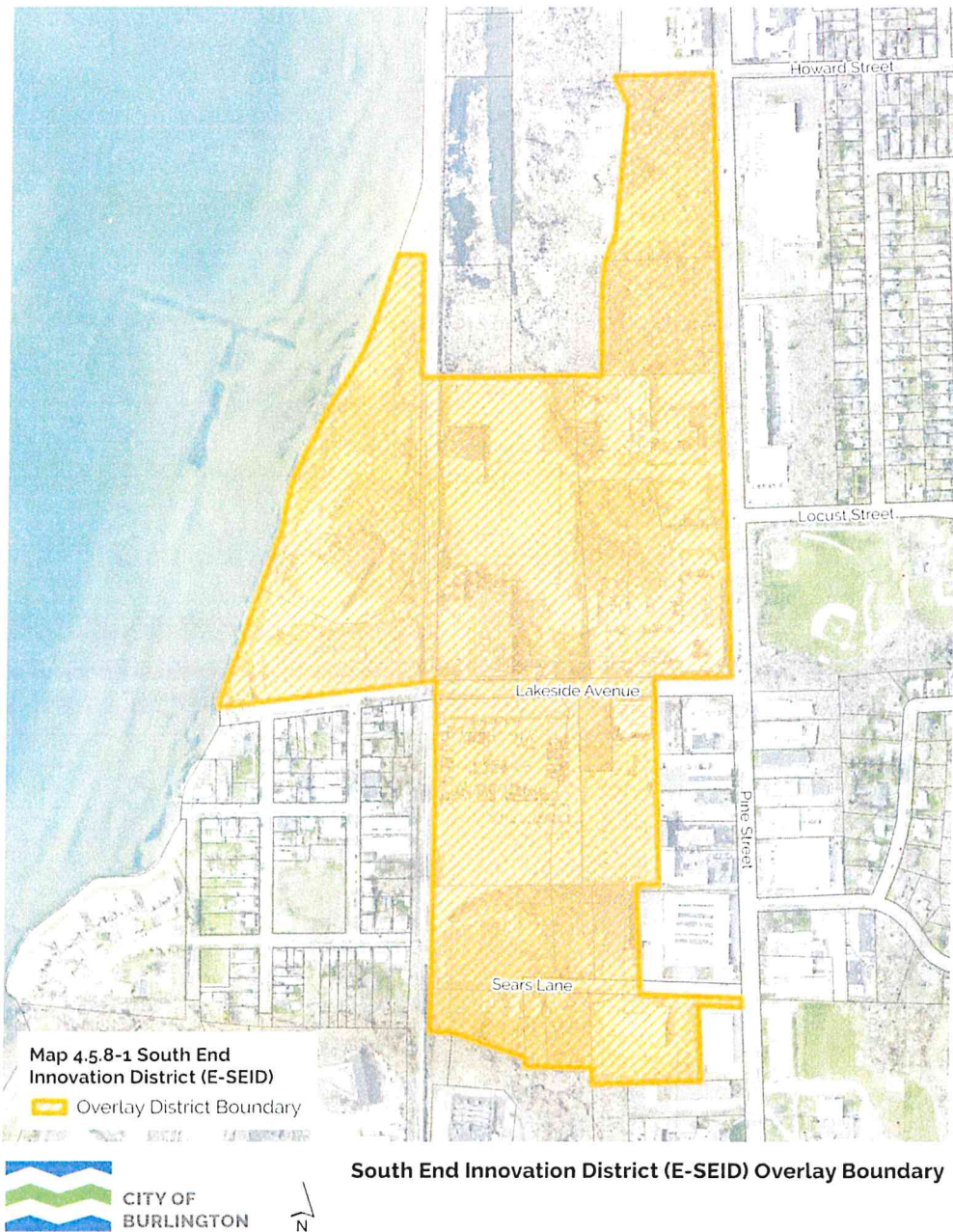
Development is intended to be dense and highly sustainable. Lot coverage standards permit significant development but require a high degree of permeable surfaces achieved through green stormwater infrastructure. Buildings should range in height from one to eight stories, and should be constructed of materials and in manners that limit embodied carbon and achieve the highest possible energy performance permitted by the Vermont Building Code. Sites should incorporate ample public and private open spaces and include extensive networks of accessible paths that are free of cars. Streets should be constructed in a manner that allocates the majority of their space to pedestrians and cyclists. Buildings should be oriented to the public realm – streets, paths and open spaces, in a manner that creates a safe and inviting district. Site and building design should support public and ecological health to the highest possible degree.

Parking should be hidden behind structures, including perimeter buildings or screening devices. Where possible, parking structures should be located along the most heavily trafficked roads to encourage residents, employees and visitors who arrive by car to park at the district's edge and travel on foot, by bike, or other mode of transportation that is compatible with Burlington's climate objectives. Special consideration should be given to the design and construction of parking structures to allow for their renovation to other uses in coming decades as Burlington evolves from car dependence.

(b) Areas Covered.

The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.

Map 4.5.8-1 SEID Overlay



(c) District Specific RegulationsTable 4.5.8-1: SEID Dimensional Standards & Density

<u>Block Perimeter</u> ¹	<u>Max. Intensity (floor area ratio^{2,3})</u>	<u>Max Building Size per Floorplate^{4,5}</u>	<u>Max. Lot Coverage & Pervious Surface Required⁶</u>	<u>Minimum Building Setbacks</u> ⁷			<u>Max. Height</u> ⁸
				Front	Side	Rear	
<u>1,600'</u> <u>max</u>	<u>2.5</u> <u>FAR</u>	<u>Floors 1-6:</u> <u>15,000 sq.ft</u> <u>Floors 7-8:</u> <u>10,000 sq.ft.</u> <u>Except as</u> <u>permitted by</u> <u>Sec.4.5.8 (c) 1</u>	<u>80% max</u> <u>impervious</u> <u>25% min of</u> <u>pervious area</u> <u>must utilize GSI</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁵</u>	<u>0' min</u> <u>20' max⁶</u>	<u>85'</u>

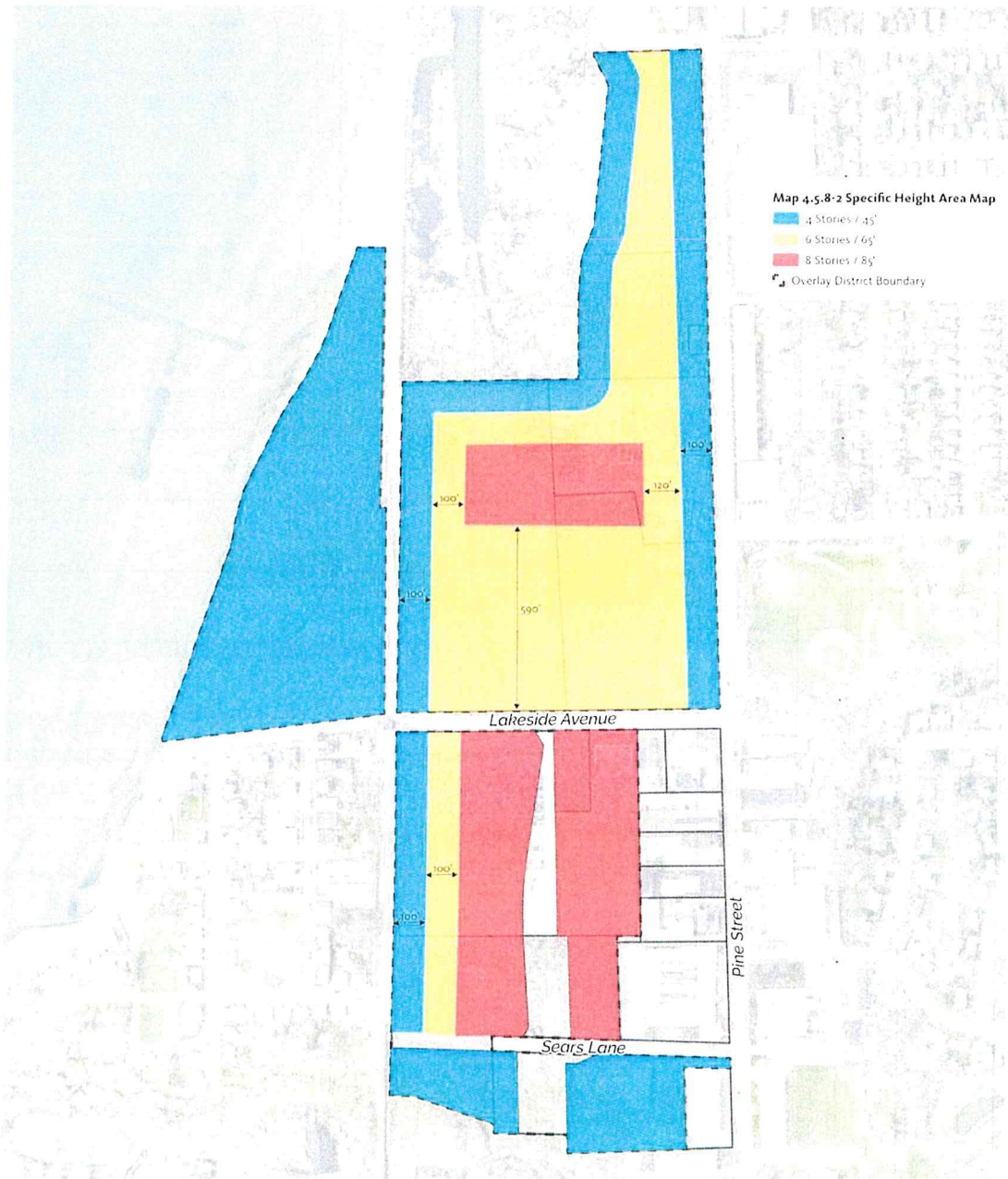
1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on Map 4.5.4-1 Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
2. Floor area ratio is described in Sec 5.2.7.
3. Bonuses for additional FAR for inclusionary housing projects are described in Sec. 9.1.12.
4. Maximum square footage applies to each floorplate.
5. One parking structure per lot established as of January 1, 2023 may exceed the 15,000 sq. ft. floorplate maximum standard according to the following:
 - a. When the structure contains a transit use, the maximum floorplate is 60,500 sq. ft., or
 - b. When the structure does not contain a transit use, the maximum floor plate is 30,000 sq. ft.
6. At least 25% of the pervious area on a lot must include one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with shade trees, or pervious pavement. No more than 50% of the required GSI area may utilize pervious pavement.
7. Setbacks are measured from the property line; however, buildings must be at least 15' from the curb or edge of a public Right of Way if no curb exists.
8. Maximum building height in the E-SEID shall be further limited by Map 4.5.8.3: SEID Specific Height Area Map.

1. Dimensional Standards & Density

Within the SEID the standards set forth in Table 4.5.8-1 shall apply to new development and redevelopment, except:

- a. Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances.
- b. The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Map 4.5.8-2 SEID Specific Height Area Map



CITY OF
BURLINGTON

South End Innovation District (E-SEID) Specific Height Area Map



Table 4.5.8-2: Frontage and Activation Standards

<u>Frontage Type</u>	<u>Min lot frontage occupied by buildings^{1,2}</u>	<u>Percent of ground floor building frontage containing non-residential uses¹</u>	<u>Ground floor entries required</u>
<u>Primary</u>	<u>80% min</u>	<u>80% min</u>	<u>Every 60' min</u>
<u>Secondary</u>	<u>70% min</u>	<u>20% min or 500 sq. ft. whichever is greater</u>	

1) Measured linearly.

2) A courtyard on a building façade adjacent to a street or Public Path, with minimum dimensions 12 feet minimum and 35 feet maximum, shall be counted in the calculation of frontage to satisfy this requirement.

2. Frontage and Ground Floor Activation Standards

A. Lot Frontage Occupied by Buildings: Buildings shall be placed on a lot such that they frame Streets and Public Paths. The percentage of a lot's frontage that must be occupied by a building(s) located between the minimum and maximum setback is determined by Table 4.5.8-2.

(i) Primary and Secondary frontages must be identified by the property owner. Each Block must contain at least one Primary frontage.

(ii) A lot's frontage buildout may be reduced by up to 10 percent upon the determination of the Zoning Administrative Officers that the relief is necessary to access to the rear of the lot as a result of lot width or building placement constraints.

B. Building Frontage Occupied by Non-Residential Uses: Buildings fronting on Streets of Public Paths, must contain a minimum amount of non-residential uses on the ground floor as determined by Table 4.5.8-2.

i. Building corners, when located at the intersection of two Streets or Public Paths, must include non-residential uses.

ii. The depth of a building's ground floor non-residential uses shall be at least an average of 15 feet, measured orthogonally from the building facade.

iii. For all Streets and Public Paths, Primary and Secondary frontages must be identified by the property owner.

iv. The minimum non-residential frontage requirements may be reduced to 35% for Primary Frontages and 0% for Secondary Frontages using one of two, but not a combination thereof, of the alternative compliance methods described below:

Alternative 1: The required percentage of ground floor non-residential uses may be reduced in 15% increments for each Primary frontage and 7% increments for each secondary frontage for each of the following methods.

a. At least 30% of non-residential use ground floor area is maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).

b. A building is placed adjacent to one or more publicly accessible open spaces on the same lot. Such open spaces must be at least 4,000 sq.ft. in area and no portion of the open space may have a dimension less than 10 feet. Qualifying open spaces may be located in a courtyard on the building's frontage, to the side, or in front of the building for which a reduction in ground floor non-residential use is being sought.

c. A building containing residential uses includes an allocation of at least 10% three-bedroom units and 15% percent two-bedroom units.

Alternative 2:

A detached, one- or two-story permanent structure containing non-residential uses that is constructed within or adjacent to the public realm, including Rights-of-Way, or open space on

the same lot may be provided in lieu of required ground floor non-residential uses on a one-to-one basis as determined by the square footage of the detached structure.

- v. In buildings with 16 or fewer units, the non-residential ground floor use is not required to be in the building as long as an equal amount of non-residential square footage is provided in another building on the same lot.

- C. Ground Floor Entries: At least one ground floor public entry, not including service doors, is required each 60' linear feet of each building façade fronting on a Street, Public Path or open space on the same lot.

3. Parking

- A. No more than 25 total spaces or 15% of the Lot's area, whichever is greater, may be permitted in Surface Parking Lots on any one lot. For the purposes of this standard, Surface Parking Lot area shall include area of all stalls and drive aisles. The total number of off-street parking spaces provided shall not be more than as allowed in Table 8.1.9-1. On Primary Frontages, Parking is not permitted between a building and the Street or Public Path. In such Parking Lots, priority parking spaces shall be made available, as described in *Sec. 8.1.16 (c) c.4 – Parking Management*.

B. Structured Parking

- i. All above ground Parking Structures shall be located behind a Perimeter Building, or screened so that cars and internal structure lighting are not visible from adjacent streets or properties. Screening can be provided by architectural structure or vegetative trellis.
- ii. Parking Structure ingress/egress shall be consolidated into one façade opening and shall not exceed 24 feet in width or shall be separated into no more than two openings per façade, with a combined width of no more than 28 feet. Each façade opening shall not exceed 16 feet clear height.
- iii. At least one pedestrian route shall lead directly to a Street or Public Path. When portions of a Building containing parking front on more than one street, multiple pedestrian routes to the Frontage are strongly encouraged.

4. Uses

Within the E-SEID, only the following uses shall be permitted.

Table 4.5.8-3 Uses Permitted & Limited within the SEID

<u>Permitted Uses:</u>	
<u>Residential¹</u>	
<u>Assisted Living</u>	
<u>Attached Dwellings - Multi-Family</u>	
<u>Co-Housing</u>	
<u>Convalescent/Nursing Home</u>	
<u>Emergency Shelter</u>	
<u>Group Home</u>	
<u>Dormitory</u>	
<u>Non-Residential</u>	
<u>Adult Day Care</u>	<u>Office - General</u>
<u>Agricultural Use</u>	<u>Office – Medical/Dental</u>
<u>Amusement Arcade</u>	<u>Office - Technical</u>
<u>Animal Boarding/Kennel Shelter</u>	<u>Open Air Markets</u>
<u>Animal Grooming</u>	<u>Park</u>

<u>Permitted Uses:</u>	
<u>Animal Hospital/Veterinarian's Office</u>	<u>Parking Garage³</u>
<u>Appliance Sales/Service</u>	<u>Parking Lot³</u>
<u>Art Gallery/Studio</u>	<u>Performing Arts Center</u>
<u>Bakery</u>	<u>Performing Arts Studio</u>
<u>Bank/Credit Union</u>	<u>Pet Store</u>
<u>Bar/Tavern</u>	<u>Pharmacy</u>
<u>Beauty/Barber Shop</u>	<u>Photo Studio</u>
<u>Bicycle Sales/Repair</u>	<u>Photography Lab</u>
<u>Billiard Parlor</u>	<u>Place of Worship</u>
<u>Bowling Alley</u>	<u>Police Station - Local</u>
<u>Cafe</u>	<u>Post Office - Local</u>
<u>Cinema</u>	<u>Printing Plant</u>
<u>Community Center</u>	<u>Printing Shop</u>
<u>Community Garden</u>	<u>Public Transit Terminal</u>
<u>Convenience Store</u>	<u>Public Works Yard/Garage</u>
<u>Crisis Counseling Center</u>	<u>Radio & TV Studio</u>
<u>Daycare</u>	<u>Recording Studio</u>
<u>Dry Cleaning Service</u>	<u>Recreational Facility - Indoor</u>
<u>Film Studio</u>	<u>Recreational Facility - Outdoor</u>
<u>Fire Station</u>	<u>Research & Development Facility</u>
<u>Food & Beverage Processing</u>	<u>Research Lab</u>
<u>Garden Supply Store</u>	<u>Restaurant</u>
<u>General Merchandise/Retail - Small < 4,000 sf</u>	<u>Restaurant – Take Out</u>
<u>Grocery Store ≤ 10,000 sf</u>	<u>Salon/Spa</u>
<u>Health Club</u>	<u>School – Post-Secondary and CC</u>
<u>Health Studio</u>	<u>School - Preschool</u>
<u>Laundromat</u>	<u>School - Primary</u>
<u>Library</u>	<u>School - Secondary</u>
<u>Manufacturing - Light</u>	<u>School – Trade, or Professional</u>
<u>Mental Health Crisis Center</u>	<u>Tailor Shop</u>
<u>Museum – Small ≤ 10,000 sf</u>	

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.

2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.8(c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density.

ARTICLE 9 INCLUSIONARY AND REPLACEMENT HOUSING**Sections 9.1.1 – 9.1.11** As written.**Sec. 9.1.12 Additional Density and Other Development Allowances**

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

- (a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located. Calculations for these entitlements shall be based on the following tables:

Zoning District	Maximum Units/Acre	FAR/Height	Maximum Lot Coverage
RH	46	12' height set back 10' along street facade ¹	92%
RM	25	n/a	48%
RM-W	25	12' height set back 10' along street facade ¹	72%
RL, RL-W	8.75	n/a	44%
FD6, FD5	n/a	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	0.5 FAR+12' height set back 10' along street facade	92%
NAC-CR	n/a	0.5 FAR+12' height set back 10' along street facade	72%
<u>E-LM-SEID</u>	<u>n/a</u>	<u>0.25 FAR</u>	<u>n/a</u>

1. In the RH and RM-W residential zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.

- (b) The allowances provided for herein may be declined at the option of the applicant;
- (c) With the approval of the DRB, units added to a project as market rate units may substituted by nonresidential uses wherever such nonresidential uses are otherwise permitted in the district where the project is located. Approved substitution for nonresidential uses shall occur at the following rate: 1 market-rate dwelling unit = 1,500 square feet nonresidential space.
- (d) All provisions of Sec. 9.1.8 through 9.1.11 shall apply, without exception, to any inclusionary units that are constructed.

Sec. 9.1.13 Off-Site and Payment in Lieu Options**(a) Off-Site Option**

The developer of a covered project may construct inclusionary units on a lot (or lots) within the City of Burlington other than that on which the covered project is located as determined by HUD's Low- and Moderate-Income Summary Data as updated annually. The offsite option may be utilized by right per the following scenario:

- (1) – (2) As written.

In all cases, utilization of the off-site option shall be subject to the following conditions:

i. – v. As written.

The off-site option shall not apply to a project located within a waterfront zoning district or the South End Innovation District overlay (E-SEID), nor shall it apply to off-campus student housing projects as defined by this Article. For the purposes of this Sec. 9.1.13, “site” shall consist of all adjacent lots which are the subject of a PUD or other single development application.

(b) Payment In-Lieu Option

The developer of a covered project may provide a payment in lieu to the Housing Trust Fund rather than construct inclusionary units on or offsite contingent on AMI as determined by HUD’s Low- and Moderate-Income Summary Data. The payment in lieu option may be utilized by right under the two following scenarios:

(1) – (2) As written.

The payment in lieu option shall not apply to a project located within a waterfront zoning district or the South End Innovation District overlay (E-SEID). For the purposes of this Sec. 9.1.13, “site” shall consist of all adjacent lots which are the subject of a PUD or other single development application.

ARTICLE 11: PLANNED DEVELOPMENT

Secs. 11.1.1 – 11.1.2 As written.

Sec. 11.1.3 General Requirements and Applicability

With the exception of development subject to the requirements of Art. 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, RM-W, Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, <u>E-LM</u>	No minimum project size.
RL, RL-W, RCO-R/G	2 acres or more

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently

adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Block: The aggregate of private Lots, Passages, Rear Alleys, and Rear Lanes, circumscribed by Streets and Public Paths.

Block Perimeter: The allowable maximum distance, measured linearly, of the Streets and Public Path circumscribing a block.

Bowling Alley: An indoor facility that devotes more than 50 percent of its gross floor area to comprised of bowling lanes and, equipment, and customary playing areas with customary accessory uses such as arcades, play areas, restaurants, and snack bars.

Co-Housing: Multi-unit residential buildings containing individual dwelling spaces which include bathroom facilities and may or may not contain individual kitchen facilities. Within such residential buildings, residents share amenities, such as full kitchens, and open space in a communal living arrangement. In zoning districts where dwelling unit per acre density limits are applicable, four (4) individual dwelling spaces shall be the equivalent of one Dwelling Unit.

Constructed Wetland: Stormwater treatment systems that use natural processes involving wetland vegetation, soils and their associated microbial assemblages to improve water quality.

Floor Plate: The above-ground gross floor area of each story of a building. Below-ground floor area is not included where maximum floor plate standards are established.

Green Stormwater Management: Low impact stormwater management infrastructure utilizing soil-water-plant systems to intercept stormwater and facilitate its infiltration, evaporation and release into waterbodies in a manner that promotes ecological health and environmental resilience.

Mass Timber: A method of construction defined as Type IV in the Building Code (International Building Code) and where the majority of structural load-bearing members are made of wood with a minimum dimension of 3.75 inches.

Passive House: A building construction standard that results in highly energy efficient buildings through use of airtight building envelopes, ventilation, waterproofing, heating and cooling, and electrical loads as certified and administered by Passive House Institute (PHI or PHIUS).

Perimeter Building: A shallow medium to large sized attached or detached Building that is always associated with and screens an above ground Parking Structure.

Public Path: A Right-of-Way that provides a main route of transportation for non-vehicular access. Public Paths must be designed to standards defined by DPW to provide emergency vehicle access.

Pervious Pavement: ~~Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil. Pervious pavement includes porous asphalt, pervious concrete, grass pavers, and plastic grid systems, or their equivalents as deemed acceptable by the Stormwater Administrator. Alternatives to traditional pavement that allow rain and snowmelt to infiltrate underlying layers of soil and gravel in a manner that reduces runoff and promotes pollutant filtration.~~

Right-of-Way: The real property or other legal instrument, such as an access easement, associated with transportation infrastructure, including but not limited to Streets and Public Paths.

Suspended Pavement: A site construction technology that supports the weight of overlying pavement and creates a subsurface void that is filled with soil for root growth.

Appendix A- Use Table ***See attached

* Material stricken out deleted.

** Material underlined added.

MT/KS/Ordinances 2023/ZA-23-01 South End Innovation District Overlay
07/24/23 Final

ORIGINAL

AN ORDINANCE IN RELATION TO

Comprehensive Development Ordinance - ZA-23-01

South End Innovation District Overlay

Introduced by Office of Planning, Planning Commission

~~County~~ Ordinance Committee

Read in City Council first time

February 6, 2023

Attest, Clerk



Rules suspended, and ordinance placed in all stages of passage.

_____, 2023

Attest, Clerk

_____, Clerk

Read in City Council second time

July 24, 2023

Attest, Clerk



Passed in City Council at meeting held

July 24, 2023

Attest, Clerk



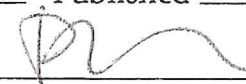
Approved, Mayor

 7/24/23

I, CAO Schad, ~~City Clerk~~ of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Wednesday day, namely the 2nd day of August, 2023.

Adopted 07/24/23 Published 08/02/23 Effective 08/23/23

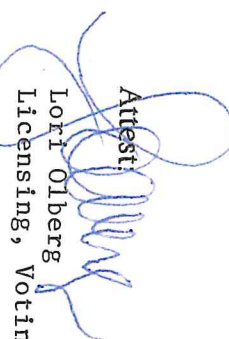
 CAO Schad, ~~City Clerk~~

* * * * *

Distribution

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

Office Of Planning

Attest:

Lori Olberg
Licensing, Voting & Records Coordinator

* * * * *

Resolution Relating to

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS
FOR SCHOOL DISTRICT CAPITAL IMPROVEMENTS –
MARCH 7, 2017 VOTER AUTHORIZATION

RESOLUTION_____

Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on March 7, 2017, voters of the City of Burlington approved a ballot question and authorized the City Council to issue general obligation bonds or notes in an aggregate principal amount not to exceed Nineteen Million Dollars and 00/100 (\$19,000,000.00) for the purpose of accomplishing capital improvements at each of the school district's buildings in order to eliminate or substantially reduce the deferred maintenance of such buildings in order to preserve their value for future educational use; and

WHEREAS, pursuant to such voter authorization, the City previously issued its \$300,000 General Obligation Public Improvement Bonds Series 2017C and its \$6,000,000 General Obligation Public Improvement Bonds Series 2018B for the Burlington School District; and

WHEREAS, the Board of School Commissioners (the “Board”) of the Burlington School District, at its board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds or notes in a principal amount not to exceed Two Million Dollars (\$2,000,000) pursuant to the March 7, 2017 voter authorization to finance capital improvements, additions and replacements to the Integrated Arts Academy, including the HVAC system and site improvements for such school building (the “Project”); and

WHEREAS, the City Council, upon the request of the Board, wishes to approve the issuance of such general obligation public improvement bonds in a principal amount not to exceed Two Million Dollars (\$2,000,000) pursuant to the voter approved authorization; and

NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to pledge the credit of the City in an aggregate principal amount not to exceed \$2,000,000 and to issue general obligation public improvement bonds for such purpose (the “Bonds”); and

BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, competitive public offering, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and issued with the other general obligation bonds or notes approved by the City Council; and

BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the interest rates, and payment schedule to be further determined by the Chief Administrative Officer; provided

26 that the true interest cost for the Bonds as determined by the Chief Administrative Officer, shall not exceed six
27 and one-half percent (6.50%) per annum; and

28 BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed
29 six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be
30 required; and

31 BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding
32 general obligations of the City payable according to the terms and tenor thereof from unlimited ad valorem
33 taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District
34 funds received from the State of Vermont Education Fund; and

35 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
36 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
37 Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief
38 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
39 authorized to execute and deliver one or more final Official Statements and to execute and deliver such
40 agreements, including one or more bond purchase agreement with the underwriter or underwriters for the
41 Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents,
42 agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

43 BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of the Bonds, reduce
44 transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief
45 Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes
46 as authorized by the City Council for other capital projects; and

47 BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer, it is
48 desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief
49 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
50 authorized, to enter into such agreements and instruments with the bond insurer in order to obtain bond
51 insurance for the Bonds; and

52 BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some
53 capital expenditures made during the City's 2024 fiscal year in furtherance of the Project in an amount not to
54 exceed \$1,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the

55 requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of
56 1986, as amended; and

57 BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will
58 reimburse such expenditures with the proceeds of tax-exempt bonds; and

59 BE IT FURTHER RESOLVED that the City’s Chief Administrative Officer and the Banking and Cash
60 Operations Manager are each further authorized to declare additional notices of official intent to reimburse
61 capital expenditures made in furtherance of the Project with the proceeds of tax-exempt bonds.

62

63 KS/JP/Resolutions 2023/Authorization for Public Improvement Bonds for School District Capital Improvements – March 7, 2017 Voter

64 Authorization

65 July 17, 2023



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Banking & Cash Operations Manager
Katherine Schad, Chief Administrative Officer

DATE: July 17 and 24, 2023

RE: Approval of Five Resolutions for Annual Borrowing for FY24 for City and School

Overview

The Clerk Treasurer's Office and the Burlington School District present several resolutions for annual FY24 borrowing for capital needs, specifically:

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Please note that we expect the true interest cost for any and all financing to be less than 6.5% and will come back to the Board of Finance for additional approval if the true interest cost exceeds 6.5%.

For ease, these resolutions may be considered as a slate.

Specifics

1. The first Resolution is for \$7M in annual borrowing for FY24, specifically \$2M to accommodate the working capital and capital improvement needs of the City; \$3M for capital improvements, additions and replacements required for the efficient operation of BED; and \$2M to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of BSD.
2. The second Resolution is to refund the \$7M Bond Anticipation Note for FY23 which City Council adopted on June 27, 2022, for the same purposes as the first Resolution describes above.
3. The third Resolution is for up to \$5M of capital improvement bonds, which is a part of the March 1, 2022, annual meeting vote to authorize City Council to issue general obligation bonds in an aggregate amount not to exceed \$23.8M. Note that on June 27, 2022 the City Council approved the issuance of general obligation bonds of \$13M.

4. The fourth Resolution is for up to \$2M in bonds for the BSD Integrated Arts Academy. On March 7, 2017, voters approved a ballot question and authorized the City Council to issue general obligation bonds in an amount not to exceed \$19M. Pursuant to such voter authorization, the City previously issued its \$300,000 General Obligation Public Improvement Bonds Series 2017C and its \$6M General Obligation Public Improvement Bonds Series 2018B for the Burlington School District. The Board of School Commissioners of the BSD, at its board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds in an amount not to exceed \$2M pursuant.
5. The fifth Resolution is for up to \$130M in bonds for the Burlington High School, which includes \$40M for the refinancing of the Bond Anticipation Note. On November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in an aggregate amount not to exceed \$165M. On May 15, 2023, the City Council authorized the Chief Administrative Officer to borrow \$40M in the form of one or more bond anticipation or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to have available money with which to defray the costs of the capital improvement(s) for the Project as work progresses. The Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of up to \$130M in bonds pursuant to the November 8, 2022 voter approval, of which \$40M in principal amount will be used to refinance the Prior Note on the maturity thereof.

Board of Finance Motion

Move to approve and recommend that the City Council adopt the following resolutions related to FY24 borrowing :

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Resolution Relating to

RESOLUTION 7.3

**AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS
FOR SCHOOL DISTRICT CAPITAL IMPROVEMENTS –
MARCH 7, 2017 VOTER AUTHORIZATION**

Sponsor(s): Bd. of Finance

Introduced: 07/24/23

Referred to:

Action: adopted

Date: 07/24/23

Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, on March 7, 2017, voters of the City of Burlington approved a ballot question and
2 authorized the City Council to issue general obligation bonds or notes in an aggregate principal amount not to
3 exceed Nineteen Million Dollars and 00/100 (\$19,000,000.00) for the purpose of accomplishing capital
4 improvements at each of the school district's buildings in order to eliminate or substantially reduce the
5 deferred maintenance of such buildings in order to preserve their value for future educational use; and

6 WHEREAS, pursuant to such voter authorization, the City previously issued its \$300,000 General
7 Obligation Public Improvement Bonds Series 2017C and its \$6,000,000 General Obligation Public
8 Improvement Bonds Series 2018B for the Burlington School District; and

9 WHEREAS, the Board of School Commissioners (the "Board") of the Burlington School District, at its
10 board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds or notes
11 in a principal amount not to exceed Two Million Dollars (\$2,000,000) pursuant to the March 7, 2017 voter
12 authorization to finance capital improvements, additions and replacements to the Integrated Arts Academy,
13 including the HVAC system and site improvements for such school building (the "Project"); and

14 WHEREAS, the City Council, upon the request of the Board, wishes to approve the issuance of such
15 general obligation public improvement bonds in a principal amount not to exceed Two Million Dollars
16 (\$2,000,000) pursuant to the voter approved authorization; and

17 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
18 pledge the credit of the City in an aggregate principal amount not to exceed \$2,000,000 and to issue general
19 obligation public improvement bonds for such purpose (the "Bonds");

20 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, competitive
21 public offering, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and
22 issued with the other general obligation bonds or notes approved by the City Council; and

23 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby
24 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
25 interest rates, and payment schedule to be further determined by the Chief Administrative Officer; provided

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS FOR SCHOOL
DISTRICT CAPITAL IMPROVEMENTS – MARCH 7, 2017 VOTER
AUTHORIZATION

that the true interest cost for the Bonds as determined by the Chief Administrative Officer, shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to execute and deliver one or more final Official Statements and to execute and deliver such agreements, including one or more bond purchase agreement with the underwriter or underwriters for the Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents, agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of the Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized, to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City's 2024 fiscal year in furtherance of the Project in an amount not to exceed \$1,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. Page

* * * * *

55 requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of
56 1986, as amended; and

57 BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will
58 reimburse such expenditures with the proceeds of tax-exempt bonds; and

59 BE IT FURTHER RESOLVED that the City's Chief Administrative Officer and the Banking and Cash
60 Operations Manager are each further authorized to declare additional notices of official intent to reimburse
61 capital expenditures made in furtherance of the Project with the proceeds of tax-exempt bonds.

62

63 KS/JP/Resolutions 2023/Authorization for Public Improvement Bonds for School District Capital Improvements – March 7, 2017 Voter

64 Authorization

65 July 17, 2023

* * * * *

DISTRIBUTION:

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

CT, Ashley Parker
CT, Darlene Bayko

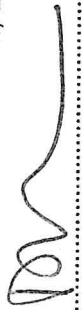
ORIGINAL

RESOLUTION RELATING TO

Authorization For Public Improvement Bonds For School District
Capital Improvements - March 7, 2017 Voter Authorization

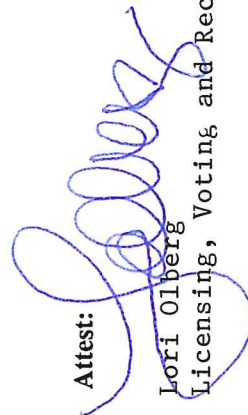
Adopted by the City Council

July 24 20 23

 Clerk

Approved  7/26/23 20 23 Mayor

Attest:


Lori Olberg
Licensing, Voting and Records Coordinator

Vol. Page

* * * * *

Resolution Relating to

AUTHORIZATION FOR SCHOOL DISTRICT CAPITAL
IMPROVEMENT BONDS FOR BURLINGTON HIGH
SCHOOL – NOVEMBER 8, 2022 VOTER
AUTHORIZATION

RESOLUTION_____

Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

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- That WHEREAS, at a special meeting held on November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in one or more series in an aggregate principal amount not to exceed One Hundred Sixty-Five Million Dollars and 00/100 (\$165,000,000.00) for the purpose of making capital improvements to Burlington High School and Burlington Technical Center, including new construction (the “Project”); and
- WHEREAS, Section 62(d) of the City Charter authorizes the Chief Administrative Officer, when authorized by the City Council, to issue temporary notes in anticipation of the sale of bonds authorized by the legal voters of the City; and
- WHEREAS, by resolution adopted May 15, 2023, the City Council authorized the Chief Administrative Officer to borrow the sum of \$40,000,000 in the form of one or more bond anticipation notes or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to have available money with which to defray the costs of the capital improvement(s) for the Project as work progresses; and
- WHEREAS, pursuant to such authorization, the office of the Chief Administrative Officer undertook a solicitation of proposals in a competitive process from qualified financial institutions, and, on July 6, 2023, the City issued its \$40,000,000 General Obligation Bond Anticipation Note, Series 2023 (the “Prior Note”), which Prior Note matures on September 14, 2023; and
- WHEREAS, Sections 59 and 60 of the City Charter provide that the City Council may authorize the issuance of refunding bonds for the purposes of paying any of the City’s bonds or notes at maturity or upon earlier redemption; and
- WHEREAS, while the School Department is managed by a Board of School Commissioners who are separately elected from the City Council, the City Council is responsible for the issuance of bonds for school purposes; and

24 WHEREAS, the Board of School Commissioners is required under the City Charter to allocate
25 sufficient funds for the payment of the principal and interest due or coming due on City bonds issued for
26 school purposes; and

27 WHEREAS, the Board of School Commissioners, by motion adopted by the Board of School
28 Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of One
29 Hundred Thirty Million Dollars (\$130,000,000) of bonds or notes pursuant to the November 8, 2022 voter
30 approval, of which Forty Million Dollars (\$40,000,000) in principal amount will be used to refinance the Prior
31 Note on the maturity thereof; and

32 WHEREAS, the City Council now wishes to approve the issuance of up to an aggregate principal
33 amount of One Hundred Thirty Million Dollars (\$130,000,000) of bonds or notes, in one or more series,
34 pursuant to the November 8, 2022 voter approval, of which Forty Million Dollars (\$40,000,000) in principal
35 amount will be used to refinance the Prior Note on the maturity thereof, with the expectation that additional
36 amounts may be issued at later dates, subject to the maximum amount approved by the voters at the November
37 8, 2022 special meeting of the City;

38 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
39 pledge the credit of the City and to issue bonds or notes, in one or more series, in an aggregate principal
40 amount not to exceed One Hundred Thirty Million Dollars and 00/100 (\$130,000,000.00) (the “Bonds”), of
41 which Forty Million Dollars and 00/100 (\$40,000,000) in principal amount will be used to refinance the Prior
42 Note on the maturity thereof, and the remainder will be used to finance other costs associated with the Project,
43 as approved by the voters at the November 8, 2022 meeting; and

44 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, or
45 negotiated sale with one or more lenders, underwriters or underwriting firms; may be sold and issued with
46 other general obligation bonds or notes approved by the City Council; and, if issued through a negotiated
47 offering, the City may enter into a loan agreement or bond purchase agreement with the lender or the
48 underwriter, as the case may be, for such purpose; and

49 BE IT FURTHER RESOLVED that the pledging of the City’s credit for such Bonds is hereby
50 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
51 interest rates, and payment schedule, to be further determined by the Chief Administrative Officer or the
52 Banking and Cash Operations Manager; provided that the true interest cost for the Bonds as determined by the
53 Chief Administrative Officer shall not exceed six and one-half percent (6.50%) per annum; and

BE IT FURTHER RESOLVED that in the event that the true interest cost of the would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more official statement(s) of the City, as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to execute and deliver one or more final official statements and to execute and deliver such agreements, including one or more loan agreements or bond purchase agreements with the lender, underwriter or purchaser of the Bonds, certificates as to use of proceeds and all other documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Banking & Cash Operations Manager
Katherine Schad, Chief Administrative Officer

DATE: July 17 and 24, 2023

RE: Approval of Five Resolutions for Annual Borrowing for FY24 for City and School

Overview

The Clerk Treasurer's Office and the Burlington School District present several resolutions for annual FY24 borrowing for capital needs, specifically:

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Please note that we expect the true interest cost for any and all financing to be less than 6.5% and will come back to the Board of Finance for additional approval if the true interest cost exceeds 6.5%.

For ease, these resolutions may be considered as a slate.

Specifics

1. The first Resolution is for \$7M in annual borrowing for FY24, specifically \$2M to accommodate the working capital and capital improvement needs of the City; \$3M for capital improvements, additions and replacements required for the efficient operation of BED; and \$2M to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of BSD.
2. The second Resolution is to refund the \$7M Bond Anticipation Note for FY23 which City Council adopted on June 27, 2022, for the same purposes as the first Resolution describes above.
3. The third Resolution is for up to \$5M of capital improvement bonds, which is a part of the March 1, 2022, annual meeting vote to authorize City Council to issue general obligation bonds in an aggregate amount not to exceed \$23.8M. Note that on June 27, 2022 the City Council approved the issuance of general obligation bonds of \$13M.

4. The fourth Resolution is for up to \$2M in bonds for the BSD Integrated Arts Academy. On March 7, 2017, voters approved a ballot question and authorized the City Council to issue general obligation bonds in an amount not to exceed \$19M. Pursuant to such voter authorization, the City previously issued its \$300,000 General Obligation Public Improvement Bonds Series 2017C and its \$6M General Obligation Public Improvement Bonds Series 2018B for the Burlington School District. The Board of School Commissioners of the BSD, at its board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds in an amount not to exceed \$2M pursuant.
5. The fifth Resolution is for up to \$130M in bonds for the Burlington High School, which includes \$40M for the refinancing of the Bond Anticipation Note. On November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in an aggregate amount not to exceed \$165M. On May 15, 2023, the City Council authorized the Chief Administrative Officer to borrow \$40M in the form of one or more bond anticipation or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to have available money with which to defray the costs of the capital improvement(s) for the Project as work progresses. The Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of up to \$130M in bonds pursuant to the November 8, 2022 voter approval, of which \$40M in principal amount will be used to refinance the Prior Note on the maturity thereof.

Board of Finance Motion

Move to approve and recommend that the City Council adopt the following resolutions related to FY24 borrowing :

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

MEMORANDUM

To: Mayor Weinberger and Burlington City Council
From: Tom Flanagan, Superintendent
CC: Nathan Lavery, Executive Director of Finance and Operations
Date: July 24, 2023
Subject: BHS/BTC Project Update to City Council

Purpose: To update the city council on the status of the BHS/BTC project in support of the Council's consideration of the bonding resolution.

Update: Burlington School District (BSD) is requesting that the City Council authorize and direct the issuance of \$130 million of long-term debt on behalf of BSD for the construction of the new Burlington High School (BHS) and Burlington Technical Center (BTC) on Institute road. The proceeds of this borrowing will be used to:

1. Repay an existing Bond Anticipation Note of \$40 million that was used to ensure adequate cash on hand while we await the issuance of the long-term debt.
2. Cover project costs for at least the next 12 months when additional borrowing is anticipated.

In November 2022, voters approved \$165 million of new borrowing to support the project. \$35 million of unutilized authorization will remain after this year's borrowing. BSD remains optimistic that we will not need to borrow the full \$165 million to complete the project; however, the final borrowing figure is unlikely to be known for at least a year because there continue to be both opportunities and challenges to the project that will have financial impacts. For example:

- Thanks to the support and leadership of the Burlington School Board and our Representatives and Senators in the General Assembly, BSD secured a state reimbursement of up to \$16 million for the actual cost of demolition and removal of PCB contamination.
- BSD plans to aggressively advocate for additional state funding to pay for the construction of our regional technical center. Because the technical center is a regional asset, we continue to believe that partial state funding for this portion of our project is justified.
- In September, the School Board will consider approval of the third and final component of the project's Guaranteed Maximum Price (GMP) from Whiting-Turner. (Establishment of the project's GMP has been iterative in order to accelerate the overall schedule.) This final component is considered the package of activities that has the highest risk of exceeding our cost estimates. Once approved, the total GMP will be established, which will provide significant clarity around the project's total cost and schedule. Thereafter, the project's cost can still change as a result of change orders.
- Like any project of this size and complexity, there will be changes to the scope of work based on new information that becomes available during the demolition and/or construction. Most recently, our demolition contractor discovered glue daubs and waterproofing spray on the newly-unearthed foundation which both tested positive for asbestos. We are analyzing the impact of this discovery on both the project's cost and schedule and will be providing a more complete update to the community in the near future.
- BSD's lawsuit against Monsanto continues and it is our intent to hold this company accountable for the harm they have caused our community.

All of the examples provided above illustrate the fact that the project's total cost, and the total revenue available to pay those costs, continue to evolve. The good news is that at this time, we expect to have enough money through our mix of funding sources, including bonding, to cover the anticipated total cost of the project, and we remain committed to doing all that we can to deliver the high school and technical center that our community deserves while reducing the cost to our taxpayers.

The \$130 million bonding authorization currently being sought reflects the anticipated amount of spending that will occur between March 2023 and August 2024 (some of the funds will reimburse previous project expenses). BSD anticipates that there will be one final phase of borrowing in approximately August 2024, but this is subject to change based on the project's status and the City's schedule for issuing debt. BSD will continue to coordinate borrowing through direct communication with the Clerk/Treasurer's office and will provide an update to the City Council in advance of the next (and potentially final) phase of borrowing.

Resolution Relating to

RESOLUTION 7.4

AUTHORIZATION FOR SCHOOL DISTRICT CAPITAL
IMPROVEMENT BONDS FOR BURLINGTON HIGH
SCHOOL – NOVEMBER 8, 2022 VOTER
AUTHORIZATION

Sponsor(s): Bd. of Finance

Introduced: 07/24/23

Referred to: _____

Action: adopted

Date: 07/24/23

Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, at a special meeting held on November 8, 2022, voters of the City of Burlington
2 authorized the City Council to issue general obligation bonds or notes in one or more series in an aggregate
3 principal amount not to exceed One Hundred Sixty-Five Million Dollars and 00/100 (\$165,000,000.00) for the
4 purpose of making capital improvements to Burlington High School and Burlington Technical Center,
5 including new construction (the “Project”); and

6 WHEREAS, Section 62(d) of the City Charter authorizes the Chief Administrative Officer, when
7 authorized by the City Council, to issue temporary notes in anticipation of the sale of bonds authorized by the
8 legal voters of the City; and

9 WHEREAS, by resolution adopted May 15, 2023, the City Council authorized the Chief
10 Administrative Officer to borrow the sum of \$40,000,000 in the form of one or more bond anticipation notes
11 or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to
12 have available money with which to defray the costs of the capital improvement(s) for the Project as work
13 progresses; and

14 WHEREAS, pursuant to such authorization, the office of the Chief Administrative Officer undertook a
15 solicitation of proposals in a competitive process from qualified financial institutions, and, on July 6, 2023, the
16 City issued its \$40,000,000 General Obligation Bond Anticipation Note, Series 2023 (the “Prior Note”), which
17 Prior Note matures on September 14, 2023; and

18 WHEREAS, Sections 59 and 60 of the City Charter provide that the City Council may authorize the
19 issuance of refunding bonds for the purposes of paying any of the City’s bonds or notes at maturity or upon
20 earlier redemption; and

21 WHEREAS, while the School Department is managed by a Board of School Commissioners who are
22 separately elected from the City Council, the City Council is responsible for the issuance of bonds for school
23 purposes; and

* * * * *

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

* * * * *

AUTHORIZATION FOR SCHOOL DISTRICT CAPITAL IMPROVEMENT
BONDS FOR BURLINGTON HIGH SCHOOL – NOVEMBER 8, 2022
VOTER AUTHORIZATION

24 WHEREAS, the Board of School Commissioners is required under the City Charter to allocate
25 sufficient funds for the payment of the principal and interest due or coming due on City bonds issued for
26 school purposes; and

27 WHEREAS, the Board of School Commissioners, by motion adopted by the Board of School
28 Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of One
29 Hundred Thirty Million Dollars (\$130,000,000) of bonds or notes pursuant to the November 8, 2022 voter
30 approval, of which Forty Million Dollars (\$40,000,000) in principal amount will be used to refinance the Prior
31 Note on the maturity thereof; and

32 WHEREAS, the City Council now wishes to approve the issuance of up to an aggregate principal
33 amount of One Hundred Thirty Million Dollars (\$130,000,000) of bonds or notes, in one or more series,
34 pursuant to the November 8, 2022 voter approval, of which Forty Million Dollars (\$40,000,000) in principal
35 amount will be used to refinance the Prior Note on the maturity thereof, with the expectation that additional
36 amounts may be issued at later dates, subject to the maximum amount approved by the voters at the November
37 8, 2022 special meeting of the City;

38 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
39 pledge the credit of the City and to issue bonds or notes, in one or more series, in an aggregate principal
40 amount not to exceed One Hundred Thirty Million Dollars and 00/100 (\$130,000,000.00) (the “Bonds”), of
41 which Forty Million Dollars and 00/100 (\$40,000,000) in principal amount will be used to refinance the Prior
42 Note on the maturity thereof, and the remainder will be used to finance other costs associated with the Project,
43 as approved by the voters at the November 8, 2022 meeting; and

44 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering, or
45 negotiated sale with one or more lenders, underwriters or underwriting firms; may be sold and issued with
46 other general obligation bonds or notes approved by the City Council; and, if issued through a negotiated
47 offering, the City may enter into a loan agreement or bond purchase agreement with the lender or the
48 underwriter, as the case may be, for such purpose; and

49 BE IT FURTHER RESOLVED that the pledging of the City’s credit for such Bonds is hereby
50 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
51 interest rates, and payment schedule, to be further determined by the Chief Administrative Officer or the
52 Banking and Cash Operations Manager; provided that the true interest cost for the Bonds as determined by the
53 Chief Administrative Officer shall not exceed six and one-half percent (6.50%) per annum; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. Page

* * * * *

AUTHORIZATION FOR SCHOOL DISTRICT CAPITAL IMPROVEMENT
BONDS FOR BURLINGTON HIGH SCHOOL – NOVEMBER 8, 2022
VOTER AUTHORIZATION

BE IT FURTHER RESOLVED that in the event that the true interest cost of the would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be required; and

BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem* taxes duly assessed on the grand list of all taxable property in the City and from the Burlington School District funds received from the State of Vermont Education Fund; and

BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more official statement(s) of the City, as they deem necessary in the City's best interest. The Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to execute and deliver one or more final official statements and to execute and deliver such agreements, including one or more loan agreements or bond purchase agreements with the lender, underwriter or purchaser of the Bonds, certificates as to use of proceeds and all other documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects.

* * * * *

DISTRIBUTION:

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

CT, Ashley Parker
CT, Darlene Bayko

* * * * *

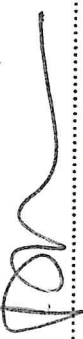
ORIGINAL

RESOLUTION RELATING TO

Authorization For School District Capital Improvement Bonds
For Burlington High School - November 8, 2022 Voter Authorization

Adopted by the City Council

July 24, 2023

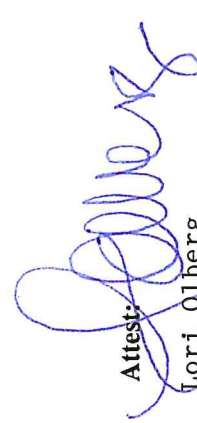
 Clerk

Approved 7/26/23

 Mayor

Vol. Page

Attest:


Lori Olberg
Licensing, Voting and Records Coordinator

Resolution Relating to

AUTHORIZATION FOR REFUNDING PUBLIC
IMPROVEMENT BONDS

RESOLUTION _____
Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three
Resolved by the City Council of the City of Burlington, as follows:

- 1 That WHEREAS, Section 62(f)(1) of the City Charter authorizes the City’s Chief Administrative Officer,
- 2 when authorized by the City Council, to borrow money on the credit of the City in an amount not to exceed
- 3 \$2,000,000 in any fiscal year to accommodate the working capital and capital improvement needs of the City
- 4 and to so pledge the credit of the City in such amount for such purposes; and
- 5 WHEREAS, Section 63(a) of the City Charter authorizes the City Council, upon prior recommendation
- 6 of the Board of Electric Commissioners, if it finds that is necessary, to pledge the credit of the City in an
- 7 amount not to exceed \$3,000,000 in any fiscal year for the purposes of providing capital improvements,
- 8 additions and replacements required for the efficient operation of the Electric Department, to so pledge the
- 9 credit of the City for such purposes; and
- 10 WHEREAS, Section 62(f)(3) of the City Charter authorizes the City’s Chief Administrative Officer,
- 11 when authorized and directed by the Board of School Commissioners and the City Council, to borrow money
- 12 on the credit of the City in an amount not to exceed \$2,000,000 in any fiscal year to accommodate the working
- 13 capital and capital improvement, additions and replacements required for the efficient and economical
- 14 operation of the School Department and to so pledge the credit of the City in such amount for such purpose;
- 15 and
- 16 WHEREAS, by resolution adopted June 27, 2022, the City Council authorized the Chief
- 17 Administrative Officer to borrow the sum of \$7,000,000 during fiscal year 2023 in the form of one or more short
- 18 term bonds in order to have available money with which to defray the cost of capital improvement(s) for the City,
- 19 the City’s School District, and the City’s Electric Department, as authorized by the City Charter; and
- 20 WHEREAS, pursuant to such authorization, the office of the Chief Administrative Officer undertook a
- 21 solicitation of proposals in a competitive process from qualified financial institutions, and, on September 15,
- 22 2022, the City issued its \$7,000,000 General Obligation Bond Anticipation Note, Series 2022, which Note
- 23 matures on September 14, 2023 (the “Prior Bond”); and

24 WHEREAS, Sections 59 and 60 of the City Charter provide that the City Council may authorize the
25 issuance of refunding bonds for the purpose of paying any of the City's bonds at maturity or upon earlier
26 redemption; and

27 WHEREAS, the City Council wishes to authorize the Mayor, the Chief Administrative Officer and the
28 Banking and Cash Operations Manager to implement the refunding of the outstanding Prior Bond through the
29 issuance of refunding bonds;

30 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
31 pledge the credit of the City and to issue refunding bonds, in one or more series, in a principal amount not to
32 exceed Seven Million Dollars (\$7,000,000) in the aggregate (the "Refunding Bonds") to refinance and refund
33 the Prior Bond; and

34 BE IT FURTHER RESOLVED that such Refunding Bonds may be sold in a private placement, public
35 offering, competitive sale, or negotiated sale with one or more lenders, underwriters or underwriting firms,
36 and, if issued through a negotiated offering, the City may enter into a loan agreement or bond purchase
37 agreement with the lender or the underwriter, as the case may be, for such purpose; and

38 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Refunding Bonds is
39 hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued,
40 the interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, or the
41 Banking and Cash Operations Manager; provided that the true interest cost for the Refunding Bonds as
42 determined by the Chief Administrative Officer, shall not exceed six and one-half percent (6.50%) per annum;
43 and

44 BE IT FURTHER RESOLVED that in the event that the true interest cost of the Refunding Bonds
45 would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance
46 shall be required; and

47 BE IT FURTHER RESOLVED that the Refunding Bonds, when issued and delivered, shall be valid and
48 binding general obligations of the City payable according to the terms and tenor thereof; and

49 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
50 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
51 offering documents of the City as they deem necessary in the City's best interest. The Mayor, the Chief
52 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
53 authorized to execute and deliver such agreements, including one or more loan agreements or bond purchase
54 agreements with the lender or underwriter for the Refunding Bonds, certificates as to use of proceeds and all

55 other documents, agreements and instruments as may be necessary or convenient in connection with the
56 issuance of the Refunding Bonds; and

57 BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Refunding
58 Bonds, and to reduce transaction expenses and seek the potential opportunity for more favorable interest rates, the
59 Chief Administrative Officer may combine the issuance of the Refunding Bonds in one or more series with
60 other bonds or notes as authorized by the City Council for other capital projects.

61
62 KS/JP/Resolutions 2023/Authorization for Refunding Public Improvement Bonds
63 July 17, 2023



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Banking & Cash Operations Manager
Katherine Schad, Chief Administrative Officer

DATE: July 17 and 24, 2023

RE: Approval of Five Resolutions for Annual Borrowing for FY24 for City and School

Overview

The Clerk Treasurer's Office and the Burlington School District present several resolutions for annual FY24 borrowing for capital needs, specifically:

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Please note that we expect the true interest cost for any and all financing to be less than 6.5% and will come back to the Board of Finance for additional approval if the true interest cost exceeds 6.5%.

For ease, these resolutions may be considered as a slate.

Specifics

1. The first Resolution is for \$7M in annual borrowing for FY24, specifically \$2M to accommodate the working capital and capital improvement needs of the City; \$3M for capital improvements, additions and replacements required for the efficient operation of BED; and \$2M to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of BSD.
2. The second Resolution is to refund the \$7M Bond Anticipation Note for FY23 which City Council adopted on June 27, 2022, for the same purposes as the first Resolution describes above.
3. The third Resolution is for up to \$5M of capital improvement bonds, which is a part of the March 1, 2022, annual meeting vote to authorize City Council to issue general obligation bonds in an aggregate amount not to exceed \$23.8M. Note that on June 27, 2022 the City Council approved the issuance of general obligation bonds of \$13M.

4. The fourth Resolution is for up to \$2M in bonds for the BSD Integrated Arts Academy. On March 7, 2017, voters approved a ballot question and authorized the City Council to issue general obligation bonds in an amount not to exceed \$19M. Pursuant to such voter authorization, the City previously issued its \$300,000 General Obligation Public Improvement Bonds Series 2017C and its \$6M General Obligation Public Improvement Bonds Series 2018B for the Burlington School District. The Board of School Commissioners of the BSD, at its board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds in an amount not to exceed \$2M pursuant.
5. The fifth Resolution is for up to \$130M in bonds for the Burlington High School, which includes \$40M for the refinancing of the Bond Anticipation Note. On November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in an aggregate amount not to exceed \$165M. On May 15, 2023, the City Council authorized the Chief Administrative Officer to borrow \$40M in the form of one or more bond anticipation or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to have available money with which to defray the costs of the capital improvement(s) for the Project as work progresses. The Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of up to \$130M in bonds pursuant to the November 8, 2022 voter approval, of which \$40M in principal amount will be used to refinance the Prior Note on the maturity thereof.

Board of Finance Motion

Move to approve and recommend that the City Council adopt the following resolutions related to FY24 borrowing :

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Resolution Relating to

AUTHORIZATION FOR REFUNDING PUBLIC IMPROVEMENT BONDS

RESOLUTION 7.5

Sponsor(s): Bd. of Finance

Introduced: 07/24/23

Referred to:

Action: adopted

Date: 07/24/23

Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, Section 62(f)(1) of the City Charter authorizes the City's Chief Administrative Officer,
2 when authorized by the City Council, to borrow money on the credit of the City in an amount not to exceed
3 \$2,000,000 in any fiscal year to accommodate the working capital and capital improvement needs of the City
4 and to so pledge the credit of the City in such amount for such purposes; and

5 WHEREAS, Section 63(a) of the City Charter authorizes the City Council, upon prior recommendation
6 of the Board of Electric Commissioners, if it finds that is necessary, to pledge the credit of the City in an
7 amount not to exceed \$3,000,000 in any fiscal year for the purposes of providing capital improvements,
8 additions and replacements required for the efficient operation of the Electric Department, to so pledge the
9 credit of the City for such purposes; and

10 WHEREAS, Section 62(f)(3) of the City Charter authorizes the City's Chief Administrative Officer,
11 when authorized and directed by the Board of School Commissioners and the City Council, to borrow money
12 on the credit of the City in an amount not to exceed \$2,000,000 in any fiscal year to accommodate the working
13 capital and capital improvement, additions and replacements required for the efficient and economical
14 operation of the School Department and to so pledge the credit of the City in such amount for such purpose;
15 and

16 WHEREAS, by resolution adopted June 27, 2022, the City Council authorized the Chief
17 Administrative Officer to borrow the sum of \$7,000,000 during fiscal year 2023 in the form of one or more short
18 term bonds in order to have available money with which to defray the cost of capital improvement(s) for the City,
19 the City's School District, and the City's Electric Department, as authorized by the City Charter; and

20 WHEREAS, pursuant to such authorization, the office of the Chief Administrative Officer undertook a
21 solicitation of proposals in a competitive process from qualified financial institutions, and, on September 15,
22 2022, the City issued its \$7,000,000 General Obligation Bond Anticipation Note, Series 2022, which Note
23 matures on September 14, 2023 (the "Prior Bond"); and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. Page

* * * * *

24 WHEREAS, Sections 59 and 60 of the City Charter provide that the City Council may authorize the
25 issuance of refunding bonds for the purpose of paying any of the City's bonds at maturity or upon earlier
26 redemption; and

27 WHEREAS, the City Council wishes to authorize the Mayor, the Chief Administrative Officer and the
28 Banking and Cash Operations Manager to implement the refunding of the outstanding Prior Bond through the
29 issuance of refunding bonds;

30 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
31 pledge the credit of the City and to issue refunding bonds, in one or more series, in a principal amount not to
32 exceed Seven Million Dollars (\$7,000,000) in the aggregate (the "Refunding Bonds") to refinance and refund
33 the Prior Bond; and

34 BE IT FURTHER RESOLVED that such Refunding Bonds may be sold in a private placement, public
35 offering, competitive sale, or negotiated sale with one or more lenders, underwriters or underwriting firms,
36 and, if issued through a negotiated offering, the City may enter into a loan agreement or bond purchase
37 agreement with the lender or the underwriter, as the case may be, for such purpose; and

38 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Refunding Bonds is
39 hereby authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued,
40 the interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, or the
41 Banking and Cash Operations Manager; provided that the true interest cost for the Refunding Bonds as
42 determined by the Chief Administrative Officer, shall not exceed six and one-half percent (6.50%) per annum;
43 and

44 BE IT FURTHER RESOLVED that in the event that the true interest cost of the Refunding Bonds
45 would exceed six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance
46 shall be required; and

47 BE IT FURTHER RESOLVED that the Refunding Bonds, when issued and delivered, shall be valid and
48 binding general obligations of the City payable according to the terms and tenor thereof; and

49 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
50 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
51 offering documents of the City as they deem necessary in the City's best interest. The Mayor, the Chief
52 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
53 authorized to execute and deliver such agreements, including one or more loan agreements or bond purchase
54 agreements with the lender or underwriter for the Refunding Bonds, certificates as to use of proceeds and all

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. Page

* * * * *

55 other documents, agreements and instruments as may be necessary or convenient in connection with the
56 issuance of the Refunding Bonds; and

57 BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Refunding
58 Bonds, and to reduce transaction expenses and seek the potential opportunity for more favorable interest rates, the
59 Chief Administrative Officer may combine the issuance of the Refunding Bonds in one or more series with
60 other bonds or notes as authorized by the City Council for other capital projects.

61
62 KS/JP/Resolutions 2023/Authorization for Refunding Public Improvement Bonds
63 July 17, 2023

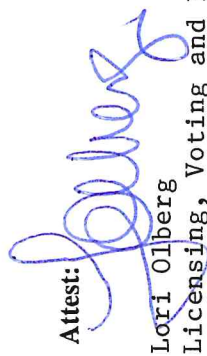
* * * * *

DISTRIBUTION:

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

CT, Ashley Parker
CT, Darlene Bayko

* * * * *

Attest: 
Lori Olberg
Licensing, Voting and Records Coordinator

ORIGINAL

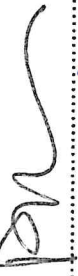
RESOLUTION RELATING TO

Authorization For Refunding Public Improvement Bonds

.....
.....

Adopted by the City Council

..... July 24, 2023

 Clerk

Approved:  7/26/23 2023 Mayor

Vol. Page

Resolution Relating to

AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS
FOR FISCAL YEAR 2024

RESOLUTION _____
Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three
Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, Section 62(f)(1) of the City Charter authorizes the City’s Chief Administrative Officer,
2 when authorized by the City Council, to borrow money on the credit of the City in an amount not to exceed
3 \$2,000,000 in any fiscal year to accommodate the working capital and capital improvement needs of the City
4 and to so pledge the credit of the City in such amount for such purposes; and
5 WHEREAS, Section 63(a) of the City Charter authorizes the City Council, upon prior recommendation
6 of the Board of Electric Commissioners, if it finds that is necessary, to pledge the credit of the City in an
7 amount not to exceed \$3,000,000 in any fiscal year for the purposes of providing capital improvements,
8 additions and replacements required for the efficient operation of the Electric Department, to so pledge the
9 credit of the City for such purposes; and
10 WHEREAS, at its meeting held May 10, 2023, the Board of Electric Commissioners recommended
11 that the Chief Administrative Office pledge the credit of the City in the amount of \$3,000,000 for capital
12 improvements for the Electric Department; and
13 WHEREAS, Section 62(f)(3) of the City Charter authorizes the City’s Chief Administrative Officer,
14 when authorized and directed by the Board of School Commissioners and the City Council, to borrow money
15 on the credit of the City in an amount not to exceed \$2,000,000 in any fiscal year to accommodate the working
16 capital and capital improvement, additions and replacements required for the efficient and economical
17 operation of the School Department and to so pledge the credit of the City in such amount for such purpose;
18 and
19 WHEREAS, at its meeting held June 6, 2023, the Board of School Commissioners recommended that
20 the Chief Administrative Officer pledge the credit of the City in an aggregate principal amount of \$2,000,000,
21 together with a separate request for additional bond issuance for the Burlington High School Project and
22 capital improvements for the Burlington School District Integrated Arts Academy; and

23 WHEREAS, the Chief Administrative Officer is soliciting proposals from qualified banks and
24 financial institutions for the sale of bonds and notes to provide funds to finance such capital improvements
25 authorized under Sections 62 and 63 of the City Charter; and

26 WHEREAS, the City Council has found and determined that it is in the interest of the City to borrow the
27 sum of \$7,000,000 during fiscal year 2024 in the form of one or more bonds or notes in order to have available
28 money with which to defray the cost of capital improvement(s) for the City, the City's School District, and the
29 City's Electric Department, as authorized by the City Charter; and

30 WHEREAS, the City Council wishes to authorize the Mayor, the Chief Administrative Officer and the
31 Banking and Cash Operations Manager to approve the final terms of such bonds and notes;

32 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
33 pledge the credit of the City and to issue bonds or notes, in one or more series, in an amount not to exceed
34 Seven Million Dollars (\$7,000,000) in the aggregate (the "Bonds") to finance the public improvements and
35 related costs attributable to projects for the City, the City's School Department, and the City's Electric
36 Department as authorized by Sections 62 and 63 of the City Charter; and

37 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering,
38 competitive sale, or negotiated sale with one or more lenders, underwriters or underwriting firms, and, if
39 issued through a negotiated offering, the City may enter into a loan agreement or bond purchase agreement
40 with the lender or the underwriter, as the case may be, for such purpose; and

41 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby
42 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
43 interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, or the
44 Banking and Cash Operations Manager; and

45 BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding
46 general obligations of the City payable according to the terms and tenor thereof; and

47 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
48 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
49 offering documents of the City as they deem necessary in the City's best interest. The Mayor, the Chief
50 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
51 authorized to execute and deliver such agreements, including one or more loan agreements or bond purchase
52 agreements with the lender or underwriter for the Bonds, certificates as to use of proceeds and all other

documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, and to reduce transaction expenses and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made for capital improvements for the City, its school department, the electric department and the City, an amount not to exceed \$1,500,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended. The City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer and the Banking and Cash Operations Manager are each further authorized to declare additional official notices of intent to reimburse capital expenditures made in furtherance of such capital improvements for the City and its departments with the proceeds of tax-exempt bonds.

KS/JP/Resolutions 2023/Authorization for Public Improvement Bonds for Fiscal Year 2024

July 17, 2023



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Banking & Cash Operations Manager
Katherine Schad, Chief Administrative Officer

DATE: July 17 and 24, 2023

RE: Approval of Five Resolutions for Annual Borrowing for FY24 for City and School

Overview

The Clerk Treasurer's Office and the Burlington School District present several resolutions for annual FY24 borrowing for capital needs, specifically:

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Please note that we expect the true interest cost for any and all financing to be less than 6.5% and will come back to the Board of Finance for additional approval if the true interest cost exceeds 6.5%.

For ease, these resolutions may be considered as a slate.

Specifics

1. The first Resolution is for \$7M in annual borrowing for FY24, specifically \$2M to accommodate the working capital and capital improvement needs of the City; \$3M for capital improvements, additions and replacements required for the efficient operation of BED; and \$2M to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of BSD.
2. The second Resolution is to refund the \$7M Bond Anticipation Note for FY23 which City Council adopted on June 27, 2022, for the same purposes as the first Resolution describes above.
3. The third Resolution is for up to \$5M of capital improvement bonds, which is a part of the March 1, 2022, annual meeting vote to authorize City Council to issue general obligation bonds in an aggregate amount not to exceed \$23.8M. Note that on June 27, 2022 the City Council approved the issuance of general obligation bonds of \$13M.

4. The fourth Resolution is for up to \$2M in bonds for the BSD Integrated Arts Academy. On March 7, 2017, voters approved a ballot question and authorized the City Council to issue general obligation bonds in an amount not to exceed \$19M. Pursuant to such voter authorization, the City previously issued its \$300,000 General Obligation Public Improvement Bonds Series 2017C and its \$6M General Obligation Public Improvement Bonds Series 2018B for the Burlington School District. The Board of School Commissioners of the BSD, at its board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds in an amount not to exceed \$2M pursuant.
5. The fifth Resolution is for up to \$130M in bonds for the Burlington High School, which includes \$40M for the refinancing of the Bond Anticipation Note. On November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in an aggregate amount not to exceed \$165M. On May 15, 2023, the City Council authorized the Chief Administrative Officer to borrow \$40M in the form of one or more bond anticipation or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to have available money with which to defray the costs of the capital improvement(s) for the Project as work progresses. The Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of up to \$130M in bonds pursuant to the November 8, 2022 voter approval, of which \$40M in principal amount will be used to refinance the Prior Note on the maturity thereof.

Board of Finance Motion

Move to approve and recommend that the City Council adopt the following resolutions related to FY24 borrowing :

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Resolution Relating to

RESOLUTION 7.6

**AUTHORIZATION FOR PUBLIC IMPROVEMENT BONDS
FOR FISCAL YEAR 2024**

Sponsor(s): Bd. of Finance

Introduced: 07/24/23

Referred to: _____

Action: adopted

Date: 07/24/23

Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, Section 62(f)(1) of the City Charter authorizes the City's Chief Administrative Officer,
2 when authorized by the City Council, to borrow money on the credit of the City in an amount not to exceed
3 \$2,000,000 in any fiscal year to accommodate the working capital and capital improvement needs of the City
4 and to so pledge the credit of the City in such amount for such purposes; and

5 WHEREAS, Section 63(a) of the City Charter authorizes the City Council, upon prior recommendation
6 of the Board of Electric Commissioners, if it finds that is necessary, to pledge the credit of the City in an
7 amount not to exceed \$3,000,000 in any fiscal year for the purposes of providing capital improvements,
8 additions and replacements required for the efficient operation of the Electric Department, to so pledge the
9 credit of the City for such purposes; and

10 WHEREAS, at its meeting held May 10, 2023, the Board of Electric Commissioners recommended
11 that the Chief Administrative Office pledge the credit of the City in the amount of \$3,000,000 for capital
12 improvements for the Electric Department; and

13 WHEREAS, Section 62(f)(3) of the City Charter authorizes the City's Chief Administrative Officer,
14 when authorized and directed by the Board of School Commissioners and the City Council, to borrow money
15 on the credit of the City in an amount not to exceed \$2,000,000 in any fiscal year to accommodate the working
16 capital and capital improvement, additions and replacements required for the efficient and economical
17 operation of the School Department and to so pledge the credit of the City in such amount for such purpose;
18 and

19 WHEREAS, at its meeting held June 6, 2023, the Board of School Commissioners recommended that
20 the Chief Administrative Officer pledge the credit of the City in an aggregate principal amount of \$2,000,000,
21 together with a separate request for additional bond issuance for the Burlington High School Project and
22 capital improvements for the Burlington School District Integrated Arts Academy; and

* * * * *

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.....

Attest: Mayor

Vol. Page

* * * * *

23 WHEREAS, the Chief Administrative Officer is soliciting proposals from qualified banks and
24 financial institutions for the sale of bonds and notes to provide funds to finance such capital improvements
25 authorized under Sections 62 and 63 of the City Charter; and

26 WHEREAS, the City Council has found and determined that it is in the interest of the City to borrow the
27 sum of \$7,000,000 during fiscal year 2024 in the form of one or more bonds or notes in order to have available
28 money with which to defray the cost of capital improvement(s) for the City, the City's School District, and the
29 City's Electric Department, as authorized by the City Charter; and

30 WHEREAS, the City Council wishes to authorize the Mayor, the Chief Administrative Officer and the
31 Banking and Cash Operations Manager to approve the final terms of such bonds and notes;

32 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
33 pledge the credit of the City and to issue bonds or notes, in one or more series, in an amount not to exceed
34 Seven Million Dollars (\$7,000,000) in the aggregate (the "Bonds") to finance the public improvements and
35 related costs attributable to projects for the City, the City's School Department, and the City's Electric
36 Department as authorized by Sections 62 and 63 of the City Charter; and

37 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering,
38 competitive sale, or negotiated sale with one or more lenders, underwriters or underwriting firms, and, if
39 issued through a negotiated offering, the City may enter into a loan agreement or bond purchase agreement
40 with the lender or the underwriter, as the case may be, for such purpose; and

41 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby
42 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
43 interest rates, and payment schedule, to be further determined by the Chief Administrative Officer, or the
44 Banking and Cash Operations Manager; and

45 BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding
46 general obligations of the City payable according to the terms and tenor thereof; and

47 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
48 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
49 offering documents of the City as they deem necessary in the City's best interest. The Mayor, the Chief
50 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
51 authorized to execute and deliver such agreements, including one or more loan agreements or bond purchase
52 agreements with the lender or underwriter for the Bonds, certificates as to use of proceeds and all other

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

documents, agreements and instruments as may be necessary or convenient in connection with the issuance of the Bonds; and

BE IT FURTHER RESOLVED that if, in the opinion of the Chief Administrative Officer, it is desirable and in the City's best interest to obtain bond insurance for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby authorized to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds, and to reduce transaction expenses and seek the potential opportunity for more favorable interest rates, the Chief Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes as authorized by the City Council for other capital projects; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made for capital improvements for the City, its school department, the electric department and the City, an amount not to exceed \$1,500,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended. The City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer and the Banking and Cash Operations Manager are each further authorized to declare additional official notices of intent to reimburse capital expenditures made in furtherance of such capital improvements for the City and its departments with the proceeds of tax-exempt bonds.

* * * * *

DISTRIBUTION:

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

CT, Ashley Parker
CT, Darlene Bayko

* * * * *

ORIGINAL

RESOLUTION RELATING TO

Authorization For Public Improvement Bonds For Fiscal Year 2024

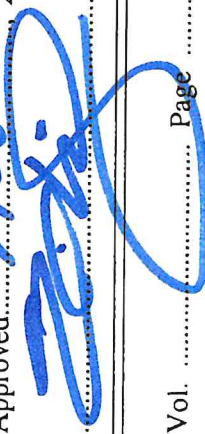
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Adopted by the City Council

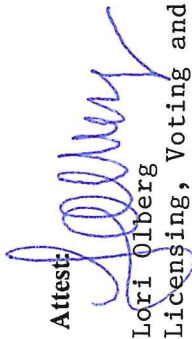
July 24 23

 Clerk

Approved..... 2023

 Mayor

Attest:


Lori Olberg
Licensing, Voting and Records Coordinator

Vol. Page

Amended Version re: 7.7

Lori Olberg

From: Joan Shannon
Sent: Monday, July 24, 2023 4:26 PM
To: Gene Bergman; Lori Olberg
Subject: Amended versiion

(per Councilors
Shannon & Bergman)

Hi Lori,

Could you please post this as an amended version which Gene will move when he moves the Resolution for adoption?
Per me and Gene.

Thanks,
Joan

Page 3

Resolution Relating to THE CLIMATE EMERGENCY AND A 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

BE IT FURTHER RESOLVED that the City of Burlington requests that the United States Air Force, in
49 collaboration with the Vermont Air Force National Guard through its Adjutant General, and the Governor of State of
50 Vermont, as the Commander in Chief of the Vermont Air Force National Guard (VTANG), work collaboratively with
51 the Director of the Patrick Leahy Burlington International Airport and the City Council's Transportation, Energy, and
52 Utilities Committee to draft a specific plan to adopt simulation and augmented reality training systems and take any
53 other such measures as needed at the Vermont Air National Guard base at the Patrick Leahy Burlington International
54 Airport to substantially reduce or eliminate aviation and ground greenhouse gas emission by 2030, in the spirit of the
City's goal to become a
55 net zero city by 2030, with an initial meeting of the parties to occur on or before December 31, 2023 and a follow up
56 communication to the TEUC on the steps being taken provided on or before the TEUC's March 2024 meeting.
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.

Resolution Relating to

THE CLIMATE EMERGENCY AND A 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

RESOLUTION _____
Sponsor(s): Councilor(s) TEUC
(Bergman, King), Magee, Hightower
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the United States Air Force published its Climate Action Plan (AFCAP) in October, 2022, known fully as *Department of the Air Force, Office of the Assistant Secretary for Energy, Installations, and Environment. October 2022. Department of the Air Force Climate Action Plan. Washington, DC.*¹; and

WHEREAS, on October 7, 2021 Secretary Of Defense Lloyd J. Austin III stated that “Climate change is an existential threat to our nation’s security, and the Department of Defense must act swiftly and boldly to take on this challenge”²; and

WHEREAS, Frank Kendall, Secretary of the Air Force, stated that “Climate change is reshaping the increasingly complex global security environment and the Department of the Air Force must adapt and respond to that threat,” stated that the Air Force must “recognize and reduce the department’s role in contributing to climate change,” and further stated that the Air Force, “cannot delay in addressing the impacts of climate change;”³ and

WHEREAS, the Air Force “recognizes that we are contributing to global climate change. The department is responsible for the largest portion of Department of Defense’s (DoD) greenhouse gas emissions”⁴ and that “aviation fuel and energy to power aircraft comprises over 80 percent of the department’s energy use,” and the “reduction of fuel use offers the most significant opportunity to optimize our operational capability while simultaneously reducing greenhouse gas emissions;”⁵ and

WHEREAS, the Air Force is working to “increase the use of simulation and augmented reality systems”⁶ for mission training to reduce fuel usage and greenhouse gas emissions; and

WHEREAS, the Air Force believes “collaboration with surrounding communities and industry is essential”⁷ to reducing greenhouse gas emissions, and the AFCAP advises that “collaborating with others is foundational to addressing

¹ <https://www.safie.hq.af.mil/Portals/78/documents/Climate/DAF Climate Action Plan.pdf>.
² Ibid, page 2.
³ Ibid, page 1.
⁴ Ibid, page 3.
⁵ Ibid, page 15.
⁶ Ibid, page 16.
⁷ Ibid, page 9.

THE CLIMATE EMERGENCY AND A 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

the effects of climate change and to reducing greenhouse gas emissions. Close cooperation with...state and local entities...and the American people...will help to secure our common interests and promote our shared values;”⁸ and

WHEREAS, the Air Force further believes, “To institute enduring advantages while combating the effects of climate change, we must fundamentally shift the way the department thinks, prepares, and acts. As we execute the department’s priorities through our planning documents, in our actions, and across our acquisitions, we must be deliberate in considering climate risks and implications;”⁹ and

WHEREAS, the City Council of the City of Burlington resolved on September 23, 2019 to commit achieving net zero greenhouse gas emissions by 2030, and found “that the United States of America has disproportionately contributed to the climate emergency...and thus bears an extraordinary responsibility to rapidly decarbonize and support global climate efforts going forward;”¹⁰ and

WHEREAS, the City Council of the City of Burlington further found that “restoring a safe and stable climate requires a society-wide emergency mobilization on a scale not seen since World War II to reach zero greenhouse gas emissions across all sectors at wartime speed, to rapidly and safely drawdown or remove all the excess carbon from the atmosphere, and to implement measures to protect all people and species from consequences of an abrupt climate crisis;”¹¹ and

WHEREAS, the City of Burlington is not currently on track to meet its net-zero emissions target by 2030; and

WHEREAS, the F-35 training mission flights originating from the Burlington International Airport create as a conservative estimate over 100,000 tons to CO2 equivalent greenhouse gas emissions each year; and

WHEREAS, the City Council of the City of Burlington finds the Air Force goals of reducing greenhouse gas emissions and working collaboratively with communities to reduce these greenhouse gas emissions in direct alignment with the City of Burlington’s goal of net zero greenhouse gas emissions by 2030;

⁸ Ibid, page 12-13.

⁹ Ibid, page 11. See also page 5, “To institute enduring advantages while combating the effects of climate change, we must fundamentally shift the way the department thinks, prepares, and acts. As we execute the department’s priorities through our planning documents, our actions, and across our acquisitions, we must be deliberate in including climate risks and security implications.”

¹⁰ [https://www2.burlingtonvt.gov/Archives/bd/BGDJFA4CF05D/Signed CC Resolution Declaring A Climate Emergency And Initiating A Just Transition For City Staff \(Revised\).pdf](https://www2.burlingtonvt.gov/Archives/bd/BGDJFA4CF05D/Signed%20CC%20Resolution%20Declaring%20A%20Climate%20Emergency%20And%20Initiating%20A%20Just%20Transition%20For%20City%20Staff%20(Revised).pdf)

¹¹ Ibid.

THE CLIMATE EMERGENCY AND A 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

44 NOW, THEREFORE, BE IT RESOLVED that the City of Burlington requests that the Vermont Air Force
45 National Guard Adjutant General, beginning for the year 2023, calculate aviation and ground fuel usage at the VTANG
46 base and to annually provide the Director of the Patrick Leahy Burlington International Airport and the City Council's
47 Transportation, Energy, and Utilities Committee with a complete record of the calculated aviation and ground
48 greenhouse gas emission created at the base no later than April first of the year following; and

49 BE IT FURTHER RESOLVED that the City of Burlington requests that the United States Air Force, in
50 collaboration with the Vermont Air Force National Guard through its Adjutant General, and the Governor of State of
51 Vermont, as the Commander in Chief of the Vermont Air Force National Guard (VTANG), work collaboratively with
52 the Director of the Patrick Leahy Burlington International Airport and the City Council's Transportation, Energy, and
53 Utilities Committee to draft a specific plan to adopt simulation and augmented reality training systems and take any
54 other such measures as needed at the Vermont Air National Guard base at the Patrick Leahy Burlington International
55 Airport to eliminate aviation and ground greenhouse gas emission by 2030, in the spirit of the City's goal to become a
56 net zero city by 2030, with an initial meeting of the parties to occur on or before December 31, 2023 and a follow up
57 communication to the TEUC on the steps being taken provided on or before the TEUC's March 2024 meeting.

58

59

60 GB/Resolutions 2023/ The Climate Emergency And A Council Request To Count Vermont Air National Guard GHG Emissions And To Plan To
61 Eliminate VTANG Aviation And Ground GHG Emissions In The Spirit Of The City's 2030 Net Zero Goals
62 July 20, 2023

Resolution Relating to

THE CLIMATE EMERGENCY AND A 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

RESOLUTION 7.7

Sponsor(s): Councilor(s) TEUC
(Bergman, King), Magee, Hightower
Introduced: 07/24/23
Referred to: _____
Action: adopted as amended
Date: 07/24/23
Signed by Mayor: 08/07/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the United States Air Force published its Climate Action Plan (AFCAP) in October, 2022, known
2 fully as *Department of the Air Force, Office of the Assistant Secretary for Energy, Installations, and Environment.*
3 *October 2022. Department of the Air Force Climate Action Plan. Washington, DC.¹*; and

4 WHEREAS, on October 7, 2021 Secretary Of Defense Lloyd J. Austin III stated that “Climate change is an
5 existential threat to our nation’s security, and the Department of Defense must act swiftly and boldly to take on this
6 challenge”²; and

7 WHEREAS, Frank Kendall, Secretary of the Air Force, stated that “Climate change is reshaping the
8 increasingly complex global security environment and the Department of the Air Force must adapt and respond to that
9 threat,” stated that the Air Force must “recognize and reduce the department’s role in contributing to climate change,”
10 and further stated that the Air Force, “cannot delay in addressing the impacts of climate change,”³ and

11 WHEREAS, the Air Force “recognizes that we are contributing to global climate change. The department is
12 responsible for the largest portion of Department of Defense’s (DoD) greenhouse gas emissions”⁴ and that “aviation fuel
13 and energy to power aircraft comprises over 80 percent of the department’s energy use,” and the “reduction of fuel use
14 offers the most significant opportunity to optimize our operational capability while simultaneously reducing greenhouse
15 gas emissions;”⁵ and

16 WHEREAS, the Air Force is working to “increase the use of simulation and augmented reality systems”⁶ for
17 mission training to reduce fuel usage and greenhouse gas emissions; and

18 WHEREAS, the Air Force believes “collaboration with surrounding communities and industry is essential”⁷ to
19 reducing greenhouse gas emissions, and the AFCAP advises that “collaborating with others is foundational to addressing

1 <https://www.safie.hq.af.mil/Portals/78/documents/Climate/DAF Climate Action Plan.pdf>.

2 Ibid, page 2.

3 Ibid, page 1.

4 Ibid, page 3.

5 Ibid, page 15.

6 Ibid, page 16.

7 Ibid, page 9.

* * * * *

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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THE CLIMATE EMERGENCY AND A 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

the effects of climate change and to reducing greenhouse gas emissions. Close cooperation with...state and local entities...and the American people...will help to secure our common interests and promote our shared values;”⁸ and

WHEREAS, the Air Force further believes, “To institute enduring advantages while combating the effects of climate change, we must fundamentally shift the way the department thinks, prepares, and acts. As we execute the department’s priorities through our planning documents, in our actions, and across our acquisitions, we must be deliberate in considering climate risks and implications;”⁹ and

WHEREAS, the City Council of the City of Burlington resolved on September 23, 2019 to commit achieving net zero greenhouse gas emissions by 2030, and found “that the United States of America has disproportionately contributed to the climate emergency...and thus bears an extraordinary responsibility to rapidly decarbonize and support global climate efforts going forward;”¹⁰ and

WHEREAS, the City Council of the City of Burlington further found that “restoring a safe and stable climate requires a society-wide emergency mobilization on a scale not seen since World War II to reach zero greenhouse gas emissions across all sectors at wartime speed, to rapidly and safely drawdown or remove all the excess carbon from the atmosphere, and to implement measures to protect all people and species from consequences of an abrupt climate crisis;”¹¹ and

WHEREAS, the City of Burlington is not currently on track to meet its net-zero emissions target by 2030; and

WHEREAS, the F-35 training mission flights originating from the Burlington International Airport create as a conservative estimate over 100,000 tons to CO2 equivalent greenhouse gas emissions each year; and

WHEREAS, the City Council of the City of Burlington finds the Air Force goals of reducing greenhouse gas emissions and working collaboratively with communities to reduce these greenhouse gas emissions in direct alignment with the City of Burlington’s goal of net zero greenhouse gas emissions by 2030;

⁸ Ibid, page 12-13.

⁹ Ibid, page 11. See also page 5, “To institute enduring advantages while combating the effects of climate change, we must fundamentally shift the way the department thinks, prepares, and acts. As we execute the department’s priorities through our planning documents, our actions, and across our acquisitions, we must be deliberate in including climate risks and security implications.”

¹⁰ [https://www2.burlingtonvt.gov/Archives/bd/BGDJFA4CF05D/Signed CC Resolution Declaring A Climate Emergency And Initiating A Just Transition For City Staff \(Revised\).pdf](https://www2.burlingtonvt.gov/Archives/bd/BGDJFA4CF05D/Signed%20CC%20Resolution%20Declaring%20A%20Climate%20Emergency%20And%20Initiating%20A%20Just%20Transition%20For%20City%20Staff%20(Revised).pdf)

¹¹ Ibid.

* * * * *

DISTRIBUTION:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

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THE CLIMATE EMERGENCY AND A 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

NOW, THEREFORE, BE IT RESOLVED that the City of Burlington 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 the Director of the Patrick Leahy Burlington International Airport and the City Council's Transportation, Energy, and Utilities Committee with a complete record of the calculated aviation and ground greenhouse gas emission created at the base no later than April first of the year following; and

BE IT FURTHER RESOLVED that the City of Burlington requests that the United States Air Force, in collaboration with the Vermont Air Force National Guard through its Adjutant General, and the Governor of State of Vermont, as the Commander in Chief of the Vermont Air Force National Guard (VTANG), work collaboratively with the Director of the Patrick Leahy Burlington International Airport and the City Council's Transportation, Energy, and Utilities Committee to draft a specific plan to adopt simulation and augmented reality training systems and take any other such measures as needed at the Vermont Air National Guard base at the Patrick Leahy Burlington International Airport to substantially reduce or eliminate aviation and ground greenhouse gas emission by 2030, in the spirit of the City's goal to become a net zero city by 2030, with an initial meeting of the parties to occur on or before December 31, 2023 and a follow up communication to the TEUC on the steps being taken provided on or before the TEUC's March 2024 meeting.

*GB/Resolutions 2023/ The Climate Emergency And A 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
July 20, 2023*

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

The Climate Emergency And A 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

.....

(as amended)

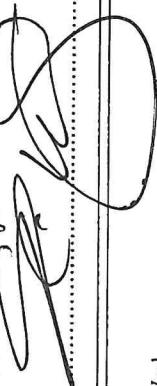
Adopted by the City Council

July 24, 2023



..... Clerk

Approved August 7, 2023



..... Mayor

Vol. Page

* * * * *

Resolution Relating to

AUTHORIZATION FOR CAPITAL PUBLIC
IMPROVEMENT INFRASTRUCTURE BONDS – MARCH 1,
2022 VOTER AUTHORIZATION

RESOLUTION_____

Sponsor(s): Bd. of Finance
Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

- 1 That WHEREAS, at a special meeting held on March 1, 2022, voters of the City of Burlington, by in excess
2 of 2/3rds of the voters voting at such meeting, authorized the City Council to issue general obligation bonds or
3 notes in one or more series in an aggregate principal amount not to exceed Twenty Three Million Eight
4 Hundred Thousand Dollars and 00/100 (\$23,800,000.00) for the purpose of funding capital improvement
5 infrastructure projects of the City and its departments (the “Projects”); and
6 WHEREAS, pursuant to such voter authorization, the City Council by Resolution adopted June 27,
7 2022, approved the issuance of general obligation bonds and notes in a principal amount not to exceed
8 Thirteen Million Dollars (\$13,000,000) of the total amount approved, which bonds were issued August 31,
9 2022 as the General Obligation Public Improvement Bonds, Series 2022A; and
10 WHEREAS, the City Council now intends to approve the issuance of general obligation bonds or notes
11 in a principal amount not to exceed Five Million Dollars (\$5,000,000) of the total amount approved, to be
12 issued in one or more series to finance a portion of the Projects for the City and its departments (the “Bonds”);
13 and
14 WHEREAS, the City is in the process of soliciting proposals from qualified underwriting firms and
15 financial institutions to sell, in a competitive or negotiated sale, the Bonds to finance such capital
16 improvement infrastructure projects; and
17 WHEREAS, the City intends to utilize the proceeds of tax-exempt bonds or other debt to pay the costs
18 of such capital infrastructure improvement projects, and may incur some capital costs prior to the issuance of
19 bonds to finance the capital improvement infrastructure projects of the City and its departments;
20 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
21 pledge the credit of the City and to issue the Bonds in connection therewith in the principal amount not to
22 exceed Five Million Dollars (\$5,000,000); and

23 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering,
24 competitive sale, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and
25 issued together with other general obligation bonds of the City; and

26 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby
27 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
28 interest rates, and payment schedule to be determined by the Chief Administrative Officer or the Banking and
29 Cash Operations Manager; provided that the true interest cost for the Bonds as determined by the Chief
30 Administrative Officer or the Banking and Cash Operations Manager shall not exceed six and one-half percent
31 (6.50%) per annum; and

32 BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed
33 six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be
34 required; and

35 BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding
36 general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem*
37 taxes duly assessed on the grand list of all taxable property in the City; and

38 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
39 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
40 Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief
41 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
42 authorized to execute and deliver one or more final Official Statements and to execute and deliver such
43 agreements, including one or more bond purchase agreement with the underwriter or underwriters for the
44 Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents,
45 agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

46 BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds,
47 reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief
48 Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes
49 as authorized by the City Council for other capital projects; and

50 BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer and/or the
51 Banking and Cash Operations Manager, it is desirable and in the City's best interest to obtain bond insurance
52 for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager

are, and each one of them is, hereby authorized, to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City’s 2024 fiscal year in furtherance of the Projects, in an amount not to exceed \$1,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended; and

BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City’s Chief Administrative Officer and the Banking and Cash Operations Manager are each further authorized to declare additional notices of official intent to reimburse capital expenditures made in furtherance of the Projects with the proceeds of tax-exempt bonds.

KS/JP/Resolutions 2023/Authorization for Capital Public Improvement Infrastructure Bonds – May 1, 2022 Voter Authorization
July 13, 2023



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko, Banking & Cash Operations Manager
Katherine Schad, Chief Administrative Officer

DATE: July 17 and 24, 2023

RE: Approval of Five Resolutions for Annual Borrowing for FY24 for City and School

Overview

The Clerk Treasurer's Office and the Burlington School District present several resolutions for annual FY24 borrowing for capital needs, specifically:

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Please note that we expect the true interest cost for any and all financing to be less than 6.5% and will come back to the Board of Finance for additional approval if the true interest cost exceeds 6.5%.

For ease, these resolutions may be considered as a slate.

Specifics

1. The first Resolution is for \$7M in annual borrowing for FY24, specifically \$2M to accommodate the working capital and capital improvement needs of the City; \$3M for capital improvements, additions and replacements required for the efficient operation of BED; and \$2M to accommodate the working capital and capital improvement, additions and replacements required for the efficient and economical operation of BSD.
2. The second Resolution is to refund the \$7M Bond Anticipation Note for FY23 which City Council adopted on June 27, 2022, for the same purposes as the first Resolution describes above.
3. The third Resolution is for up to \$5M of capital improvement bonds, which is a part of the March 1, 2022, annual meeting vote to authorize City Council to issue general obligation bonds in an aggregate amount not to exceed \$23.8M. Note that on June 27, 2022 the City Council approved the issuance of general obligation bonds of \$13M.

4. The fourth Resolution is for up to \$2M in bonds for the BSD Integrated Arts Academy. On March 7, 2017, voters approved a ballot question and authorized the City Council to issue general obligation bonds in an amount not to exceed \$19M. Pursuant to such voter authorization, the City previously issued its \$300,000 General Obligation Public Improvement Bonds Series 2017C and its \$6M General Obligation Public Improvement Bonds Series 2018B for the Burlington School District. The Board of School Commissioners of the BSD, at its board meeting held June 6, 2023, has requested that the City Council issue general obligation bonds in an amount not to exceed \$2M pursuant.
5. The fifth Resolution is for up to \$130M in bonds for the Burlington High School, which includes \$40M for the refinancing of the Bond Anticipation Note. On November 8, 2022, voters of the City of Burlington authorized the City Council to issue general obligation bonds or notes in an aggregate amount not to exceed \$165M. On May 15, 2023, the City Council authorized the Chief Administrative Officer to borrow \$40M in the form of one or more bond anticipation or other short-term notes in anticipation of the issuance and sale of bonds as approved by the voters in order to have available money with which to defray the costs of the capital improvement(s) for the Project as work progresses. The Board of School Commissioners, by motion adopted by the Board of School Commissioners at its June 6, 2023 meeting, requested that the City Council approve the issuance of up to \$130M in bonds pursuant to the November 8, 2022 voter approval, of which \$40M in principal amount will be used to refinance the Prior Note on the maturity thereof.

Board of Finance Motion

Move to approve and recommend that the City Council adopt the following resolutions related to FY24 borrowing :

1. Resolution for the \$7M annual borrowing for FY24 (BED, City and BSD);
2. Resolution for the refunding of the \$7M Bond Anticipation Note for FY23 (BED, City and BSD), which is due on September 14, 2023;
3. Resolution for up to \$5M capital improvement bonds (voter approved March 2022);
4. Resolution for up to \$2M in bonds for BSD Integrated Arts Academy (voter approved March 2017); and
5. Resolution for up to \$130M in bonds for the Burlington High School (voter approved November 2022), which includes \$40M for the refinancing of the Bond Anticipation Note, which is due September 14, 2023.

Resolution Relating to

AUTHORIZATION FOR CAPITAL PUBLIC
IMPROVEMENT INFRASTRUCTURE BONDS – MARCH 1,
2022 VOTER AUTHORIZATION

RESOLUTION 7.8

Sponsor(s): Bd. of Finance

Introduced: 07/24/23

Referred to: _____

Action: adopted

Date: 07/24/23

Signed by Mayor: 07/26/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, at a special meeting held on March 1, 2022, voters of the City of Burlington, by in excess
2 of 2/3^{rds} of the voters voting at such meeting, authorized the City Council to issue general obligation bonds or
3 notes in one or more series in an aggregate principal amount not to exceed Twenty Three Million Eight
4 Hundred Thousand Dollars and 00/100 (\$23,800,000.00) for the purpose of funding capital improvement
5 infrastructure projects of the City and its departments (the “Projects”); and

6 WHEREAS, pursuant to such voter authorization, the City Council by Resolution adopted June 27,
7 2022, approved the issuance of general obligation bonds and notes in a principal amount not to exceed
8 Thirteen Million Dollars (\$13,000,000) of the total amount approved, which bonds were issued August 31,
9 2022 as the General Obligation Public Improvement Bonds, Series 2022A; and

10 WHEREAS, the City Council now intends to approve the issuance of general obligation bonds or notes
11 in a principal amount not to exceed Five Million Dollars (\$5,000,000) of the total amount approved, to be
12 issued in one or more series to finance a portion of the Projects for the City and its departments (the “Bonds”);
13 and

14 WHEREAS, the City is in the process of soliciting proposals from qualified underwriting firms and
15 financial institutions to sell, in a competitive or negotiated sale, the Bonds to finance such capital
16 improvement infrastructure projects; and

17 WHEREAS, the City intends to utilize the proceeds of tax-exempt bonds or other debt to pay the costs
18 of such capital infrastructure improvement projects, and may incur some capital costs prior to the issuance of
19 bonds to finance the capital improvement infrastructure projects of the City and its departments;

20 NOW, THEREFORE, BE IT RESOLVED that the City Council has determined that it is necessary to
21 pledge the credit of the City and to issue the Bonds in connection therewith in the principal amount not to
22 exceed Five Million Dollars (\$5,000,000); and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. Page

* * * * *

23 BE IT FURTHER RESOLVED that such Bonds may be sold in a private placement, public offering,
24 competitive sale, or negotiated sale with one or more underwriters or underwriting firms, and may be sold and
25 issued together with other general obligation bonds of the City; and

26 BE IT FURTHER RESOLVED that the pledging of the City's credit for such Bonds is hereby
27 authorized, with the amount of indebtedness and the form of the evidence of indebtedness to be issued, the
28 interest rates, and payment schedule to be determined by the Chief Administrative Officer or the Banking and
29 Cash Operations Manager; provided that the true interest cost for the Bonds as determined by the Chief
30 Administrative Officer or the Banking and Cash Operations Manager shall not exceed six and one-half percent
31 (6.50%) per annum; and

32 BE IT FURTHER RESOLVED that in the event that the true interest cost of the Bonds would exceed
33 six and one-half percent (6.50%) per annum, the prior approval of the City's Board of Finance shall be
34 required; and

35 BE IT FURTHER RESOLVED that the Bonds, when issued and delivered, shall be valid and binding
36 general obligations of the City payable according to the terms and tenor thereof from unlimited *ad valorem*
37 taxes duly assessed on the grand list of all taxable property in the City; and

38 BE IT FURTHER RESOLVED that the Mayor, the Chief Administrative Officer, and the Banking and
39 Cash Operations Manager are, and each one of them is, hereby authorized and directed to prepare one or more
40 Official Statements of the City as they deem necessary in the City's best interest. The Mayor, the Chief
41 Administrative Officer, and the Banking and Cash Operations Manager are, and each one of them is, hereby
42 authorized to execute and deliver one or more final Official Statements and to execute and deliver such
43 agreements, including one or more bond purchase agreement with the underwriter or underwriters for the
44 Bonds, continuing disclosure certificates, certificates as to use of proceeds and all other documents,
45 agreements and instruments necessary or convenient in connection with the issuance of the Bonds; and

46 BE IT FURTHER RESOLVED that, in order to obtain efficiency in the issuance of such Bonds,
47 reduce transaction expenses, and seek the potential opportunity for more favorable interest rates, the Chief
48 Administrative Officer may combine the issuance of the Bonds in one or more series with other bonds or notes
49 as authorized by the City Council for other capital projects; and

50 BE IT FURTHER RESOLVED that, if in the opinion of the Chief Administrative Officer and/or the
51 Banking and Cash Operations Manager, it is desirable and in the City's best interest to obtain bond insurance
52 for the Bonds, the Mayor, the Chief Administrative Officer, and the Banking and Cash Operations Manager

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

Attest:

..... Mayor

Vol. Page

* * * * *

are, and each one of them is, hereby authorized, to enter into such agreements and instruments with the bond insurer in order to obtain bond insurance for the Bonds; and

BE IT FURTHER RESOLVED that it is the official intent of the City Council to reimburse some capital expenditures made during the City's 2024 fiscal year in furtherance of the Projects, in an amount not to exceed \$1,000,000 in the aggregate, with the proceeds of tax-exempt bonds, in accordance with the requirements of Section 1.150-2 of the Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended; and

BE IT FURTHER RESOLVED that the City reasonably expects on the date hereof that it will reimburse such expenditures with the proceeds of tax-exempt bonds; and

BE IT FURTHER RESOLVED that the City's Chief Administrative Officer and the Banking and Cash Operations Manager are each further authorized to declare additional notices of official intent to reimburse capital expenditures made in furtherance of the Projects with the proceeds of tax-exempt bonds.

* * * * *

DISTRIBUTION:

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

CT, Ashley Parker
CT, Darlene Bayko

ORIGINAL

RESOLUTION RELATING TO

Authorization For Capital Public Improvement Infrastructure Bonds -

March 1, 2022 Voter Authorization

Adopted by the City Council

July 24, 2023

 Clerk

Approved 7/26/23, 2023

 Mayor

Attest:


Lori Olberg
Licensing, Voting and Records Coordinator

Vol. Page

* * * * *



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Chief of Police Jon Murad
DATE: July 20, 2023 **Revised July 24, 2023**
RE: Burlington CARES Overview, Position Requests, and Structure

Summary:

This memo provides an overview of the status of the program the City is calling “Burlington Crisis Assessment, Response, and Engagement Service,” or “Burlington CARES.” Burlington CARES will deploy two-person teams consisting of a clinician and a paramedic or registered nurse (or similar personnel) to respond to crises requiring mental-health care and/or medical intervention. Burlington CARES will be led by a clinical supervisor. (The programmatic concept derives, in part, from the CAHOOTS program in Eugene, Oregon.)

Request for Three Positions:

The Burlington Police Department (BPD) seeks approval for two job descriptions and three positions associated with Burlington CARES,” for “Crisis Assessment, Response, and Engagement Service.”

- One (1) Burlington CARES Clinical Supervisor, a Regular, Full-Time, Exempt, Non-Union, Grade 20 position
- Two (2) Burlington CARES Clinicians, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 19 position

These positions will reside within the BPD. The City is also working with the UVM Medical Center to provide two nurses that will be part of the BTV Cares team.

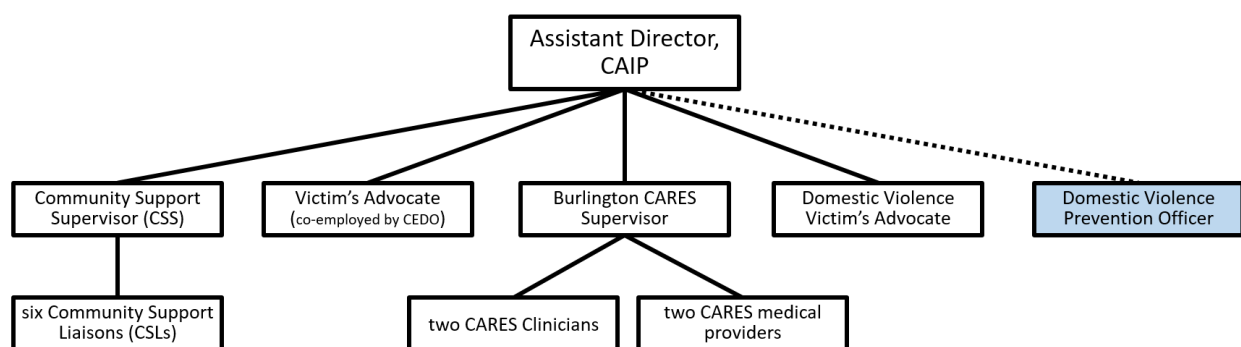
See attached job descriptions.

Funding:

The preliminary cost estimates to operate Burlington CARES were previously articulated to the Board of Finance and approved by a City Council resolution pertaining to granting permission to accept a grant from Vermont Department of Mental Health. The approximate projected Year 1 costs are \$762,042; approximate projected Year 2 costs are \$615,533.

Structure:

Burlington CARES will operate out of the Burlington Police Department, specifically the BPD's Crisis, Advocacy, Intervention Programs unit, or CAIP. The proposed organizational structure of CAIP, including Burlington CARES, is shown below. Note that CAIP is comprised entirely of non-sworn, professional staff resources with the exception of the Domestic Violence Prevention Officer. The DVPO works and is collocated with CAIP, but, as a sworn police officer, reports to the Deputy Chief of Operations. Please note, too, that the Community Service Officers (CSOs) are not part of CAIP; they are operational staff and organizationally reside within the Uniformed Services Bureau, reporting to the Officer In Charge for operational purposes and the Community Service Manager for administrative purposes.



The police facility at One North Avenue has space to house the CAIP configuration, although interior physical plant renovation and construction will be required.

Board of Finance Motion

The Burlington Police Department respectfully requests that the Board of Finance recommend the creation of:

- One (1) Burlington CARES Clinical Supervisor, a Regular, Full Time, Exempt, Non-Union, Grade 20 position.
- Two (2) Burlington CARES Clinicians, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 19 position.

City Council Motion

The Burlington Police Department respectfully requests that the City Council approve the creation of:

- One (1) Burlington CARES Clinical Supervisor, a Regular, Full Time, Exempt, Non-Union, Grade 20 position.
- Two (2) Burlington CARES Clinicians, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 19 position.

Respectfully and sincerely,



Jon Murad
Chief of Police

Appendix 1: Burlington CARES Proposal Overview

The City of Burlington seeks to develop a team of clinicians and medical professionals (to be known as “Burlington CARES,” or Crisis, Assessment, Response, and Engagement Service). Burlington CARES will provide in-person, in-the-field response to real-time calls for service. The medical-professional component may be Advanced EMTs, paramedics, or registered nurses; if EMTs or paramedics, they will be employees of the Burlington Fire Department. Burlington CARES will respond to calls such as those relating to:

- Mental-health conditions
- Substance-use disorder
- Trauma-related conditions
- Other emotional, medical, psychological, or behavioral health needs

In most cases, Burlington CARES’s objective will be to respond to active crisis situations and deploy de-escalation techniques grounded in person-centered, trauma-informed approaches, prior to or in lieu of any law-enforcement interaction.

In some instances Burlington CARES may be called to assist law-enforcement at crisis situations where law-enforcement has the lead.

Additionally, it is anticipated that Burlington CARES could respond to incidents such as welfare checks, medical events, and non-fatal overdoses. Because Burlington CARES is partially funded by a grant from the State of Vermont Department of Mental Health, it will also focus on preventing hospital referral whenever possible, which can be best accomplished by providing proactive, in-the-field outreach that precedes and *prevents* crisis incidents.

Calls will primarily be relayed through the Burlington Police Department’s Emergency Communications Center (aka, “Dispatch”), but also may come direct from local service providers like Howard Center or NFI, or from City staff, elected officials, and citizens. Members of Burlington CARES must specialize in deescalation. Burlington CARES must be able to respond to crisis calls involving subjects of any age; therefore, Burlington CARES must field members who have additional specialized training to work with youth and families.

Burlington CARES will intervene in crisis situations where armed law enforcement is not necessary, although Burlington CARES members must also have the expertise to assess situations to determine whether police response is in fact necessary and then request and support police as appropriate. Burlington CARES will be unarmed and will work within the nonprofit and public system. It is anticipated Burlington CARES will primarily respond to mental-health-related incidents.

Burlington CARES will consist of members specifically assigned to Burlington CARES who will collocate and codeploy. It is anticipated that Burlington CARES will be housed among the Crisis Advocacy Intervention Programs, or CAIP, wing of the BPD.

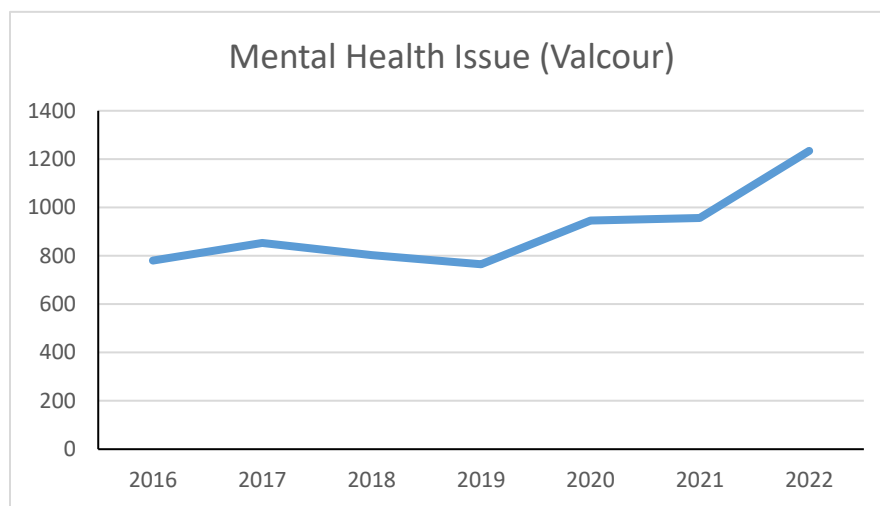
Burlington CARES will connect with and work with other social-service providers. Burlington CARES will share identifiable data with City partners (in accordance with the Health Insurance Portability and Accountability Act (HIPAA)). Burlington CARES will share deidentified data about call volume and call type with the public. Burlington CARES will operate in geographic areas throughout the city of Burlington.

Burlington CARES will seek to approach patients where they are, including on the street and in encampments. It will also conduct follow-up in these locations.

The City expects Burlington CARES to be able to achieve a cohesive service network with other providers, as well as cross training in person-centered, trauma-informed approaches.

Burlington CARES will assess the to-be-determined volume of mental-health-related incidents applicable to Burlington CARES and then determine whether Burlington CARES will have capacity to address non-crisis incidents. The BPD's current volume is shown below.

BPD INCIDENTS	2016	2017	2018	2019	2020	2021	2022
"Mental Health Issue"	781	853	803	765	946	957	1,234
"Overdose"	71	70	56	58	100	145	251



Appendix 2: Proposed Preliminary Timeline for Burlington CARES

DATE	DELIVERABLE	PRIMARY PERSONNEL
6/23/2023	UVMMC/City (admin) meet to discuss roles, positions, and expectations	Mayor Weinberger and UVMMC President and COO Dr Leffler
6/23/2023	Staff positions posted	Community Support Supervisor Lacey Smith and Roz King, RN
7/10/2023	Vehicle identified and purchased	Fire Chief LaChance
7/17/2023	Develop DMH requirements	Implementer Jackie Corbally and CSS Smith
7/24/2023	UVMMC/City develop and sign MOU	RN King and Implementer Corbally and legal staff
7/31/2023	UVMMC/City develop protocols and policies for implementation	Implementer Corbally
8/7/2023	Implement EHR software (Simple Practice)	Implementer Corbally
8/14/2023	Prospective personnel for all positions identified and in hiring process	CSS Smith and RN King
8/21/2023	Convene first Advisory Board meeting	Police Chief Murad and Implementer Corbally
9/11/2023	Onboard and train personnel	CSS Smith and Implementer Corbally
9/25/2023	Burlington CARES operational	

###

City of Burlington Job Description

Position Title: CARES Team Clinical Supervisor

Department: Burlington Police Department

Reports to: CAIP Assistant Director

Pay Grade: 20

Job Code:

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: The Burlington Crisis Assessment, Response, and Engagement Services (CARES) team is a field-based entity that provides real-time response for mental health and addiction behaviors and symptoms. The Burlington CARES team also trains in trauma-informed deescalation skills. It is a part of the Burlington Police Department's Crisis, Advocacy, Intervention Programs (CAIP) division.

The CARES Team Clinical Supervisor is a trained professional focusing on clinical services associated with homelessness, substance-use disorder, mental health, and persons with chronic service needs. This position supervises the clinical half of a team comprised of clinicians and medical professionals. The work performed by this team is primarily provided in the field, instead of a traditional clinical setting. The Clinical Supervisor is an integral part of the CARES team who uses timely and accurate information to implement effective tactics and strategies to reduce the need for emergency room visits. The Clinical Supervisor is responsible for coordinating all aspects of clinical care, to include intensive coordination across all social service systems, agencies, and stakeholders, as well as for providing direct service as a way to fill gaps in the various continua of care. This position oversees all CARES team fiscal requirements including data gathering and data submission as required by city, state, and federal entities. This position works with the CAIP Assistant Director to secure further funding to sustain the project. The CARES Team Clinical Supervisor provides insights and strategies, informed by trauma-centered, person-centered practices in a fast-paced work environment and focuses on addressing gaps in Burlington's various social-service systems. The CARES Team Clinical Supervisor ensures the team is educated in trauma-informed practices and the need for various modalities that meet the individual's needs. The CARES Team Clinical Supervisor ensures that the help the CARES team administers encourages individuals and families in Burlington to live healthier lives by working with those who seek service through the City's public safety systems, as well as direct referrals from community members and providers. The CARES Team Clinical Supervisor works closely with an advisory board around best practices and adherence to the spirit and mission of this team, including its role in reducing emergency room visits. The CARES Team Clinical Supervisor is directed and supervised by the CAIP Assistant Director.

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.)

- Provide clinical services to all clients, ranging from age 6 and up, in the field
- Provide clinical services/supervision to CARES Team Clinicians including assessment, referral, consultation, education, and short-term counseling to individuals struggling with mental health issues.
- Develop innovative approaches that include Clinicians, EMTs, and UVMMC staff to develop an informative, trauma educated approach.
- Work on a team alongside a medical professional, with a high degree of autonomy, responsibility, and accountability.
- Respond to requests from police, other City departments, and community members for intervention in non-criminal matters. Interventions could include, but are not limited to, interactions with individuals in the midst of a mental-health crisis, deescalating individuals struggling with co-occurring issues, working with houseless neighbors while they are waiting for long term supports, following up with people suffering from substance-use disorder (particularly after instances of overdose), etc.
- Work as a partner to collaborate, consult, and coordinate services with all of the Burlington social-service providers to include intensive collaboration with mental-health and substance-use disorder providers.
- Develop and maintain relationships with partners for a team approach to problem solving that allows for coordinated interventions to challenging quality-of-life issues and/or neighborhood conflicts.
- Prepare for and attend strategy and planning meetings with the full range of stakeholders in order to assess the effectiveness of tactics and strategies.
- Provide effective assessments and develop strategies to assist individuals in finding appropriate community resources to address their underlying need. Must engage in person-centered, low-barrier best practices.
- Partner with the Community Support Liaisons, Street Outreach, and other outreach teams in efforts to coordinate care for individuals living outdoors
- Create and maintain up-to-date records for all case interventions.
- Collaborate on large, interagency teams that require flexibility and creativity to help solve complex societal and interpersonal issues.
- Understand and maintain best practices in providing community healthcare, with the purpose of filling a gap in care until the proper provider is identified.
- Engage in regular briefings with the CAIP Assistant Director around the community's needs and challenges.
- Creatively collaborate with a wide range of entities and individuals, to include the police and fire departments, but also government officials and persons from courts and corrections, non-profits, academia, and private enterprise.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- A Master's Degree in social work or relevant social science degree required; at least 5 years of experience in clinical work.
- Vermont clinical license required; ability to be credentialed with insurance companies required.
- Demonstrated competency in trauma and trauma-informed practices.
- Demonstrated excellence in diffusing mental health crisis.
- Demonstrated skills EE crisis and writing effective documentation to secure inpatient hospitalization.
- Completion of one-day Mental Health First Aid training program preferred.
- Completion of a 40-hour Crisis Intervention Team training program preferred.
- Excellent communication skills, with a high degree of organizational skills is necessary.
- Knowledge of Vermont criminal- and juvenile-justice systems preferred.
- Comprehensive knowledge of social services within Burlington and the Greater Burlington area.
- Must be able to work nights and weekends.
- Must successfully complete Police Department oral board interview and background investigation.
- Ability to clearly and effectively communicate during complex, rapidly evolving incidents.
- Ability to maintain objectivity in a stressful work environment, while making critical decisions.
- 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 training and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to engage with all levels of the general public, the Police Department, and other City officials.
- Ability to obtain and maintain a Vermont class D license
- Ability to engage and provide direct service to a wide variety of cultural and ethnic groups.
- 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.

- | | |
|--|---|
| ☒ seeing | ☒ ability to move distances within warehouses and offices |
| ☒ color perception (red, green, amber) | ☒ lifting (specify <input type="text"/> _20_ pounds) |
| ☒ hearing/listening | ☒ carrying (specify <input type="text"/> _20_ pounds) |
| ☒ clear speech | ☐ climbing |
| ☒ touching | ☒ driving |

- | | |
|--|---|
| ☒ _x_ dexterity | ☐ _ ability to mount and dismount forklift |
| ☐ _ hand | ☐ _ pushing/pulling |
| ☐ _ finger | ☒ _x_ shift work |
| ☒ _x_ reading – basic | ☐ _ moving objects |
| ☒ _x_ reading – complex | ☐ _ pressurized equipment |
| ☐ _ math skills – basic | ☒ _x_ extreme heat |
| ☐ _ math skills – complex | ☒ _x_ extreme cold |
| ☒ _x_ writing – basic | ☒ _x_ high places |
| ☒ _x_ writing – complex | ☒ _x_ noise |
| ☒ _x_ analysis/comprehension | ☒ _x_ fumes/odors |
| ☒ _x_ judgment/decision making | ☒ _x_ dirt/dust |
| ☐ _ clerical | ☒ _x_ hazardous materials |
| ☒ _x_ inside | ☐ _ electrical equipment |
| ☒ _x_ outside | ☐ _ mechanical equipment |
| ☒ _x_ works alone | |
| ☒ _x_ works with others | |
| ☒ _x_ face-to-face contact | |
| ☒ _x_ verbal contact w/others | |

Supervision:

Directly Supervises: _____

Indirectly Supervises: _____

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: _____

July 24, 2023

City of Burlington Job Description

Position Title: CARES Team Clinician

Department: Burlington Police Department

Reports to: CARES Team Clinical Supervisor

Pay Grade: 19

Job Code:

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose: The Burlington Crisis Assessment, Response, and Engagement Services (CARES) team is a field-based entity that provides real-time response for mental health and addiction behaviors and symptoms. The Burlington CARES team also trains in trauma-informed deescalation skills. It is a part of the Burlington Police Department's Crisis, Advocacy, Intervention Programs (CAIP) division.

The CARES Team Clinician is a trained professional focusing on clinical services associated with homelessness, substance-use disorder, mental health, and persons with chronic service needs. This position is part of a team comprised of a clinician and a medical professional. The work performed by this team is primarily provided in the field, instead of a traditional clinical setting. The CARES Team Clinician is an integral part of the CARES team that uses timely and accurate information to implement effective tactics and strategies to reduce the need for emergency room visits. The position is responsible for the coordination of all aspects clinical care, to include intensive coordination across all social service systems, agencies, and stakeholders, as well as provide direct service as a way to fill gaps in the various continuums of care. The CARES team is not intended to codeploy with police, although it may respond to requests for assistance from the police department's Officer in Charge. The CARES Team Clinician provides insights and strategies, informed by trauma-centered, person-centered practices, in a fast-paced work environment with a single-minded focus on addressing gaps in Burlington's various social-service systems. The CARES Clinician helps individuals and families in Burlington live healthier lives by working with those who seek service through the City's public safety systems or through direct referrals from community members and providers. The CARES team will work closely with an advisory board around best practices and adherence to the spirit and mission of this team, which is to reduce emergency room visits. The CARES Team Clinician will be directed and supervised by the CARES Team Clinical Supervisor.

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.)

- Provide clinical services to all clients, ranging from age 6 and up, in the field
- Must be able to provide clinical services including assessment, referral, consultation, education, and short term counseling to individuals struggling with mental health issues
- Work on a team alongside a medical professional, with a high degree of autonomy, responsibility, and accountability.
- Respond to requests from police, other City departments, and community members for intervention in non-criminal matters. Interventions could include, but are not limited to, interactions with individuals in the midst of a mental-health crisis, deescalating individuals struggling with co-occurring issues, working with houseless neighbors while they are waiting for long term supports, following up with people suffering from substance-use disorder (particularly after instances of overdose), etc.
- Work as a partner to collaborate, consult, and coordinate services with all of the Burlington social-service providers to include intensive collaboration with mental-health and substance-use disorder providers.
- Develop and maintain relationships with partners for a team approach to problem solving that allows for coordinated interventions to challenging quality-of-life issues and/or neighborhood conflicts.
- Prepare for and attend strategy and planning meetings with the full range of stakeholders in order to assess the effectiveness of tactics and strategies.
- Provide effective assessments and develop strategies to assist individuals in finding appropriate community resources to address their underlying need. Must engage in person-centered, low-barrier best practices.
- Partner with the Community Support Liaisons, Street Outreach, and other outreach teams in efforts to coordinate care for individuals living outdoors
- Create and maintain up-to-date records for all case interventions.
- Collaborate on large, interagency teams that require flexibility and creativity to help solve complex societal and interpersonal issues.
- Have an understanding of best practices in providing community healthcare, with the purpose of filling a gap in care until the proper provider is identified.
- Engage in regular briefings with the City of Burlington's Assistant Director of Alternative Services around the community's needs and challenges
- Possess willingness to work and creatively collaborate with a wide range of entities and individuals, to include the police and fire department, but also government officials and persons from courts and corrections, non-profits, academia, and private enterprise.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- A Master's Degree in social work or relevant social science degree required; at least 3 years of experience for consideration.

- Vermont clinical license required.
- Excellent communication skills, with a high degree of organizational skills is necessary.
- Knowledge of Vermont criminal- and juvenile-justice systems preferred.
- Completion of on-day Mental Health First Aid training program preferred.
- Completion of a 40-hour Crisis Intervention Team training program preferred.
- Comprehensive knowledge of social services within Burlington and the Greater Burlington area.
- Must be able to work outside of nights and weekends.
- Must successfully complete Police Department oral board interview and background investigation.
- Ability to clearly and effectively communicate during complex, rapidly evolving incidents.
- Ability to maintain objectivity in a stressful work environment, while making critical decisions
- 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 training and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to engage with all levels of the general public, the Police Department, and other City officials.
- Ability to obtain and maintain a Vermont class D license.
- Ability to engage with and provide direct assistance to a wide variety of cultural and ethnic groups.
- 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.

- | | |
|---|--|
| ☒ seeing | ☒ ability to move distances within warehouses and offices |
| ☒ color perception (red, green, amber) | ☒ lifting (specify <input type="text"/> 20 <input type="text"/> pounds) |
| ☒ hearing/listening | ☒ carrying (specify <input type="text"/> 20 <input type="text"/> pounds) |
| ☒ clear speech | ☐ climbing |
| ☒ touching | ☒ driving |
| ☒ dexterity ☐ hand ☐ finger | ☐ ability to mount and dismount forklift |
| ☒ reading – basic | ☐ pushing/pulling |
| ☒ reading – complex | ☒ shift work |
| ☒ math skills – basic | ☐ moving objects |
| ☒ math skills – complex | ☐ pressurized equipment |

- | | |
|--|---|
| ☒ writing – basic | ☒ extreme heat |
| ☒ writing – complex | ☒ extreme cold |
| ☒ analysis/comprehension | ☒ high places |
| ☒ judgment/decision making | ☒ noise |
| ☒ clerical | ☒ fumes/odors |
| ☒ inside | ☒ dirt/dust |
| ☒ outside | ☒ hazardous materials |
| ☒ works alone | ☐ electrical equipment |
| ☒ works with others | ☐ mechanical equipment |
| ☒ face-to-face contact | |
| ☒ verbal contact w/others | |

Supervision:

Directly Supervises: _____

Indirectly Supervises: _____

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: _____

July 24, 2023

City of Burlington Job Description

Position Title: CARES Team Clinical Supervisor

Department: Burlington Police Department

Reports to: CAIP Assistant Director

Pay Grade: 20

Job Code:

Exempt/Non-Exempt: Exempt (?)

Union: AFSCME

General Purpose: The Burlington Crisis Assessment, Response, and Engagement Services (CARES) team is a field-based entity that provides real-time response for mental health and addiction behaviors and symptoms. The Burlington CARES team also trains in trauma-informed deescalation skills. It is a part of the Burlington Police Department's Crisis, Advocacy, Intervention Programs (CAIP) division.

The CARES Team Clinical Supervisor is a trained professional focusing on clinical services associated with homelessness, substance-use disorder, mental health, and persons with chronic service needs. This position supervises the clinical half of a team comprised of clinicians and medical professionals. The work performed by this team is primarily provided in the field, instead of a traditional clinical setting. The Clinical Supervisor is an integral part of the CARES team who uses timely and accurate information to implement effective tactics and strategies to reduce the need for emergency room visits. The Clinical Supervisor is responsible for coordinating all aspects of clinical care, to include intensive coordination across all social service systems, agencies, and stakeholders, as well as for providing direct service as a way to fill gaps in the various continua of care. This position oversees all CARES team fiscal requirements including data gathering and data submission as required by city, state, and federal entities. This position works with the CAIP Assistant Director to secure further funding to sustain the project. The CARES Team Clinical Supervisor provides insights and strategies, informed by trauma-centered, person-centered practices in a fast-paced work environment and focuses on addressing gaps in Burlington's various social-service systems. The CARES Team Clinical Supervisor ensures the team is educated in trauma-informed practices and the need for various modalities that meet the individual's needs. The CARES Team Clinical Supervisor ensures that the help the CARES team administers encourages individuals and families in Burlington to live healthier lives by working with those who seek service through the City's public safety systems, as well as direct referrals from community members and providers. The CARES Team Clinical Supervisor works closely with an advisory board around best practices and adherence to the spirit and mission of this team, including its role in reducing emergency room visits. The CARES Team Clinical Supervisor is directed and supervised by the CAIP Assistant Director.

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.)

- Provide clinical services to all clients, ranging from age 6 and up, in the field
- Provide clinical services/supervision to CARES Team Clinicians including assessment, referral, consultation, education, and short-term counseling to individuals struggling with mental health issues.
- Develop innovative approaches that include Clinicians, EMTs, and UVMMC staff to develop an informative, trauma educated approach.
- Work on a team alongside a medical professional, with a high degree of autonomy, responsibility, and accountability.
- Respond to requests from police, other City departments, and community members for intervention in non-criminal matters. Interventions could include, but are not limited to, interactions with individuals in the midst of a mental-health crisis, deescalating individuals struggling with co-occurring issues, working with houseless neighbors while they are waiting for long term supports, following up with people suffering from substance-use disorder (particularly after instances of overdose), etc.
- Work as a partner to collaborate, consult, and coordinate services with all of the Burlington social-service providers to include intensive collaboration with mental-health and substance-use disorder providers.
- Develop and maintain relationships with partners for a team approach to problem solving that allows for coordinated interventions to challenging quality-of-life issues and/or neighborhood conflicts.
- Prepare for and attend strategy and planning meetings with the full range of stakeholders in order to assess the effectiveness of tactics and strategies.
- Provide effective assessments and develop strategies to assist individuals in finding appropriate community resources to address their underlying need. Must engage in person-centered, low-barrier best practices.
- Partner with the Community Support Liaisons, Street Outreach, and other outreach teams in efforts to coordinate care for individuals living outdoors
- Create and maintain up-to-date records for all case interventions.
- Collaborate on large, interagency teams that require flexibility and creativity to help solve complex societal and interpersonal issues.
- Understand and maintain best practices in providing community healthcare, with the purpose of filling a gap in care until the proper provider is identified.
- Engage in regular briefings with the CAIP Assistant Director around the community's needs and challenges.
- Creatively collaborate with a wide range of entities and individuals, to include the police and fire departments, but also government officials and persons from courts and corrections, non-profits, academia, and private enterprise.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- A Master's Degree in social work or relevant social science degree required; at least 5 years of experience in clinical work.
- Vermont clinical license required; ability to be credentialed with insurance companies required.
- Demonstrated competency in trauma and trauma-informed practices.
- Demonstrated excellence in diffusing mental health crisis.
- Demonstrated skills EE crisis and writing effective documentation to secure inpatient hospitalization.
- Completion of one-day Mental Health First Aid training program preferred.
- Completion of a 40-hour Crisis Intervention Team training program preferred.
- Excellent communication skills, with a high degree of organizational skills is necessary.
- Knowledge of Vermont criminal- and juvenile-justice systems preferred.
- Comprehensive knowledge of social services within Burlington and the Greater Burlington area.
- Must be able to work nights and weekends.
- Must successfully complete Police Department oral board interview and background investigation.
- Ability to clearly and effectively communicate during complex, rapidly evolving incidents.
- Ability to maintain objectivity in a stressful work environment, while making critical decisions.
- 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 training and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to engage with all levels of the general public, the Police Department, and other City officials.
- Ability to obtain and maintain a Vermont class D license
- Ability to engage and provide direct service to a wide variety of cultural and ethnic groups.
- 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.

☒ seeing	☒ ability to move distances within warehouses and offices
☒ color perception (red, green, amber)	☒ lifting (specify 20 pounds)
☒ hearing/listening	☒ carrying (specify 20 pounds)
☒ clear speech	☐ climbing
☒ touching	☒ driving

- | | | | |
|--|-------------------------------|---------------------------------|---|
| ☒ dexterity | ☐ hand | ☐ finger | ☐ ability to mount and dismount forklift |
| ☒ reading – basic | | | ☐ pushing/pulling |
| ☒ reading – complex | | | ☒ shift work |
| ☒ math skills – basic | | | ☐ moving objects |
| ☒ math skills – complex | | | ☐ pressurized equipment |
| ☒ writing – basic | | | ☒ extreme heat |
| ☒ writing – complex | | | ☒ extreme cold |
| ☒ analysis/comprehension | | | ☒ high places |
| ☒ judgment/decision making | | | ☒ noise |
| ☒ clerical | | | ☒ fumes/odors |
| ☒ inside | | | ☒ dirt/dust |
| ☒ outside | | | ☒ hazardous materials |
| ☒ works alone | | | ☐ electrical equipment |
| ☒ works with others | | | ☐ mechanical equipment |
| ☒ face-to-face contact | | | |
| ☒ verbal contact w/others | | | |

Supervision:

Directly Supervises: _____

Indirectly Supervises: _____

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: _____

July 14, 2023

City of Burlington Job Description

Position Title: CARES Team Clinician

Department: Burlington Police Department

Reports to: CARES Team Clinical Supervisor

Pay Grade: 19

Job Code:

Exempt/Non-Exempt: Exempt (?)

Union: AFSCME

General Purpose: The Burlington Crisis Assessment, Response, and Engagement Services (CARES) team is a field-based entity that provides real-time response for mental health and addiction behaviors and symptoms. The Burlington CARES team also trains in trauma-informed deescalation skills. It is a part of the Burlington Police Department's Crisis, Advocacy, Intervention Programs (CAIP) division.

The CARES Team Clinician is a trained professional focusing on clinical services associated with homelessness, substance-use disorder, mental health, and persons with chronic service needs. This position is part of a team comprised of a clinician and a medical professional. The work performed by this team is primarily provided in the field, instead of a traditional clinical setting. The CARES Team Clinician is an integral part of the CARES team that uses timely and accurate information to implement effective tactics and strategies to reduce the need for emergency room visits. The position is responsible for the coordination of all aspects clinical care, to include intensive coordination across all social service systems, agencies, and stakeholders, as well as provide direct service as a way to fill gaps in the various continuums of care. The CARES team is not intended to codeploy with police, although it may respond to requests for assistance from the police department's Officer in Charge. The CARES Team Clinician provides insights and strategies, informed by trauma-centered, person-centered practices, in a fast-paced work environment with a single-minded focus on addressing gaps in Burlington's various social-service systems. The CARES Clinician helps individuals and families in Burlington live healthier lives by working with those who seek service through the City's public safety systems or through direct referrals from community members and providers. The CARES team will work closely with an advisory board around best practices and adherence to the spirit and mission of this team, which is to reduce emergency room visits. The CARES Team Clinician will be directed and supervised by the CARES Team Clinical Supervisor.

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.)

- Provide clinical services to all clients, ranging from age 6 and up, in the field
- Must be able to provide clinical services including assessment, referral, consultation, education, and short term counseling to individuals struggling with mental health issues
- Work on a team alongside a medical professional, with a high degree of autonomy, responsibility, and accountability.
- Respond to requests from police, other City departments, and community members for intervention in non-criminal matters. Interventions could include, but are not limited to, interactions with individuals in the midst of a mental-health crisis, deescalating individuals struggling with co-occurring issues, working with houseless neighbors while they are waiting for long term supports, following up with people suffering from substance-use disorder (particularly after instances of overdose), etc.
- Work as a partner to collaborate, consult, and coordinate services with all of the Burlington social-service providers to include intensive collaboration with mental-health and substance-use disorder providers.
- Develop and maintain relationships with partners for a team approach to problem solving that allows for coordinated interventions to challenging quality-of-life issues and/or neighborhood conflicts.
- Prepare for and attend strategy and planning meetings with the full range of stakeholders in order to assess the effectiveness of tactics and strategies.
- Provide effective assessments and develop strategies to assist individuals in finding appropriate community resources to address their underlying need. Must engage in person-centered, low-barrier best practices.
- Partner with the Community Support Liaisons, Street Outreach, and other outreach teams in efforts to coordinate care for individuals living outdoors
- Create and maintain up-to-date records for all case interventions.
- Collaborate on large, interagency teams that require flexibility and creativity to help solve complex societal and interpersonal issues.
- Have an understanding of best practices in providing community healthcare, with the purpose of filling a gap in care until the proper provider is identified.
- Engage in regular briefings with the City of Burlington's Assistant Director of Alternative Services around the community's needs and challenges
- Possess willingness to work and creatively collaborate with a wide range of entities and individuals, to include the police and fire department, but also government officials and persons from courts and corrections, non-profits, academia, and private enterprise.

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- A Master's Degree in social work or relevant social science degree required; at least 3 years of experience for consideration.

- Vermont clinical license required.
- Excellent communication skills, with a high degree of organizational skills is necessary.
- Knowledge of Vermont criminal- and juvenile-justice systems preferred.
- Completion of on-day Mental Health First Aid training program preferred.
- Completion of a 40-hour Crisis Intervention Team training program preferred.
- Comprehensive knowledge of social services within Burlington and the Greater Burlington area.
- Must be able to work outside of nights and weekends.
- Must successfully complete Police Department oral board interview and background investigation.
- Ability to clearly and effectively communicate during complex, rapidly evolving incidents.
- Ability to maintain objectivity in a stressful work environment, while making critical decisions
- 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 training and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to engage with all levels of the general public, the Police Department, and other City officials.
- Ability to obtain and maintain a Vermont class D license.
- Ability to engage with and provide direct assistance to a wide variety of cultural and ethnic groups.
- 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.

- | | |
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| ☒ hearing/listening | ☒ carrying (specify <input type="text"/> 20 <input type="text"/> pounds) |
| ☒ clear speech | ☐ climbing |
| ☒ touching | ☒ driving |
| ☒ dexterity <input type="text"/> hand <input type="text"/> finger | ☐ ability to mount and dismount forklift |
| ☒ reading – basic | ☐ pushing/pulling |
| ☒ reading – complex | ☒ shift work |
| ☒ math skills – basic | ☐ moving objects |
| ☒ math skills – complex | ☐ pressurized equipment |

- | | |
|--|---|
| ☒ writing – basic | ☒ extreme heat |
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| ☒ clerical | ☒ fumes/odors |
| ☒ inside | ☒ dirt/dust |
| ☒ outside | ☒ hazardous materials |
| ☒ works alone | ☐ electrical equipment |
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| ☒ verbal contact w/others | |

Supervision:

Directly Supervises: _____

Indirectly Supervises: _____

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: _____

June 7, 2023



**POLICE DEPARTMENT
CITY OF BURLINGTON**

TO: Board of Finance and City Council
FROM: Chief of Police Jon Murad
DATE: July 20, 2023
RE: Burlington CARES Overview, Position Requests, and Structure

Summary:

This memo provides an overview of the status of the program the City is calling “Burlington Crisis Assessment, Response, and Engagement Service,” or “Burlington CARES.” Burlington CARES will deploy two-person teams consisting of a clinician and a paramedic or registered nurse (or similar personnel) to respond to crises requiring mental-health care and/or medical intervention. Burlington CARES will be led by a clinical supervisor. (The programmatic concept derives, in part, from the CAHOOTS program in Eugene, Oregon.)

Request for Three Positions:

The Burlington Police Department (BPD) seeks approval for two job descriptions and three positions associated with Burlington CARES,” for “Crisis Assessment, Response, and Engagement Service.”

- One (1) Burlington CARES Clinical Supervisor, a Regular, Exempt, AFSCME, Grade 20 position
- Two (2) Burlington CARES Clinicians, a Regular, Exempt, AFSCME, Grade 19 position

These positions will reside within the BPD. The City is also working with the UVM Medical Center to provide two nurses that will be part of the BTV Cares team.

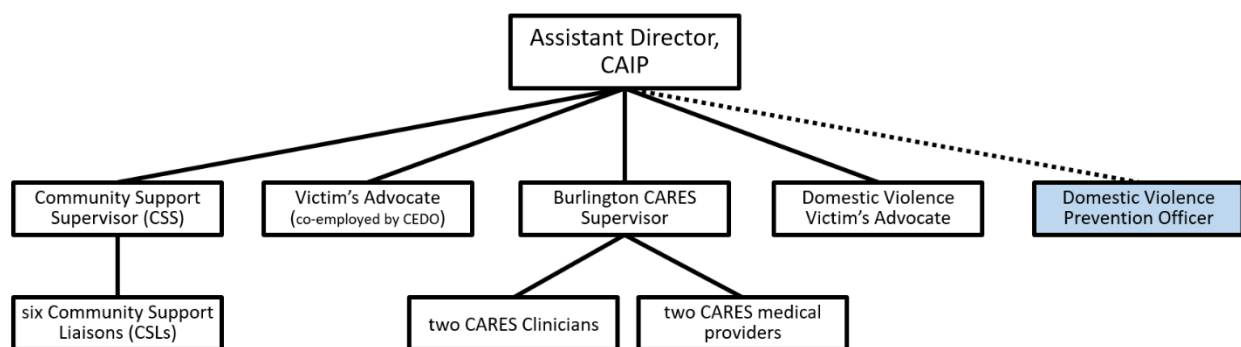
See attached job descriptions.

Funding:

The preliminary cost estimates to operate Burlington CARES were previously articulated to the Board of Finance and approved by a City Council resolution pertaining to granting permission to accept a grant from Vermont Department of Mental Health. The approximate projected Year 1 costs are \$762,042; approximate projected Year 2 costs are \$615,533.

Structure:

Burlington CARES will operate out of the Burlington Police Department, specifically the BPD's Crisis, Advocacy, Intervention Programs unit, or CAIP. The proposed organizational structure of CAIP, including Burlington CARES, is shown below. Note that CAIP is comprised entirely of non-sworn, professional staff resources with the exception of the Domestic Violence Prevention Officer. The DVPO works and is collocated with CAIP, but, as a sworn police officer, reports to the Deputy Chief of Operations. Please note, too, that the Community Service Officers (CSOs) are not part of CAIP; they are operational staff and organizationally reside within the Uniformed Services Bureau, reporting to the Officer In Charge for operational purposes and the Community Service Manager for administrative purposes.



The police facility at One North Avenue has space to house the CAIP configuration, although interior physical plant renovation and construction will be required.

Board of Finance Motion

The Burlington Police Department respectfully requests that the Board of Finance recommend the creation of:

- One (1) Burlington CARES Clinical Supervisor, a Regular, Exempt, AFSCME, Grade 20 position.
- Two (2) Burlington CARES Clinicians, a Regular, Exempt, AFSCME, Grade 19 position.

City Council Motion

The Burlington Police Department respectfully requests that the City Council approve the creation of:

- One (1) Burlington CARES Clinical Supervisor, a Regular, Exempt, AFSCME, Grade 20 position.
- Two (2) Burlington CARES Clinicians, a Regular, Exempt, AFSCME, Grade 19 position.

Respectfully and sincerely,

Jon Murad
Chief of Police

Appendix 1: Burlington CARES Proposal Overview

The City of Burlington seeks to develop a team of clinicians and medical professionals (to be known as “Burlington CARES,” or Crisis, Assessment, Response, and Engagement Service). Burlington CARES will provide in-person, in-the-field response to real-time calls for service. The medical-professional component may be Advanced EMTs, paramedics, or registered nurses; if EMTs or paramedics, they will be employees of the Burlington Fire Department. Burlington CARES will respond to calls such as those relating to:

- Mental-health conditions
- Substance-use disorder
- Trauma-related conditions
- Other emotional, medical, psychological, or behavioral health needs

In most cases, Burlington CARES’s objective will be to respond to active crisis situations and deploy de-escalation techniques grounded in person-centered, trauma-informed approaches, prior to or in lieu of any law-enforcement interaction.

In some instances Burlington CARES may be called to assist law-enforcement at crisis situations where law-enforcement has the lead.

Additionally, it is anticipated that Burlington CARES could respond to incidents such as welfare checks, medical events, and non-fatal overdoses. Because Burlington CARES is partially funded by a grant from the State of Vermont Department of Mental Health, it will also focus on preventing hospital referral whenever possible, which can be best accomplished by providing proactive, in-the-field outreach that precedes and *prevents* crisis incidents.

Calls will primarily be relayed through the Burlington Police Department’s Emergency Communications Center (aka, “Dispatch”), but also may come direct from local service providers like Howard Center or NFI, or from City staff, elected officials, and citizens. Members of Burlington CARES must specialize in deescalation. Burlington CARES must be able to respond to crisis calls involving subjects of any age; therefore, Burlington CARES must field members who have additional specialized training to work with youth and families.

Burlington CARES will intervene in crisis situations where armed law enforcement is not necessary, although Burlington CARES members must also have the expertise to assess situations to determine whether police response is in fact necessary and then request and support police as appropriate. Burlington CARES will be unarmed and will work within the nonprofit and public system. It is anticipated Burlington CARES will primarily respond to mental-health-related incidents.

Burlington CARES will consist of members specifically assigned to Burlington CARES who will collocate and codeploy. It is anticipated that Burlington CARES will be housed among the Crisis Advocacy Intervention Programs, or CAIP, wing of the BPD.

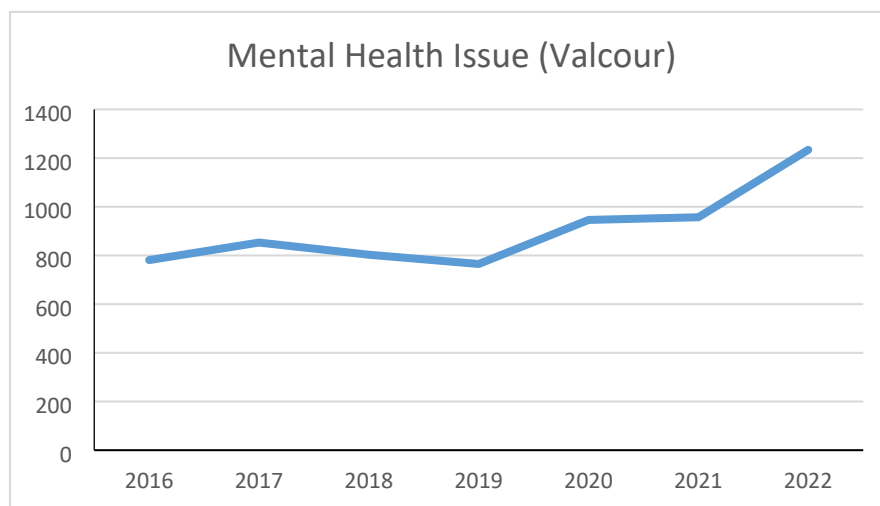
Burlington CARES will connect with and work with other social-service providers. Burlington CARES will share identifiable data with City partners (in accordance with the Health Insurance Portability and Accountability Act (HIPAA)). Burlington CARES will share deidentified data about call volume and call type with the public. Burlington CARES will operate in geographic areas throughout the city of Burlington.

Burlington CARES will seek to approach patients where they are, including on the street and in encampments. It will also conduct follow-up in these locations.

The City expects Burlington CARES to be able to achieve a cohesive service network with other providers, as well as cross training in person-centered, trauma-informed approaches.

Burlington CARES will assess the to-be-determined volume of mental-health-related incidents applicable to Burlington CARES and then determine whether Burlington CARES will have capacity to address non-crisis incidents. The BPD's current volume is shown below.

BPD INCIDENTS	2016	2017	2018	2019	2020	2021	2022
"Mental Health Issue"	781	853	803	765	946	957	1,234
"Overdose"	71	70	56	58	100	145	251



Appendix 2: Proposed Preliminary Timeline for Burlington CARES

DATE	DELIVERABLE	PRIMARY PERSONNEL
6/23/2023	UVMMC/City (admin) meet to discuss roles, positions, and expectations	Mayor Weinberger and UVMMC President and COO Dr Leffler
6/23/2023	Staff positions posted	Community Support Supervisor Lacey Smith and Roz King, RN
7/10/2023	Vehicle identified and purchased	Fire Chief LaChance
7/17/2023	Develop DMH requirements	Implementer Jackie Corbally and CSS Smith
7/24/2023	UVMMC/City develop and sign MOU	RN King and Implementer Corbally and legal staff
7/31/2023	UVMMC/City develop protocols and policies for implementation	Implementer Corbally
8/7/2023	Implement EHR software (Simple Practice)	Implementer Corbally
8/14/2023	Prospective personnel for all positions identified and in hiring process	CSS Smith and RN King
8/21/2023	Convene first Advisory Board meeting	Police Chief Murad and Implementer Corbally
9/11/2023	Onboard and train personnel	CSS Smith and Implementer Corbally
9/25/2023	Burlington CARES operational	

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MEMO

Date: July 17, 2023

To: Board of Finance and City Council

From: Kim Bleakley, Central Facilities Manager, Department of Parks, Recreation & Waterfront

CC: Cindi Wight, Director; Deryk Roach, Parks and Central Facilities Superintendent

Re: Exterior Temporary Fencing for Memorial Auditorium

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to furnish and install exterior temporary fencing around Memorial Auditorium.

II. Background

The Department of Parks, Recreation & Waterfront (BPRW), along with the Department of Community and Economic Development Office (CEDO) have been collaborating to stabilize Memorial Auditorium after the December 2022 public bond vote authorizing up to \$1M in expenses for this purpose. In February 2023, the Board of Finance approved structural roof work to be completed on the building. The next step of this stabilization is to have exterior temporary fencing installed around the building. This will provide a barrier around the building should any debris fall off of the building, keeping people safe around the exterior.

III. PROCESS

In fall 2022, CEDO hired a local engineer to produce specifications and drawings for this project. With this information, in March 2023, BPRW posted and invited local businesses to bid on an RFP to furnish and install exterior temporary fencing around the building. We had one contractor bid on this project, and are recommending that the City award the contract to the bidder, Waterman Siteworks, LLC. We are confident in our bidding process to make sure that all interested qualified bidders were able to engage. This same contractor has also been awarded similar City projects, per RFP guidelines in the last three years.

Please note the following dates associated with the RFP for this project:

Date of Issuance: March 24, 2023

Site Visit: By Appointment

Questions Due: March 30, 2023 12:00 PM

Answers Posted: March 31, 2023 12:00 PM

Proposal Due Date: April 3, 2023 12:00 PM

IV. PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project comes from Facilities Capital, as shown in Central Facilities FY '23 and FY '24 budgets.



Funding Sources & Budget	
Memorial Project Capital	\$813,371.53
Total Budget	\$131,725.00
Contractor bid	\$119,750.00
~10% Contingency (on above items)	\$11,975.00
Total Project Estimate	\$131,725.00

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the restoration.

V. SCHEDULE

The anticipated project schedule is as follows:

- March 2023: RFP issued for the exterior temporary fencing around Memorial Auditorium
- July 2023: Board of Finance and City Council approvals
- July 2023: Contract signed
- Late Summer / Early Fall 2023: Estimated construction begins

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

To approve and recommend that the City Council authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$119,750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of \$11,975.00 (total request including contingency not to exceed \$131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

City Council Motion:

To approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$119.750.00, to complete exterior temporary fencing at Memorial Auditorium, plus a project contingency of \$11,975.00 (total request including contingency not to exceed \$131,725.00), and to authorize Cindi Wight, Director of Parks, Recreation and Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney's Office.

Board of Finance and City Council Submission Checklist

Department: BPRW Submitter: Kim Bleakley

Title/Subject: Memorial Fencing

	Approval:	Meeting Date:
☒	Board of Finance	7/17/2023
☒	City Council	7/24/2023
☐	Concurrent	Click or tap to enter a date.

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	7/3/2023	Click or tap here to enter text.
Mayor's Office informed and approved memo	Yes	7/12/2023	Click or tap here to enter text.
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	7/11/2023	Kyle
CAO has reviewed budget, financing, and memo	Yes	7/13/2023	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	Choose an item.	Click or tap here to enter text.
Draft Resolution or Motion?	Choose an item.	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.