



Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

5:30 pm, Contois Auditorium OR Remotely via ZOOM:

Please click the link below to join the webinar:

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Or Telephone: +1 929 205 6099 US (New York)

Webinar ID: 922 8234 5545

****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	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 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: add to the consent agenda item 5.19. Communication: Vehicle for Hire Licensing Board, re: Vehicle for Hire Modernization; add to the consent agenda item 5.20. Communication: Dana Poverman, re: Resolution on tomorrow's agenda; add to the consent agenda item 5.21. Communication: Ed Baker, re: Comments: Agenda item 6.2.; note proposed amendments for agenda item 6.2. (per Councilor Magee)

2. Communication: Mayor Miro Weinberger re: privileged update on Memorial Auditorium as well as a discussion regarding negotiation of an agreement with VTANG pertaining to capital investments (verbal) **expected executive session**

Subject	2.1. Communication: Mayor Miro Weinberger re: privileged update on Memorial Auditorium as well as a discussion regarding negotiation of an agreement with VTANG pertaining to capital investments (verbal) **expected executive session**
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	2. Communication: Mayor Miro Weinberger re: privileged update on Memorial Auditorium as well as a discussion regarding negotiation of an agreement with VTANG pertaining to capital investments (verbal) **expected executive session**
Department	Mayor's Office
Type	Action
Recommended Action	I move to find that premature general public knowledge of contract negotiations related to the Patrick Leahy International Airport and also Memorial Auditorium would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating strategy if discussing the proposed contract terms or negotiations in public. Based on this finding of substantial disadvantage, I move that we enter into executive session to discuss contract negotiations related to real estate purchase or lease options pursuant to 1 V.S.A 313(1)(A) and (2).

3. Public Forum: Time Certain: 7:15 pm **See above for signup instructions**

Subject	3.1. Verbal Comments
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	3. Public Forum: Time Certain: 7:15 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural

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

Subject	4.1. Climate emergency reports
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	4. Climate Emergency Reports (5 - 10 mins.)
Department	Council and Board
Type	Information

5. Consent Agenda

Subject	5.1. Motion to adopt the consent agenda (as amended)and take the actions indicated
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Council and Board

Type	Action (Consent) Procedural
Recommended Action	Motion to adopt the consent agenda and take the actions indicated
Subject	5.2. Communication: C/T Office, re: Accountability List
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Communication Action (Consent) Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	5.3. Communication: C/T Office, re: Regular City Council Meeting Minutes, July 24, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.4. Communication: C/T Office, re: Local Cannabis Control Commission Meeting Minutes, July 24, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.5. Communication: C/T Office, re: Local Control Commission Meeting Minutes, July 24, 2023, Draft

Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.6. Communication: C/T Office, re: Regular City Council Meeting Minutes, August 14, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.7. Communication: C/T Office, re: City Council With Mayor Presiding Meeting Minutes, August 14, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.8. Communication: C/T Office, re: Local Control Commission Meeting Minutes, August 14, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.9. Communication: C/T Office, re: Regular City Council Meeting Minutes, September 11, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.10. Communication: C/T Office, re: Regular City Council Meeting Minutes, September 18, 2023, Draft
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the October 23, 2023 Regular City Council Meeting
Subject	5.11. Amendment to Indoor Entertainment Permit: Vermont Comedy Club
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)

Recommended Action	approve the amendment to the Vermont Comedy Club's Indoor Entertainment Permit: add karaoke night, 9 pm - 12 am, Tuesdays only
Subject	5.12. Fire Station Two Dormitory Renovation - BPRW
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	To approve and recommend authorization to affect all necessary budget amendments to create a project budget of \$358,414 for the Fire Station 2 project. To approve and recommend that City Council approve and authorize the execution of a contract with Farrington Construction, for a price not to exceed \$326,414, to provide services related to the renovation of the dormitory in Fire Station Two, plus a project contingency of \$32,000 (total request including contingency not to exceed \$358,414), 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	5.13. Summary of Proposal for Myers Trash Hauling Services - C/T Office
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	move to approve and authorize the Chief Administrative Officer, to execute a 2 year agreement, with retroactive approval to June 1, 2023, including an option to also renew year 3 & 4 with Myers Trash Hauling, for the purposes of monthly trash hauling within the City of Burlington, at a rate of \$14,932.93 a month and an additional on-call charge of \$155 per haul and \$150 per ton for trash compactor pick up, upon final review and approval of the City Attorney's Office
Subject	5.14. Request for Approval of Contract for Emergency Winooski River Siphon Repair Work - DPW - Water Resources
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)
Recommended Action	to retroactively approve, authorize, and ratify the Director of Public Works' execution of a contract with Engineers Construction, Inc. for emergency inverted siphon repair, for a Maximum Limiting Amount of \$793,500.00 with authorization for contingency funding of an additional \$40,000.00, for a total authorized expenditure not to exceed \$833,500.00, subject to the review and approval of the City Attorney's Office

Subject	5.15. Balanced and Restorative Justice amendment (contract 45100) approval - CEDO/CJC
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action (Consent)
Recommended Action	move to approve and authorize Director Pine to approve and authorize Director Pine to accept the DCF State Grant amendment #45100 in the amount of \$311,061.40 for the period of Jan. 1, 2023-June 30, 2024, upon final review and approval of the City Attorney's Office
Subject	5.16. FEMA Hazard Mitigation Grant Project, 389 Riverside Avenue - DPI
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Permitting & Inspections
Type	Action (Consent)
Recommended Action	1. To approve a budget neutral amendment to the FY '24 Department of Permitting & Inspections budget to include the FEMA Hazard Mitigation Grant Program monies in the amount of \$457,430 as described in the affiliated memorandum. 2. To authorize the Zoning Manager to execute a grant from the FEMA Hazard Mitigation Grant Program in an amount of \$457,530, subject to review and approval of the City Attorney's Office. 3. To accept the conveyance of 389 Riverside Avenue to the City of Burlington and authorize the Zoning Manager to execute the related documents necessary for the conveyance, subject to the review and approval of the City Attorney's Office.
Subject	5.17. Champlain Parkway Cooperative Agreement Amendment No. 8 - DPW
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to authorize the Director of Public Works, or his designee, to execute Amendment No. 8 to the Cooperative Agreement for the Champlain Parkway Project for continued project construction by increasing the maximum limiting amount by \$20,430,000 and the local match obligation by \$408,600, for a total authorized maximum limiting amount of \$65,000,000, including a total local match obligation of \$1,300,000 subject to the prior review and approval of the City Attorney's Office
Subject	5.18. FIO Documents
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only
Subject	5.19. Communication: Vehicle for Hire Licensing Board, re: Vehicle for Hire Modernization
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading, place it on file and refer this communication to the Transportation, Energy & Utilities Committee
Subject	5.20. Communication: Dana Poverman, re: Resolution on tomorrow's agenda
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	5.21. Communication: Ed Baker, re: Comments: Agenda item 6.2.
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file

6. Deliberative Agenda

Subject	6.1. Communication: Lt. Mike Belliveau and Deputy Chief Brian Labarge, Burlington Police Department, re: Presentation regarding Drug Unit
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Meeting October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Deliberative Agenda

Department Police Department

Type Information
Communication
Presentation

Recommended Action

Subject 6.2. Resolution: Declaring The Unprecedented Increase In Substance Use A Public Health Crisis And Together With Drug Activity In Our City To Be Our Top Public Health And Safety Priority, And Amending Appendix B Rules And Regulations Of The City Council To Add A Standing Item To Every Agenda (Public Safety Committee: Paul, Grant, Doherty) (30 mins.)

Meeting October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Deliberative Agenda

Department Council and Board

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject 6.3. Burlington Fire Department Community Response Team (CRT) - Fire (20 mins.)

Meeting October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Deliberative Agenda

Department Fire Department

Type Action

Recommended Action move to approve and authorize the Chief Administrative Officer to make any and all necessary budget amendments to allocate the use of the assigned Opioid Money Fund to support the formation and associated costs of a Community Response Team operated within the Burlington Fire Department for six months with a budget not to exceed \$182,598.00

Subject 6.4. City Of Burlington Seasonal Warming Shelter Project: Creation of (1) FTE position within CEDO; AHS; Grant Agreements; Contracts; Lease - CEDO (20 mins.)

Meeting October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Deliberative Agenda

Department	Community & Economic Development Office (CEDO)
Type	Action
Recommended Action	Move to move and authorize approve the following: • The creation of (1) FTE position within the Community Economic Development Office, the Homelessness Initiatives Manager, a non-union, limited service, grade 18 position. • Approve the acceptance of SFY 2024 grant funds in the amount of \$590,023 from the State of Vermont Housing and Opportunities Program for the operations of the seasonal overnight shelter 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 November 1, 2023 thru June 30, 2024, subject to the final review and approval of the City Attorney's Office. • Approve and authorize the Director of CEDO or their designee to create a project budget not to exceed \$590,023 for the development of a seasonal overnight shelter and to execute all contracts in furtherance of this initiative upon review and approval of the Chief Administrative Officer and City Attorney's Office. • Approve and authorize the Director of CEDO to execute Maxim Healthcare Staffing contract and related documents with maximum limiting amount of \$340,990 for the time period of December 1, 2023 thru March 31, 2024, subject to the final review and approval of the City Attorney's Office • Approve and authorize the Director of CEDO to execute VFW lease and related documents with maximum limiting amount of \$10,000 over a five month period (November 1, 2023 – March 31, 2024), subject to the final review and approval of the City Attorney's Office

7. Committee Reports (up to 15 mins.)

Subject	7.1. Verbal reports
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Committee Reports (up to 15 mins.)
Department	Council and Board
Type	Information

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

Subject	8.1. Verbal reports
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. City Council - General Affairs (up to 15 mins.)
Department	Council and Board
Type	Information

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

Subject	9.1. Verbal reports
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	9. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board

Type Information

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

Subject	10.1. Verbal reports
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	10. Mayor - General Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

11. Adjournment

Subject	11.1. Motion to adjourn
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	11. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

12. Informational and Non-Discrimination Statements

Subject	12.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	October 10, 2023 - Regular City Council Meeting - Tuesday, October 10, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	12. 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	2/6/2023	Resolution: Supporting More Public Input On Police Oversight And Accountability Upon Defeat Of The Ballot Initiative On A Community Control Board
4	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
5	3/13/2023	Communication re Ward 5 NPA Steering Committee to Name the New Shelburne Street Roundabout after Tony Redington
6	3/13/2023	Resolution: Supporting LGBTQIA+ Community Members and Condemning Transphobia
7	4/17/2023	Communication re Winooski Avenue Corridor Study Implementation Update

8	5/15/2023	Resolution: BTV Solar Eclipse 2024
9	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
10	6/5/2023	Resolution: Accepting Grant Funding from the Department of Mental Health for the Crisis Response Team and Exploring the Creation of a Burlington CAIP Department
11	7/24/2023	Resolution: The Climate Emergency and the Council Request to Count Vermont Air National Guard GHG Emissions and to Plan to Eliminate VTANG Aviation and Ground GHG Emissions in the Spirit of the City's 2030 Net Zero Goals
12	8/14/2023	Communication: Financial review of Expenditures by REIB in Fiscal Years 2021 and 2022

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

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

CITY COUNCIL ACCOUNTABILITY LIST

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

4-Oct-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
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 harmful messages.	
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 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. 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.	Referred to PACC with updates to the full Council in September and early 2024
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	Work session was held on June 5. UPDATE: research from CEDO is forthcoming and will be discusseed at the September 2023 CDNR meeting.
requests that the Vermont Air Force National Guard Adjutant General, beginning for the year 2025, calculate aviation and ground fuel usage at the VTANG base and to annually provide BTV Director and TEUC with a complete record of the calculated aviation and ground greenhouse gas emission; for VTANG to work collaboratively to draft a plan to adopt simulation and augmented reality training to substantially reduce or eliminate GHG with initial meeting on or before 12/31/23 and follow up at TUEC's March 2024 meeting	Report to come to Public Safety in October 2023
	Initial meeting of the parties by 12/31/2023
Refer the materials posted under this item as supporting documents to the HR Committee to consider the full impact of this report on our City, Tyeastia Green, Casey Ellerby and their families. We further refer these materials to the HR Committee to establish a process for independent evaluation and oversight of the hiring and retention policies and solutions employed by the City of Burlington to combat anti-bipoc and gender based discriminatory practices.	not - specified

e oversight and accountability.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 24, 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 (via Zoom)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Kim Sturtevant
Lori Olberg
Meagan Tuttle
Brian Pine
Kim Sturtevant
Charles Dilliard
Nathan Lavery
Jon Murad
Cindi Wight
Kim Bleakley

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:52 PM.

MOTION by Councilor Dieng, SECOND by Councilor King, to amend and adopt the 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)**

VOTING: unanimous; motion carries.

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**

2.1. Communication: Meagan Tuttle, Brian Pine and Kim Sturtevant, Esq., Negotiation of an Agreement Regarding UVM Housing (verbal)
expected executive session

Mayor Weinberger said that the City and UVM have been in discussion about housing and the University's desire to have greater zoning freedom with regard to Trinity Campus. He noted that conversations with UVM had stalled in the spring but that they have been more active for the last several months. He said that the administration does not anticipate the Council taking any action tonight on this.

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, 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.

VOTING: unanimous; motion carries.

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

VOTING: unanimous; motion carries.

3. WINOOSKI RIVER SEWER MAIN BREAK EXPENSES – CHAPIN SPENCER AND MEGAN MOIR 6:50 PM – 7:15 PM

3.1 Winooski River Sewer Main Break Expenses – Chapin Spencer and Megan Moir

Director Spencer said that on July 12 there were high flows in the Winooski River and the sewer main adjacent to the North Plant broke, as a result. He said that DPW has worked to reduce the flows, repair the pipe, and reroute the flows since then. He said that they began pumping the sewage from above the break the day after the break, and that they began working on installing a plastic pipe above the break a day after that. He provided an update on activities since the last update on this issue to the Board of Finance last week. He noted that sewage hauling has continued on a 24 hour-per-day pace, which has enabled them to manually bring 75% of the flows to the North Plant. He said that the bypass piping project has made progress, and that testing on the bypass piping will begin tomorrow. He said that they will have divers in the river to assess the conditions of the existing broken pipe once water flows and visibility have returned to safe levels. He said that DPW has been in daily communication with the State's emergency operations center and FEMA. He said that the costs associated with this break are significant, and are estimated to be \$750,000, which includes pumping, bypass piping, and disaster consultant costs.

Councilor Shannon thanked DPW and its team for the excellent communication to the public about this unfortunate incident.

4. PUBLIC FORUM: **TIME CERTAIN – 7:30 PM**

4.1 Verbal Comments

City Council President Paul began with a brief moment of silence for the loss of Katie Hartnett.

Forum opened at 7:30 PM.

COMMENTS:

Burlington residents (in person):

- Romeo von Hermann spoke about item 6.40 and shared his concern with the recent devastating floods in Vermont. He spoke in support of the grants being accepted on the consent agenda, saying that they will help the unhoused and other vulnerable members of the community.
- Greg Delantey spoke about item 7.7, stressing the importance of climate initiatives and net zero emissions, in order to preserve the environment for future generations.
- Sylvia Knight spoke about item 7.7, regarding aviation and ground emissions at the Burlington Airport. She spoke about the existential dread and sorrow she feels about the devastation of the planet. She spoke about the enormous emissions generated by F-35s when they fly. She spoke about seeking alternatives such as advanced flight simulation technology.
- Phillip Merrick spoke about how the McNeil Plant emits more greenhouse gas than all cars, trucks, and residential furnaces in Burlington, and represents 47% of all emissions in the City. He said that according to research, McNeil and its associated forestry activities generates three times the amount of emissions as a comparable natural gas plants.
- Kathryn Bock said that she is speaking on behalf of the children who are unable to swim in the lake due to cyanobacteria and the elders who are unable to visit their grandchildren because it is too hot and the air quality is too poor. She spoke in support of item 7.7 and against the District Energy plan.
- Lucy Gluck spoke in support for item 7.7, saying that the F-35 emissions are yet another reason why the F-35s should not be in Burlington. She also asked for more support from the City to electrify residential homes to help move the needle on net zero goals, in addition to addressing the F-35 problem.
- Ashley Adams spoke in support of item 7.7. She also spoke about the lack of action on the part of the City on reducing emissions and tackling the climate crisis. She said that the reduction of fuel use by the F-35 program offers the most significant opportunities to optimize capabilities and reduce greenhouse gases in the atmosphere.
- Pike Porter spoke about the resolution related to item 7.7, which asks the City, State, and Air Force to begin a dialogue to reduce carbon emissions. He said that this resolution begins the process of addressing whether meaningful action on the part of these entities will have meaningful impact to help the City and State meet their climate goals.
- Connor Wertz spoke about item 6.48, saying that the ordinance is a step in the right direction but that he does not support the ordinance's definition of renewable natural gas as a renewable or sustainable fuel.
- Jacob Burkowitz spoke on behalf of the UVMMC support staff union, noting that the union is engaged in protracted contract negotiations with UVMMC over issues such as low pay, and asked that the City Council support the over 2,000 workers within the union. He noted that this group of workers is the backbone of the working class in this City and State.
- Todd Lacroix spoke about selfish individualism in American society and emphasized the importance of compassion and reciprocity, especially during times of disaster and devastation.
- Steve Goodkind spoke about item 7.7, and spoke against using McNeil as a source of energy and electricity generation for the City.
- Amanda Lafon spoke as a lab worker at UVMMC, noting that she has never been able to afford the health insurance offered by her job and that she is living paycheck-to-paycheck and supporting her children. She asked how workers like her are expected to take care of their patients when they can't even take care of themselves.

- Nic Persampieri asked the City to overhaul its net zero energy roadmap, saying that the definition of net zero ignores aviation emissions and ignores greenhouse gas emissions from non-fossil fuel sources. He said that the rest of the world defines net zero as reduction in total emissions, not just from non-fossil fuel sources, and expressed concern that the City's definition opens the door to a number of false climate solutions. He also commended the Mayor, staff, and City Council for the rezoning of the South End through the South End Innovation District.
- Jodi Wuse spoke about the District Energy Plan, and expressed concern that it will not reduce carbon emissions. She said that the Burlington Electric Department is greenwashing with this initiative, since it is based on the assumption that wood-burning is carbon-neutral. She said that the carbon neutrality of biomass burning has been called into question and should no longer be the City's working assumption. She noted that the McNeil Plant's emissions aren't even counted in the City's net zero energy calculations. She said that the City needs urgent action to address this, and should not support the District Energy Plan.
- Carlos Esquivel spoke about the use of cars and other personal vehicles and said that cyclists don't feel safe in Burlington. He asked the Council to consider better protected bike lanes.
- Jack Teanu spoke in support of item 7.2 (the South End Innovation District) and item 7.7 (aviation emissions). He said that the City, instead of focusing on large pots of federal money, could think creatively and solve its own problems. For example, the City could designate certain streets to be pedestrian and cyclist only, rather than having costly projects to retrofit current streets with protected bike lanes.
- Jack Hanson said that the climate crisis needs to be looked at through a different lens by the Council. He said that the Council needs more swift action on the climate crisis and truly needs to treat it like a crisis. He said that the City needs more comprehensive frameworks in place for decarbonizing.
- Emily Letterman urged action on the climate crisis, saying that policy choices need to be made immediately. She expressed support for the resolution within item 7.7.
- Dan Castrigano urged the Council to step up and take more action on climate change, citing both the devastating flooding across Vermont over the last several weeks and the constant cyanobacteria blooms in Lake Champlain that shuts down the City's beaches frequently. He spoke in support of item 7.7. He said that all emissions should be counted.
- Levi Silverstein spoke as an outpatient pharmacy technician at UVMMC, and how he cannot make ends meet even though he works for the largest employer in the State. He said that over half of the support staff at UVMMC make less than \$20 per hour and said he cannot imagine having to support children on this kind of income. He said that UVMMC must pay its employees enough money to be able to live. He urged the Council to support the support staff union in its contract negotiations with the medical center.
- John Teserano spoke as registration support staff in UVMMC's Emergency Department. He spoke about paltry pay and lack of support from the medical center, and urged the Council to support the support staff union in its contract negotiations with UVMMC for fairer wages and better working conditions.
- Elizabeth Manning spoke as a surgical scheduler at UVMMC. She spoke about coworkers who are one paycheck away from homelessness or cannot afford healthcare. She spoke about staff who are physically or verbally abused by patients with no support from management. She urged the Council to support the UVMMC support staff union.

Burlington residents (via Zoom):

- Chris Gish spoke about item 7.7 and urged the Council to support the resolution. He spoke about how residents do not support the F-35 program and voted it down, even though it still went ahead. He also spoke about the District Energy Plan, saying that it will not reduce greenhouse gas emissions when compared to using fossil fuels. He said that it is time for the City to take action on the climate crisis.
- Chris Mai spoke with sadness about the devastation experienced in the flooding of the Intervale, for farmers, gardeners, and other businesses. She urged the Council to pass item 7.7 and to not support further use of the McNeil Plant.

- Erica Victoria spoke as a mental health worker, urging the City to take action on the climate crisis. She spoke about the flooding and wildfires this summer, resulting in poor air quality. She spoke about the cyanobacteria blooms in the lake, and of the noise pollution and emissions from the F-35s at the Airport. She urged the Council to support item 7.7.

Non-Burlington residents (in person):

- Kim Hornung Marcy spoke about the loss of a beloved aunt from an acute asthma attack, and urged the City to no longer support wood-burning at the McNeil Plant. She said that smoke from wood fires is almost as harmful as cigarette smoke and causes significant negative impacts to those with respiratory illnesses.
- Heather Bowman spoke as phlebotomist at UVMMC, and said that she is appalled at how uncared for and unsafe she and her colleagues feel when working at UVMMC. She said that staff do not receive protective equipment to keep them safe if they are assaulted, nor do they receive de-escalation training if patients come into the hospital with guns. She spoke about colleagues being penalized for taking time off to spend with their families. She spoke about low pay. She asked the City to support the union.
- Brian Forrest spoke about the inefficiency of the McNeil Plant, and said that it is the largest stationary generator of greenhouse gases in the State.
- James Lees spoke about how greenhouse gas is turning the planet into a boiling hothouse. He spoke about how much fuel the F-35s burn per minute. He noted that under FAA rules, Burlington, as the owner of the airport, can set reasonable standards to protect the public and safety from the operations of the airport. He said that setting passenger mile per gallon standards would be a progressive option to pursue.
- Luke McNally expressed concern about the amount of forests that are lost to development through subdivision. He said that more forests should be planted and that only restoration can save the planet. He spoke about managing young forests to achieve old forest characteristics.
- Bob Atkinson said that people need to do everything they can to turn the climate crisis around, especially given the recent catastrophic flooding that the state endured.
- Caleb Quitner said that the planet is past the tipping point in terms of dealing with climate change. He spoke about the damaging effects of the F-35s on young people.

Non- Burlington residents (via Zoom):

- Bill Calfee spoke about the South End Innovation District. He said that he owns a small business in Burlington but that only four of his twelve employees are able to live in Burlington. He said that more housing must be created to both encourage local economic growth and cut down on the fossil fuels related to commuting.
- Jennifer Decker spoke in support of the resolution related to the climate emergency (item 7.7). She noted that pediatric neurologists have cited high decibel levels as a cause in children of decreased reading skills, increased risk of heart attack and mortality, increases attention problems, anxiety, and aggressive behavior. She said that housing needs to be built in areas that are safe for children.
- Carl Martin spoke as a resident of Montpelier in support of item 7.7, emphasizing the importance of decreasing carbon emissions. He also expressed support for the UVMMC support staff union and their negotiations for fairer pay and better working conditions.
- Robert Thornton spoke as the president of the International District Energy Association in support of district energy systems and solutions.
- Peter Duval said that burning biomass is not an efficient way of generating electricity and that a comprehensive evaluation of the risk of the District Energy Project should be conducted.

Forum closed at 9:05 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports

Councilor Traverse noted an item on the consent agenda for a carbon impact fee, which will be referred to the TEUC and then come back to the Council.

6. CONSENT AGENDA

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

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

6.3. Communication: CT Office, re: March 27, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.4. Communication: CT Office, re: March 27, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.5. Communication: CT Office, re: April 3, 2023 City Council Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.6. Communication: CT Office, re: April 17, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.7. Communication: CT Office, re: April 17, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.8. Communication: CT Office, re: May 1, 2023 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.9. Communication: CT Office, re: May 1, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.10. Communication: CT Office, re: May 1, 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 August 14, 2023 Regular City Council Meeting.

6.11. Communication: CT Office, re: May 1, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.12. Communication: CT Office, re: May 15, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.13. Communication: CT Office, re: May 22, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.14. Communication: CT Office, re: May 30, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.15. Communication: CT Office, re: June 5, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.16. Communication: CT Office, re: June 5, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.17. Communication: CT Office, re: June 20, 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 August 14, 2023 Regular City Council Meeting.

6.18. Communication: CT Office, re: June 20, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

6.19. Communication: CT Office, re: June 20, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.

- 6.20. Communication: CT Office, re: June 26, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
- 6.21. Communication: CT Office, re: June 26, 2023 Special City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 14, 2023 Regular City Council Meeting.
- 6.22. Communication: Lis Mickenberg, Member, BRV, 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 Lis Mickenberg thanking her for her time served as a member of the Board of Registration for Voters.
- 6.23. Communication: Brad Wiltfong, re: Protect and Improve the Bike Lane on Pine St - waive the reading and place it on file.
- 6.24. Communication: Emma Swift, re: Bird Bikes - waive the reading and place it on file.
- 6.25. Communication: Amanda Moore, re: Fletcher Free Library - waive the reading and place it on file.
- 6.26. Burlington Housing Board of Review Annual Report for 2022 - waive the reading, accept the report and place it on file.
- 6.27. Annual Electric Commission Report (signed) - waive the reading, accept the report and place it on file.
- 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 - 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.
- 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 - 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.
- 6.30. Court Diversion Grant #02100-FY24/25-CN - CEDO/CJC - 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.
- 6.31. Department of Corrections Grant: "Safer Communities" (Grant Amendment # 03520-1542) - CEDO/CJC - 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.
- 6.32. Approval for MuniCap, Inc., FY24 TIF District Administration Consultant Contract - CT - 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.
- 6.33. Re-classification/retitling of one (1) position - BPRW/HR - 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.
- 6.34. Reclassification of Emergency Communications Specialists - Police/HR - 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.
- 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 - 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; and 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.

6.36. City Hall Elevator Modernization – BPRW - 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.

6.37. City Hall Exterior Restoration – BPRW - 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.

6.38. Replacement Remote Sump Tank for City Hall - BPRW - 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.

6.39. Exterior Temporary Fencing for Memorial Auditorium – BPRW - **now deliberative agenda item 7.10**

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 - 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.

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 - 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.

6.42. Authorization to Execute a Contract with Alert Enterprise for Identity management software suite and associated professional services – Airport - 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.

6.43. Contract renewal for ESRI GIS Services - I&T - 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.

6.44. Creation of Executive Manager for the Police Department - Police/HR - 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.

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 - waive the reading, accept the communication and have these dates posted on the City calendar.

6.46. Replacement Hot Water System and Boiler at Paquette Arena in Leddy Park – BPRW - 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; and 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.

6.47. FIO Documents – for information only.

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

6.49. Resolution: Amending The Conservation Legacy Fund Policy Document To Provide For Nature-Based Climate Adaptation (PAC Committee) - waive the reading and adopt the resolution.

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) - waive the reading and adopt the resolution.

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

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1. Public Hearing Regarding ZA-23-01: South End Innovation District

Director Tuttle and Principal Planner Dilliard provided an overview of the amendments to the ordinance that will be voted upon this evening.

Director Tuttle began by describing how the amendments have evolved since the last time this ordinance was taken up by the Council, as result of the Ordinance Committee's work. Principal Planner Dilliard walked through the amendments introduced by the Ordinance Committee, which included modifications to the aspirational statement of the district's intent, revised height maps to limit where 8-story buildings are allowed, modified options for reducing non-residential space in buildings to achieve more community benefit, addition of various uses to allowable non-residential uses and removal of hotels from that list, incorporated staff recommendations to increase the Floor Area Ratio, modified urban form standards, streamlined green building standards for the tallest buildings, as well as staff recommendations around clarifying key terms.

Principal Planner Dilliard then walked through the proposed amendments introduced by the Ordinance Committee. These included a modest increase in surface parking permitted on a lot, an amendment that would preclude off-site and payment in-lieu options for affordable inclusionary units in the District, an amendment that would prohibit dormitories in the District, and an amendment that would permit lodging uses, including hotels, but only on lots south of Lakeside Avenue and with additional restrictions.

City Council President Paul opened the public hearing.

Colin Larson expressed support for the SEID, but expressed disappointment for the slowness of this process as a whole.

Colin Hilliard spoke on behalf of the Burlington Business Association, saying that they strongly support this ordinance. He said that businesses and workers desperately need the housing that would come out of this ordinance.

John Carlo thanked the Mayor and staff for their work on this issue. He said that this ordinance represents consensus and that it is measured and forward-looking.

Nic Anderson spoke about Champlain College as an integral collaborator in the community and expressed the importance of allowing the College to build its own housing and dormitories to house its students.

City Council President Paul closed the public hearing.

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.)

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to waive the reading, approve the ordinance amendment regarding ZA-23-01 South End Innovation District Overlay.

DISCUSSION:

- Councilor Traverse noted that the area of the district in question is currently mostly paved parking lots. He said that the entirety of the district is currently in the Light Industrial Manufacturing District. He said that this is prime location for more housing. He said it promotes more dense, bikeable, and walkable neighborhoods, as a response to the housing and climate crises the City is facing. He said that this version has the support of both the Planning Commission and Ordinance Committee, and strikes a balance among the various concerns brought before these committees during this process.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Shannon, to amend the underlying ordinance to include the amendment identified as SEID Amendment CCOC with respect to surface parking requirements.

DISCUSSION OF AMENDMENT:

- Principal Planner Dilliard said that previously, 20 spaces were permitted on a lot, and it has been increased to 25 spaces or 15% of a lot's area, whichever is greater, and cannot exceed maximum parking limits.

VOTING ON AMENDMENT: unanimous; motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Traverse, to amend the underlying ordinance as amended to modify Line 218 in the proposed amendment regarding Section 9.1.13 to prohibit the Inclusionary Zoning Off-Site and Payment In-Lieu Options in the E-SEID.

DISCUSSION OF AMENDMENT:

- Councilor Hightower said that this amendment would close a loophole that allows developers to pay a fee rather than develop inclusionary units, and that eliminating that as an option would increase the amount of truly affordable inclusionary units in the SEID.
- Councilor Shannon voiced strong support for closing this loophole in the SEID. She said that this loophole should be fixed for the entire City, rather than just this District, but expressed support for it.
- Councilor Carpenter said that closing this loophole is a good fix for now, but that the inclusionary zoning regulations in the City also need to be modified to close this loophole for the entire City.
- Mayor Weinberger expressed support for this amendment, saying that it is the quickest way to ensure that the large projects associated with the SEID to guarantee that they will meet inclusionary zoning requirements. He said that there is more work to do on inclusionary zoning requirements going forward.

VOTING: unanimous; motion carries.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Bergman, to eliminate dormitories from the list of permitted uses.

DISCUSSION OF AMENDMENT:

- Councilor Shannon said that dormitories as such are not an issue, but that allowing them would create the same problems that the City is experiencing with the Trinity Campus, in that the City would allow dormitories with no controls on them. She said that UVM only requires that first-and-second-year students be housed in dormitories, and that this would allow UVM to increase its enrollment while then creating a further housing crunch for its juniors and seniors. She acknowledged that UVM does not own property in the South End, but nothing precludes it from doing so. She said that growing the City's student population is an issue that requires further discussion.
- Councilor Hightower asked what would be allowed with dormitories that isn't currently allowed with other student housing (such as apartments owned by private developers). Director Tuttle noted that dormitories are allowed to have beds rather than full housing units that one would see in a multi-unit housing complex. She said that duration of a lease term would also be based on academic terms and that dormitories would be under institutional control. Councilor Hightower asked whether Champlain College had any plans in the near future that would be adversely affected if dormitories were no longer a permitted use in the SEID. Nic Anderson (representing Champlain College) replied that they would not be adversely affected in the short-term, but that more students are expressing a desire to remain in campus housing rather than seek apartments and that the College has a waitlist of these students. He also noted that the cost of constructing a dormitory is much less than the cost of constructing an apartment building.
- Councilor Bergman expressed support for this amendment, as the point of the SEID would be to increase the housing stock for the permanent residents, to create a cohesive community. He said that colleges should be building housing on their campuses.
- Councilor Traverse said that the City has been calling for the colleges and universities to take more responsibility for housing their students. He pointed out that dormitories are already permitted uses in the New North End and other parts of the South End. He said that prohibiting dormitories in the SEID wouldn't preclude colleges from building apartment-style housing for students and having it managed through private developers.
- Councilor Carpenter agreed with Councilor Traverse. She noted that Champlain College does not have additional land on its campus on which to build dormitories, though it does own land in what would be the SEID.
- Councilor Grant said that dormitories should not be allowed in this area. She noted that the City is desperate for non-student housing. She said that PILOT fees are still too low and are not anywhere near what properties are worth.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – nay, City Council President Paul – nay (6 ayes, 6 nays); motion fails.

MOTION TO AMEND by Councilor Traverse, SECOND by Councilor Carpenter to amend the underlying ordinance to add lodging back to the permitted use table with certain conditions outlined in footnote 3 to the permitted use table for E-SEID.

DISCUSSION OF AMENDMENT:

- Councilor Traverse said that the outcome of this amendment would not necessarily materially change the district, but that he favors lodging in the SEID. He said that permitting lodging wouldn't be at the expense of housing, since it is

used as a complement the amount of constructed housing, as it brings people to the neighborhood and can help finance housing. He said that there will be a need in the SEID to lodge those who will be doing business there. He said that those who seek lodging in the district will also support the businesses in the district. He added that the best way to combat short-term rentals is to increase the amount of lodging.

- Councilor Carpenter expressed support for this amendment.
- Councilor Grant emphasized the importance of housing, not lodging.
- Councilor Magee said that lodging would complement the SEID in the future, but agreed that housing is more important in the short-term.
- Councilor Hightower agreed that housing is the priority, but said that having a walkable neighborhood and people interacting with the streetscape is also important.
- Councilor Shannon said that there is a demand for lodging and that lodging is one of the only things that can compete with housing in terms of the economics of building it, since there is such high demand for it. She said that lodging will likely displace housing units if they are permitted in this district.
- Mayor Weinberger said that this amendment will not dramatically impact the future of the SEID, but said it would be unfortunate if the amendment fails. He said that lodging and housing are not interacting in a zero-sum game. He said that allowing lodging and flexibility will allow the City to organically evolve the best way possible. He said that prohibiting lodging will not decrease the amount of short-term rentals. He said that projects will be more likely to succeed if they have multiple ways to amortize the costs of construction.
- Councilor Traverse said that though some constituents are against lodging, not all of them are. He spoke about support from local businesses and developers who are in favor of allowing lodging in the SEID.
- Councilor Grant said that working people are being crushed by the high rents in the City and that the City needs to know that the first developments need to be housing for residents.
- Councilor Carpenter spoke about her experiences with developing affordable housing and said that developing housing could take longer if there is not a viable business mix in the community to help support the infrastructure.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (5 ayes, 7 nays); motion fails.

DISCUSSION OF ORDINANCE AS AMENDED:

- Councilor Shannon thanked staff for their efforts to innovate, engage the community, and think creatively to solve this massive problem. She also noted that there is a developer with whom the City has a high level of trust who is prepared to begin projects if the ordinance passes. She emphasized that this ordinance was not written solely for one developer, but would apply to any developer who is willing to put forth plans. She said that though this process took 18 months, she felt that it was rushed. She noted that there is a desire for large-structured parking garages in this district, and that while she supports a multi-modal transit center, a parking garage is not that. She said that the South End should not serve as a parking solution for the rest of the City. She also noted a Memorandum of Understanding (MOU) that lays out a vision for the SEID, which has not been approved or really reviewed by this Council, which is concerning. She said that what an MOU can do that zoning can't do is encourage homeownership, and said that the City should encourage owner-occupied units in whatever high rise buildings are developed.
- Councilor Hightower commended and thanked staff for their work in this process.

- **Mayor Weinberger spoke about the collaborative efforts around this ordinance change, and thanked the Council and staff for their work on this. He said that Burlington is in its current housing crisis because it has made housing too hard to build in the City and the State. He noted that there was a prohibition on having housing in this 84-acre district until now, and that this will be a significant positive change to address the housing crisis. He said that upon passage, the ordinance will enable more than 1,000 homes to be created in the City.**

VOTING ON ORDINANCE AS AMENDED (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, 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 (unanimous); motion carries.

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

VOTING: unanimous; motion carries.

7.3. Resolution: Authorization For Public Improvement Bonds For School District Capital Improvements - March 7, 2017 Voter Authorization (Board of Finance)

MOTION by Councilor Magee, SECOND by Councilor Dieng, to waive the reading and adopt the resolutions for items 7.3-7.6.

VOTING: unanimous; motion carries.

7.4. Resolution: Authorization For School District Capital Improvement Bonds For Burlington High School - November 8, 2022 Voter Authorization (Board of Finance)
Item included in a slate vote (see 7.3 above).

7.5. Resolution: Authorization For Refunding Public Improvement Bonds (Board of Finance)
Item included in a slate vote (see 7.3 above).

7.6. Resolution: Authorization For Public Improvement Bonds For Fiscal Year 2024 (Board of Finance)
Item included in a slate vote (see 7.3 above).

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.)

MOTION by Councilor Bergman, SECOND by Councilor Magee, to waive the reading and adopt the resolution as amended, by adding the words "substantially reduce or" to Line 54.

DISCUSSION:

- Councilor Bergman noted the numerous constituents and other Vermonters who have reached out to the Council to pass this resolution. He emphasized that climate change is an existential crisis that is occurring now. He said that one of the biggest emitters of greenhouse gases is the U.S. Air Force, and this resolution asks the Air Force to partner with the City to share emission data and to help the City get to net zero energy emissions by 2030. He said that this resolution is in both the spirit of the City's net zero energy goals and the Air Force's climate action plan.
- Councilor Barlow expressed support for counting these emissions in reduction metrics.

VOTING: unanimous; motion carries.

7.8. Resolution: Authorization For Capital Public Improvement Infrastructure Bonds - March 1, 2022 Voter Authorization (Board of Finance)

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

VOTING: unanimous; motion carries.

7.9. Burlington CARES Overview, Position Requests. and Structure - Police (15 mins.)

MOTION by Councilor Dieng, SECOND by Councilor Carpenter, to approve the creation of: One (1) Burlington CARES Clinical Supervisor, a Regular, Exempt, AFSCME, Grade 20 position; and Two (2) Burlington CARES Clinicians, a Regular, Exempt, AFSCME, Grade 19 position.

DISCUSSION:

- Councilor Grant said that this is a community-driven team and is a needed part of the City's public safety infrastructure. She expressed strong support for this initiative.
- Mayor Weinberger said that this is an important milestone in the efforts to stand up a crisis response team. He said that this action would allow the City to post and recruit for these positions. He noted that these positions were discussed at and have the support of the Police Commission.

VOTING: unanimous; motion carries.

7.10 Exterior Temporary Fencing for Memorial Auditorium – BPRW

Councilor Dieng said that he asked that this be placed on the deliberative agenda because it is temporary fencing and it is extremely expensive. He said that he would like to see more creativity and innovation in the construction of the fencing and does not want the downtown to look like a construction zone.

Councilor Grant said that Memorial Auditorium is a difficult building for the City right now, and said that temporary fencing is not a solution for what is occurring with the building.

Councilor Bergman asked what the administration's position is on exploring alternatives to this temporary fencing. Facilities Manager Bleakley said that this project was led by both CEDO and BPRW. She said that the main goal of the fencing is not to keep people out of the building but to keep them from the edge of the building so that nothing falls on them. She said that art could be placed on the temporary fencing while it is in place.

Councilor Hightower asked about future projected costs for Memorial. Mayor Weinberger replied that staff are looking into opportunities for the future of Memorial Auditorium and that it may take some time for any of the options to be implemented.

MOTION by Councilor [REDACTED], SECOND by Councilor [REDACTED], 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.

VOTING: 10-2; motion carries (Councilors Dieng and Grant dissenting).

8. COMMITTEE REPORTS

8.1. Verbal reports
No discussion.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports
No discussion.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports
No discussion.

11. MAYOR – GENERAL AFFAIRS

11.1. Verbal reports
No discussion.

12. ADJOURNMENT

12.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:05 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 24, 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 (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 7:24 PM.

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

VOTING: unanimous; motion carries.

2.0 CANNABIS APPLICATIONS

2.1 Barking Dog Farm, 39 Stirling Place

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to issue a local control license, conditioned upon compliance with all applicable City bylaws, adopted pursuant to 24 V.S.A. § 4414 and City ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291, to Barking Dog Farm, and transmit local approval to the State Cannabis Control Board.

VOTING: unanimous; motion carries.

2.2 Bern Living Organics, 135 Main Street, Suite 101

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to issue a local control license, conditioned upon compliance with all applicable City bylaws adopted pursuant to 24 V.S.A. § 4414 and City ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291, to Bern Living Organics, and transmit local approval to the State Cannabis Control Board.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 7:28 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
July 24, 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 (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 7:20 PM.

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

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.2 First Class Restaurant/Bar Liquor License Renewal and Outside Consumption Permit Renewal (2023-2024): Red Panda, 161 Church Street
- approve the 2023-2024 First Class Restaurant/Bar Liquor License Renewal and Outside Consumption Permit Renewal for Red Panda, 161 Church Street, with all standard conditions.

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

VOTING: unanimous; motion carries.

3.0 FESTIVAL PERMIT APPLICATION (TWO DAYS ONLY)

3.1 Halvorson's, 10-16 Church Street, Friday, August 4, 4:00 PM – 10:00 PM and Saturday, August 5, 4:00 PM – 10:00 PM

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse to approve the two day only festival permit application for Halvorson's, 10-16 Church Street, Friday August 4, 4:00 PM – 10:00 PM and Saturday, August 5, 4:00 PM – 10:00 PM.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 7:24 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 14, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:37 PM.

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

- **add to the consent agenda item 5.47: Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, 377 Pine Street;**
- **add to the consent agenda item 5.48: Communication: Robert Bristow-Johnson, re: New Erosion at Bike Bridge and Mayes Landing;**
- **add to the consent agenda item 5.49: Communication: Selene Colburn and Rachel Siegel, re: double standard in the City's treatment of former REIB Director Tyestia Green;**
- **note that agenda item 6.4 Annual Report for 2022-23 – Parks, Recreation and Waterfront Commission is postponed to the next Council meeting, September 11 (per City Council President Paul).**

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

2. COMMUNICATION: MAYOR MIRO WEINBERGER & AIRPORT DIRECTOR NIC LONGO, RE: NEGOTIATION OF AN AGREEMENT WITH VTANG REGARDING CAPITAL INVESTMENTS (VERBAL)

****EXPECTED EXECUTIVE SESSION** 5:30 PM – 6:00 PM ****

2.1. Communication: Mayor Miro Weinberger & Airport Director Nic Longo, re: Negotiation of an Agreement with VTANG Regarding Capital Investments (verbal) ** Expected Executive Session ** 5:30 PM – 6:00 PM **

MOTION by Councilor Barlow, SECOND by Councilor King, that the Council find that premature general public knowledge of information concerning contract negotiations of an agreement with VTANG regarding capital investments would clearly place the City at a substantial disadvantage with such negotiations.

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

MOTION by Councilor Barlow, SECOND by Councilor King, that, based upon that finding, the Council go into executive session to receive information regarding agreement negotiations with VTANG, 1 VSA §313(a)(1)(A), to include the Mayor, Mayor's Office, Airport Director and City Attorney.

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

3. PUBLIC FORUM: **TIME CERTAIN – 6:15 PM**

3.1 Verbal Comments

Forum opened at 6:12 PM.

COMMENTS:

Burlington residents (in person):

- Jacqueline Posley spoke about Burlington's reputation as a diverse and welcoming city while the experience on the ground is one of police brutality and racism. She spoke against the Mayor's attack on the character of the departed former director of the City's REIB department.
- Raven Havens spoke about the atrocities around the City and State and said that he supports his fellow Vermonters and community.
- Ferene Paris Meyer spoke about how she feels as a Black woman interacting within the Burlington community, and asked what actions the Council will take to ensure that the Mayor does not launch a witch-hunt on former REIB director Tyestia Green.
- Katarina Campbell spoke in solidarity with Tyestia Green, Casey Ellerby, Ferene Paris Meyer, Kiah Morris, and others who have experienced racial and gender-based discrimination, harassment, and terrorism. She said that they demand the end of the practices of abuse that those such as former director Green have experienced, and expressed concern about the harm done to them through the continued defamation of character and unwarranted targeting by the City's administration. She said that the hiring and retention policies should combat anti-BIPOC and gender-based discriminatory practices.
- Romeo von Hermann spoke about the chronic issue of retail theft in the Burlington community, noting its impact on businesses large and small, and on the community as a whole.
- Rachel Siegel and Julie Micuga read a letter drafted by Ms. Siegel and Selene Colburn, speaking about the double-standard in the City's treatment of the former REIB director Tyestia Green. The letter spoke about their experience as former City Councilors

regarding the questionable behavior of some City department heads, and by the administration itself. The letter provided several examples of this questionable behavior.

- Max Tracy spoke about former director Tyestia Green and her unquestionable integrity. He spoke about how she started the REIB department from scratch and also launched the City's annual Juneteenth event. He spoke about how her treatment is different from that of other department heads in the City, which is racist, and cautioned that this sets a precedent for other racist behaviors in the City that will cause harm to Black members of the community.
- Aspen Overy spoke in solidarity with Tyestia Green and others who have experienced racial and gender-based discrimination, harassment, and terrorism. She said that they demand the end of the practices of abuse that those such as former director Green have experienced, and expressed concern about the harm done to them through the continued defamation of character and unwarranted targeting by the City's administration. She said that the hiring and retention policies should combat anti-BIPOC and gender-based discriminatory practices.
- Josh Myer spoke in solidarity with Tyestia Green and others who have experienced racial and gender-based discrimination, harassment, and terrorism. He spoke of his experiences in a mixed-race family in the City, including harassment, the writing of racial slurs on his family's cars, and other racist acts. He expressed concern about the treatment of Black women and people of color in general in the Burlington community.
- Joanne Margaret Brown spoke with concern about actions of Vermont's Congressional delegation, specifically Congresswoman Balint's shift from the House Budget Committee to the House Judiciary Committee.
- Madison quoted from Mayor Weinberger's State of the City address in 2021, which included a number of BIPOC-related initiatives. She said that the City Council should make clear that the findings of the REIB audit show no wrongdoing on the part of former Director Green, make clear that Director Green oversaw a very successful 2021 Juneteenth, that findings of mismanagement regarding the 2022 Juneteenth event articulate that Ms. Green resigned from her position in March and that the Burlington City Arts Department staff and outside organizations were responsible for the execution and management of that event, that there is a pattern of bias in the Mayor's execution of oversight.
- Jenna Emerson spoke in solidarity with Tyestia Green and others. She spoke about the success of the Juneteenth event.
- Levi Silverstein spoke as a member of the UVMHC support staff union, urging the Council to support the union in its negotiations with UVMHC. He spoke about the lack of livable wages for the majority of union members.
- Liam Malone spoke in solidarity with Tyestia Green and others who have experienced racial and gender-based discrimination, harassment, and terrorism.
- Robert Bristow-Johnson spoke about erosion next to the bike bridge, which is threatening the integrity of the bike bridge. He said that repairs must be made now before they become too costly to do so, or before the bike bridge is destroyed.
- Bethany Whittaker spoke as a member of the Burlington Electric Commission, about the McNeil Plant and District Energy. She said that the Commission is speaking about these topics and invited the public to come give input on them. She said that the District Energy plan would increase the efficiency of the system overall, but acknowledged public concerns about the burning of biomass.
- Jacob Horowitz spoke as a member of the support staff union at UVMHC. He spoke about his role as a staffing coordinator for the hospital's inpatient nursing units, noting a complete lack of support staff and that there are often unsafe staffing ratios. He said that one reason for this deficit is the hospital's refusal to support a livable wage.
- Lee Morrigan spoke about the REIB audit and reporting, noting that Director Green was not the director for the majority of the timespan in the audit. They noted that the findings and recommendations in the audit were contradictory.
- Eli Johanowicz spoke about his experience as an unhoused individual for the last six years. He quoted passages from the Old Testament about the end of times.
- Jake Schumann spoke in support of his fellow community members, BIPOC women, and union members.

- Grace Pfeil spoke in support of the BIPOC women in Burlington and in the State who face racism and terrorism every day. She said that the City must do everything it can to ensure the safety and well-being of everyone in the community, including especially the most vulnerable and those who are BIPOC.
- Faried spoke about Director Green's integrity and her attention and caring when it comes to meeting peoples' needs. He said that there should be an office of investigations for residents with complaints about City departments that aren't doing their jobs (such as code enforcement). He said that residents are being made homeless too often as a result of landlords failing to keep their fire detection systems up to code.
- Todd LaCroix spoke about the hypocrisy and selective outrage in America.
- Brian Cina said that this REIB audit is being used as an instrument of state violence against Black women and asked why this is being investigated but the mismanagement of the TIF District isn't. He said that violence begets violence.
- ____ spoke about how the Mayor continuously targets Black people and called for his resignation.

Burlington residents (via Zoom):

- Ryan Bergman expressed interest in the vacant seat on the Church Street Marketplace Commission. He spoke about his background and qualifications for this position. He spoke about his goals of promoting the long-term safety and stability and growth of the marketplace.
- Sarah Sciortino spoke in solidarity with Tyestia Green and other BIPOC members of the community. She additionally spoke in solidarity with the support staff union of UVMCMC. She said that the City should not force out members who go against the racist status quo.
- Pike Porter spoke about the VTANG agreement, noting that the Air Force is one of the richest institutions in the world. He said that the City Council should scrutinize any agreements between the City and VTANG.
- Ishmael Ahmed spoke in solidarity with both Tyestia Green and the UVMCMC support staff union. He additionally spoke about spending priorities, and how focusing on the lowest cost vendor for certain things helps to enable the status quo and systems as they currently are, which are often exploitative.
- Julia Curry spoke with shame about the City, saying that the decision to commission the REIB report was a failure of integrity. She said that this report is coming from a defensive or vindictive desire to attack someone who cannot defend themselves, and is a projection of ego that does not belong in this community.

Non-Burlington residents (in person):

- Kathleen Kemp spoke about how she had to endure Slave Day at Burlington High School for three years, even though she voiced concerns to a guidance counselor about it. She said that this was an act of terrorism.
- Kiah Morris spoke in solidarity with Tyestia Green, Casey Ellerby, Black femmes, non-binary, and trans women throughout the State who have experienced racial or gender-based harassment and terrorism. She spoke about the structural racism that have made these people have to leave the State. She demanded a reckoning and full accounting for the multiple forms of harm enacted by the City on these individuals.
- Lydia Diamond spoke about her experience running for City Councilor in South Burlington. She spoke in support of the Black women and that the violence against women of color has to stop.

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to extend the public forum to allow all speakers to speak who have signed up to speak.

VOTING: 9-1; motion carries (Councilor Shannon dissenting; Councilor Carpenter absent for vote).

- Leah Briggs spoke as a member of the UVMMC support workers union, and spoke about her experiences working at UVMMC as a support worker. She asked for the City Council's support for livable working conditions at UVMMC. She said that UVMMC is maintaining a working poor class in the State of Vermont, which is unacceptable.
- Gina Russ spoke as a member of the UVMMC support staff union, saying that the workers can't afford to live in the community that they take care of.
- Alex Hilliard spoke in solidarity with Tyestia Green and other Black femme women in the State. He said that scores of Black and non-binary individuals have experienced abusive practices and disproportionate harm at the hands of the media and State and local government offices.
- Tara Bragg spoke about misogyny and racism in Vermont.
- Eric Weiman spoke about his experience as a phlebotomist at UVMMC and expressed support for his fellow support staff union members. He noted that his wage of \$16.36 per hour as a phlebotomy technician at UVMMC is lower than his son's \$18 wage at McDonald's.
- Modaeeri Bapa spoke about minority oppression in Vermont and how similar it feels to his experience living in oppression as a minority in Israel. He said that nothing has changed in the last three years, which is why there are so many people here tonight demanding change from current policies.
- Tabitha Moore spoke in support of the women of color in Burlington and Vermont, and said that the NAACP is fully in support of Tyestia Green. She spoke in support of livable wages and fair processes in general, since the status quo in the system is that of oppression.

Non- Burlington residents (via Zoom):

- Heather Bowman spoke as a member of the UVMMC support staff union and as a phlebotomist. She said that despite the fact that support staff are underpaid, under-staffed, and under supported, they continue to take care of the community. She noted that the majority of support staff are on Medicaid and cannot even afford the health insurance that UVMMC offers as a benefit.
- Peter Duvall spoke about the District Energy Plan and the lack of transparency around the project. He urged the City Council to take more of an interest in the project and request full documentation and information pertaining to the project.
- Sandi Bermazon spoke in support of Black women and non-binary individuals in the State.

Forum closed at 8:20 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Climate Emergency Reports

None.

5. CONSENT AGENDA

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

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

5.3 Communication: CT Office, re: March 27, 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 July 24, 2023 Regular City Council Meeting.

5.4 Communication: CT Office, re: March 27, 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 July 24, 2023 Regular City Council Meeting.

5.5 Communication: CT Office, re: April 3, 2023 Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.6 Communication: CT Office, re: April 17, 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 July 24, 2023 Regular City Council Meeting.

5.7 Communication: CT Office, re: April 17, 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 July 24, 2023 Regular City Council Meeting.

5.8 Communication: CT Office, re: May 1, 2023 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.9 Communication: CT Office, re: May 1, 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 July 24, 2023 Regular City Council Meeting.

5.10 Communication: CT Office, re: May 1, 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 July 24, 2023 Regular City Council Meeting.

5.11 Communication: CT Office, re: May 1, 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 July 24, 2023 Regular City Council Meeting.

5.12 Communication: CT Office, re: May 15, 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 July 24, 2023 Regular City Council Meeting.

5.13 Communication: CT Office, re: May 22, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.14 Communication: CT Office, re: May 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.15 Communication: CT Office, re: June 5, 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 July 24, 2023 Regular City Council Meeting.

5.16 Communication: CT Office, re: June 5, 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 July 24, 2023 Regular City Council Meeting.

5.17 Communication: CT Office, re: June 20, 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 July 24, 2023 Regular City Council Meeting.

5.18 Communication: CT Office, re: June 20, 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 July 24, 2023 Regular City Council Meeting.

5.19 Communication: CT Office, re: June 20, 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 July 24, 2023 Regular City Council Meeting.

5.20 Communication: CT Office, re: June 26, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.21 Communication: CT Office, re: June 26, 2023 Special City Council with Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.22 Green Castle Group – 15 Hungerford Terrace – Construction Barricade Fencing and Parking Obstruction – DPW – approve the First Amendment to License Agreement between the City and Green Castle Group LLC, in order to extend the term of the agreement through January 1, 2024, granting use of the City right-of-way for construction fencing and parking stalls located at 15 Hungerford Terrace and, to authorize the Mayor to execute the First Amendment to License Agreement in substantial conformity with the License Agreement attached—subject to approval by the City Attorney’s Office—on behalf of the City of Burlington.

5.23 Communication: Kim Hornung-Marcy, re: Public Forum 7/24/23, Wood Smoke – waive the reading and place on file.

5.24 Special Event Outdoor Entertainment Permit Application (three days only): SEABA, Art Hop, September 8-10, 2023, various locations and times throughout the South End – approve the three day only special event outdoor entertainment permit application for SEABA, Art Hop, September 8-10, 2023, various locations and times throughout the South End.

5.25 Communication: Holly Bessette, re: Parking – waive the reading and place it on file.

5.26 Authorization to Execute Contracts with On-Call Water Resources Excavation Contractors – DPW – Water Resources – approve and authorize the Director of Public Works to execute Main On-Call Agreements with three (3) water resources excavation contractors (BP Wastewater Services LLC, Engineers Construction, Inc. and S.D. Ireland Brothers Corporation), each with a maximum limiting amount of \$200,000, for a total authorized expenditure of \$600,000, subject to review and approval by the City Attorney.

5.27 Request for approval of three contracts related to the River Siphon Break emergency response – DPW – Water Resources – 1. To retroactively authorize and ratify the Director of Public Works’ execution of a contract with BP Wastewater for sewage pumping and hauling services, for an amount up to \$232,000, subject to the review and approval of the City Attorney’s Office; 2. To retroactively authorize and ratify the Director of Public Works’ execution of the following agreements related to the construction of the temporary bypass pumping system: i. an amendment to the Main Agreement for On-Call Services with Engineers Construction Inc., for on-call repair services for an amount up to \$775,000; and ii. A Work Assignment Agreement for On-Call Services with Engineers Construction Inc. for construction of a temporary bypass-pumping system, assigned pursuant to the above-referenced Main Agreement for On-Call Services for an amount up to \$550,000 inclusive of the Main Agreement limit; provided that both such agreements shall not exceed a total authorized amount of \$775,000 combined and shall be subject to review to the prior review and approval of the City Attorney’s Office; 3. To authorize the Director of Public Works to execute an agreement or a series of agreements with Rain For Rent for pump rental services in furtherance of emergency pumping related to the temporary bypass of flows from the Winooski River wastewater pipe failure; and, to retroactively authorize and ratify all such rental costs incurred retroactive to July 24, 2023 provided that the total authorized expenditure under all such agreements shall not exceed \$82,980, inclusive of such rental costs incurred retroactive to July 24, 2023, and that execution of the same shall be subject to the prior review and approval of the City Attorney’s Office.

5.28 Request to accept a Federal Aviation Administration Grant for the Residential Sound Insulation Project FAA Phase 3 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc. and Jones Payne Group, Inc. respectively – Airport – 1. To authorize the Director of Aviation to accept an execute a grant from the Federal Aviation Administration in an amount up to \$5,511,621.34 with a 15% contingency, totaling up to \$6,338,364.54 as allowed under the grant, for program management and development, community outreach, evaluation of structures, design services, bid and award activities, and construction activities for 52 homes, subject to review and approval of the City Attorney’s Office; 2. To authorize the Director of Aviation to execute a contract with Strong Tower Construction, Inc. in an amount of up to \$4,780,947.00 with a 15% contingency totaling up to \$5,498,089.05 as allowed under the grant, for construction activities for 52 homes, subject to review by the City Attorney’s Office; and 3. To authorize the Director of Aviation to execute a contract with The Jones Payne Group, Inc. in the amount of up to \$1,325,076.71 with a 15% contingency totaling \$1,523,838.22 as allowed under the grant for program management and development, community outreach, evaluation of structures, design services, bid, award activities and construction activities for approximately 50 homes, subject to review by the City Attorney’s Office.

5.29 Request to Accept a Federal Aviation Administration Grant and Execute a Contract for Design, Permitting and Bidding of the Snow Removal Equipment Building Project with Passero Associates – Airport – 1. To authorize the Director of Aviation to execute a grant from the Federal Aviation Administration to accept an amount up to \$1,160,011.80 with a 15% contingency, totaling \$1,334,013.57, as allowed under the grant, for the design, permitting, and bidding of the Snow Removal Equipment Building Project, subject to review by the City Attorney’s Office; and 2. To authorize the Director of Aviation to execute contracts with Passero Associates Inc. in an amount of up to \$1,272,902.00, with a 15% contingency, totaling up to \$1,463,337.30 as allowed under the grant, for design, permitting, and bidding of the Snow Removal Equipment Building Project, subject to review by the City Attorney’s Office.

5.30 Request to Execute a Federal Aviation Administration (FAA) grant and execute a Contract with Hoyle Tanner & Associates, Inc. to update the Airport’s Pavement Management Plan – Airport – 1. To authorize the Direction of Aviation to execute a grant from the Federal Aviation

Administration to accept an amount up to \$226,970.10, with a 15% contingency, totaling up to \$261,015.62, as allowed under the grant, for the update of the Pavement Management Plan, subject to review by the City Attorney's Office; and 2. To authorize the Director of Aviation to execute a contract with Hoyle Tanner and Associates, Inc. in a cumulative amount of up to \$241,689.00 with a 15% contingency totaling \$277,942.35, as allowed by the grant for the update of the Pavement Management Plan (PMP), subject to review by the City Attorney's Office.

5.31 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant and Contract with Hoyle Tanner & Associates, Inc. for the planning, design, permitting and bidding an expansion of the existing Cargo Apron – Airport – 1. To authorize the Director of Aviation to execute a grant from the Federal Aviation Administration accept an amount up to \$2,754,490.00, with a 15% contingency, totaling up to \$316,813.50, as allowed under the grant, for the planning, design, permitting, and bidding of the cargo apron expansion, subject to review by the City Attorney's Office; and 2. To authorize the Director of Aviation to execute a contract with Hoyle Tanner and Associates, Inc. in a cumulative amount of up to \$296,100.00 with a 15% contingency totaling \$340,515.00, as allowed by the grant, for planning, design, permitting, and bidding of the cargo apron expansion, subject to review by the City Attorney's Office.

5.32. Request to Execute a Contract with Stantec Consulting Services Inc. for the Design, Permitting, and Bidding of Runway 15-33 Rehabilitation Project – Airport – authorize the Director of Aviation to execute a contract with Stantec Consulting Services Inc. in an amount up to \$688,486.00, with a 15% contingency totaling \$791,758.90, as allowed under the grant for the planning, design, permitting, and bidding of the pavement management and rehabilitation of Runway 15-33, subject to review by the City Attorney's Office.

5.33. Final Change Order - CY22 Sidewalk Reconstruction Program – 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 \$1,110,031.34 for the projected construction costs to complete the CY22 Sidewalk Reconstruction Program; and 2. To retroactively authorize the Director of Public Works to execute the a balancing change order for the construction contract for the CY22 Sidewalk Reconstruction Project with SD Ireland Brothers Corporation for a final amount of \$1,110,031.34, subject to the final review and approval by the Office of the City Attorney.

5.34. FY24 Parking Garage Security Contract - DPW - Division of Parking and Traffic - approve and authorize: 1) the Director of Public Works to execute a contract for FY24 with Green Mountain Concert Services for security services at the Marketplace Garage and Downtown Garage for a total authorized contract value not to exceed \$280,000, subject to review and approval by the City Attorney's Office and approval by the Chief Administrative Office for compliance with the City's procurement and expenditure policies; and, 2) an FY24 budget amendment for Fund 265 – Parking Facilities for general ledger line item 19-205-451- 6500_103 (Marketplace Garage) from 90,000 to \$140,000 and line item 19-205-455-6500_103 (Downtown Garage) from \$90,000 to \$140,000, for a total budgeted expenditure of \$280,000; to be drawn against currently budgeted net revenues.

5.35. Marketplace Garage Repair - DPW - Division of Parking and Traffic - approve and retroactively authorize the increase of the maximum limiting amount of the contract with Structural Preservation Systems, LLC from \$545,955 by \$23,564, resulting in a total authorized expenditure of \$569,519 for repairs completed to the Marketplace Garage and further authorize the Director of the Department of Public Works to execute an amendment to such contract to reflect the increased maximum limiting amount, subject to review by the City Attorney's Office.

5.36. FY24 Recycling Truck Purchase Cost Increase – DPW - approve and authorize the Department of Public Works to spend an additional \$44,145.00, for a total of \$309,145.00, for the FY24 Recycling truck purchase; and, to further authorize the Director of the Department of Public Works to execute a purchase agreement, and other associated documents necessary to effect such purchase, with Allegiance Trucks for a total purchase price not to exceed \$309,145.00, subject to the review of the City Attorney's Office.

5.37. Champlain Parkway - Design Contract Amendment No. 18 with Clough, Harbour & Associates – DPW - authorize the Director of Public Works to execute Contract Amendment Number 18 to the contract with Clough Harbour & Associates for engineering design services for the Champlain Parkway project, increasing the total contract amount by \$520,826.34 and the local match obligation by \$10,416.52, for a total authorized contract amount not to exceed \$13,992,929.18 and a local match obligation in the amount of \$279,858.59, subject to review and approval by the City Attorney's Office.

5.38. CY23 Paving Contract Amendment for Additional Patching Work – DPW - 1. To approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2023 Paving Program contract with Engineers Construction Inc. in the amount of \$337,254.00, bringing the total contract value up to \$1,893,552.45, and authorize the use of \$173,634.85 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 \$2,067,187.30; and 2. To authorize the Chief Administrative Officer or designee to affect all necessary budget amendments and transfers of funds, as described in the attached budget amendment form, for a total of \$35,000 in street capital funds to be used to complete the CY23 Paving Program project.

5.39. Reclassification of One (1) CEDO Position with No Adverse Impact to the City's General Fund - CEDO/HR - approve the reclassification of the Community Development Specialist II – Grant Management position, from a Regular Service, Full-Time, Non-Exempt, Union, Grade 17 to the position of Senior Community Development Specialist – Grant Management, a Regular Service, Full-Time, Non-Exempt, Union, Grade 18.

5.40. Church Street Marketplace Winter Holiday and Winter Lights - Authorization to Award Contract – CSM - authorize the Director of the Church Street Marketplace to execute a three-year contract with SavATree, LLC for Winter Holiday and Winter Light services for a total authorized amount not to exceed \$101,445 subject to final review and approval by the City Attorney’s Office.

5.41. Church Street Marketplace Snow Removal - Authorization to Award Contract – CSM – authorize the Director of the Church Street Marketplace to execute a three-year contract with J. Labrecque, LLC for snowplowing services for a total authorized amount not to exceed \$173,100, subject to final review and approval by the City Attorney’s Office.

5.42. Fletcher Free Library Security Guard Contract FY24 – Library - authorize Mary Danko, Director of the Fletcher Free Library, to execute a Contract Agreement and any related documents needed to carry out said contract with Chocolate Thunder, LLC for a 1 year contract of security guard services for the Fletcher Free Library at a rate of \$45.00 per hour in an amount up to \$135,720.00 with a contingency of \$9,450.00 for a total maximum limiting amount of \$145,180.00, subject to final review and approval of the City Attorney’s Office.

5.43. Communication: Colin Hilliard, re: BBA Comment Re: FY24 Parking Garage Security Contract – waive the reading and place it on file.

5.44. 2023 Annual Report - Board for Registration of Voters – waive the reading, accept the report, and place it on file.

5.45. FIO Documents – for information only.

5.46. Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Parking Traffic Division Of The Public Works Department – CT – waive the reading and adopt the resolution.

5.47. Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, 377 Pine Street - approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 8 - 9, 2023.

5.48. Communication: Robert Bristow-Johnson, re; New Erosion at Bike Bridge and Mayes Landing – waive the reading and place it on file.

5.49. Communication: Selene Colburn and Rachel Siegel, re: double standard in the City's treatment of Former REIB Director Tyestia Green – waive the reading and place it on file.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.49.

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

6. DELIBERATIVE AGENDA

6.1 Communication: Mayor Miro Weinberger, re: Appointment of Deputy City Attorney
 Mayor Weinberger noted that the position of Deputy City Attorney was created several years ago, and that it provides further structured support for the City Attorney’s Office. He spoke about his nominee for this position, Assistant City Attorney Jared Pellerin, and his relevant experience. Assistant City Attorney Pellerin spoke briefly about his interest in this position.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to confirm the appointment of Jared Pellerin as Deputy City Attorney

DISCUSSION:

- Councilor Grant spoke about past experiences serving on volunteer commissions with the City and the lack of support from the City Attorney's Office in those roles. She said she appreciated Assistant City Attorney Pellerin's attention to that problem and expressed hope that processes will be implemented to better support the City's boards and commissions.

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

6.2 Tobacco License Application (2023-2024): Fireman Smoke Shop LLC, 130 Church Street

MOTION by Councilor Shannon, SECOND by Councilor Grant, to approve the 2023-2024 Tobacco License Application for Fireman Smoke Shop, LLC, 130 Church Street.

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

6.3 Appointment: Church Street Marketplace Commission (Term Expires 6/30/26)
City Council President Paul called for nominations for this position.

MOTION by Councilor Bergman to nominate Romeo van Hermann for a position on the Church Street Marketplace Commission.

VOTING: unanimous; motion carries (Councilors Carpenter, Traverse absent for vote).

6.4 Annual Report for 2022-23 – Parks, Recreation and Waterfront Commission (15 mins.) **postponed to the next Council meeting, September 11**

6.5 Resolution: Support For Fair Contract For UVMMC Support Staff United Union (Councilors Bergman, Grant, Hightower, Magee, Dieng, Paul, Shannon, King, Carpenter, Barlow)(20 mins.)
Councilors Doherty and Traverse recused themselves from this deliberative agenda item.

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

DISCUSSION:

- Councilor Bergman thanked the union and his fellow City Councilors for the support on this. He said that this resolution very clearly states that the Council must take action to support its community. He said that this resolution stands up against the neoliberal logic that the market will dictate what a fair wage is, and stands up against inequality. He said that a unanimous passage of this would stand for a basic proposition of a united community that lives in dignity and justice.
- Councilor Shannon thanked the union for informing the Council about what has been occurring at UVMMC.
- Councilor Hightower thanked the union for their courage in coming to the Council to share their experiences and for their efforts to make UVMMC better for everyone.

- **Councilor Magee thanked the union for their efforts, noting that the hospital has many undervalued workers at many levels. He said that it is past time that the hospital pay workers what they are worth.**
- **Councilor Grant said that UVMHC is in denial about what it takes to live in this City right now. She noted that the new housing created on Market Street isn't even available to many of the support staff workers. She said that no one should have to work overtime due to the mismanagement at higher levels of the hospital.**

VOTING: unanimous; motion carries (Councilors Doherty and Traverse recused).

6.6 Communication: Heather E. Ross, Sheehey Furlong & Behm PC, re: Financial Review of Expenditures by Racial Equity Inclusion and Belonging Department ("REIB") in Fiscal Years 2021 and 2022 (25 mins.)

City Council President Paul noted that last week, a request was made of the full City Council that any questions that might require additional research or information from Attorney Ross be sent to the City Attorney's Office prior to the report being posted online on Thursday.

Chief Administrative Officer Schad walked through the questions that were received from Councilors and their responses. They were as follows:

- Page 3 of the report, in a footnote: Melo Grant is listed as a Juneteenth musician. Does this create a conflict of interest in reviewing the report? Response: the City Attorney's Office has discussed the charter provision regarding conflicts of interest with Councilor Grant and determined that it is up to the Councilor to disclose any conflicts of interest should they feel that there is one, or the Council determine that there is one through a two-thirds vote.
- Page 2 of the report notes that some of the information in the report is confidential. Is the report public? Response: that is boilerplate language to protect the law firm that created it. The administration has reviewed to ensure that everything in the report can be released publicly.
- There was a clarification that some of the businesses involved in the event were not subject to the Secretary of State search as being eligible to do business in Vermont because they are well-known entities with a presence in the state already.
- There was a clarification about Andrew Champagne's role not as a musician but as having been hired to help register votes.
- Page 8 of the report references an invitation-only black tie event at Hula on June 17, 2022 to honor members of the Black community. What was the cost of the event? Who was invited? What were they asked to pay? What was the criteria for the invitation? Response: this question is out of scope of the assignment.
- Noble Jewels was paid \$50,000 for cultureology. What is that and what are the details of that work? Response: this came before the Board of Finance in September of 2021, and includes a cultural gap analysis, community assessment, and creating a strategy and action plan.
- Kesha Ram was paid \$1,000 to speak. When did she speak, for how long, and is there precedent for paying a local politician to speak? Response: she spoke at the Juneteenth FY22 event and it's not clear how long she spoke for and the question of precedent is out of scope.
- How much did the report cost? Response: it cost \$41,000. The firm interviewed 10 current and former City employees and examined 77,000 emails and other documents. Baker Tilley, which led the internal review of Ms. Green's work in Minneapolis, was paid \$175,000 for its work (which interviewed 13 current and former city employees and reviewed 285,000 emails).
- Did the contracting follow City procurement procedures, and if yes, what is that process? Response: yes. A scope of work was developed and the City made calls and talked to 3 different lawyers at 3 different law firms, and that most law firms did not have the expertise or availability to take on the work. Heather Ross at Sheehey, Furlong, & Behm has had previous experience conducting these kinds of investigations, offered a governmental discount, and was not conflicted out of the work.

- What steps are being taken to address the recommendations by the Administration? Response: the City is following up on each recommendation in the report and will report back on them to the Board of Finance and City Council. The Clerk Treasurer's Office will take responsibility for these efforts, which include developing and implementing a process to make the Board of Finance aware of the Juneteenth budget, and any other large events for any other department well in advance of the event, developing and holding annual reminder trainings regarding purchasing requirements, strengthening the City's conflict of interest policy, establishing a robust fraud, waste, and abuse policy, a policy regarding when out-of-state vendors are allowed to have lodging and travel expenses paid for by the City, formalize requirements that contractors must be registered to do business in Vermont, and document requirements about signing authority for contracts.
- Where is the budget amendment that increased the June 2022 budget from \$100,000 to \$180,000? Response: there is an amendment that took \$90,000 from the FY21 REIB department and added it to the 2022 Juneteenth budget, and a second amendment that took \$10,000 from that \$90,000 and put it toward computers.
- The 2023 budget reflects \$720,000 for use of fund balance in the 2022 amended budget. What is this? Response: this is money that was carried over from the original \$1 million obligated in FY21 for the fund for racial justice, and that it shows up in budget amendments as it is spent.
- The 2023 budget shows \$68,000 in donations for special events, but the report says that the City raised \$103,000. Why is there a discrepancy? Response: some of the money came in after the FY23 budget closed. The FY24 REIB proposed budget shows the \$103,000 under actuals.
- The Mayor's 2023 budget includes \$1.2 million of CARES Act revenue for REIB. Has that been received? Is it guaranteed? Response: This was ARPA money that was set aside for FY23 for REIB salaries, and is only funded as it is incurred. Due to limited staffing for REIB in FY 23, the entire salary amount (\$740,000) was funded (not the full \$1.2 million as anticipated).
- A number of individuals were listed as BCA. Why is that? Response: this question crosses the line of attorney-client privilege, and the Councilor who asked this question would need to waive that in terms of the formation of the advice that was given.
- Is there accounting for Juneteenth specifically? Response: Yes, there is, and it can be shared.
- Is Exhibit 1A intended to be a summary for all FY22 Juneteenth spending? Response: Yes.
- Who are the recipients of the gift cards from City Market and Hannifords? Response: This was out of scope but the City can find out and report back to the Councilor that asked this question.
- If the City was overcharged for goods received from vendors, do we have any recourse? Response: This would be contract-specific. The City Attorney's Office would need to review the terms of the contract.

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to not accept the memorandum: Financial Review of Expenditures by REIB in Fiscal Years 2021 and 2022, but instead, refer both materials posted under this as supporting documents today to the HR Committee to consider a full public articulation of harm from Mayor Miro Weinberger and the City of Burlington to Tyestia Green, Casey Ellerby, and their families for the continued defamation of character and unwarranted actions taken through City processes like the audit itself and an apology of the same. Additionally, request that the HR Committee establish a process for independent evaluation and oversight of the hiring and retention policies and solutions employed by the City of Burlington to combat anti-BIPOC and gender-based discriminatory practices.

DISCUSSION:

- Councilor Hightower noted that the June 2021 Juneteenth was the only Juneteenth that was managed and executed by former Director Green and that there was no mismanagement found for this Juneteenth and it was a great success. She noted that when Director Green gave notice in February of 2022, the 2022 Juneteenth was on track, that vendors had not been hired, the theme had not yet been selected, and that no financial commitments had yet been made. She noted that the focus of the review was around fraud, waste, and abuse, which did not occur with the 2021 nor the 2022 event,

and that the memorandum summarizing the report creates the appearance of mismanagement by former Director Green throughout, without providing support or analysis for accusations. She said that the issues appear to be a Citywide lack of clarity and enforcement around City policies. She noted that there have been documented instances of other City departments mismanaging resources, but that former Director Green is the only department head to be publicly reviewed in this way. She said that the administration should strongly consider the presence of a potential bias in its response to these concerns being raised tonight. She noted other instances of other City department heads and employees not following City protocol in their use of resources without proper documentation, and noted that none of them were audited to this degree. Councilor Hightower then spoke about her own personal experience working with the Mayor on issues related to racial equity, inclusion, and belonging, and the CNA report through the Police Commission.

- Acting City Attorney Pellerin cautioned the City Council that they should receive advice on the legality of the motion before moving forward.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Bergman, to move to refer the materials posted under this item as supporting documents to the HR Committee to consider the full impact of this report on our City, Tyestia Green, Casey Ellerby, and their families. Additionally, refer these materials to the HR Committee to establish a process for independent evaluation and oversight of the hiring and retention policies and solutions employed by the City of Burlington to combat anti-BIPOC and gender-based discriminatory practices.

VOTING: unanimous; motion carries.

6.7 Communication: Jared Pellerin, Assistant City Attorney, re: Redistricting Roll-Out (10 mins.)

Acting City Attorney Pellerin said that the City Attorney's Office has been working with the Chief Administrative Officer and her team on how to implement the recent charter change to redistrict the City, and how that affects Town Meeting Day for the City's elections going forward. He said that fortunately, keeping the 8-ward and 4-district scheme will mean minimal changes. He noted that 8 of the 50 elected seats were displaced by the movement of the boundaries, and that 4 of them are up for reelection, but 4 of them unfortunately will no longer live in the district or ward that they were elected to represent, so they will need to step down for their seats. He said that the City Council can appoint acting officials for those seats.

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

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee (TEUC) is meeting on August 15 at 5:00 PM at 585 Pine Street to continue deliberations on the carbon impact fee ordinance. He also noted that the TEUC will hold its regularly-scheduled meeting on Tuesday, August 22nd, at 5:00 PM, at which time it will discuss the new ordinance to control noise and fuel efficiency standards at the airport.

Councilor Bergman noted that the joint Charter Change/Ordinance Committee on Oversight has met several more times and that they need to set new meetings moving forward, to discuss the different paths forward on oversight. Councilor Traverse noted that the Police Commission

has been active in this process and that he hopes they will provide formal recommendations and feedback on the direction that the current iteration of the Police Commission would like to go in.

Councilor Traverse noted several items pending before the Ordinance Committee, including the graffiti and stickering ordinance that was passed by the Council, and the carbon pollution impact fee ordinance (once TEUC has completed its review).

City Council President Paul noted that the Public Safety Committee will be meeting on August 17 at 6:00 PM, remotely, and will discuss drug activity in neighborhoods and establishing forums to talk about drug activity with various constituencies.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Hightower noted the passing of Omar, the owner of Kismayo Kitchen, last week.

Councilor Grant said that the Council needs to be very careful about how it makes decisions based on decisions from other municipalities. She noted that the City of Minneapolis had a Truth and Reconciliation Committee, but members of that committee felt exhausted and gaslit and resigned from the Committee and their positions on City Council. She noted that 75 current and former City staff signed a letter criticizing racist, toxic work culture in the City of Minneapolis. She said that Burlington needs to examine whether they want to mirror the behavior of other municipalities, and that they need to look carefully at how other places treat their people. She also said that the current director of the REIB department needs to be supported right now.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Weinberger noted that the City has already surpassed the number of overdoses for all of 2022, and that given the ongoing challenge and work needed in this area, he noted that August 31 is international Overdose Awareness Day and there will be an event in City Hall Park on that day.

11. ADJOURNMENT

11.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:17 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 14, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Schad
Jared Pellerin
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Weinberger at 9:57 PM.

MOTION by Councilor Traverse, 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: CT Office, re: Openings Burlington City Commissioners/Boards – waive the reading, accept the communication and place it on file

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

VOTING: unanimous; motion carries.

3. 2023 BOARD AND COMMISSION APPOINTMENTS

3.1 Conservation Board (Term Expires 6/30/27)

MOTION by Councilor Barlow to nominate Pauline Swislocki to the Conservation Board.

VOTING: unanimous; motion carries.

3.2 Development Review Board – Full position (Term Expires 6/30/26)

MOTION by Councilor Barlow to nominate Leo Sprinzen to the Development Review Board.

VOTING: unanimous; motion carries.

3.3 Vehicle for Hire Licensing Board (Term expires 6/30/25)

MOTION by City Council President Paul, SECOND by Councilor Bergman, to readvertise the position.

VOTING: unanimous; motion carries.

3.4 Board for Registration of Voters (Term expires 6/30/28)

MOTION by Councilor Bergman to nominate Olga Bravo to the Board for Registration of Voters.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to adjourn

The City Council meeting adjourned without objection at 10:05 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 14, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jared Pellerin
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 6:09 PM.

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

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.2 Third Class Liquor License Renewal (2023-2024): Despacito, 294 North Winooski Avenue - approve the 2023-2024 Third Class Liquor License Renewal for Despacito, 294 North Winooski Avenue with all standard conditions.

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

VOTING:

3.0 DELIBERATIVE AGENDA

3.1 Second Class Store Liquor License Application (2023-2024): Always Full Asian Market, LLC, d/b/a Always Full Market Burlington, 179 Bank Street.

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve the 2023-2024 Second Class Store Liquor License Application for Always Full Asian Market, LLC, d/b/a Always Full Market Burlington, 179 Bank Street with the following conditions: all City Permits need to be closed out, contingent upon Fire Marshal approval and with all standard conditions.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

4.1 Motion to adjourn

The meeting adjourned without objection at 6:12 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 11, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg
Meagan Tuttle
Sarah Morgan

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:07 PM.

City Council President Paul called for a moment of silence in remembrance of the lives lost on September 11, 2001.

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

- **Put the action item of 2.1 on the consent agenda;**
- **Add to the consent agenda item 5.25: Communication: Stephanie Seguino, Member, Police Commission, re: Resignation;**
- **Remove from the consent agenda item 5.3 Update on Initial Receipt and Obligations of Nationwide Settlement Opioid Money (CAO and Mayor) and add it to the deliberative agenda as item 6.2.**

VOTING: unanimous; motion carries.

2. ANNUAL REPORT FOR 2022-2023 PARKS, RECREATION, AND WATERFRONT COMMISSION

2.1 Annual Report for 2022-2023, Parks, Recreation, and Waterfront Commission

Abbey Duke (chair) and Lee Morrigan (vice chair) of the Parks, Recreation, and Waterfront Commission provided a verbal summary of the 2022-2023 annual report for the commission. They spoke about the importance of the services provided by the Parks, Recreation, and Waterfront department, as well as about the professionalism of its staff.

Councilor Barlow said that the report cited difficulty with increasing public engagement, noting that this was also a problem for him when he served on the Commission. He asked what strategies are being pursued currently to increase engagement. Chair Duke replied that they are working on several ideas but have not yet developed a cohesive plan.

Councilor Shannon noted that complaints about safety concerns in parks have decreased this year, and asked what conversations are occurring at the Commission level related to safety improvements. Vice Chair Morrigan replied that they are working on a project to reduce syringe litter, and that they have also been working with the Police Chief to gather information about City Hall Park in a boots-on-the-ground way in order to inform plans for increasing safety there.

Councilor Traverse asked whether there have been discussions about water access and how people can cool down on hot days when the beaches are closed, noting that there had been discussions when he was on the Commission around alternatives to a public pool for the City. Chair Duke replied that this will be one of the Commission's primary area of focus this winter, including gathering input on short-term and longer-term solutions.

Councilor Carpenter thanked BPRW staff for their hard work. She asked whether BPRW and the administration can work together around the Urban Park Ranger program, which has been assisting greatly with the population of unhoused in the City and its parks, but said that this wasn't what was envisioned to be taking up so much of their role when the program was created.

Councilor Dieng thanked the Commission for the report but said he would like more detail, especially related to data around who is accessing parks programs.

Councilor Grant noted the tremendous improvement in coordination among City employees across departments and looked forward to further collaboration.

Councilor Hightower asked several questions related to the officiant fee that was recently established, which were answered.

3. PUBLIC FORUM: **TIME CERTAIN – 6:15 PM**

3.1 Verbal Comments

Forum opened at 6:34 PM.

COMMENTS:

Burlington residents (in person):

- Michael Nodell spoke about the Elmwood Emergency Shelter, expressing concern about the drug use and public defecation occurring on and around the site, especially given that it is a residential area. He said that the success of the program is in jeopardy because of this illegal activity, and asked that the police be more involved,.

- Jada Bearden spoke about white supremacy in the Burlington community, and her lived experience with it. She also spoke about her current unhoused situation.
- Bella Fern spoke about Vermont's lack of diversity, noting that Black residents are being driven out of the state due to racism. She spoke about the actions taken against former REIB Director Tyeastia Green, noting that those responsible for those actions need to be held accountable.
- Robert Bristow-Johnson spoke about elitism and hypocrisy on the basis of race. He said that everyone needs to be held accountable if they are in the wrong, regardless of race.
- Jack Tiano expressed excitement about the Neighborhood Code project kickoff. He noted that while the South End Innovation District project and other spot-zoning are important, but more comprehensive and systemic code updates are needed to tackle barriers to residential housing and access to affordable housing. He said that one goal for the discussion should be to examine how cost per dwelling unit is affected by the densities that are set through the Neighborhood Code project.
- Ryan Thornton spoke about the Neighborhood Code project, saying that a primary goal should be increasing access to homeownership for all of Burlington's residents, given that most of them are renters and are priced out of owning homes in the community. He said that the City should look at footprint lots and the ability for replacing single-family homes with multi-family units or duplexes.
- Todd Lacroix spoke about September 11, racism, and hypocrisy.

Burlington residents (via Zoom):

- Sharon Bushor spoke about the ordinance related to technical amendments, noting that there should have been more discussion about the technical amendments prior to passing the ordinance. She also spoke about the Neighborhood Code project, saying that there should be more opportunity for public input at the NPA meetings for this project.
- Colin Larson said he is excited about the Neighborhood Code project, as well as the South End Innovation District project. He said that he supports efforts to have more alternatives to single-family homes, especially in the Old North End.

Non-Burlington residents (via Zoom):

- Karen Seba spoke about more policy action needed to combat racism in the City.

Forum closed at 7:01 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Climate Emergency Reports

Mayor Weinberger spoke about the acquisition of an electric bucket truck for Burlington Electric Department, noting that it is part of the ongoing electrification of the City's fleet. He noted that development in the walkable and bikeable parts of Burlington will lead to lower energy consumption, as denser, more urban environments tend to use less energy per capita than suburban neighborhoods.

5. CONSENT AGENDA

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

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

5.3 Update on Initial Receipt and Obligations of Nationwide Settlement Opioid Money – CAO and Mayor – **now deliberative agenda item 6.2**.

5.4 Champlain St. Park Renovations Construction., Contractor Contract – BPRW – approve and authorize the execution of a contract with Waterman Siteworks, LLC, for a price not to exceed \$163,844.00 for the Champlain Street Park Renovations Construction project, plus a project contingency of \$19,887.50, for a total authorized expenditure in the amount of \$183,731.75, 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 review by the City Attorney's Office; and 2. To approve and recommend that the City Council authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$10,000.00 in funds from the Penny for Parks unallocated restricted fund balance to the Champlain St. Park Renovations Project as outlined on the Budget Amendment Request Form.

5.5 Lakewood Cemetery Exterior Restoration – BPRW – approve and authorize the execution of a contract with Farrington Construction Company, for a price not to exceed \$238,976.00, to complete exterior restoration at Lakeview Cemetery, plus a project contingency of \$35,846.00 (total request including contingency not to exceed \$274,882.00), 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.

5.6 North Winooski Avenue Project and Community Health Centers Parking – DPW – approve the use of \$15,000 of Councilor Initiative Funds for the Community Health Centers to conduct additional geotechnical study and design work for off-street parking adjacent to their facility and authorize the Director of Public Works to execute an agreement with Community Health Centers to facilitate transfer and terms of acceptance of such funds, subject to review by the City Attorney's Office.

5.7 Acceptance of VTrans Town Highway Class 2 Roadway Program Grant #P02156 for North Avenue Road Surfacing – DPW - Council authorize the Director of Public Works to accept and execute the Town Highway Class 2 Roadway Program Grant #P02156 from the Vermont Agency of Transportation, in an amount up to \$200,000, for the mill and fill of asphalt on North Avenue between Plattsburg Avenue and Staniford Road, where such acceptance includes commitment of local matching funds which equal 20% of the grant award, with such execution of grant documents being subject to the prior review of the City Attorney's Office.

5.8 Budget Amendment for 79 Pine Street Sales Tax Reallocation Funds for the BTC Public Improvements Project – DPW - Council authorize the use of \$480,052 in 79 Pine St Sales Tax Reallocation funds towards the BTC Public Improvements Project Budget - Great Streets Bank and Cherry Street Project Budget and authorize the Chief Administrative Officer or designee to effectuate all necessary budget amendments and transfers of funds in substantial conformance with Attachment 1 in furtherance of securing this reimbursable state funding.

5.9 Acceptance of Grant Agreement (CA0811) for the Congressionally Directed Spending Church Street Side Street – Cherry St. associated with the BTC Public Improvements Project – DPW – 1. Authorize the Director of Public Works to execute the Cooperative Agreement from the Vermont Agency of Transportation to accept a grant amount of \$12,000,000 for construction of the Church Street Side Street (Cherry) Project, with project costs to be paid upfront by the City of Burlington and then reimbursed by the Vermont Agency of Transportation, with a local match of \$3,000,000 in City funds (20%), for a total project budget of \$15,000,000, subject to approval by the City Attorney's Office; 2. To approve and recommend that the City Council approve the necessary amendments to the BTC Public Improvements Project Budget – Great Streets Bank and Cherry Street Project Budget by adjusting the accounts as described in the affiliated memorandum and attachments and further authorize the Chief Administrative or designee to effect all necessary transfer of funds in furtherance of such amendments; and 3. To approve and recommend that the City Council approve and authorize the use of the VTrans At-the-Ready process for Professional Design Consultant Procurement.

5.10 Authorization to Amend Project Budget and Execute the Construction Contract for East Avenue Traffic Calming – DPW – 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds from Transportation Capital as needed to create the Traffic Calming project budget in the amount of \$396,320.10 in accordance with the attached Budget Amendment (Attachment 1) for the East Avenue Traffic Calming Project; and 2. To approve and recommend that the City Council authorize the Director of Public Works to execute a contract with S.D. Ireland Brothers Corp. in an amount up to \$360,291.00, and any necessary future change orders using up to \$36,029.10 (10%) in available contingency funds, for a total authorized amount of \$396,320.10, for the construction of the East Avenue Traffic Calming project, subject to the review and approval of the City Attorney's Office.

5.11 Communication: Juliette N. Rooney-Varga, William Moomaw, and Laura Zakaras, RIST Institute for Sustainability & Energy, re: Is Burning Wood Climate Neutral? – waive the reading and place the communication on file.

5.12 Communication: Jennifer A. Francoeur, re: Management of city funds - waive the reading and place the communication on file.

5.13 Communication: Robert Herendeen, Member, Electric Light Commission, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation thanking Robert Herendeen for his time serving as a member of the Electric Light Commission.

5.14 Communication: Jason Wiseberg, Member, Parks and Recreation Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation thanking Jason Wiseberg for his time serving as a member of the Parks and Recreation Commission.

5.15 Communication: Jennifer Garvin, re: Crime in Burlington – waive the reading and place the communication on file.

5.16 Communication: Daniel Gaviria, re: Shelter hidden in Callahan Park – waive the reading and place the communication on file.

5.17 Communication: Brad Wiltfong, re: Expand Alternative Transportation Improvements in Burlington – waive the reading and place the communication on file.

5.18 Communication: Pike Porter, re: VTANG Contracts/email - waive the reading and place the communication on file.

5.19 FIO Documents – for information only.

5.20 Ordinance: Model Years for Vehicles for Hire (Councilor Barlow) – suspend the rules, waive the reading, and place in all stages of passage an ordinance relating to model years for vehicle for hire.

5.21 Ordinance: CDO—SETBACKS ZA-23-03 (Planning, Planning Commission) – 1st reading, waive the reading, accept proposed change by staff to remove the language “(2015 IBC)” from line 38 and warn the ordinance for public hearing.

5.22 Ordinance: CDO—STRUCTURES ZA-23-04 Temporary Structures (Planning, Planning Commission) – 1st reading, waive the reading and warn the ordinance for public hearing.

5.23 Ordinance: CDO—Technical Amendments ZA-24-01 (Planning, Planning Commission) – 1st reading, waive the reading and warn the ordinance for public hearing.

5.24 Ordinance: CDO—Rezoning ZA-23-05 168 Archibald Street (Planning, Planning Commission) – 1st reading, waive the reading and warn the ordinance for public hearing.

5.25 Communication: Stephanie Seguino, Member, Police Commission, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and second a letter of appreciation to Stephanie Seguino thanking her for her time served as a member of the Police Commission.

MOTION by Councilor Magee, SECOND by Councilor Carpenter, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.25.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Joint Committee to review Neighborhood Code Recommendations

Planning Director Tuttle began by noting that the project related to recommendations around neighborhood code’s primary goal is more homes in all of Burlington’s neighborhoods, while recognizing that the City’s neighborhoods all have strong identities, unique patterns, and distinct architectural features. She explained what Middle Housing is (house-scale buildings with multiple units in walkable neighborhoods) and noted that it is missing in most of Burlington. She noted that the joint committee’s goals will also be to identify zoning barriers to middle-housing types, and find opportunities to support more of them.

She outlined the scope of the Joint Committee and how it plans to move forward with its work. She said that it will review and participate in public and stakeholder input related to the development of any draft ordinance, provide feedback to staff and City consultants on proposed middle housing types and standards to regulate them, discuss other related zoning changes to fully implement the proposed middle housing

types (especially where multiple options exist), and provide a recommendation from the full Committee to the City Council (after a public hearing).

City Planner Morgan walked through the proposed schedule for the joint committee and the Neighborhood Code project. She noted introductory meetings in September and October, meetings to develop and review draft ordinance language in October and November, meetings around the adoption process in December and January, including City Council working sessions and public hearings and adoption by the Council. She spoke about ongoing engagement with the public, including stakeholder focus groups, AARP coffee chats, NPA presentations, a public engagement session in November or December, and additional technical assistance.

Councilor Traverse emphasized how this is the most comprehensive way the City can address its housing crisis. He expressed appreciation for efforts to streamline this process while ensuring that public engagement is taking place. He said he is hopeful that the joint committee can arrive at a set of recommendations that it agrees upon, without needing to also have them reviewed by the full Ordinance Committee.

Councilor Hightower asked about the range of middle housing that is being considered, such as townhouses. Planning Director Tuttle replied that they are primarily looking as far as the townhouse level on the spectrum of middle housing, and are exploring whether certain types of housing are more appropriate in the middle of zoning districts and what could be considered more acceptable in corridors running into them. Councilor Hightower also noted that the recommendations may need to go to the Ordinance Committee.

Councilor Carpenter said that the City could do better in figuring out a process for improving how zoning changes are made, and said she hopes that the City can do that within the next year. She suggested looking at how other communities go through zoning changes.

Councilor Shannon said she looks forward to the work, though does not agree with the current structure of having a joint committee of the Planning Commission and Ordinance Committee do it. She acknowledged a desire to streamline the process, though said that the public needs to be given ample opportunity to engage with the discussions. She suggested a process where the Planning Commission and Ordinance Committee review it on separate tracks but that then they come together and merge their discussions. Councilor Dieng agreed with Councilor Shannon's points. Councilor Hightower expressed a high degree of confidence in the joint committee process.

Mayor Weinberger expressed strong support for this work as part of the ten point action plan around housing that was developed in 2021. He said that this is one of the more impactful of the points within that plan.

Planning Director Tuttle noted that there is still a statutory process that needs to be followed related to zoning amendments, including consecutive action by the Planning Commission and the City Council. She noted that this joint committee is the attempt to bring the commissions' work together, rather than having separate processes. She additionally noted efforts to visit each NPA in the fall. She then spoke about how the joint committee's work is intended to be iterative and receptive to feedback.

Councilor Carpenter said that it will be important to clarify that many new state regulations will override local zoning regulations, and that increased density in certain zoning districts will be allowed.

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

VOTING: unanimous; motion carries.

6.2 Update on Initial Receipt and Obligations of Nationwide Settlement Opioid Money – CAO and Mayor (**was Consent Agenda item 5.3**) Councilor Grant said that the Public Safety Committee has been discussing steps that the Council and City residents need to take to communicate more about the drug crisis in the City, noting that one area for improvement is communication. She said that it is important to bring to the public any actions being taken at the City or state level to combat the opioid epidemic and drug crisis, hence why she wanted to discuss this item.

Mayor Weinberger spoke about this item, noting that it provides an update on where the City stands on collecting funding from a variety of opioid-related lawsuits. He said that the City has received \$220,651 in opioid settlement money to date, and anticipates an additional \$182,598 to be received in FY24. He said that this item also requests making a further commitment of \$75,000 dollars to the Vermonters for Criminal Justice Reform (VCJR), and spoke about the importance of this program and the services it provides to individuals. He also spoke about the much larger pot of money that the State is receiving related to opioid settlements (approximately \$23 million), though it has not yet been directed to specific programs. He said it is disappointing that the funding at the State level is languishing, given the urgent and immediate crisis occurring in communities around the State.

Councilor Shannon asked how the settlement funding to VCJR will benefit the community of Burlington. Mayor Weinberger noted that the office itself is in Burlington and that it serves largely the residents of Chittenden County (and the majority of those live in Burlington). He said that the program links people to traditional forms of opioid treatment as well as providing contingency management treatment for stimulant users. He noted significant early data that suggests that this is a promising program. He noted that overdose deaths in Chittenden County are significantly lower than in other parts of the State, likely related to the infrastructure the county has built for opioid use treatment.

Councilor Magee spoke about how the opioid epidemic has impacted the Burlington community, noting that how the opioid overdoses in 2023 have already surpassed those in 2022. He emphasized the importance of harm reduction in curbing deaths related to the opioid epidemic, and spoke in support of the allocation of funding for VCJR. He said that the City should focus on evidence-based, people-oriented solutions and policies. He urged the legislature to work on policies to allow overdose prevention centers as a form of harm reduction.

Councilor Grant spoke with frustration about the lack of movement on the opioid crisis, saying that the funding needs to keep flowing to provide support in the fight against the opioid crisis. She also spoke about the importance of communication about funding and how it is being used to the Burlington community.

MOTION by Councilor Grant, SECOND by Councilor Magee, to 1. Authorize and approve moving all opioid settlement agreement money received to date and all forthcoming into assigned fund balance labeled 'Opioid Money' to be spent only as directed by such agreements, and to further authorize the Chief Administrative Officer or designee to affect all necessary budget amendments and transfers of funds to complete such allocation; and 2. Agree and recommend to the City Council that it authorize and approve earmarking and expenditure of \$75,000 of opioid settlement agreement money to support VCJR, and further authorize the Chief Administrative Officer or designee to execute an agreement and all other necessary documents to memorialize such expenditure, subject to any necessary review by the City Attorney's Office.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Traverse said that the Ordinance Committee and Charter Change Committee have four meetings scheduled over the next month to discuss community oversight of the police. He said that they will discuss potential proposals (or charter changes) to bring back to the Council for its consideration later in the fall.

Councilor Grant said that the Public Safety Committee will be working on a resolution to bring to the Council at its next meeting. City Council President Paul noted that the next public Safety Committee meeting will be scheduled for some time next week to discuss this resolution.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Shannon spoke about the discussion at the City Council's last meeting. She noted that members of the public had asked the City Council how it will keep the public safe during City Council meetings, which she feels is a fair question. She noted that the meeting had certain elements of physicality, which may be occurring in an absence of a sense of order in the room. She said that in terms of the subject of the discussion, she said she felt that the subject of the report (overspending by a City department) was not discussed because the Council did not feel comfortable discussing it. She said that the Council needs to be able to conduct the business of the City and it needs to feel safe enough to do so. She said that public forum is intended to be for members of the public to address items on the City Council's agenda, though the Council has not to date limited the subject of public forum to just those items.

Councilor Grant said that at the last meeting, the discussion centered around both the report and around the larger issue of racism. She said that the way the City approached looking into the conduct of the department in question was problematic, because it implied wrongdoing before the report was even issued.

Councilor Hightower spoke about several items of concern at the prior City Council meeting. She said that it's problematic to associated someone with an event that they did not manage and make them a scapegoat for any of the problems that occurred after their departure. She said it was also problematic that the individual was continually discussed negatively, even after the report demonstrated that there was no wrongdoing, though she noted that the report itself was not as clear as it could have been on this point. She further said that the public speaker who was cut off at the previous meeting should not have been cut off and should be given an apology. She said that the people who used the term "racist" used it very thoughtfully at the last meeting and that when an employee is treated differently than all other employees and the only reason for that is due to their advocacy is problematic. She said that there have been many contentious meetings of this body, but that the feelings of fear at meetings were never as prominent as they were at the Council's August meeting.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Weinberger spoke about the 22nd anniversary of September 11, 2001. He noted that as an act of honor and commemoration, 15 members of the Fire Department hiked up Mount Philo twice in full gear, as that is the approximately the amount of vertical distance of the Twin Towers.

Mayor Weinberger also noted that Burlington hosted a Pride festival this past Sunday, which was a success, and also held its 31st Art Hop.

Mayor Weinberger said that the Moran Frame will host a event on September 29th for an art installation. He noted that the City has also begun Phase 2 of the Moran Frame project. He noted that the public will be able to give input to the City's design team on that second phase on Wednesday the 13th of September, to be held at the Moran Frame from 5:30-7:00 PM.

Mayor Weinberger finally spoke about the City's efforts to rebuild its Police Department. He noted that there are 5 recruits currently at the Academy and that there have been 2 lateral transfers from other police departments. He also noted recruitment activities for positions within BTV CARES. He noted that they are close to hiring a director for the CAIP program, as well.

11. ADJOURNMENT

11.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 8:35 PM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 18, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:43 PM.

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

VOTING: unanimous; motion carries.

2. COMMUNICATION: LITIGATION UPDATE (VERBAL) **EXPECTED EXECUTIVE SESSION 6:45 PM – 7:15 PM**

2.1 Communication: Litigation Update (verbal) **expected executive session**

MOTION by Councilor Traverse, SECOND by Councilor King, to find that premature general public knowledge of legal advice and information concerning the details of probable and pending litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

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

VOTING: unanimous; motion carries.

3. PUBLIC FORUM: **TIME CERTAIN – 7:30 PM**

3.1 Verbal Comments

Forum opened at 7:52 PM.

COMMENTS:

Burlington residents (in person):

- Curt McCormack spoke about engine idling and how it has become epidemic in Burlington, though there is a City ordinance and State law prohibiting engine idling. He asked that the Police Department inform motorists of the law against engine idling.
- Jadah Bearden spoke in response to comments made by a City Councilor at last week's Council meeting, citing hypocrisy and racism.

Burlington residents (via Zoom):

- Peter Duval spoke about the McNeil Plant, noting that its owners met on September 11 and discussed their financial earnings, which he said were disappointing. He said that energy efficiency funds have been misspent pursuing the District Energy Plan.

Forum closed at 8:09 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Climate Emergency Reports

Mayor Weinberger noted that this Saturday will be the second annual Net Zero Energy Festival, hosted in downtown Burlington by the Burlington Electric Department.

Mayor Weinberger also noted that there will be a panel discussion and film screening on Wednesday evening (September 20) at Main Street Landing pertaining to Burlington's net zero energy activities and goals.

5. CONSENT AGENDA

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

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

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

5.4 Program Year 2022 Consolidated Annual Performance & Evaluation Report Draft – CEDO - waive the reading, accept the communication, and place it on file.

5.5 Authorization to Execute Lease Amendment No. 2 to the General Services Administration (GSA) Lease – Airport – approve that the Mayor of Burlington, Miro Weinberger, be authorized to execute Amendment No. 2 to the Lease Agreement with the U.S. General Services Administration, subject to the final review and approval by the Office of the City Attorney.

5.6 Request to Execute a Grant of Easement to Champlain Water District (CWD) for the Design, Installation, and Service of a new Valve Vault on National Guard Road – Airport – approve and authorize Mayor Miro Weinberger to execute a Grant of Easement to the Champlain Water District for the design, construction, and service of a new valve vault on National Guard Avenue, subject to review by the City Attorney’s Office.

5.7 National Endowment for the Humanities Challenge Infrastructure Capacity Building Grant – Library – 1. Move to authorize the Director of the Fletcher Free Library to execute the Award Agreement with NEH to accept a grant amount of \$245,425.00.00, with project costs to be paid upfront by the City of Burlington and then reimbursed by NEH, including a local match of \$736,275.00 in City funds, for a total project budget of \$981,700.00; subject to final review and approval by the City Attorney’s Office and Chief Administrative Officer; and 2. Move to accept the recommendation of the City’s Capital Committee and approve the creation of the Fletcher Free Library project budget for Fiscal Year 2024, for use of Capital Funds as described in the affiliated memorandum and related attachments, and subject to the review and approval of the Chief Administrative Officer.

5.8 Execute a Contract Amendment with Engineers Construction, Inc. (ECI) for the Design-Build services for the Flynn Avenue Sewage Forcemain Rehabilitation – DPW/Water Resources – approve and retroactively authorize and ratify the Director of Public Works’ execution of a contract amendment with Engineer’s Construction, Inc. for the Design-Build services for the Flynn Avenue Sewage Forcemain Rehabilitation increasing the maximum limiting amount of the agreement by \$4,213 for a total authorized expenditure not to exceed \$192,525, subject to the review and approval of the City Attorney’s Office.

5.9 Old North End Greenway Construction Grant Project Commitments Form – DPW - authorize the Director of Public Works to execute the Project Commitments Form from the Vermont Agency of Transportation for the Old North End Greenway construction, obligating the City to commit a local match of \$166,000 of the total project budget of \$241,000 in furtherance of accepting a reimbursable grant amount up to \$75,000, subject to approval by the City Attorney’s Office.

5.10 Authorization to Execute the Design Contract for the Queen City Park Road (QCPR) Sidepath – DPW – 1. To authorize the Director of Public Works to execute a contract, subject to City Attorney approval with Hoyle Tanner & Associate Inc. in an amount not to exceed \$214,245, and further authorize the Director of Public Works to execute any necessary future amendments using up to \$21,000 (10%) in available contingency funds, for a total authorized amount of \$235,245 for the development of the design of the QCPR Sidepath project, subject to the review and approval of the City Attorney’s Office; and 2. To approve and authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the sources identified in the attached budget amendment form to amend the project budget to total \$1,035,000 for the Queen City Park Road Sidepath Project.

5.11 Resolution: Allocation of Bond Proceeds for Public Improvements – Rock Point Bridge Project (Board of Finance) – waive the reading and adopt the resolution.

5.12 Rock Point Bridge – Authorization to Award Construction Contract and Proposed Budget Amendment – DPW – 1. To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to amend the project budget to total \$1,219,128.51 as detailed in Attachment B for the Rock Point Bridge Replacement Project; and 2. To authorize the Director of Parks, Recreation and Waterfront (BPRW), or their designee, to execute a construction contract with Desroches Construction Services in the amount of 984,131.00, and to further authorize the use of an additional \$98,413.00 in contingency funds (10%), for a total authorized expenditure in the amount of \$1,082,544.00.

5.13 Reclassification of two (2) Clerk Treasurer’s positions and not filling of one (1) position – CT/HR – approve the modification, retitle, and reclassification of the Director of Financial Operations, a regular service, fulltime, exempt, non-union position with a market factor range of

\$118,055.69 to \$165,325.93 to Director of Finance, a regular service, full-time, exempt, non-union position with a market factor range of \$127,900 to \$191,900; and Modification, retitle, and reclassification of the Banking & Cash Operations Manager, a regular service, full-time, exempt, non-union Grade 21 to Assistant Director of Finance, a regular service, full-time, exempt, non-union Grade 23.

5.14 Approval of Marina Slip and Mooring Fees – BPRW – approve the 2024 Marina fees as set by the Harbor Commission during its September 12, 2023 meeting, subject to review by the City Attorney’s Office.

5.15 195-201 Flynn Avenue 2019 Third MOU Extension – DPW – move to approve a one-year, term-only, no cost extension of the Second 2019 Chittenden Solid Waste District – City of Burlington Memorandum of Understanding through September 30, 2024, and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney’s Office.

MOTION by Councilor Traverse, SECOND by Councilor King, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.15.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 FY23 Fiscal Health Report – CAO

Mayor Weinberger began by noting that this fiscal health report was initially requested when the City approved a short-term stability bond a number of years ago, and has been used over the years to update the City Council and public on the City’s fiscal health and credit standing. He provided a review of the City’s credit rating and the methodology used (Moody’s), noting that a City’s credit rating has an impact on the cost of borrowing. He noted that the City was downgraded in 2012 to Baa3 (the edge of junk bond status), which was a wakeup call and precluded the seeking of the fiscal stability bond in that year. He noted that the City was subsequently upgraded to an Aa3 rating in 2019. He noted that in August of 2023, Moody’s published its credit opinion of the City, noting that its financial position is stable with sound reserves and liquidity, and is likely to remain stable over the next few years due to conservative budgeting and prudent revenue increases.

Mayor Weinberger spoke about the impact of the credit upgrades for the City. He said that because the City’s credit was upgraded, its \$130 million in bonds issued for the Burlington High School/Burlington Technical College (BHS/BTC) project were obtained at an interest rate of 3.84%. He said that had the City had its previous credit rating, it would have been issued the bonds at a higher interest rate of 5.31%. He noted that this lower interest rate is saving the City approximately \$20.5 million in present value savings. He noted that current dollar savings for other bonds that have been issued is approximately \$24 million.

Mayor Weinberger spoke about the drivers of Burlington’s positive credit score ratings and increases. He said that one of these has been the improvement to the City’s Unassigned Fund Balance (UAFB), or rainy day fund. He said that the UAFB has remained well within the target range of 5-15% of the General Fund budget’s operational costs.

Councilor Shannon asked how the bond rates work with the borrowing, saying that the City typically does not borrow the entire bond amount at a single time. She asked if there are outstanding amounts that need to be borrowed that aren’t locked in. Mayor Weinberger replied that the \$130 million for the BHS/BTC project was the entirety of the bonding amount. Chief Administrative Officer Schad noted that \$40 million of that was refinanced, and there is no outstanding bonding on the school side or the City side.

Councilor Grant expressed concern about the amount of obligation to the school district the City has made, while having its own deferred maintenance that will need addressing in the next several years. She said that the next option for financing that is through property taxes, and noted that the City hasn’t had conversations about property tax reform yet.

Mayor Weinberger agreed with Councilor Grant, saying that it will be challenging not to pursue unplanned borrowing given the capital investments needed in the future, though the City has made significant investments in its infrastructure in the last several years. He noted that there has been some capital assistance from the federal government through ARPA and other investments, so the City has some funding available.

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

DISCUSSION:

- **Councilor Dieng asked if Moody's would come to City Council meetings to present these results and speak to their credit rating and feedback. Mayor Weinberger replied that Moody's wouldn't necessarily come before the Council, but that the City has a bond consultant who has spoken about this topic in the past to the Council.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Grant noted that the Public Safety Committee has started discussions about a resolution related to the overdose crisis, and the resolution would ensure that the opioid crisis is a standing agenda item for City Council meetings. She said that this would present an opportunity to provide communication in a coordinated way, including the sharing of data and updates about funding that could be available to help deal with the crisis.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee is meeting on September 26 at 4:30 or 5:00, and the agenda items include proposed language for a survey for the North Winooski Avenue corridor stakeholders and reviewing a solar ordinance that South Burlington recently passed.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee is meeting on September 19 at 5:30 to discuss updates from the Reparations Task Force, and a presentation.

Councilor Hightower said that the CDNR Committee is meeting on September 19 and will be discussing NPA support, a public hearing on CEDO's annual evaluation report, and receiving an update on homeless initiatives from CEDO.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Shannon spoke to the resolution from the Public Safety Committee, noting that she hopes that the public safety aspect of the resolution is brought back into it before it comes before the Council, noting that since its origination, the resolution has become more focused on public health. She acknowledged that the City is in a public health crisis, but said that it is also in a public safety crisis, and that residents do not feel safe. She cited chronic theft and discarded syringes all over the City, and she said she hopes the Public Safety Committee will take that to heart. Councilor Grant said that the resolution will contain both public health and public safety aspects. She said that it will be important for people to understand what the police can and cannot do related to addressing public safety.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports
None.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Weinberger spoke about the reopening of the Community Resource Center on Thursday, September 21, 2023, and services will resume at the site at that time. He also spoke about how CEDO has taken over the property on Shelburne Road (Anew Place), and that it will move to a more Elmwood Emergency Community Shelter model of service delivery. He noted that the City is in conversations with the State to understand what kind of shelter program they intend to run to ensure that there are no gaps in services.

11. ADJOURNMENT

11.1 Motion to Adjourn

MOTION by Councilor Barlow, SECOND by Councilor Grant, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 9:01 PM.

RScty: AACoonradt

Lori Olberg

Request: Tuesdays only

From: Lori Olberg
Sent: Wednesday, August 9, 2023 10:09 AM
To: nathan vtcomedy.com
Cc: natalie vtcomedy.com
Subject: RE: Entertainment/karaoke question!

9pm-12am

Of course!

** add Karaoke night **

From: nathan vtcomedy.com <nathan@vtcomedy.com>
Sent: Wednesday, August 9, 2023 10:06 AM
To: Lori Olberg <lolberg@burlingtonvt.gov>
Cc: natalie vtcomedy.com <natalie@vtcomedy.com>
Subject: Re: Entertainment/karaoke question!

** recommended for approval
C 9/20/23 le mtg lo*

You don't often get email from nathan@vtcomedy.com. [Learn why this is important](#)

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

Definitely, thank you so much!

N

Nathan Hartswick
[Pronoun: He/Him/His]
Owner/Operator/Comedian

Vermont Comedy Club
101 Main Street, Burlington, VT
nathan@vtcomedy.com
<http://vtcomedy.com>

Check out our PATREON at:
<http://patreon.com/vtcomedy>

On Aug 9, 2023, at 9:51 AM, Lori Olberg <lolberg@burlingtonvt.gov> wrote:

I will place this in the folder for the next meeting, once set I will send an agenda to you via email. My hope is that the meeting will occur mid-September. Hope this helps.

From: nathan vtcomedy.com <nathan@vtcomedy.com>
Sent: Wednesday, August 9, 2023 9:47 AM
To: Lori Olberg <lolberg@burlingtonvt.gov>
Cc: natalie vtcomedy.com <natalie@vtcomedy.com>
Subject: Re: Entertainment/karaoke question!

You don't often get email from nathan@vtcomedy.com. [Learn why this is important](#)

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

Ok, thank you! Yes, that is correct. ONLY Tuesdays from 9pm-12am.

Is there anything else we need to do (other than keep an eye on the schedule for the next committee meeting)? How do we get on the itinerary? :)

Cheers!

N&N

Nathan Hartswick
[Pronoun: He/Him/His]
Owner/Operator/Comedian

Vermont Comedy Club
101 Main Street, Burlington, VT
nathan@vtcomedy.com
<http://vtcomedy.com>

Check out our PATREON at:
<http://patreon.com/vtcomedy>

On Aug 9, 2023, at 9:45 AM, Lori Olberg <lolberg@burlingtonvt.gov> wrote:

Hi Nathan and Natalie,

This will need to go in front of the License Committee at their next meeting which will occur next month (date not known yet). Please confirm that this request is for Karaoke, Tuesday nights only: 9 pm – 12 am. Thank you.

From: nathan [vtcomedy.com](mailto:nathan@vtcomedy.com) <nathan@vtcomedy.com>
Sent: Wednesday, August 9, 2023 9:43 AM
To: burlingtontownclerk <burlingtontownclerk@burlingtonvt.gov>
Cc: natalie [vtcomedy.com](mailto:natalie@vtcomedy.com) <natalie@vtcomedy.com>
Subject: Entertainment/karaoke question!

Some people who received this message don't often get email from nathan@vtcomedy.com. [Learn why this is important](#)

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

Hello there! I hope I have the right email address!

I am the co-owner/operator of Vermont Comedy Club at 101 Main Street! We have an entertainment license, obviously, but we are interested in adding a karaoke night on Tuesdays from 9pm-midnight.

Is there a separate license for that (or a way to request that we add this permission to our existing permit)?

Thank you for any help you can provide!!

Yours,
Nathan

Nathan Hartswick
[Pronoun: He/Him/His]
Owner/Operator/Comedian

Vermont Comedy Club
101 Main Street, Burlington, VT
nathan@vtcomedy.com
<http://vtcomedy.com>

Check out our PATREON at:
<http://patreon.com/vtcomedy>

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.

MEMO

Date: October 2, 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: Fire Station Two Dormitory Renovation

I. Purpose

This memo seeks approval to execute all necessary contracts and budget approvals to renovate the dormitory area at Fire Station Two to ensure it is inclusive and accommodating.

II. Background

In 2019, we successfully renovated the bathrooms in this building, giving the team inclusive bathroom spaces. We now need to move forward with giving our team the same gender equal spaces in the dormitory. We have worked with Chief LaChance to create five private sleeping areas and a common desk area for paperwork. In addition, we have done due diligence to make sure that we are upgrading systems with all-electric heating options to help the City move forward with Net Zero Energy plans in the future.

III. PROCESS

In June 2023, the City posted a public RFP and invited local contracting companies to bid on this project to renovate the dormitory space in Fire Station Two. The City included two alternates in the bid. The first was to include some extra abatement work for flooring, and the second was to add an electrical component to the heating system. Both alternates are being accepted. We received two qualified bids and selected Farrington Construction based on their low bid and good working relationship with the City. Please note the following dates associated with the RFP:

Date of Issuance: June 30, 2023

Site Visit: July 11, 2023

Questions Due: July 18, 2023 12:00 PM

Answers Posted: July 20, 2023 12:00 PM

Proposal Due Date: August 2, 2023 12:00 PM



Here are the proposals which we received:

Fire Station 2			
Dormitory Renovation Matrix			
		Farrington Construction	Millbrook Building
Base Bid		\$325,585	\$329,400
Alternate 1		\$0	\$800
Alternate 2		\$829	\$7,800
Total Bid		\$326,414	\$338,000

PROJECT FUNDING SOURCES, BUDGET AND ESTIMATES

Funding for this project is coming from several different revenue sources. This budget was supported by the Capital Committee prior to the FY24 Capital Budget being approved by City Council.

Funding Sources & Budget	
FY23 GO Bond Premiums (Series 2022A)	\$247,500
Facilities Contingency Includes Project Contingency	\$110,914.00
Total Budget	\$358,414.00
Contractor's Bid	\$326,414.00
10% Contingency	\$32,000.00
Total Project Estimate	\$358,414.00

The contingency on the bid amount above is intended to cover any unanticipated costs that may come up as part of the installation. Any funds not spent as project contingency will go back into the Facilities Contingency budget.

IV. SCHEDULE

The anticipated project schedule is as follows:

- June 2023: RFP issued for project
- October 2 2023: Board of Finance approval



- October 10 2023: City Council approval
- October 2023: Contract signed
- Start of construction TBD based on the availability of materials and working around best Fire Station coordination.

DEPARTMENT RECOMMENDATION

Board of Finance Motion:

1. To approve and recommend that the City Council authorize all necessary budget amendments to create a Project budget of **\$358,414** for the Fire Station 2 Project; and
2. To approve and recommend that the City Council authorize the execution of a contract with Farrington Construction, for a price not to exceed **\$326,414**, to provide services related to the renovation of the dormitory in Fire Station Two, plus a project contingency of **\$32,000** (total request including contingency not to exceed **\$358,414**), 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 recommend authorization to affect all necessary budget amendments to create a project budget of **\$358,414** for the Fire Station 2 project.

To approve and recommend that City Council approve and authorize the execution of a contract with Farrington Construction, for a price not to exceed **\$326,414**, to provide services related to the renovation of the dormitory in Fire Station Two, plus a project contingency of **\$32,000** (total request including contingency not to exceed **\$358,414**), 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: Parks Recreation & Waterfront Submitter: Kim Bleakley

Title/Subject: Fire Station 2 Dormitory Renovation

	Approval:	Meeting Date:
☒	Board of Finance	10/2/2023
☒	City Council	10/10/2023
☐	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	9/14/2023	Cindi Wight
Mayor's Office informed and approved memo	Yes	9/27/2023	Samantha Sheehan
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.	
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	9/27/2023	Kyle Clauss
CAO has reviewed budget, financing, and memo	Yes	9/27/2023	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?	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?	No	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

Deaf/Hard of Hearing 711

MEMORANDUM

TO: Board of Finance and City Council

FROM: Darlene Bayko - Banking & Cash Operations Manager
Lisa Roach - Purchasing Coordinator & Finance Assistant

RE: Summary of Proposal for Myers Trash Hauling Services

Date: October 2, 2023 and October 10, 2023

The City of Burlington currently had a 4-year contract with Myers Trash Hauling for Citywide trash, compost and recycling pick up from 2019-2023. In preparation for the renewal, the City was approached by Jeff Myers for an option to renew the service.

Myers proposed a 2-year contract at the same rate the City is currently being charged which is approximately \$15,000 per month, pending any changes a department may make to the service. Myers then proposed that if the City is satisfied, year 3 can be renewed at a 2% increase and year 4 at a 2% increase.

The \$15,000 doesn't include compactor roll offs at the Wastewater plant and the compactor at the Waterfront and the North Beach cleanup/roll off. The compactors are on an "on call basis" as they don't always need to be emptied. The total in 2022 for those items was \$85,879. The rate charged for the compactor is \$155 per haul and \$150 per ton. The rate Myers is charged is \$325 per haul and \$195 per ton which indicates the City is getting a discounted rate.

In order to ensure a competitive process and price, the City approached two other companies for bids. Casella sent in a bid in the amount of \$17,444 per month that does not include the compactor rate as that can vary from year to year.

Gauthier Trucking sent in a bid in the amount of \$17,246 per month that does not include the compactor rate as that can vary from year to year.

In reviewing the three bids, the City recommends awarding the contract to Myers Trash Hauling as it provides the best value to the City. Myers has provided excellent service and also doesn't charge the City for extra trips if they are needed due to the mixing of materials in the different bins at Waterfront Park and at the various events around the City throughout the year.

Board of Finance Motion: Move to approve and recommend that the City Council authorize the Chief Administrative Officer, to execute a 2 year agreement with retroactive approval to June 1, 2023, with the option to also renew year 3 & 4 with Myers Trash Hauling, for the purposes of monthly trash hauling within the City of Burlington, at a rate of \$14,932.93 a month and an additional on-call charge of \$155 per haul and \$150 per ton for trash compactor pick up, upon final review and approval of the City Attorney's Office.

City Council: Move to approve and authorize the Chief Administrative Officer, to execute a 2 year agreement, with retroactive approval to June 1, 2023, including an option to also renew year 3 & 4 with Myers Trash Hauling, for the purposes of monthly trash hauling within the City of Burlington, at a rate of \$14,932.93 a month and an additional on-call charge of \$155 per haul and \$150 per ton for trash compactor pick up, upon final review and approval of the City Attorney's Office.

CITY OF BURLINGTON CONTRACTOR CONTRACT

This Contractor Contract ("Contract") is entered into by and between the City of Burlington, 149 Church Street, Burlington VT, 05401 ("the City"), and Myers Container Service Corporation (Contractor"), a Vermont corporation located at 218 Red Can Drive, Colchester VT, 05446.

Contractor 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 Contractor, and **"Parties"** means the City and Contractor.
- D. **"Project"** means the Trash Hauling Services
- 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 Contractor to carry out trash, compost & recycling removal for the City of Burlington, Vermont.

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 Contractor 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 of May 25th, 2023 and expire on May 25, 2025 or upon the satisfaction of the City, unless sooner terminated as provided herein .
- C.** The City reserves the option to renew this agreement for two additional, one year terms with a maximum price increase not to exceed 2% of the total costs of all services and expenses incurred under this agreement in any of the given years.

4. SCOPE OF WORK

The Contractor shall perform the services listed in Attachments A (Request for Proposals) and B (Contractor's Response to Request for Proposals).

5. PAYMENT FOR SERVICES

- A. Amount.** The City shall pay the Contractor for completion of the Work in accordance with Attachment B (See Attached current spreadsheet of services)

Contractor 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 Contractor 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 Contractor for all services and expenses under this Contract shall not exceed \$14,932.93 for regular monthly trash hauling, for a maximum limiting amount of \$179,195.16. Additionally, the City agrees to pay the Contractor a fee of \$155 per haul and \$150 per ton for trash compactor services, which shall be on an "on-call" basis and individually charged through an itemized accounting to the City. The City shall not be liable to Contractor for any amount exceeding the maximum limiting amount without duly authorized written approval.
- D. Invoice.** Contractor 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:

Via email to: Accountspayable@burlingtonvt.gov Attn: Jennifer Blow

Via Mail to: City of Burlington, Accounts Payable, 149 Church St.

Burlington, VT 05401

For questions regarding pick up of services, please call Lisa Roach at 802-865-7137.

The City reserves the right to request supplemental information prior to payment. Contractor 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 Contractor 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: Myers Cost Sheet Breakdown

Attachment B:

Attachment C: Burlington Standard Contract Conditions for Contractors

Attachment D: Burlington Livable Wage Ordinance Certification

Attachment E: Burlington Outsourcing Ordinance Certification

Attachment F: Burlington Union Deterrence Ordinance Certification

Attachment G: Contractor's Certificate of Insurance

- B. Order of Precedent.** To the extent a conflict or inconsistency exists between the Contract Documents, or provisions therein, then the Contract take 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.

Contractor
Myers Container Service Corporation

By: _____

Date: _____

City of Burlington
Clerk/Treasurer's Office

By: _____

Katherine Schad
CAO

Date: _____

Attachment A:

Myers Cost Sheet Breakdown

Location	Address	Container Type (Rollover/Tote/Dumpster)	PRICE	Container Size (yards)	Quantity of Containers	Collection Type (recycling, trash, com,all)	Servicing Frequency (Weekly/Bi-weekly)	Primary Use/Facility	Secured [Y/N]	Requirements/Comments
DPW/PARKS/CODE	645 Pine St	Tote	\$ 27.03	64 gal	1	Compost	weekly	Shared	N	
DPW/PARKS/CODE	645 Pine St	Dumpster	\$ 765.61	6 yd	1	Trash	3/wk			
DPW/PARKS/CODE	645 Pine St	Dumpster	\$ 249.00	6yd	1	Recycling Card	1/wk	Shared	Y	
Police/Battery Park	1 North Ave	Dumpster	\$ 576.64	3 YD	1	Trash	5/wk	Police/Parks	N	
Police/Battery Park	1 North Ave	Dumpster	\$ 253.08	4 YD	1	Recycle	4/wk	Police/Parks	N	
Police/Battery Park	1 North Ave	totes	\$ 108.58	32 gallon	1	Compost	1/wk	Police/Parks	N	
Leddy Park Arena	216 Leddy Park Road	Dumpster	\$ 576.64	8 yd	1	Trash	2/wk	Parks; Arena	N	
Leddy Park Arena	216 Leddy Park Road	Dumpster	\$ 345.52	6 Yd	1	Recycling	2/wk	Parks; Arena	N	
Leddy Park Arena	216 Leddy Park Road	Totes	\$ 108.58	32 gallon	1	Compost	1/wk	Parks	N	
Library	136 South Winooski Ave / 235 College	Dumpster	\$ 538.92	6 YD	1	Trash	3/wk	Library/Fire Station	N	
Library	136 South Winooski Ave/235 college	Dumpster	\$ 214.92	6 yd	1	Recycling	2/wk	Library/Fire Station	N	
Library	136 South Winooski Ave	Totes	\$ 108.58	64 Gal	2	Compost	1/wk	Library/Fire Station	N	
Water Dept	234 Penny Lane	Dumpster	\$ 125.96	3 YD	1	Trash	1/wk	Water Department	N	
Water Dept	234 Penny Lane	Dumpster	\$ 56.62	3 YD	1	Recycling	1/wk	Water Department	N	
Miller Recreation Center	130 Gosse Court	Dumpster	\$ 275.03	3 YD	1	Trash	2/wk	Parks	Y	
Miller Recreation Center	130 Gosse Court	Dumpster	\$ 56.62	2 YD	1	Recycle	1/wk	Miller Center		
Miller Recreation Center	130 Gosse Court	totes	\$ 108.58	32 gallon	1	Compost	1/wk			
North Beach	90 Institute Road	Dumpster	\$ 191.53	6 YD	1	Recycling	2/wk	Parks	N	Seasonal May-Oct
North Beach	60 Institute Road	Roll off	haul/ton	30YD	1	Trash	On-Call	Parks	Y	250 Haul/165 ton
North Beach	60 Institute Road	Dumpster	\$ 277.66	8 YD	1	Trash	3/wk	Parks	N	Seasonal May-Oct
North Beach Bathhouse	60 Institute Road	Dumpster	\$ 116.63	3YD	1	Trash	1/wk	Parks	N	Seasonal May-Oct
North Beach Boneyard		Construction And Metal Box	haul/ton	30YD	1	Trash	On-Call	Boneyard		250 Haul/165 ton
Oakledge Park	0 Flynn Avenue	Dumpster	\$ 523.23	6 YD	1	Trash	3/wk	Parks	N	Seasonal May-Oct
Oakledge Park	0 Flynn Avenue	Dumpster	\$ 83.46	3 YD	1	Recycling	2/wk	Parks	N	Seasonal May-Oct
Starr Farm Park	Starr Farm Road/Curtis Ave	Totes	\$ 173.34	65 Gallon	3	Dog Waste	1/wk	Parks	N	Seasonal May-Oct
Waste Water	53 Lavalley Lane #2	Roll off	haul/ton	20YD	1	Plant Grt	On-Call	Waste Water		185 Haul/165 ton
Waste Water	53 Lavalley Lane #2	Roll off	haul/ton	20YD	1	Plant Grt	On-Call	Waste Water		185 Haul/165 ton
Fire Dept	136 South Winooski Ave	Dumpster	\$ 115.56	2YD FL	1	Trash	1/wk	Fire		
Fire Dept	Ferguson Ave Station	Dumpster	\$ 57.78	2YD FL	1	Trash	bi-weekly	Fire		
Fire Dept	Ferguson Ave Station	totes	\$ 108.58	32 gallon	1	Compost	1/wk	Fire		
Fire Dept	North Ave Station	totes	\$ 57.78	totes	4	Trash	weekly	Fire		
Fire Dept	North Ave Station	tote	\$ 108.58	totes	1	Compost	weekly	Fire		
Fire Dept	Mansfield Ave Station	Dumpster	\$ 57.78	2YD FL	1	Trash	Bi-Weekly	Fire		
Fire Dept	Mansfield Ave Station	totes	\$ 108.58	totes	1	Compost	weekly	Fire		
Fire Dept	Drew St Station	Dumpster	\$ 106.92	2 YD	1	Trash	weekly	Fire		
Fire Dept	Drew St Station	totes	\$ 108.58	32 gallon	1	Compost	weekly	Fire		
Fire Dept	Drew St Station	totes	\$ 461.89	3YD FL	1	Trash	3/week	Treatment Plant		
North Ave Treatment Plant	North Ave Treatment Plant	Dumpster	\$ 251.92	2YD FL	1	FL Serv MSW	2/week	Treatment Plant		
Riverside Treatment Plant	Riverside Treatment Plant	totes	\$ 53.67	96 Gallon	1	Compost	1/wk	City Hall		
Clerk Treasurer	149 Church Street	Dumpster	\$ 597.00	8YD	2	Recycle	3/wk	Waterfront Park	seasonal	
Waterfront Park	Waterfront Park	Compactor Rolloff	\$ 288.90	30YD	1	Trash	Lease	Waterfront Park	seasonal	
Waterfront Park	Waterfront Park	Compactor Rolloff		30yd	1	Trash	haul/ton	155/150		
Waterfront Park	Waterfront Park	totes	\$ 100.15	96 gallon	2	Compost	1/wk	Waterfront Park	seasonal-	
Waterfront Park	Waterfront Park	Totes	\$ 60.00	68 GALL	6	recycle	Internal	Internal totes		
Waterfront Park	Waterfront Park	Dumpster	\$ 523.23	6YD	1	Trash	3/wk	Waterfront Park	seasonal-	
Spirit of Ethan Allen	Spirit of Ethan Allen	totes	\$ 4,871.25	Toter	19	Compost	3/wk	Shared with Echo??	seasonal-	
SHORE RD	SHORE RD	TOTES	\$ 115.56	68 GALL	2	Dog Waste	1/wk			
Elmwood Ave	Elmwood Ave	Dumpster	\$ 432.48	4yd	1	trash	3/week			
Elmwood Ave	Elmwood Ave	Dumpster	\$ 348.48	4yd	1	recycle	3/week			
Elmwood Ave	Elmwood Ave	totes	\$ 216.50	32 gallon	2	Compost	1/week			
line 36 & 37 based on no residual from treatment plant in container			\$	14,932.93						

Attachment C:
Burlington Standard Contract Conditions For Contractors

DRAFT

Attachment D:
Burlington Livable Wage Ordinance Certification

DRAFT

Attachment E:
Burlington Outsourcing Ordinance Certification

DRAFT

Attachment F:
Burlington Union Deterrence Ordinance Certification

DRAFT

**Attachment G:
Contractor's Certificate of Insurance**

DRAFT

Board of Finance and City Council Submission ChecklistDepartment: Clerk Treasurer Submitter: Lisa RoachTitle/Subject: Myers Trash Hauling Services

	Approval:	Meeting Date:
☒	Board of Finance	10/2/2023
☒	City Council	10/10/2023
☐	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	9/26/2023	Katherine Schad
Mayor's Office informed and approved memo	Yes	9/26/2023	Samantha Sheehan
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	9/26/2023	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	9/26/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	9/26/2023	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?	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	In Memo
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



MEMORANDUM

TO: Board of Finance / City Council

FROM: Martin Lee, PE, Engineering Manager – Water Resources
Kate Komorowski, Water Resources Engineer
Megan Moir, DPW Division Director – Water Resources
Chapin Spencer, Director of Public Works

DATE: October 2, 2023 / October 10, 2023

RE: Request for Approval of Contract for Emergency Winooski River Siphon Repair Work

REQUEST

The Department of Public Works (DPW) and its Water Resources Division (WRD) seeks prompt approval and authorization for executing a contract with Engineers Construction, Inc. for a total not to exceed value of \$793,500 with authorization for contingency funding of an additional \$40,000 for the purposes of completing an emergency in river repair to the Winooski River siphon (sewer main) crossing which broke on July 12.

This is the next critical step in our efforts to manage the damages associated with the July flooding, an event which is eligible for Federal Emergency Management Agency (FEMA) funding. The contractor has indicated that they need authorization immediately in order to ensure that the repair can be completed in safe conditions prior to winter. As such, we have worked with the Administration to add this item to the 10/2/23 Board of Finance. Given the urgency, our intent is to execute the contract with the Board of Finance authorization, while proceeding to the 10/10/23 City Council for after the fact approval.

BACKGROUND

For a full and up to date accounting of this incident and the City's response, please see <https://www.burlingtonvt.gov/water/WinooskiBreakJuly12>. The timeline presented on the web page shows that the City has been working to manage the broken siphon from day 1 and we have not had any down time in our response efforts. Phases of our emergency response have included:

- ☐ Phase 1: Pumping and hauling wastewater via pumper truck to the City's North Wastewater Treatment Plant
- ☐ Phase 2: Constructing and operating a temporary, above-ground force main bypassing the broken river siphon

- Phase 3 (Current Request): Completing an emergency in-river repair of the siphon crossing adjacent to North Plant to allow for the sewer main under the Winooski River to be put back into service
- Phase 4 (Soon): Beginning an alternatives evaluation and design for a climate resilient permanent repair

The current scope of work involves an in-river repair of the siphon pipe at the location where the pipe is broken. The repair is intended to serve as an emergency repair of the original pipe that will enable the City to temporarily use the siphon again and shut down the temporary pump station for the winter, minimizing the risks involved with running the temporary station for the winter. This will be a complex repair that involves commercial divers, a construction barge, a crane, and other heavy equipment. The cost of the needed repair is high for a number of reasons including the complexity of the work, the location of the work, the variety of construction disciplines and the late season timing.

With the more difficult operating conditions of winter fast approaching, this repair will have a huge benefit for wastewater operations, the City, and water quality. Returning to using the repaired old siphon pipe until a permanent solution can be implemented is preferred over keeping the temporary pump station and above ground force main in service over the winter. The temporary pump station has done an effective job so far but does not have the fail safes of a fully designed permanent pump station and we have had periodic operational issues over the last couple of months, as documented on our website and reported to the State. There are too many liabilities associated with the temporary pump station and force main, so this in-river repair is a critical next step. That said, we will be leaving the above ground force main in place so that we are well prepared for emergency bypass pumping if anything were to happen to the pipe before a more permanent repair can be implemented.

Next Steps for Climate Resiliency

FEMA has acknowledged that the current siphon does not meet modern design standards and a permanent, climate resilient repair will be eligible for FEMA funding. We recently completed a Request for Qualifications (RFQ) procurement process for an engineering design consultant intended to evaluate various alternatives for the permanent and climate resilient long-term repair of the siphon and then design the selected alternative. As part of the design process for the permanent repair, Water Resources anticipates looking at a permanent pump station as well as a modern double barrel inverted siphon that would be directionally drilled, among other possible alternatives. Once the scope of work is finalized in the coming weeks, we will be coming back to the Board of Finance and City Council for approval to execute a contract with the consultant so that work may get underway. The permanent repair will be on a steady timeline but the design and construction is anticipated to take over a year. We will update the community when we have more information on the permanent repair work.

Procurement

A Request for Proposals (RFP) was drafted for this design build project in accordance with City and Federal procurement guidelines. The RFP was approved by the Attorney's

Office, posted on the City RFP and State construction websites, and directly sent to a handful of local construction firms. We received one bid:

Contractor	Total Bid
Engineers Construction, Inc.	\$793,500.00

The city had this project out to bid from 9/6/23 to 9/29/23 to allow adequate time for bidders to respond. Questions were received from at least one other interested general contractor but ultimately just one price came in for this challenging project. Engineers Construction, Inc. had a responsive bid and they are a contractor with a successful track record responding to challenging issues in Burlington and the surrounding region. Burlington's Water Resources engineering staff reviewed the proposal and it is recommended to proceed with Engineers Construction, Inc. immediately.

We had planned to bring this contract to the October 16 Board of Finance and October 23 City Council meetings, but the contractor indicated starting within the week of 10/2/23 is necessary to help with the successful completion of this work prior to the end of 2023. Some of the conditions necessary to complete the repairs include divers making repairs in moderate water temperatures and river flows. If fall rainstorms hit or a cold snap comes early, this critical emergency repair could be in jeopardy, hence the need to proceed as quickly as possible.

FUNDING

Given the official disaster declaration DR4720, it is understood that at least 75% of these expenses will be covered by FEMA. FEMA funding is a reimbursement-based funding, meaning that the City must cover expenses, paying careful attention to eligibility and documentation requirements, and then file for reimbursement at a future date.

The City will be responsible for 12.5% of projects costs (the other 12.5% to be covered by the State) due to our compliance with the qualifying mitigation measures under the Emergency State Assistance Funding process. If the extent of Vermont damages exceeds certain thresholds (~ \$111 Million statewide), additional FEMA funding will be available (90% costs) and further reduce the remaining local cost share.

These expenses are being tracked in a project in the Wastewater Capital Project Fund 862 separate from the FY24 Wastewater Annual Budget in Fund 480.

The Wastewater Fund has sufficient days of cash on hand to cover these unplanned expenses before receiving the anticipated reimbursements. Regardless of the level of reimbursements, there will be a portion of these expenses that will need to be covered by our utility.

MOTION

Board of Finance:

1. "To approve and recommend that the City Council authorize the Director of Public Works' execution of a contract with Engineers Construction, Inc. for emergency inverted siphon repair, for a Maximum Limiting Amount of \$793,500.00 with authorization for contingency funding of an additional \$40,000.00, for a total authorized expenditure not to exceed \$833,500.00, subject to the review and approval of the City Attorney's Office."

City Council:

1. "To retroactively approve, authorize, and ratify the Director of Public Works' execution of a contract with Engineers Construction, Inc. for emergency inverted siphon repair, for a Maximum Limiting Amount of \$793,500.00 with authorization for contingency funding of an additional \$40,000.00, for a total authorized expenditure not to exceed \$833,500.00, subject to the review and approval of the City Attorney's Office."

Thank you for your consideration of this request.

Board of Finance and City Council Submission ChecklistDepartment: DPW Submitter: Martin LeeTitle/Subject: North Plant Siphon Break Emergency Repair

	Approval:	Meeting Date:
☒	Board of Finance	10/2/2023
☒	City Council	10/10/2023
☐	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	10/1/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	10/2/2023	Samantha Sheehan
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	10/2/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	10/2/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

CC: Mayor Miro Weinberger
Katherine Schad, Chief Administrative Officer

DATE: September 20, 2023

RE: Balanced and Restorative Justice amendment (contract 45100) approval

Executive Summary:

In March of this year, the City Council approved the acceptance of our 2023 calendar year contract with the Department for Children and Families contract to provide Balanced and Restorative Justice (BARJ) services. Since that time, the Legislature has approved additional funds for these services; in addition, the Department has made an effort to align their contracts with the fiscal year periods under which most of their contracted agencies operate.

Therefore, the Burlington Community Justice Center (CJC) seeks the approval of the acceptance of an amendment to our BARJ contract in the amount of \$311,061.40 to be expended between January 1, 2023 and June 30, 2024. This is an addition of \$140,432.61 for an additional six months of services. The purpose of this grant is to serve youth who are involved, or at risk of being involved, in the criminal-legal system. The funding supports 2.07 FTE, spread over seven staff members.

Background

Since July 1, 2020, the Burlington CJC has subcontracted with Spectrum Youth and Family Services to deliver a portion, and since July 1, 2022, the entirety, of the Balanced and Restorative Justice (BARJ) contract, serving youth who are involved, or at risk of being involved, with the criminal-legal system. The VT Department for Children and Families (DCF) issued a new RFP in November 2022, and in December, we were awarded the full contract which began January 1, 2023. We expect to be the primary holder of the BARJ contract for Chittenden County for the foreseeable future.

Board of Finance Motion: Move to approve and recommend that City Council approve and authorize Director Pine to accept the DCF State Grant amendment #45100 in the amount of \$311,061.40 for the period of Jan. 1, 2023-June 30, 2024, upon final review and approval of the City Attorney's Office.

City Council Motion: Move to approve and authorize Director Pine to approve and authorize Director Pine to accept the DCF State Grant amendment #45100 in the amount of \$311,061.40 for the period of Jan. 1, 2023-June 30, 2024, upon final review and approval of the City Attorney's Office.

STATE OF VERMONT
CONTRACT AMENDMENT

It is hereby agreed by and between the State of Vermont, Department for Children and Families-Family Services Division (hereafter the "State" or "FSD") and **Burlington City Treasurer** with a principal place of business in Burlington, VT 05401 (hereafter the "Contractor") that the contract between them originally dated as of 01/01/2023, Contract #45100, as amended to date, (the "Contract") is hereby amended as follows:

- I. Maximum Amount.** The maximum amount payable under the Contract, wherever such reference appears in the Contract shall be changed from \$170,628.79 to \$311,061.40, representing an increase of \$140,432.61. In consideration of the services to be performed by the Contractor, the State agrees to pay the contractor in accordance with the payment provisions specified in Attachment B.
- II. Contract Term.** The period of the Contractor's performance is hereby changed from January 1, 2023 – December 31, 2023 to January 1, 2023 - June 30, 2024 with the option to extend up to two (2) additional one-year terms, as well as an additional six (6) month term.
- III. Attachment B, Payment Provisions.**

On page 6 section 4 is hereby deleted in its entirety and replaced with the following:

4. Contractor shall be paid for services actually delivered or performed beginning January 1, 2023.
- a. For the period of 1/1/2023 – 6/30/2023 the contractor shall be reimbursed up to a maximum amount of \$85,314.40.
- b. For the period of 7/1/2023 – 6/30/2024 the contractor shall be reimbursed up to the maximum allowable amount of \$311,061.40.

On page 7 section 10.a., the reporting schedule is hereby deleted in its entirety and replaced with the following reporting schedule:

a. Reporting Schedule

Reporting Period	Report Due Date	Reports Due
1/1/23 – 3/31/2023	4/20/2023	Program Reports, Financial Report, & Request for Payment
4/1/2023 – 6/30/2023	7/20/2023	Program Reports, Financial Report, & Request for Payment

7/1/2023 – 9/30/2023	10/20/2023	Program Reports, Financial Report, & Request for Payment
10/1/2023 – 12/31/2023	1/20/2024	Program Reports, Financial Report, & Request for Payment
1/1/2024 – 3/31/2024	4/20/2024	Program Reports, Financial Report, & Request for Payment
4/1/2024 – 6/30/2024	7/20/2024	Program Reports, Financial Report, & Request for Payment

On page 7 section 10.b., the annual budget is deleted and replaced with the following budget:

b. The eighteen (18) month budget for this contract is as follows:

Taxes Due to the State. Contractor certifies under the pains and penalties of perjury that, as of the date this contract amendment is signed, the Contractor 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.

Child Support (Applicable to natural persons only; not applicable to corporations, partnerships or LLCs). Contractor is under no obligation to pay child support or is in good standing with respect to or in full compliance with a plan to pay any and all child support payable under a support order as of the date of this amendment.

Certification Regarding Suspension or Debarment. Contractor certifies under the pains and penalties of perjury that, as of the date this contract amendment is signed, neither Contractor nor Contractor'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.

Contractor further certifies under pains and penalties of perjury that, as of the date this contract amendment is signed, Contractor is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>

This document consists of 3 pages. Except as modified by this Amendment No. 1, all provisions of the Contract remain in full force and effect.

The signatures of the undersigned indicate that each has read and agrees to be bound by this Amendment to the Contract.

**STATE OF VERMONT, CONTRACT FOR SERVICES
DEPARTMENT FOR CHILDREN AND FAMILIES
Burlington City Treasurer**

**Contract # 45100
Amendment #2
Page 3 of 3**

**STATE OF VERMONT
BY:**

**CONTRACTOR
BY:**

Signature	Date
Aryka Radke, Deputy Commissioner Family Services Division 280 State Drive, HC 1 North Waterbury, VT 05671-1040 Aryka.Radke@vermont.gov	

Signature	Date
Brian Pine, Director of Community & Economic Development Burlington City Treasurer, Community Justice Center 200 Church St Ste 101 Burlington, Vermont 05401 bpine@burlingtonvt.gov	

Board of Finance and City Council Submission Checklist

Department: CEDO/CJC Submitter: Rachel Jolly

Title/Subject: DCF Grant Acceptance: BARJ Contract Amendment

	Approval:	Meeting Date:
☒	Board of Finance	10/2/2023
☒	City Council	10/10/2023
☐	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	9/27/2022	Approved
Mayor's Office informed and approved memo	Yes	9/27/2023	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	9/26/2023	Approved
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	9/26/2023	Approved
CAO has reviewed budget, financing, and memo	Yes	9/22/2023	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.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Garret King, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Ted Boylan, Division Administrator



TO: City Council
FROM: Scott Gustin
DATE: October 10, 2023
RE: FEMA Hazard Mitigation Grant Project, 389 Riverside Avenue

Request

Adjust the FY '24 budget for the Department of Permitting & Inspections to incorporate monies from FEMA's Hazard Mitigation Grant Program in the amount of \$457,430 for the buy-out project at 389 Riverside Avenue.

Background

The slope along Riverside Avenue down to the Winooski River has a history of slides. Most recently, in 2019 there was a moderate slide affecting 389 Riverside Avenue and two neighboring properties. That event triggered an assessment of slope along the affected properties.

The property at 389 Riverside Avenue contains a duplex residence and is located atop an unstable slope containing a significant artificial fill material. An assessment of the site in April 2022 showed displaced retaining wall timbers, cracked foundation, leaning trees, and tension cracks in the soils near the residence. The residence appears to be at imminent risk of failure due to the unstable slopes. In addition to the April 2022 assessment of this property, the City conducted a more extensive assessment of the slope along the length of Riverside Avenue and showed evidence of active slope movement along each segment, including the area containing the subject duplex residence.

Of the three properties evaluated, only 389 Riverside Avenue was found to be at imminent risk of failure due to unstable slopes. As a result, this grant award is only for 389 Riverside Avenue. The project will include demolition of all structures on the site, conversion to green space, and acquisition by the city. No city funds are used in this project. 90% of the funding is federal, and the 10% match is from the state. The Board of Finance approved this item on October 2, 2023.

Attachments

- FEMA Award Letter

City Council Motions

1. To approve a budget neutral amendment to the FY '24 Department of Permitting & Inspections budget to include the FEMA Hazard Mitigation Grant Program monies in the amount of \$457,430 as described in the affiliated memorandum.
2. To authorize the Zoning Manager to execute a grant from the FEMA Hazard Mitigation Grant Program in an amount of \$457,530, subject to review and approval of the City Attorney's Office.
3. To accept the conveyance of 389 Riverside Avenue to the City of Burlington and authorize the Zoning Manager to execute the related documents necessary for the conveyance, subject to the review and approval of the City Attorney's Office.



FEMA

Sent Via Email

August 11, 2023

Eric Forand
Interim Director
Vermont Emergency Management 45
State Drive
Waterbury, VT 05671-1300

Kristin Clouser
Governor's Authorized Representative
Secretary of Administration
109 State Street
Montpelier, VT 05609

Re: Notification of Award

Major Disaster Declaration: FEMA-4532-DR-VT

Program: Hazard Mitigation Grant Program, Assistance Listing #97.039

Recipient: Vermont Emergency Management

Subrecipient: Burlington (Town of), VT

Federal Award No.: 4532DRVTP00000035 001

Project: Burlington (Town of), VT Acquisition Demolition Landslide 389 Riverside Avenue

Project #: HMGP-4532-3R

Dear: Interim Director Eric Forand,

The Federal Emergency Management Agency ("FEMA"), U.S. Department of Homeland Security has awarded the above-referenced project that the Vermont Emergency Management submitted under the Hazard Mitigation Grant Program ("HMGP") application for FEMA-4532-DR-3R. The subrecipient for this project is the Burlington (Town of), VT and the approved Federal Funding for the project is \$411,687.00, which is 90% of the total approved project cost of \$ 457,430.00. As a condition of the Federal award, the Burlington (Town of), VT is required to contribute a non-Federal cost-share of \$45,743.00. Relocation costs have been identified in the amount of \$8,500.00. The Relocation costs must meet the Uniform Relocation Act (URA) requirements, Funding will be released upon receipt of the required documentation. The total approved, Federal Funding is \$403,187.00.

By accepting this Federal award, you acknowledge that the terms and conditions set forth in the following documents are incorporated into the terms and conditions of this award and will ensure that you incorporate them into any subaward to the subapplicant.

- FEMA-State Agreement for FEMA-4532-DR-VT
- FY 2020 Department of Homeland Security Standard Terms and Conditions, v. 2
- Hazard Mitigation Assistance Guidance (FY15)
- HMGP Subaward Requirements (enclosed)
- Obligation Report (enclosed)

- Record of Environmental Consideration (enclosed)

If you have any questions, please contact Jarvis Smith, Mitigation Division, FEMA Region I at Jarvis.Smith@fema.dhs.gov.

Sincerely,

**RICHARD H
VERVILLE**

Digitally signed by
RICHARD H VERVILLE
Date: 2023.08.11 16:40:34
-04'00'

Richard H. Verville
Deputy Director, Mitigation Division
FEMA Region I

Enclosures

cc: Stephanie Smith, State Hazard Mitigation Officer, Vermont Emergency Management
Ben Rose, Recovery & Mitigation Section Chief, Vermont Emergency Management

GENERAL FEDERAL AWARD INFORMATION
Hazard Mitigation Grant Program
Major Disaster FEMA-4532-DR-VT
Federal Award No.: 4532DRVTP00000035 001
Project No.: HMGP-4532-3R

Recipient Name:	Vermont Emergency Management
Recipient's Unique Entity Identifier (UEI):	LALMDNWSYKT1
Subrecipient Name:	Burlington (Town of), VT
Subrecipient's Unique Entity Identifier (UEI):	FEP8BMECKAF8
Assistance Listings Number and Title:	97.039, Hazard Mitigation Grant Program
Federal Award Identification Number (FAIN):	4532DRVTP00000035 001
HMGP Project Number:	HMGP-4532-3R
Federal Award Date:	August 8, 2023
Period of Performance Start and End Date:	8/5/2021 – 10/29/2026 Project Completion ▪ HMGP Projects: 5/2/2026
Budget Period Start and End Date:	8/5/2021 – 10/29/2026
Amount of Federal Funds Obligated by this Action:	\$ 403,187.00
Total Amount of Federal Funds Obligated:	\$ 403,187.00
Total Approved Cost Sharing or Matching:	\$ 45,743.00
Total Amount of the Federal Award Including Approved Cost Share or Matching:	\$ 457,430.00
Budget Approved by the Federal Awarding Agency (to comply with statutory requirements (e.g. FFATA)):	The approved budget is set forth below.
Federal Award Description	Property Acquisition and Structure Demolition
Name of Federal Awarding Agency and Contact Information for Awarding Official:	Federal Emergency Management Agency Richard Verville, Deputy Director, Mitigation Division Email: richard.verville@fema.dhs.gov

	Phone: (857) 205-2841
Identification of Whether the Award is R&D:	No part of this Federal award is for research and development.
Indirect Cost Rate for the Federal Award:	Indirect costs are not authorized under this Federal award.

BUDGET COST CATEGORIES

Object Class	Cost
Administrative and legal expenses	\$ 2,500.00
Land, structures, rights-of-way, appraisals, etc.	\$ 390,930.00
Relocation expenses and payments	\$ 0,000.00
Architectural and engineering fees	\$ 00,000.00
Other architectural and engineering fees	\$ 00,000.00
Project inspection fees	\$ 00,000.00
Site work	\$ 10,500.00
Demolition and removal	\$ 45,000.00
Construction	\$ 00,000.00
Equipment	\$ 00,000.00
Miscellaneous	\$ 00,000.00
Contingencies	\$ 00,000.00
Total:	\$ 448,930.00

Board of Finance and City Council Submission Checklist

Department: Permitting & Inspections Submitter: Scott Gustin

Title/Subject: FEMA Hazard Mitigation Grant Project, 389 Riverside Avenue

	Approval:	Meeting Date:
☐	Board of Finance	10/2/2023
☐	City Council	10/10/2023
☐	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	9/18/2023	Bill Ward
Mayor's Office informed and approved memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	9/28/2023	Kimberlee Sturtevant
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	9/28/2023	Kimberlee Sturtevant
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?	N/A	



Memo

Date: October 2, 2023 – Board of Finance
October 10, 2023 – City Council

To: City of Burlington, Board of Finance

From: Corey Mims, P.E., Senior Public Works Engineer
Norman Baldwin, P.E., Assistant Director of Public Works/City Engineer
Chapin Spencer, Director of Public Works

Subject: Champlain Parkway Cooperative Agreement Amendment No. 8

Request:

The Department of Public Works ("DPW") is requesting the Board of Finance approve and the City Council authorize the Director of Public Works, or his designee, to execute Amendment No. 8 to the Cooperative Agreement for the Champlain Parkway Project for continued project construction by increasing the maximum limiting amount by \$20,430,000 and the local match obligation by \$408,600, for a total authorized maximum limiting amount of \$65,000,000, including a total local match obligation of \$1,300,000 subject to the prior review and approval of the City Attorney's Office.

Background:

When the City took over management of the Champlain Parkway/Southern Connector project in 1998, a Cooperative Agreement (CA) was executed between the State of Vermont Agency of Transportation (VTrans) and the City of Burlington outlining the conditions of the project's management and financing.

The original CA outlines a Maximum Limiting Amount (MLA) under which the agreement is valid. In the event the project approaches exceeding the MLA, an Amendment is required in order to increase the MLA of the original CA.

Under the Economic Growth Center (EGC) Funding Program, the project participation percentages are: 95% Federal; 3% State; and 2% Local. The Local Share for this project is budgeted and paid for through the Department of Public Works (DPW) Street Capital and Capital Improvement Programs (Institutional Revenue Bond and Annual CIP). Amendment No. 8 is anticipated to bring the project through the initial construction phase of the project (Home Avenue to Kilburn Street).

The current Cooperative Agreement has a Maximum Limiting Amount of \$44,570,000.00. The proposed Amendment No. 8 increases the MLA by \$20,430,000, creating a new MLA of \$65,000,000. The City's incremental local share (2%) obligation is \$408,600. This local share

obligation was anticipated and has already been accounted for in the FY 2024 budget. The Amendment No. 8 document is currently under development by VTrans and will be reviewed and approved by the City Attorney's Office prior to execution.

In addition to the project eligible expenses which will be participating at the percentages identified above, there are a number of costs associated with this project which are not eligible for reimbursement from Federal and State funds. These ineligible expenses include the disposal of contaminated soil from the Pine Street corridor, differential costs for street lighting along the new section of roadway, differential costs for undergrounding Burlington Electric Department utilities, additional landscaping, amenities for pocket parks, and cobblestone paving, bricking and stamping for pedestrian crossing treatments. These ineligible costs account for approximately \$3.5M in construction costs which are the sole responsibility of the City. The project budget has received \$3,023,479 in capital outlay bond revenue to date which has not yet been exhausted. Currently an additional \$500,000 will be required to meet the anticipated project needs by the end of the contract. We will be returning at a later date to request the additional funds.

After approval of the proposed Cooperative Agreement Amendment No. 8, the City's total share of costs, including both the 2% local match and the ineligible costs described above, for the complete design and construction of the Initial Construction Contract will be approximately \$4.8M.

The contractor's work under the Champlain Parkway's initial construction contract (Home Avenue to Kilburn Street) is progressing well and is currently ahead of schedule. The contractor is now working heavily on the Lakeside Avenue and Pine Street corridors – and they aim to achieve substantial completion by late spring 2024. For further discussion on the overall project and current project updates, please see the project website at www.champlainparkway.com.

Attachments:

Attachment A: CA0035 Amendment #8

Motions

Actions for Board of Finance:

To approve and recommend that the City Council authorize the Director of Public Works, or his designee, to execute Amendment No. 8 to the Cooperative Agreement for the Champlain Parkway Project for continued project construction by increasing the maximum limiting amount by \$20,430,000 and the local match obligation by \$408,600, for a total authorized maximum limiting amount of \$65,000,000, including a total local match obligation of \$1,300,000 subject to the prior review and approval of the City Attorney's Office.

Actions for City Council:

To authorize the Director of Public Works, or his designee, to execute Amendment No. 8 to the Cooperative Agreement for the Champlain Parkway Project for continued project construction by increasing the maximum limiting amount by \$20,430,000 and the local match obligation by \$408,600, for a total authorized maximum limiting amount of \$65,000,000, including a total local match obligation of \$1,300,000 subject to the prior review and approval of the City Attorney's Office.

STATE OF VERMONT
GRANT AMENDMENT

Part 2 – Grant Amendment

This is a Grant Amendment (hereinafter called “Amendment”) between the State of Vermont, Agency of Transportation (hereinafter called “State”), and the **City of Burlington**, (hereinafter called “Subrecipient”). The Agreement dated **October 21, 1998**, shall be modified as follows:

1. Award Details: Part 1 – Grant Award Detail is hereby deleted and replaced in its entirety with the revised Part 1 – Grant Award Detail attached and made a part hereof.
2. Attachments: Attachment A, Description of Project and Scope of Work to be Performed by Subrecipient, 1. Project Location and Description, is hereby modified as below and is made a part hereof.

Town	City of Burlington
Location	Home Avenue to Kilburn Street
Description	Champlain Parkway Construction

3. Attachments: Attachment B, Payment Provisions, 1. Funding Ratio, 5. Project Costs and Phases, 7. Allocation of Funds by State and 8. Payment of Invoices by the State is hereby modified as below and is made a part hereof.

1. Funding Ratio. Up to the maximum limiting amount (MLA) shown below, the State agrees to pay **98%** of the total Project costs eligible for federal participation, including, but not limited to, administration, engineering, right-of-way, utility, railroad relocation and construction costs, except for State’s review costs, which will be borne 100% by the State. The State shall not be responsible for expenses incurred by the Subrecipient except as specified in this Agreement.

5. Project Costs and Phases. The parties agree that the Subrecipient will perform all tasks and duties incidental to accomplishing the following Project development phases, where an amount of funding is indicated, in conformance with the schedule or amended schedule agreed upon by the parties: and that the State will pay the state and federal share of all properly documented invoices from the Subrecipient for work incidental to the development of the Project up to the total available State/federal funds to the Subrecipient:

Phase	Federal \$	State \$	Local \$	Total \$
Total Available Funds to Subrecipient*	\$61,750,000	\$1,950,000	\$1,300,000	\$65,000,000

*The amounts noted may not reflect expenditures that were covered under prior agreements or contracts.

7. Allocation of Funds by STATE. On the basis of the Subrecipient's request for authorization to develop the Project, and subject to the availability of state and federal funds, the State agrees to make available to the Subrecipient a sum not to exceed **\$1,950,000.00** in State funds and **\$61,750,000.00** in federal-aid funds for engineering, right-of-way, utility and railroad relocation where applicable, construction, and construction engineering costs (as described in Section 5 above).

8. Payment of Invoices by the STATE. The State agrees to pay the Subrecipient the federal and state shares of properly documented bills invoiced by the Subrecipient.

Invoices, which shall clearly reference the Project name and number, shall be sent to:

Name: Ande Deforge
Division: Municipal Assistance Program
Address: ande.deforge@vermont.gov

4. Attachments: Attachment H, Required Submittals, State Liaison, Waiver of Standards and Modifications of Design Steps, Plans, Documents and Estimates, is hereby modified as below and is made a part hereof.

State Liaison: **Ande Deforge, VTrans Project Manager**

5. Attachments: Attachment I, DOT Standard Title VI Assurances and Non-Discrimination Provisions (DOT 1050.2A) - Assurance Appendix A and Assurance Appendix E is attached hereto and made a part hereof.

Except as modified by this or any existing Amendments, all other provisions of the original Agreement dated **October 21, 1998**, shall remain unchanged and in full force and effect.

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS GRANT AMENDMENT.

State of Vermont
Agency of Transportation

Subrecipient
City of Burlington

Date: _____

Date: _____

Signature: _____

Signature: _____

Name: Joe Flynn

Name: _____

Title: Secretary of Transportation

Title: _____

STATE OF VERMONT GRANT AGREEMENT

Part 1-Grant Award Detail

SECTION I - GENERAL GRANT INFORMATION

¹ Grant #: CA0035		² Original ☐ Amendment # 8	
³ Grant Title: Burlington MEGC 5000(1)			
⁴ Amount Previously Awarded: \$ 43,678,600.00		⁵ Amount Awarded This Action: \$ 20,021,400.00	
		⁶ Total Award Amount: \$ 63,700,000.00	
⁷ Award Start Date: 10/21/1998		⁸ Award End Date: 10/21/2027	
		⁹ Subrecipient Award: YES ☒ NO ☐	
¹⁰ Vendor #: 000040096		¹¹ Grantee Name: City of Burlington	
¹² Grantee Address: 645 Pine Street			
¹³ City: Burlington		¹⁴ State: VT	
		¹⁵ Zip Code: 05401	
¹⁶ State Granting Agency: Vermont Agency of Transportation		¹⁷ Business Unit: 08100	
¹⁸ Performance Measures: YES ☒ NO ☐		¹⁹ Match/In-Kind: \$ 1,300,000.00 Description: Required Local Match	
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] #: J9MJZAND8XN7		²² Indirect Rate: 125.46 % (Approved rate or de minimis 10%)		²³ FFATA: YES ☒ NO ☐	
²⁴ Grantee Fiscal Year End Month (MM format): 06				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	\$	\$	\$	
Special Fund	\$	\$	\$	
Global Commitment (non-subrecipient funds)	\$	\$	\$	
Other State Funds	\$ 1,337,100.00	\$ 612,900.00	\$ 1,950,000.00	Transportation Funds

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 Federal Award Date	³⁸ Total Federal Award
20.205	Highway Planning & Construction	\$ 42,341,500.00	\$ 19,408,500.00	\$ 61,750,000.00	AFFF		\$
³⁹ Federal Awarding Agency: Federal Highway Administration (FHWA)		⁴⁰ Federal Award Project Descr: Burlington MEGC 5000(1)					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
		\$	\$	\$			\$
Federal Awarding Agency:		Federal Award Project Descr:					
Total Awarded - All Funds		\$ 43,678,600.00	\$ 20,021,400.00	\$ 63,700,000.00			

SECTION IV - CONTACT INFORMATION

STATE GRANTING AGENCY	GRANTEE
NAME: Ande Deforge	NAME: Corey Mims
TITLE: VTrans Project Manager	TITLE: Senior PW Engineer
PHONE: 802-595-6657	PHONE: 802-922-5001
EMAIL: ande.deforge@vermont.gov	EMAIL: CMims@burlingtonvt.gov

Assurance Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement

as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Assurance Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), (“...*which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

Board of Finance and City Council Submission ChecklistDepartment: Public Works Department Submitter: Corey MimsTitle/Subject: Champlain Parkway Project Cooperative Agreement Amendment #8

	Approval:	Meeting Date:
☒	Board of Finance	10/2/2023
☒	City Council	10/10/2023
☐	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	9/26/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	9/29/2023	Samantha Sheehan
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	9/27/2023	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	9/27/2023	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?	Choose an item.	
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.

FOR INFORMATION ONLY 2023-09-14

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Thursday, September 14, 2023 4:30 PM
To: Pobrien@sdireland.com; JPolubinski@gravelshea.com; rrushford@gravelshea.com; nrb.legal@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; Stephanie.Monaghan@vermont.gov
Subject: Act 250 Jurisdictional Opinion 4-365
Attachments: JO 4-365.pdf

For complete information!
additional text, please
contact the City Clerk's Office

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

Hello,

Attached is Act 250 Jurisdictional Opinion 4-365 for CityPlace Burlington.

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>

28 SEP 18 4:57 PM
FOR INFORMATION ONLY

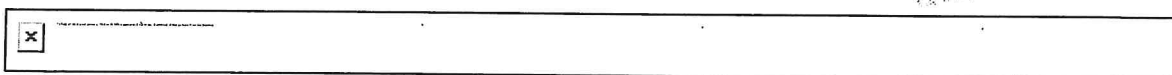
Lori Olberg

From: VLCT <info+vlct.org@ccsend.com>
Sent: Monday, September 18, 2023 7:31 AM
To: Lori Olberg
Subject: Re: New Unemployment Mandate for Small Nonprofits

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

[Click here to view this email as a webpage.](#)

For more information,
September 18, 2023, please
contact the City Clerk's Office



MEMORANDUM

TO: VLCT Members
FROM: Ted Brady – Executive Director, VT League of Cities & Towns
DATE: September 15, 2023
RE: ACT 76 – New Unemployment Mandate for Small Nonprofits

In 2023 the Vermont legislature passed H.217 which became law on June 20, 2023. ACT 76 requires, among other provisions, that ALL nonprofit entities, including municipal entities such as cities, towns, villages and various districts, must participate in unemployment insurance regardless of how many individuals they employ. Previously, municipal entities that employed four or fewer individuals were exempted from participating in unemployment insurance. That exemption will no longer apply, and **effective July 1, 2024, ALL nonprofits, regardless of size, MUST be registered with the VT Department of Labor to participate in unemployment insurance.** These requirements include reporting wages on a quarterly basis, reporting new hires and paying any unemployment claims for which your entity is liable as a result of employee separations.

Although your organization may already be participating in unemployment insurance, either directly through the state or as a member of VLCT's Unemployment Insurance (UI) Trust, we are asking you to **please help spread the word about this new requirement to other small, nonprofit municipal entities** (libraries, fire departments, housing authorities, etc.) that are associated with your city, town, village or district. Our communications will only reach so far within the scope of our membership, and we hope all of you can help broaden our outreach as there will likely be financial penalties from the state for municipal entities that fail to register by the required deadline above.

Municipal entities have the option of participating as either a **taxable** or a **reimbursable** entity with the state for unemployment insurance.

Taxable entities who newly register with the state:

- Will be assigned a "new employer" 1% tax rate.
- Will pay quarterly contributions to the state based on taxable payroll (capped annually by the state).

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Wednesday, September 20, 2023 9:35 AM
Subject: Press Release: Governor Phil Scott Announces \$5 Million in Funding Available for Homeowners to Fix Failed Wells and Septic Systems

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State of Vermont
OFFICE OF THE GOVERNOR

For complete information,
additional text, please
contact the City Clerk's Office

For Immediate Release

Wednesday, September 20, 2023

Contacts

Jason Maulucci, Press Secretary
Office of the Governor
Jason.Maulucci@vermont.gov

Marjorie Klark, ANR Healthy Homes Initiative Supervisor
Department of Environmental Conservation
ANR.HealthyHomes@vermont.gov

GOVERNOR PHIL SCOTT ANNOUNCES \$5 MILLION IN FUNDING AVAILABLE FOR HOMEOWNERS TO FIX FAILED WELLS AND SEPTIC SYSTEMS

Berlin, Vt. - Governor Phil Scott and the Agency of Natural Resources (ANR) today announced \$5 million of funding to support low- and moderate-income Vermont homeowners in repairing or replacing their failed or inadequate on-site water or wastewater systems. This is the third round of funding for the program.

"Wells and septic systems can be costly to repair, and this funding will help many Vermonters afford these critical fixes that ensure safe, reliable systems, and healthier living," said Governor Scott.

Eligible homeowners may [apply](#) for this round of [ARPA On-Site funding](#) by October 31, 2023. The [application process](#) includes submitting an online pre-qualification application. For help filling out the pre-qualification application, please contact a dedicated assistance specialist at 802-828-0141, 877-344-0354 (toll-free), or ANR.HealthyHomes@vermont.gov.

With limited funding, ANR will select approximately 200 priority projects to receive funding based on income, environmental impact, household demographics, and severity of system failure. ANR anticipates issuing awards for

FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Friday, September 22, 2023 8:21 AM
To: bsullivan@mskvt.com; nrb.legal@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; Stephanie.Monaghan@vermont.gov
Subject: JO 4-373 - Verizon Wireless - COS
Attachments: JO Short JO 4-373.pdf

For complete information &
additional text, please
contact the City Clerk's Office

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Attached is JO 4-373 - Verizon Wireless - COS

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>

Lori Olberg

FOR INFORMATION ONLY

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Friday, September 22, 2023 9:42 AM
Subject: ANR Press Release - 2023 State and Local Government Municipal Day

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

PRESS RELEASE

For Immediate Release – September 22, 2023

Contact:

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

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

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

For complete information,
additional text, please
contact the City Clerk's Office

2023 State and Local Government Municipal Day Trainings for Vermont's Local Officials and Volunteers

Montpelier, VT – The Agency of Natural Resources is announcing its tenth State and Local Government Municipal Day. The day-long event is hosted by the Agency of Natural Resources in partnership with the Agency of Agriculture, Agency of Transportation, Vermont Emergency Management, Vermont Center for Geographic Information, and the Natural Resource Board, and is dedicated to the education of municipal officials on a variety of state programs and resources.

Municipal Day will take place on October 20, 2023 at National Life from 7:30am-3:45pm. [Register now to reserve your spot for this in-person event.](#)

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

Municipal Day has always aimed to strengthen the partnership between the State and local government, but this year in particular, the informational event will be key in helping communities build back stronger after the summer floods.

"As we transition from response and into flood recovery, Municipal Day provides a timely opportunity for collaboration between State and local officials," says ANR Secretary Julie Moore. "Recovery will be a long road, but I look forward for this chance to share our most up-to-date information and set towns up for long-term success."

After opening remarks and a chance for questions with the State of Vermont's Chief Recovery Officer Doug Farnham, participants will split off to attend trainings, discussions, and workshops of their choice to learn more about the tools available to help their communities.

Traditional Municipal Day topics such as Act 250, Required Agricultural Practices, Land-Use Planning, and more will also be available as in prior years. Municipal government staff, regional planning commissioners, volunteer conservation advocates, and interested community members are invited to attend.

For questions, please contact our lead organizer, Emma Ramirez-Richer, at 802-828-0316 or emma.ramirez-richter@vermont.gov.

M E M O R A N D U M

TO: City Council

CC: Nic Longo, Director of Aviation
Tim George, Airport Commission Chair

FROM: Vehicle for Hire Licensing Board  Paul Hines, Chair

DATE: September 26, 2023

RE: Vehicle for Hire Modernization

Chapter 30, Vehicles for Hire, of the Burlington Code of Ordinances (“BCO”) tasks the Vehicle for Hire Licensing Board (“the Board”) with “diligently see[ing] that all ordinances related to vehicles for hire operating in the city and the airport are enforced and promulgate such rules and regulations, policies and procedures, and enforcement system and practices as are necessary to ensure that efficient administration of and compliance with standards established” therein. BCO 30-4(a). The Taxi Administration Office (“the TAO”), works in tandem with the Board and is “responsible for the day-to-day administration of the vehicle for hire ordinance and shall implement the rules and regulations, policies and procedures, and enforcement practices and systems promulgated by the board.” BCO 30-5.

The Board shares responsibility for enforcing Chapter 30 with the Vehicle for Hire Administration Office, Burlington Police Department, ground transportation personnel at the Patrick Leahy Burlington International Airport (“the Airport”), and any other law enforcement officer assigned by the City. BCO 30-3. Additional regulations specifically concerning permitting and licensure for vehicles for hire operating at the Airport are set forth at Appendix E, Burlington International Airport Rules and Regulations, Chapter 1, Ground Transportation.

In recent months, the Board has observed serious problems with the taxi and Vehicle-for-Hire system in the Burlington area. These observations come from both hearings that have come before the Board and from our own experiences using or driving for the vehicle-for-hire industry in the Burlington area. Because many tourists and business travelers use taxis for transportation, we are concerned that if these problems are not addressed Burlington’s reputation as a great small city for tourism and business will be damaged.

Therefore, the purpose of this memorandum is to outline problems that we have observed within the vehicle-for-hire industry in the City of Burlington, and suggest solutions that we believe could significantly improve the system. The Board wishes to share the following observations and

recommendations with the City Council in hopes of addressing the industry's most pressing issues to improve passenger and driver experience alike.

1. Updated Rates & Taximeter Issues: Nearly all drivers who have appeared before the Board have complained that the City-approved rates for vehicles for hire are too low and have failed to keep pace with inflation. The board has performed some preliminary research indicating that our rates are significantly lower than rates in other cities in the Northeast (see attached spreadsheet). As a result, many drivers decline to use a taximeter and charge a flat fee, which is prohibited for taxicabs. BCO 30-23(a). Furthermore, we are concerned that the low rates are resulting in reduced driver availability, particularly during nighttime hours at the airport. Compounding the problem, according to Board Member Youness Jamil, is that the only individual qualified to repair and calibrate taximeters in Vermont has since moved to Florida.

The Board recommends increasing rates significantly, taking into account the impact on inflation on vehicle for hire drivers and businesses, as well as rates in other cities of comparable size to Burlington. Additionally, the Board recommends establishing a late-night service surcharge to incentivize drivers to accommodate passengers arriving at the Airport after 9 p.m. A mobile app-based metering system, discussed in greater detail below, could address issues concerning the use and maintenance of taximeters.

2. Mobile App-Based Metering Solution: As mentioned above, conventional taximeters are difficult to maintain, and make it difficult to have the time-differentiated rates needed to ensure driver availability during important times, such as late-night hours at the airport. Furthermore, taximeters do not provide any way for the rider to accurately verify that the driver charged the right amount, whereas mobile-app-based systems such as Lyft and Uber provide riders with clear information about how much a ride would cost, and automatically provide the rider with receipts.

Board Chair Paul Hines has engaged in preliminary, informal discussions with Scot Barker, the City's Chief Innovation Officer, regarding possible mobile app-based metering solutions. Such an app could address persistent issues over pre-agreement of rates and taximeter use. See BCO 30-22, 30-23. We recommend that the city council request the Chief Innovation Officer to collaborate with the Board to identify cost-effective mobile-app-based solutions for taxi metering.

3. Driver Education: Recent complaints that have come before the Board, along with board members' personal experience with the vehicle-for-hire system in Burlington suggest that neither drivers, nor riders are as familiar as they should be with the city ordinances regarding vehicle for hire. This can lead to negative driver experiences with the taxi system.

As such, the Board recommends that printed and electronic copies of Chapter 30 and Appendix E, Chapter 1 should be provided to all licensees and translated as necessary. The

Taxi Administration Office collects licensee contact information, so this information can be provided without difficulty. In addition, we recommend that a summary of the ordinances regarding vehicles for hire, including the updated taxi rates, be posted at the airport so that riders know what they can expect. Further the Board may consider additional training requirements for drivers in the future.

4. Airport Permits: The Airport Commission sets the total number of ground transportation permits and queue permits “from time to time after due consideration of requirement or demands of the public, existing transportation facilities, traffic and parking conditions, potential congestion of traffic and such other relevant facts as the commission shall deem advisable or necessary to take into consideration.” BCO App. E, sec. 2.4. Ground transportation permits are required for all courtesy carriers¹ and contract carriers² picking up passengers at the Airport, BCO App. E, sec. 2.2, while taxicabs and limousines operating at the Airport must first obtain a queue permit in addition to the applicable license required under Chapter 30. BCO App. E, sec. 2.1, 2.3.

Board Member Jamil has raised concerns that some holders of queue permits do not use them, squeezing out vehicle for hire drivers actively seeking to operate at the Airport. The Board recommends an expansion in the total number of queue permits made available by the Airport Commission, as well as a review of current queue permit holders to determine which are actively operating at the Airport. Further, the Board recommends that the City Council and Airport Commission amend BCO App. E, sec. 2.6 to establish a mechanism for revoking a queue permit following a period of prolonged inactivity.

5. Cleanliness: Chapter 30 includes a “passenger bill of rights.” As currently written, BCO 30-21 requires that “[e]very vehicle for hire must include a copy of this passenger bill of rights within the vehicle or made available by a licensee on its website.” The Board recommends that the City Council amend BCO 30-21 to make clearer that it imposes an affirmative duty upon the drivers to abide by its provisions—among them, having a “clean passenger seat area and trunk” and “tak[ing] the most direct or efficient route to your destination.” BCO 30-21(a)(6), –(7). Moreover, the Board recommends placing a heavier emphasis on cleanliness in the revised BCO 30-21.

¹ A “courtesy carrier” is defined as “a motor vehicle not otherwise defined herein being used regularly for the transportation of customers between the airport and any hotel, motel, auto rental office or parking lot without cost to the passengers.” BCO App. E, sec. 1.1(g).

² A “contract carrier” is defined as “a motor vehicle being used to make casual trips on call or under contract subscribed by the party served for the transporting of passengers, baggage or packages for compensation; provided, however, that no operator of a contract carrier shall be allowed to pick up any additional passenger along the route, nor be permitted on the return trip to carry any passenger other than those prearranged and scheduled in the original trip plan. It does not include: (a) motor vehicles regularly used in the business of carrying passengers for hire; and (b) service provided by a bus as defined under these regulations.” BCO App. E, sec. 1.1(f).

The Board has received invaluable guidance from Councilor Barlow and welcomes further collaboration with the Council's Transportation, Utility, and Energy Commission, as well as Director of Aviation Nic Longo, the Airport staff, and the Airport Commission.

Lori Olberg

From: Karen Paul
Sent: Tuesday, October 10, 2023 10:55 AM
To: Lori Olberg
Subject: FW: Resolution on tomorrow's agenda

Lori, please post this to our agenda this evening. Thanks KP

From: danap@burlingtontelecom.net <danap@burlingtontelecom.net>
Date: Monday, October 9, 2023 at 3:11 PM
To: City Council <citycouncil@burlingtonvt.gov>
Subject: Resolution on tomorrow's agenda

Some people who received this message don't often get email from danap@burlingtontelecom.net. [Learn why this is important](#)

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

Greetings,

I will not be able to attend tomorrow night's meeting due to a scheduling conflict. I want to voice my very strong support for the resolution as it is now written declaring a public health and safety emergency. We are at a critical juncture and can ill afford to spend precious time wordsmithing vs taking action. I am willing to be involved in solutions to the twin crises we face: public safety and its relationship to the social and health problems facing us. The time to act is now. I urge you to vote to approve this resolution as it is written.

Sincerely,

Dana Poverman

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.

I'd like to begin by saying thank you to the City Council for allowing me to comment in writing as I am out of the country and 6 hours ahead of Eastern Standard Time.

I am familiar with all the iterations of the Resolution being commented on this evening, and I must say from the outset that the current version is a remarkable example of partners with different perspectives listening to each other and attempting to craft a Resolution compatibly reflecting the paramount values of Public Health and Public Safety.

I'll restrict my comments to one idea, unintended consequences.

It's my feeling that without further deliberative and open reflection we are in danger of supporting a Resolution that may have grave unintended consequences.

This is my thinking after 60 years of lived experience relative to addiction/recovery: first as a person with severe drug use disorder characterized by injection drug use; second as a person in recovery for 39 years; and third as a professional in this field since 1985.

Concisely put, people with severe drug use disorder usually have histories of early trauma, certainly suffer the many wounds resulting from stigma and a harsh and punishing War On Drugs, are very often unhoused and not infrequently coping with mental health challenges. This population of our neighbors and our children, fellow Vermonters, are very difficult to engage with our present system of addiction-care. The mortality reports reflect this dynamic year-after-year.

While we in Vermont have in many ways set a pace for most states to follow, it's my fear that an unintended consequence of the Resolution being considered, should it in some way tip toward punitive measures to ensure public safety, will be to further alienate people with addiction rather than continue to make progress developing approaches to them that work.

Respectfully submitted,
Ed Baker



BURLINGTON POLICE DRUG UNIT

October 10 2023



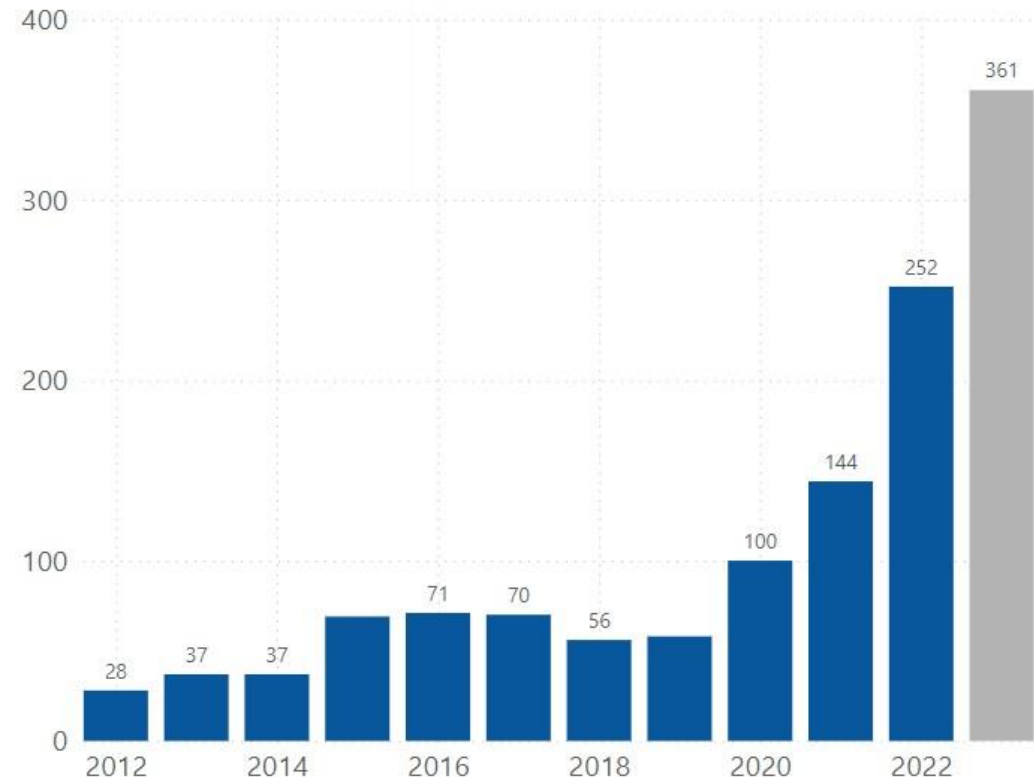


OVERDOSE INCIDENTS

Enforcement of drug trafficking, emergency response, and harm reduction, are all aspects of the BPD's response to the drug crisis.

Overdoses in Burlington are at unconscionable levels. It is possible there may be as many as 500 by year's end.

BPD Overdose Responses by Year





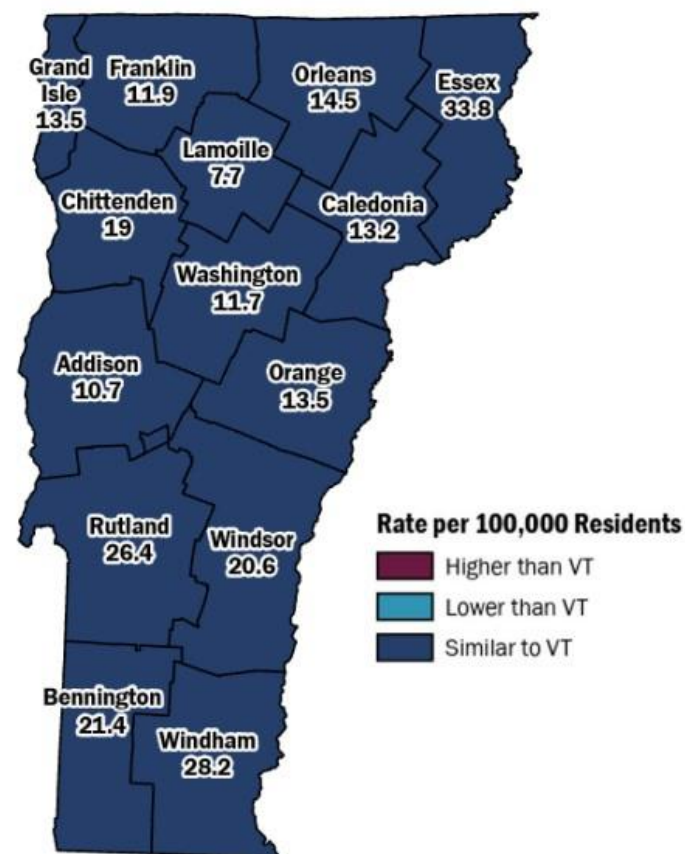
INVESTIGATING OVERDOSE DEATHS

In Chittenden County, there have been 9 preliminary and 38 confirmed accidental overdose deaths in 2023, compared to 41 by September 2022.

Because of the prevalence of polydrug results from toxicology reports, it is exceedingly challenging to make a case against a single provider of drugs to hold them accountable for someone's overdose death.

Opioid overdose death rates by county of residence compared to statewide rate (17.8), through June

Opioid overdose death rates per 100,000 Vermont residents



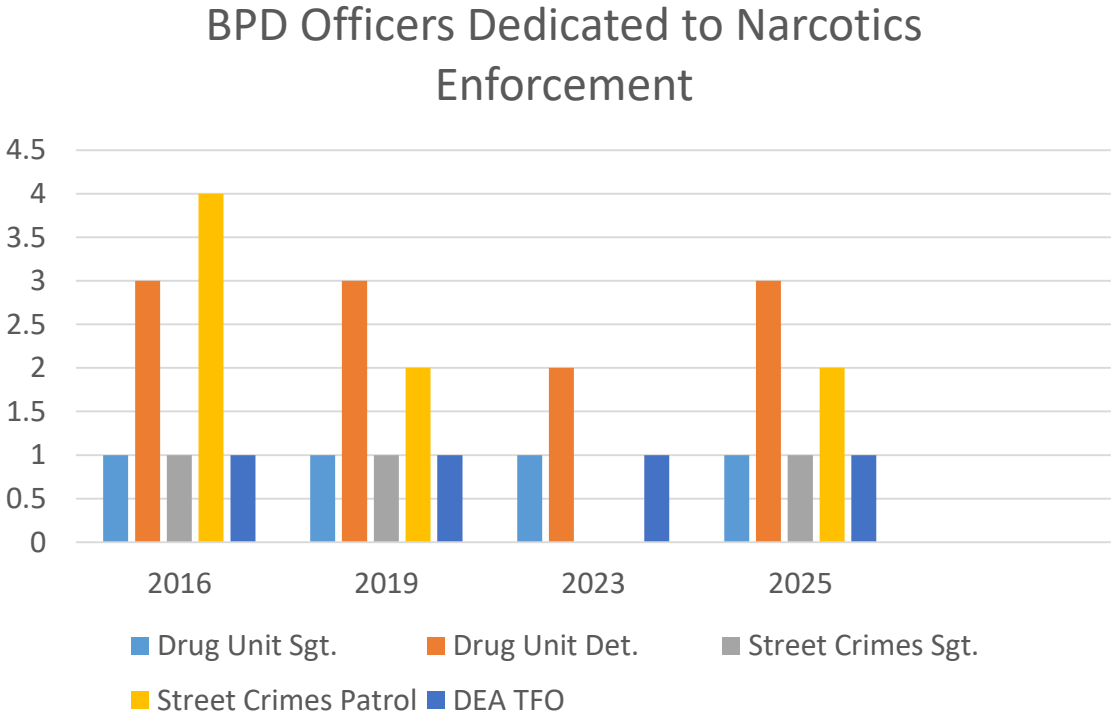
Vermont Department of Health



RESOURCES TO RESPOND TO DRUG TRAFFICKING

The BPD has continued to prioritize enforcement of serious drug trafficking crimes, despite the precipitous decline in officers 2020-2022.

The BPD Drug Unit is a part of the Detective Services Bureau and consists of 1 Sgt., 2 detectives, and 1 detective assigned to the DEA taskforce. In the past there have been up to 6 members of the drug unit. Additionally, the BPD historically fielded a 3-5 officer Street Crime Unit to address open-air narcotics activities, among other duties. With fewer patrol officers, a slightly smaller narcotics unit, and no Street Crime Unit, BPD's ability to respond to open-air drug activity is reduced since 2019. **As the department rebuilds, reinstating this capacity is our highest priority.**

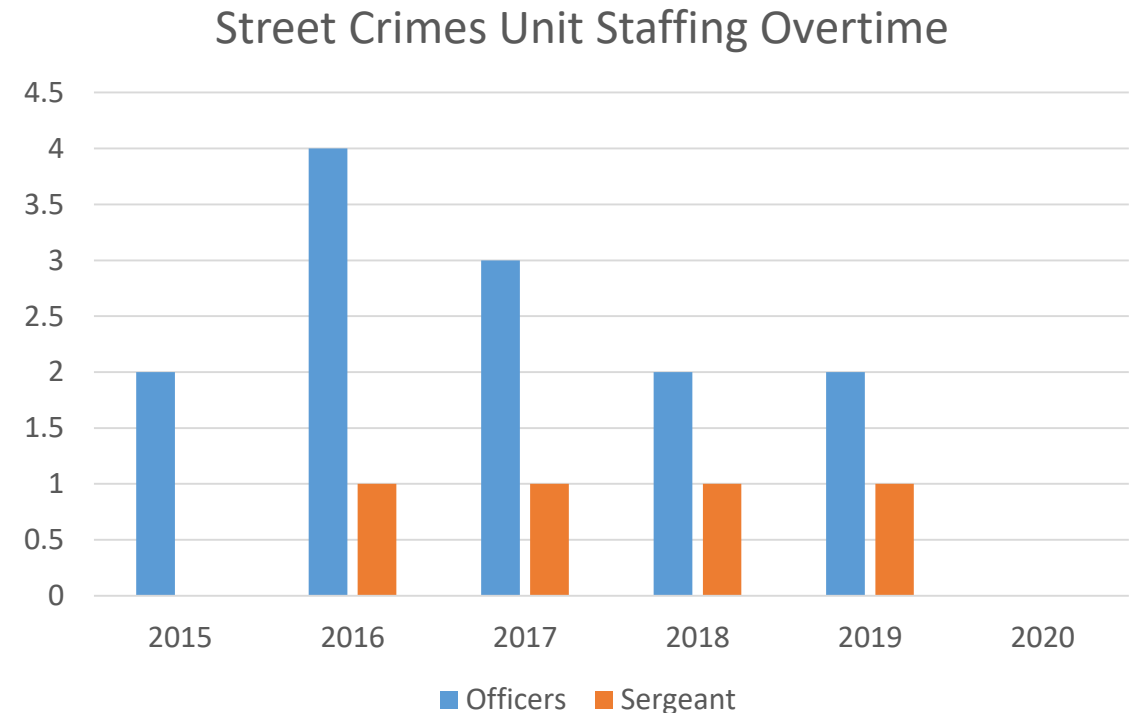




STREET CRIMES UNIT (SCU)

The SCU was created in 2009 and expanded in 2015. It was temporarily re-assigned to the Marketplace, and then ended in 2020. The purpose of the SCU was to address emerging trends and needs on a week to week basis, creating flexible and dynamic response, intervention, and prevention strategies. The critical weekly tasks handled by the SCU included: foot and bicycle patrols in neighborhoods, property crime interdiction including burglary, vandalism, and theft, street level drug interdiction, and patrols on the Church Street Marketplace and City Hall Park.

In 2023, we have added SCU as a voluntary overtime assignment.





THE DRUG UNIT -- ENFORCEMENT

The Drug Unit has several ongoing active investigations. The unit's current focus is on fentanyl and methamphetamine, and dedicating BPD's limited resources to individuals supplying drugs rather than street-level distribution. The Drug Unit has had several high-profile, successful cases. On average, each Drug Unit detective has 3-4 cases at a time. Annual case loads for this unit have been:

2018 – 43
2019 – 35
2020 – 29
2021 – 28
2022 – 31
2023 – 20* to date

21BU016850 – [Nine members of a Philadelphia-based drug enterprise arrested](#), January 19 2023 (active federal prosecution ongoing)

21BU017403 – [Quenton Dodson arrested for distributing methamphetamine](#), January 20 2022 (active federal prosecution ongoing)

22BU001955 – [Melvin Hill convicted after jury trial](#) on drug and firearms charges, August 22 2023 (sentencing expected in early 2024)

22BU020340 – [Kenneth Jackson convicted, sentenced](#) to 48 months in prison, Sept 19 2023

23BU00356 – [Manuel Francis indicted](#) for allegedly stealing controlled substances during a burglary, March 2 2023 (active federal prosecution ongoing)



OPEN AIR DRUG USE AND INTOXICATION -- ENFORCEMENT

BPD has been a national leader in implementing harm reduction strategies, including with the early adoption and deployment of Narcan and the effective decriminalization of Buprenorphine (now state law). The BPD does not generally make arrests for small, personal use amounts of illicit drugs.

BPD enforces state law and local ordinance related to open air drug use, public intoxication, open containers, driving under the influence, and more. The BPD also enforces “conditions of release” which can include a prohibition of possession of drugs and/or alcohol. Throughout summer 2023, we have focused enforcement resources Downtown to the fullest extent possible, including with the Marketplace Patrol, CSOs, Urban Park Rangers, VSP detail, and more.





MAKING DRUG TIPS

Neighbors experiencing or observing suspected narcotics activity should submit that information via our [Online Tip form](#).

OFFICE OF THE MAYOR | CITY COUNCIL | BOARDS & COMMISSIONS | A-Z DIRECTORY

SELECT LANGUAGE SEARCH

THE CITY OF BURLINGTON

MAYOR DEPARTMENTS RENTAL & PROPERTY INFO CALENDAR CITY COUNCIL NPAs



Police Department

[Modified BPD Priority Response Plan](#)

[File an Online Incident Report](#)

[Request a Copy of your Police Report](#)

Reporting any and all suspicious activity helps to solve and prevent crimes.

To report suspicious activity or submit a drug tip [Submit Tip Online](#) or Call (802) 540-2420



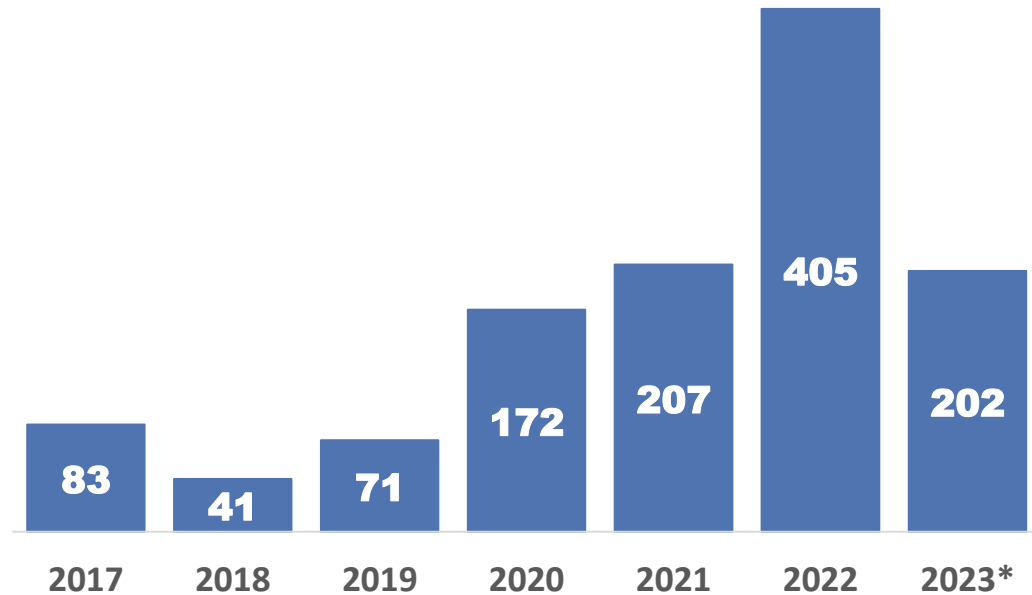


MAKING DRUG TIPS

Every tip that comes in is assessed by members of the drug unit and the police chief. Tips are recorded and tracked, and when the information is actionable, detectives investigate further. Often times detectives will contact the member of public making the tip, but not always -- depending on detectives' capacity given ongoing investigations.

Most often the members of the public making the tip wishes to remain anonymous and does not leave contact information.

Drug Tips Made Online by Year



Full year data for all years but 2023

Oct 10, 2023 – all data preliminary & subject to change



ENFORCEMENT – NEXT STEPS

With the success of our Rebuilding Plan, the next immediate priority to improve BPD resources to enforce drug trafficking is to restore the existence of the Street Crimes Unit, which could happen within the year.

Current Headcount : 68 Total Sworn Officers, 59 Available Officers

3 on leave or FTO
6 at Vermont Police Academy
14 Supervisors (1 Chief, 2 DC, 6 Lt. 5 Sgt.)
10 Detectives (5 General, 2 Drug Unit, 1 DEA, 2 CUSI)
6 Airport officers
2 Special assignments (Recruitment & DVPO)
2 Marketplace officers
25 Patrol Officers
0 Street Crimes Officers



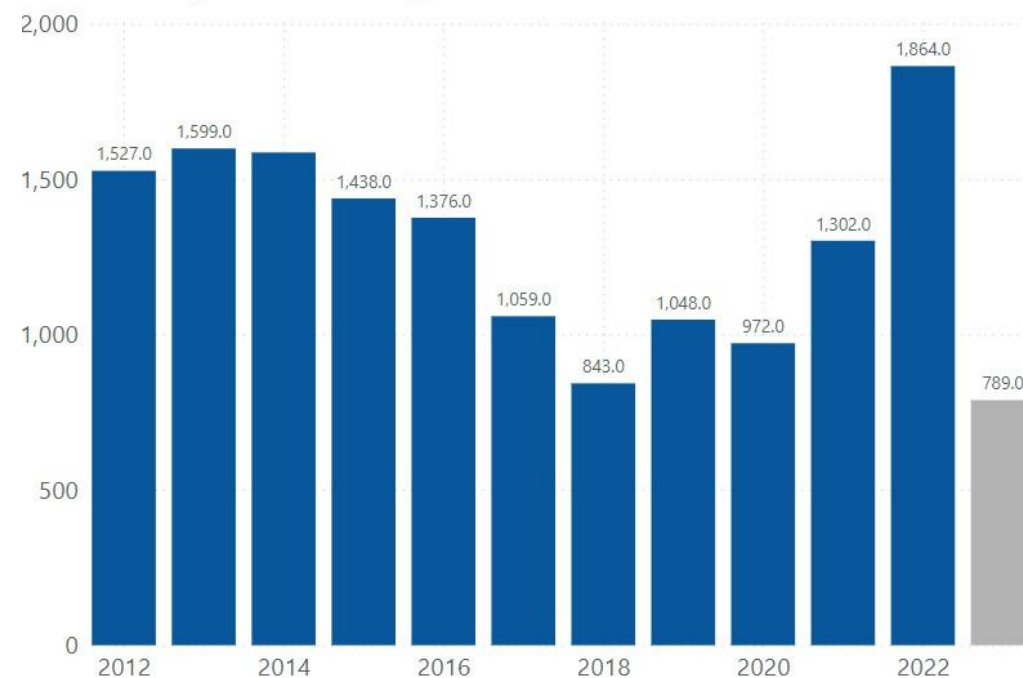


ENFORCEMENT – NEXT STEPS

The next immediate priority to restore the level of public safety that Burlingtonians expect and deserve, is to launch a new focused effort to reduce property crimes by holding high-recidivist perpetrators accountable.

These crimes include incidents of Retail Theft, Larceny from a building, Larceny from a motor vehicle, Larceny from a person, and stolen vehicles.

Larceny and Retail Theft Offenses by Year





NEW INITIATIVES BEYOND BPD RESPONSE

The Administration is advancing a number of new initiatives this year to reduce the unacceptable and heartbreaking impact of the drug crisis on our community.

- **Expanding our public health approach to end homelessness and creating new low-barrier shelter resources.** The City currently supports the recently expanded Community Resource Center at Feeding Chittenden, the Elmwood Emergency Shelter Community, and the Champlain Inn. We plan to open a new 30-bed low-barrier winter warming shelter at the VFW for this cold weather season, with overflow capacity for extreme weather.
- **Committed opioid settlement funds** to the VCJR Specialized Re-entry and Recovery Center Downtown
- **New Community Response Team Pilot** at BFD to respond to overdoses and provide treatment outreach, harm reduction services, and support.
- **Expanded efforts for the needle exchange** through Howard Center and exploring a potential additional needle exchange pilot program to address discarded needles.



Photo by Vermont Cares, 2023 Overdose Awareness Day



Resolution Relating to

DECLARING THE UNPRECEDENTED INCREASE IN
SUBSTANCE USE A PUBLIC HEALTH CRISIS AND
TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO
BE OUR TOP PUBLIC HEALTH AND SAFETY
PRIORITY, AND AMENDING APPENDIX B RULES
AND REGULATIONS OF THE CITY COUNCIL TO ADD
A STANDING ITEM TO EVERY AGENDA

RESOLUTION_____

Sponsor(s): Public Safety Committee:
(Paul, Grant, Doherty)
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, between January 1 and October 1, 2023, the Burlington Police Department (BPD) and
- 2 Burlington Fire Department (BFD) responded to a record 398 overdoses, far surpassing the prior year’s twelve
- 3 month total; and
- 4 WHEREAS, overdose responses increased by 75% between 2021 and 2022, and could increase as
- 5 much as 100% between 2022 and 2023; and
- 6 WHEREAS, across the City of Burlington, community members continue to struggle with substance
- 7 use disorder, lack of shelter, mental health challenges and other health concerns; and
- 8 WHEREAS, by every indication, we will lose a record number of Vermonters to accidental drug
- 9 overdose in 2023 and several counties in the State are experiencing considerably higher rates of overdose
- 10 death than Chittenden County, making this crisis a true emergency for the State; and
- 11 WHEREAS, Burlingtonians understand that substance use disorder is a disease and demands our
- 12 concern, compassion and support as a medical and public health issue; and
- 13 WHEREAS, since 2017 and earlier, this City Council has a long history of overwhelmingly supporting
- 14 medically assisted treatments and harm reduction, and has vigorously advocated for overdose prevention
- 15 centers (OPCs) and done extensive work to establish a designated site in Burlington; and this City Council
- 16 continues to express concern and support about the wellbeing of all community members; and
- 17 WHEREAS, the State of Vermont has not, since the end of the pandemic emergency in 2021, acted
- 18 with significant urgency to embrace all evidenced-based harm reduction strategies on a statewide level; and
- 19 WHEREAS, that despite having available funds, the Vermont Department of Health has been slow to
- 20 distribute the \$8.5 million in Opioid Settlement monies allocated in May 2023 as well as an additional \$15.0
- 21 million in State funds that needs to be allocated by the Legislature. While the City of Burlington has directly
- 22 received \$220,000 through Opioid Settlement agreements and has intentionally committed those monies
- 23 toward new and innovative tools to support community members struggling with substance use disorders; and

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

WHEREAS, the overdose crisis must be addressed with the highest call of urgency; and

WHEREAS, drug distribution activity in neighborhoods, public drug use, discarded syringes, and general discomfort at the level of despair is a most challenging and important issue, one that must also be addressed with the highest call of urgency; and

WHEREAS, adding a standing item to the City Council agenda will ensure that attention is paid to the drug crisis issue at each and every Council meeting, which is likely to contribute to greater progress being made on the issue and will increase communication with the residents of Burlington, informing them of resources being provided, data updates, legislative updates, law enforcement and other actions, as well as ways residents can help;

NOW, THEREFORE, BE IT RESOLVED that it is with the utmost urgency that the City Council declares the overdose crisis is our City and Vermont's top public health crisis; and

BE IT FURTHER RESOLVED that it is with similar urgency that the City Council declares that the increase in crime associated with substance use that endangers the safety of our community is our City's most urgent public safety issue and must continue to be addressed by our law enforcement personnel and prosecutors; and

BE IT FURTHER RESOLVED that the public safety and health approaches must go hand in hand, and are all part of the holistic approach to fully addressing this crisis; and

BE IT FURTHER RESOLVED that the City Council, once again, reiterates and reaffirms its strong and unwavering support for all evidenced-based harm reduction strategies, including overdose prevention centers; and

BE IT FURTHER RESOLVED that the City Council affirms its strong and unwavering support for drug checking programs; and

BE IT FURTHER RESOLVED that the City Council reaffirms that assisting those who struggle from a medical disease requires medical treatment, just as those who suffer from any medical disease would be treated and supported in their journey to recovery; and

BE IT FURTHER RESOLVED that the City Council extends heartfelt gratitude to and expresses support for the staff of the City departments, including our first responders, members of the Police and Fire Departments, community organizations, and residents who continue to serve on the frontlines of the overdose crisis doing this work every day; and

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

53 BE IT FURTHER RESOLVED that the City Council fully supports recruitment efforts to expand the
54 ranks of City employees, including our first responders, members of the Police and Fire Departments, and
55 community partners who dedicate their time and professional skills to this emergency; and

56 BE IT FURTHER RESOLVED that the City Council joins and supports the Administration's ongoing
57 efforts to work in collaboration with neighboring municipalities and community partners to urge and implore
58 the Department of Health to immediately disburse the opioid settlement monies allocated during the 2023
59 legislative session, to work to improve the health and safety of our communities by providing care, support,
60 treatment and recovery and harm reduction interventions to people who use drugs, and addressing the root
61 issues; and

62 BE IT FURTHER RESOLVED that the City Council calls on State leadership to increase the
63 availability of prosecutorial resources and the judiciary in Chittenden County with the hiring of additional
64 Deputy State's Attorneys and Superior Judges, better addressing any recruitment and retention challenges in
65 our State's Attorney Offices, and designating and assigning retired members of the Judiciary to sit in
66 Chittenden County to address the backlog of cases and see that cases brought to the courts are addressed in a
67 reasonable response time; and

68 BE IT FURTHER RESOLVED that the City Council requests that the Public Safety Committee,
69 together with harm reduction, health, school, fire and law enforcement partners and the private sector organize
70 at least two public forums for community members to talk directly with and learn from harm reduction
71 specialists, medical personnel who have a keen understanding of this crisis, along with the Chittenden County
72 State's Attorney, the U.S. Attorney for the District of Vermont, law enforcement personnel, and members of
73 our Legislative delegation, and the Senate Appropriations Committee, and Senate Health and Welfare
74 Committee, as well as the House Human Services Committee and the House Health Care Committee. and
75 leadership in the Governor's Administration, so the community can come together and participate in
76 conversation around the benefits of harm reduction in treating this disease, the status of necessary enforcement
77 and prosecutorial efforts against those engaged in the for-profit distribution of controlled substances, and their
78 perspective on this crisis and its impact on lives and our community by November 2023; and

79 BE IT FURTHER RESOLVED that in addition to the two public forums for community members, the
80 City Council requests that the Public Safety Committee organize a forum for City employees to meet with
81 these same professionals so they may share their experiences and perspective on the work they do by
82 November 2023; and

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

83 BE IT FURTHER RESOLVED that the City Council requests that in the interest of serving the public,
84 each monthly police Chief's report include data on this crisis, including drug tip data, along with information
85 made widely available to the community on how it can assist City employees; and

86 BE IT FURTHER RESOLVED that the City Council requests that in the interest of serving the public,
87 the Fire Chief continue to provide data related to their calls for service (including heat maps) and input on new
88 strategies; and

89 BE IT FURTHER RESOLVED that, in the interest of serving the public and helping to ensure public
90 safety objectives that the City Council shares with the Chittenden County State's Attorney's Office, the City
91 respectfully requests that the Chittenden County State's Attorney's Office provide the City with quarterly
92 reports setting forth the number of cases referred to it by law enforcement for certain categories of illegal
93 activity occurring within Burlington including firearm violence, illegal distribution of controlled substances,
94 burglary, automobile theft and retail theft, and if possible the number of prosecutions resulting from these
95 referrals, the current disposition of those prosecutions and the current number of backlogged cases; and

96 BE IT FURTHER RESOLVED that the City Council's Public Safety Committee hears from our fire,
97 police and community-based public safety personnel that the responses we are currently employing to the
98 overdose crisis are not the solution, that we must try new approaches, pilot new responses, be bold and not be
99 afraid to test these approaches, that we must acknowledge that these approaches may not be perfect at the
100 outset and may need time in the field but we must get started now and any new approaches will give us needed
101 experience and data from which to further build strong innovative programs; and

102 BE IT FURTHER RESOLVED that the City Council requests that all City employees, community
103 members, the state legislature, and the Governor work with us to find these innovative solutions and asks that
104 development of these ideas be a part of the community and City employee forums as it is clear that this crisis
105 is a statewide and national issue; and

106 BE IT FURTHER RESOLVED that the Mayor and City Council respectfully invite the Governor and
107 members of the Vermont legislature to the City of Burlington so that they may see the effects of the crisis and
108 that members of the City Council travel to Montpelier to speak to the Governor and members of the
109 legislature; and

110 BE IT FURTHER RESOLVED that Council Rule 16(c) Rules and Regulations of the City Council,
111 Appendix B of the Burlington Code of Ordinances be amended to add a standing item entitled "Public Health
112 and Safety Emergency Updates" to the Council meeting agenda, such that rule 16(c) shall read "(c) Climate

Resolution Relating to DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE
A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR
TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND
REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA

emergency updates, **Public Health and Safety Emergency Updates**, information presentations, and
commission reports (also can adjourn to local control commission, board of abatement, etc.).”; and

BE IT FURTHER RESOLVED that this agenda item is reserved for items of discussion related to the
public health and safety issues outlined herein that are not already on the meeting agenda such as: Updates
from the Mayor’s administration and Public Safety Committee on progress towards addressing this crisis,
updates from Councilors on initiatives they are working on related to this crisis and requests that the Public
Safety Committee continue to prioritize this crisis and discuss further ways to encourage coordination of all
resources to make this our City’s top public health and safety priority.

PSC/JP/Resolutions 2023/*Declaring The Unprecedented Increase In Substance Use A Public Health Crisis And Together With Drug Activity In
Our City To Be Our Top Public Health And Safety Priority, And Amending Appendix B Rules And Regulations Of The City Council To Add A
Standing Item To Every Agenda*
10/10/2023

Resolution Relating to

RESOLUTION _____
Sponsor(s): Public Safety Committee:
(Paul, Grant, Doherty)

DECLARING THE UNPRECEDENTED INCREASE IN
SUBSTANCE USE A PUBLIC HEALTH CRISIS AND
TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR
TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND
AMENDING APPENDIX B RULES AND REGULATIONS OF
THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY
AGENDA

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, between January 1 and October 1, 2023, the Burlington Police Department (BPD) and
- 2 Burlington Fire Department (BFD) responded to a record 398 overdoses, far surpassing the prior year’s twelve
- 3 month total; and
- 4 WHEREAS, overdose responses increased by 75% between 2021 and 2022, and could increase as
- 5 much as 100% between 2022 and 2023; and
- 6 WHEREAS, across the City of Burlington, community members continue to struggle with substance
- 7 use disorder, lack of shelter, mental health challenges and other health concerns; and
- 8 WHEREAS, by every indication, we will lose a record number of Vermonters to accidental drug
- 9 overdose in 2023 and several counties in the State are experiencing considerably higher rates of overdose
- 10 death than Chittenden County, making this crisis a true emergency for the State; and
- 11 WHEREAS, Burlingtonians understand that substance use disorder is a disease and demands our
- 12 concern, compassion and support as a medical and public health issue; and
- 13 WHEREAS, since 2017 and earlier, this City Council has a long history of overwhelmingly supporting
- 14 medically assisted treatments and harm reduction, and has vigorously advocated for overdose prevention
- 15 centers (OPCs) and done extensive work to establish a designated site in Burlington; and this City Council
- 16 continues to express concern and support about the wellbeing of all community members; and
- 17 WHEREAS, the State of Vermont has not, since the end of the pandemic emergency in 2021, acted
- 18 with significant urgency to embrace all evidenced-based harm reduction strategies on a statewide level; and
- 19 WHEREAS, that despite having available funds, the Vermont Department of Health has been slow to
- 20 distribute the \$8.5 million in Opioid Settlement monies allocated in May 2023 as well as an additional \$15.0

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

million in State funds that needs to be allocated by the Legislature. While the City of Burlington has directly received \$220,000 through Opioid Settlement agreements and has intentionally committed those monies toward new and innovative tools to support community members struggling with substance use disorders; and

WHEREAS, the overdose crisis must be addressed with the highest call of urgency; and

WHEREAS, drug distribution activity in neighborhoods, public drug use, and discarded syringes, and continues to result in general discomfort at the level of despair being experienced in our community, is a most challenging and important issue, one that and must ~~also~~ be addressed with the highest call of urgency; and

WHEREAS, adding a standing item to the City Council agenda will ensure that attention is paid to the drug crisis issue at each and every Council meeting, which is likely to contribute to greater progress being made on the issue and will increase communication with the residents of Burlington, informing them of resources being provided, data updates, legislative updates, law enforcement and other actions, as well as ways residents can help; and

NOW, THEREFORE, BE IT RESOLVED, that it is with the utmost urgency that the City Council declares the overdose crisis is our City and Vermont's top public health crisis; and

BE IT FURTHER RESOLVED, that it is with similar urgency that the City Council declares that the increase in crime ~~associated with substance use that endangers the safety of in~~ our community is our City's most urgent public safety issue and must continue to be addressed by our law enforcement personnel and prosecutors; and

BE IT FURTHER RESOLVED, that the public safety and health approaches must go hand in hand, and are all part of the holistic approach to fully addressing this crisis; and

BE IT FURTHER RESOLVED, that the City Council, once again, reiterates and reaffirms its strong and unwavering support for all evidenced-based harm reduction strategies, including overdose prevention centers, drug checking programs, and expanded access to Narcan; and

~~BE IT FURTHER RESOLVED, that the City Council affirms its strong and unwavering support for drug checking programs; and~~

BE IT FURTHER RESOLVED, that the City Council reaffirms that assisting those who struggle from a medical disease requires medical treatment, just as those who suffer from any medical disease would be treated and supported in their journey to recovery; and

BE IT FURTHER RESOLVED, that the City Council extends heartfelt gratitude to and expresses support for the staff of the City departments, including our first responders, members of the Police and Fire

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

51 Departments, community organizations, and residents who continue to serve on the frontlines of the overdose
52 crisis doing this work every day; and

53 BE IT FURTHER RESOLVED, that the City Council fully supports recruitment efforts to expand the
54 ranks of City employees, including our first responders, members of the Police and Fire Departments, and
55 community partners who dedicate their time and professional skills to this emergency; and

56 BE IT FURTHER RESOLVED, the City Council joins and supports the Administration's ongoing
57 efforts to work in collaboration with neighboring municipalities and community partners to urge and implore
58 the Department of Health to immediately disburse the opioid settlement monies allocated during the 2023
59 legislative session, to work to improve the health and safety of our communities by providing care, support,
60 treatment and recovery and harm reduction interventions to people who use drugs, and addressing the root
61 ~~issues~~causes; and

62 BE IT FURTHER RESOLVED, that the City Council calls on State leadership to increase the
63 availability of prosecutorial resources and the judiciary in Chittenden County with the hiring of additional
64 ~~Deputy State's Attorneys and~~ Superior Judges, ~~better addressing any recruitment and retention challenges in~~
65 ~~our State's Attorney Offices~~, and designating and assigning retired members of the Judiciary to sit in
66 Chittenden County to address the backlog of cases and see that cases brought to the courts are addressed in a
67 reasonable response time; and

68 BE IT FURTHER RESOLVED, that the City Council requests that the Public Safety Committee,
69 together with harm reduction, health, school, fire and law enforcement partners and the private sector organize
70 at least two public forums for community members to talk directly with and learn from harm reduction
71 specialists, medical personnel who have a keen understanding of this crisis, along with the Chittenden County
72 State's Attorney, the U.S. Attorney for the District of Vermont, law enforcement personnel, and members of
73 our Legislative delegation, and the Senate Appropriations Committee, and Senate Health and Welfare
74 Committee, as well as the House Human Services Committee and the House Health Care Committee. and
75 leadership in the Governor's Administration, so the community can come together and participate in
76 conversation around the benefits of harm reduction in treating this disease, the status of necessary enforcement
77 and prosecutorial efforts against those engaged in the for-profit distribution of controlled substances, and their
78 perspective on this crisis and its impact on lives and our community by November 2023; and

79 BE IT FURTHER RESOLVED, that in addition to the two public forums for community members, the
80 City Council requests that the Public Safety Committee organize a forum for City employees to meet with

Resolution Relating to DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA

81 these same professionals so they may share their experiences and perspective on the work they do by
82 November 2023; and

83 BE IT FURTHER RESOLVED, that the City Council requests that in the interest of serving the public,
84 each monthly police Chief's report include data on this crisis, including drug tip data, along with information
85 made widely available to the community on how it can assist City employees; and

86 BE IT FURTHER RESOLVED, that the City Council requests that in the interest of serving the public,
87 the Fire Chief continue to provide data related to their calls for service (including heat maps) and input on new
88 strategies; and

89 BE IT FURTHER RESOLVED, that, in the interest of serving the public, ~~and helping to ensure public~~
90 ~~safety objectives that~~ the City Council ~~shares with the Chittenden County State's Attorney's Office, the City~~
91 respectfully requests that the Public Safety Committee invite the Chittenden County State's Attorney's Office
92 ~~provide to a future meeting to discuss what types of data could be shared with~~ the City in furtherance of our
93 shared goals for safety in Burlington and throughout Chittenden County with quarterly reports setting forth the
94 ~~number of cases referred to it by law enforcement for certain categories of illegal activity occurring within~~
95 ~~Burlington including firearm violence, illegal distribution of controlled substances, burglary, automobile theft~~
96 ~~and retail theft, and if possible the number of prosecutions resulting from these referrals, the current~~
97 ~~disposition of those prosecutions and the current number of backlogged cases;~~ and

98 BE IT FURTHER RESOLVED, that the City Council's Public Safety Committee hears from our fire,
99 police and community-based public safety personnel that the responses we are currently employing to the
100 overdose crisis are not the solution, that we must try new approaches, pilot new responses, be bold and not be
101 afraid to test these approaches, that we must acknowledge that these approaches may not be perfect at the
102 outset and may need time in the field but we must get started now and any new approaches will give us needed
103 experience and data from which to further build strong innovative programs; and

104 BE IT FURTHER RESOLVED, that the City Council requests that all City employees, community
105 members, the state legislature, and the Governor work with us to find these innovative solutions and asks that
106 development of these ideas be a part of the community and City employee forums as it is clear that this crisis
107 is a statewide and national issue; and

108 BE IT FURTHER RESOLVED, that the Mayor and City Council respectfully invite the Governor and
109 members of the Vermont legislature to the City of Burlington so that they may see the effects of the crisis and

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

that members of the City Council travel to Montpelier to speak to the Governor and members of the legislature; and

BE IT FURTHER RESOLVED, that Council Rule 16(c) Rules and Regulations of the City Council, Appendix B of the Burlington Code of Ordinances be amended to add a standing item entitled “Public Health and Safety Emergency Updates” to the Council meeting agenda, such that rule 16(c) shall read “(c) Climate emergency updates, **Public Health and Safety Emergency Updates**, information presentations, and commission reports (also can adjourn to local control commission, board of abatement, etc.).”; and

BE IT FURTHER RESOLVED, that this agenda item is reserved for items of discussion related to the public health and safety issues outlined herein that are not already on the meeting agenda such as: Updates from the Mayor’s administration and Public Safety committee on progress towards addressing this crisis, updates from Councilors on initiatives they are working on related to this crisis and requests that the Public Safety Committee continue to prioritize this crisis and discuss further ways to encourage coordination of all resources to make this our City’s top public health and safety priority.

Resolution 2023/ DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA, final 10/2/2023.

Resolution Relating to

RESOLUTION _____
Sponsor(s): Public Safety Committee:
(Paul, Grant, Doherty)

DECLARING THE UNPRECEDENTED INCREASE IN
SUBSTANCE USE A PUBLIC HEALTH CRISIS AND
TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR
TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND
AMENDING APPENDIX B RULES AND REGULATIONS OF
THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY
AGENDA

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, between January 1 and October 1, 2023, the Burlington Police Department (BPD) and Burlington Fire Department (BFD) responded to a record 398 overdoses, far surpassing the prior year’s twelve month total; and
- WHEREAS, overdose responses increased by 75% between 2021 and 2022, and could increase as much as 100% between 2022 and 2023; and
- WHEREAS, across the City of Burlington, community members continue to struggle with substance use disorder, lack of shelter, mental health challenges and other health concerns; and
- WHEREAS, by every indication, we will lose a record number of Vermonters to accidental drug overdose in 2023 and several counties in the State are experiencing considerably higher rates of overdose death than Chittenden County, making this crisis a true emergency for the State; and
- WHEREAS, Burlingtonians understand that substance use disorder is a disease and demands our concern, compassion and support as a medical and public health issue; and
- WHEREAS, since 2017 and earlier, this City Council has a long history of overwhelmingly supporting medically assisted treatments and harm reduction, and has vigorously advocated for overdose prevention centers (OPCs) and done extensive work to establish a designated site in Burlington; and this City Council continues to express concern and support about the wellbeing of all community members; and
- WHEREAS, the State of Vermont has not, since the end of the pandemic emergency in 2021, acted with significant urgency to embrace all evidenced-based harm reduction strategies on a statewide level; and
- WHEREAS, that despite having available funds, the Vermont Department of Health has been slow to distribute the \$8.5 million in Opioid Settlement monies allocated in May 2023 as well as an additional \$15.0

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

million in State funds that needs to be allocated by the Legislature. While the City of Burlington has directly received \$220,000 through Opioid Settlement agreements and has intentionally committed those monies toward new and innovative tools to support community members struggling with substance use disorders; and

WHEREAS, the overdose crisis must be addressed with the highest call of urgency; and

WHEREAS, drug distribution activity in neighborhoods, public drug use, and discarded syringes, and continues to result in general discomfort at the level of despair being experienced in our community, is a most challenging and important issue, one that and must ~~also~~ be addressed with the highest call of urgency; and

WHEREAS, adding a standing item to the City Council agenda will ensure that attention is paid to the drug crisis issue at each and every Council meeting, which is likely to contribute to greater progress being made on the issue and will increase communication with the residents of Burlington, informing them of resources being provided, data updates, legislative updates, law enforcement and other actions, as well as ways residents can help; and

NOW, THEREFORE, BE IT RESOLVED, that it is with the utmost urgency that the City Council declares the overdose crisis is our City and Vermont's top public health crisis; and

BE IT FURTHER RESOLVED, that it is with similar urgency that the City Council declares that the increase in crime ~~associated with substance use that endangers the safety of in~~ our community is our City's most urgent public safety issue and must continue to be addressed by our law enforcement personnel and prosecutors; and

BE IT FURTHER RESOLVED, that the public safety and health approaches must go hand in hand, and are all part of the holistic approach to fully addressing this crisis; and

BE IT FURTHER RESOLVED, that the City Council, once again, reiterates and reaffirms its strong and unwavering support for all evidenced-based harm reduction strategies, including overdose prevention centers, drug checking programs, and expanded access to Narcan; and

~~BE IT FURTHER RESOLVED, that the City Council affirms its strong and unwavering support for drug checking programs; and~~

BE IT FURTHER RESOLVED, that the City Council reaffirms that assisting those who struggle from a medical disease requires medical treatment, just as those who suffer from any medical disease would be treated and supported in their journey to recovery; and

BE IT FURTHER RESOLVED, that the City Council extends heartfelt gratitude to and expresses support for the staff of the City departments, including our first responders, members of the Police and Fire

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

51 Departments, community organizations, and residents who continue to serve on the frontlines of the overdose
52 crisis doing this work every day; and

53 BE IT FURTHER RESOLVED, that the City Council fully supports recruitment efforts to expand the
54 ranks of City employees, including our first responders, members of the Police and Fire Departments, and
55 community partners who dedicate their time and professional skills to this emergency; and

56 BE IT FURTHER RESOLVED, the City Council joins and supports the Administration's ongoing
57 efforts to work in collaboration with neighboring municipalities and community partners to urge and implore
58 the Department of Health to immediately disburse the opioid settlement monies allocated during the 2023
59 legislative session, to work to improve the health and safety of our communities by providing care, support,
60 treatment and recovery and harm reduction interventions to people who use drugs, and addressing the root
61 ~~issues~~causes; and

62 BE IT FURTHER RESOLVED, that the City Council calls on State leadership to increase the
63 availability of prosecutorial resources and the judiciary in Chittenden County with the hiring of additional
64 ~~Deputy State's Attorneys and~~ Superior Judges, ~~better addressing any recruitment and retention challenges in~~
65 ~~our State's Attorney Offices~~, and designating and assigning retired members of the Judiciary to sit in
66 Chittenden County to address the backlog of cases and see that cases brought to the courts are addressed in a
67 reasonable response time; and

68 BE IT FURTHER RESOLVED, that the City Council requests that the Public Safety Committee,
69 together with harm reduction, health, school, fire and law enforcement partners and the private sector organize
70 at least two public forums for community members to talk directly with and learn from harm reduction
71 specialists, medical personnel who have a keen understanding of this crisis, along with the Chittenden County
72 State's Attorney, the U.S. Attorney for the District of Vermont, law enforcement personnel, and members of
73 our Legislative delegation, and the Senate Appropriations Committee, and Senate Health and Welfare
74 Committee, as well as the House Human Services Committee and the House Health Care Committee. and
75 leadership in the Governor's Administration, so the community can come together and participate in
76 conversation around the benefits of harm reduction in treating this disease, the status of necessary enforcement
77 and prosecutorial efforts against those engaged in the for-profit distribution of controlled substances, and their
78 perspective on this crisis and its impact on lives and our community by November 2023; and

79 BE IT FURTHER RESOLVED, that in addition to the two public forums for community members, the
80 City Council requests that the Public Safety Committee organize a forum for City employees to meet with

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

these same professionals so they may share their experiences and perspective on the work they do by November 2023; and

BE IT FURTHER RESOLVED, that the City Council requests that in the interest of serving the public, each monthly police Chief's report include data on this crisis, including drug tip data, along with information made widely available to the community on how it can assist City employees; and

BE IT FURTHER RESOLVED, that the City Council requests that in the interest of serving the public, the Fire Chief continue to provide data related to their calls for service (including heat maps) and input on new strategies; and

~~BE IT FURTHER RESOLVED, that, in the interest of serving the public and helping to ensure public safety objectives that the City Council shares with the Chittenden County State's Attorney's Office, the City respectfully requests that the Chittenden County State's Attorney's Office provide the City with quarterly reports setting forth the number of cases referred to it by law enforcement for certain categories of illegal activity occurring within Burlington including firearm violence, illegal distribution of controlled substances, burglary, automobile theft and retail theft, and if possible the number of prosecutions resulting from these referrals, the current disposition of those prosecutions and the current number of backlogged cases; and~~

BE IT FURTHER RESOLVED, that the City Council's Public Safety Committee hears from our fire, police and community-based public safety personnel that the responses we are currently employing to the overdose crisis are not the solution, that we must try new approaches, pilot new responses, be bold and not be afraid to test these approaches, that we must acknowledge that these approaches may not be perfect at the outset and may need time in the field but we must get started now and any new approaches will give us needed experience and data from which to further build strong innovative programs; and

BE IT FURTHER RESOLVED, that the City Council requests that all City employees, community members, the state legislature, and the Governor work with us to find these innovative solutions and asks that development of these ideas be a part of the community and City employee forums as it is clear that this crisis is a statewide and national issue; and

BE IT FURTHER RESOLVED, that the Mayor and City Council respectfully invite the Governor and members of the Vermont legislature to the City of Burlington so that they may see the effects of the crisis and that members of the City Council travel to Montpelier to speak to the Governor and members of the legislature; and

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

BE IT FURTHER RESOLVED, that Council Rule 16(c) Rules and Regulations of the City Council, Appendix B of the Burlington Code of Ordinances be amended to add a standing item entitled “Public Health and Safety Emergency Updates” to the Council meeting agenda, such that rule 16(c) shall read “(c) Climate emergency updates, **Public Health and Safety Emergency Updates**, information presentations, and commission reports (also can adjourn to local control commission, board of abatement, etc.).”; and

BE IT FURTHER RESOLVED, that this agenda item is reserved for items of discussion related to the public health and safety issues outlined herein that are not already on the meeting agenda such as: Updates from the Mayor’s administration and Public Safety committee on progress towards addressing this crisis, updates from Councilors on initiatives they are working on related to this crisis and requests that the Public Safety Committee continue to prioritize this crisis and discuss further ways to encourage coordination of all resources to make this our City’s top public health and safety priority.

Resolution 2023/ DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA, final 10/2/2023.

Resolution Relating to

DECLARING THE UNPRECEDENTED INCREASE IN
SUBSTANCE USE A PUBLIC HEALTH CRISIS AND
TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO
BE OUR TOP PUBLIC HEALTH AND SAFETY
PRIORITY, AND AMENDING APPENDIX B RULES
AND REGULATIONS OF THE CITY COUNCIL TO ADD
A STANDING ITEM TO EVERY AGENDA

RESOLUTION 6.2.

Sponsor(s): Public Safety Committee:
(Paul, Grant, Doherty)

Introduced: 10/10/23

Referred to: _____

Action: adopted

Date: 10/10/23

Signed by Mayor: 10/13/23

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, between January 1 and October 1, 2023, the Burlington Police Department (BPD) and
2 Burlington Fire Department (BFD) responded to a record 398 overdoses, far surpassing the prior year's twelve
3 month total; and

4 WHEREAS, overdose responses increased by 75% between 2021 and 2022, and could increase as
5 much as 100% between 2022 and 2023; and

6 WHEREAS, across the City of Burlington, community members continue to struggle with substance
7 use disorder, lack of shelter, mental health challenges and other health concerns; and

8 WHEREAS, by every indication, we will lose a record number of Vermonters to accidental drug
9 overdose in 2023 and several counties in the State are experiencing considerably higher rates of overdose
10 death than Chittenden County, making this crisis a true emergency for the State; and

11 WHEREAS, Burlingtonians understand that substance use disorder is a disease and demands our
12 concern, compassion and support as a medical and public health issue; and

13 WHEREAS, since 2017 and earlier, this City Council has a long history of overwhelmingly supporting
14 medically assisted treatments and harm reduction, and has vigorously advocated for overdose prevention
15 centers (OPCs) and done extensive work to establish a designated site in Burlington; and this City Council
16 continues to express concern and support about the wellbeing of all community members; and

17 WHEREAS, the State of Vermont has not, since the end of the pandemic emergency in 2021, acted
18 with significant urgency to embrace all evidenced-based harm reduction strategies on a statewide level; and

19 WHEREAS, that despite having available funds, the Vermont Department of Health has been slow to
20 distribute the \$8.5 million in Opioid Settlement monies allocated in May 2023 as well as an additional \$15.0
21 million in State funds that needs to be allocated by the Legislature. While the City of Burlington has directly
22 received \$220,000 through Opioid Settlement agreements and has intentionally committed those monies
23 toward new and innovative tools to support community members struggling with substance use disorders; and

* * * * *

DISTRIBUTION:

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ORIGINAL

RESOLUTION RELATING TO

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Adopted by the City Council

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..... Clerk

Approved....., 20

..... Mayor

Vol. Page

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Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR TOP PUBLIC HEALTH AND SAFETY PRIORITY, AND AMENDING APPENDIX B RULES AND REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

WHEREAS, the overdose crisis must be addressed with the highest call of urgency; and

WHEREAS, drug distribution activity in neighborhoods, public drug use, discarded syringes, and general discomfort at the level of despair is a most challenging and important issue, one that must also be addressed with the highest call of urgency; and

WHEREAS, adding a standing item to the City Council agenda will ensure that attention is paid to the drug crisis issue at each and every Council meeting, which is likely to contribute to greater progress being made on the issue and will increase communication with the residents of Burlington, informing them of resources being provided, data updates, legislative updates, law enforcement and other actions, as well as ways residents can help;

NOW, THEREFORE, BE IT RESOLVED that it is with the utmost urgency that the City Council declares the overdose crisis is our City and Vermont's top public health crisis; and

BE IT FURTHER RESOLVED that it is with similar urgency that the City Council declares that the increase in crime associated with substance use that endangers the safety of our community is our City's most urgent public safety issue and must continue to be addressed by our law enforcement personnel and prosecutors; and

BE IT FURTHER RESOLVED that the public safety and health approaches must go hand in hand, and are all part of the holistic approach to fully addressing this crisis; and

BE IT FURTHER RESOLVED that the City Council, once again, reiterates and reaffirms its strong and unwavering support for all evidenced-based harm reduction strategies, including overdose prevention centers; and

BE IT FURTHER RESOLVED that the City Council affirms its strong and unwavering support for drug checking programs; and

BE IT FURTHER RESOLVED that the City Council reaffirms that assisting those who struggle from a medical disease requires medical treatment, just as those who suffer from any medical disease would be treated and supported in their journey to recovery; and

BE IT FURTHER RESOLVED that the City Council extends heartfelt gratitude to and expresses support for the staff of the City departments, including our first responders, members of the Police and Fire Departments, community organizations, and residents who continue to serve on the frontlines of the overdose crisis doing this work every day; and

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Approved....., 20

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Attest:

Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE
A PUBLIC HEALTH CRISIS AND TOGETHER WITH DRUG ACTIVITY IN OUR CITY TO BE OUR
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REGULATIONS OF THE CITY COUNCIL TO ADD A STANDING ITEM TO EVERY AGENDA**

53 BE IT FURTHER RESOLVED that the City Council fully supports recruitment efforts to expand the
54 ranks of City employees, including our first responders, members of the Police and Fire Departments, and
55 community partners who dedicate their time and professional skills to this emergency; and

56 BE IT FURTHER RESOLVED that the City Council joins and supports the Administration's ongoing
57 efforts to work in collaboration with neighboring municipalities and community partners to urge and implore
58 the Department of Health to immediately disburse the opioid settlement monies allocated during the 2023
59 legislative session, to work to improve the health and safety of our communities by providing care, support,
60 treatment and recovery and harm reduction interventions to people who use drugs, and addressing the root
61 issues; and

62 BE IT FURTHER RESOLVED that the City Council calls on State leadership to increase the
63 availability of prosecutorial resources and the judiciary in Chittenden County with the hiring of additional
64 Deputy State's Attorneys and Superior Judges, better addressing any recruitment and retention challenges in
65 our State's Attorney Offices, and designating and assigning retired members of the Judiciary to sit in
66 Chittenden County to address the backlog of cases and see that cases brought to the courts are addressed in a
67 reasonable response time; and

68 BE IT FURTHER RESOLVED that the City Council requests that the Public Safety Committee,
69 together with harm reduction, health, school, fire and law enforcement partners and the private sector organize
70 at least two public forums for community members to talk directly with and learn from harm reduction
71 specialists, medical personnel who have a keen understanding of this crisis, along with the Chittenden County
72 State's Attorney, the U.S. Attorney for the District of Vermont, law enforcement personnel, and members of
73 our Legislative delegation, and the Senate Appropriations Committee, and Senate Health and Welfare
74 Committee, as well as the House Human Services Committee and the House Health Care Committee. and
75 leadership in the Governor's Administration, so the community can come together and participate in
76 conversation around the benefits of harm reduction in treating this disease, the status of necessary enforcement
77 and prosecutorial efforts against those engaged in the for-profit distribution of controlled substances, and their
78 perspective on this crisis and its impact on lives and our community by November 2023; and

79 BE IT FURTHER RESOLVED that in addition to the two public forums for community members, the
80 City Council requests that the Public Safety Committee organize a forum for City employees to meet with
81 these same professionals so they may share their experiences and perspective on the work they do by
82 November 2023; and

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BE IT FURTHER RESOLVED that the City Council requests that in the interest of serving the public, each monthly police Chief's report include data on this crisis, including drug tip data, along with information made widely available to the community on how it can assist City employees; and

BE IT FURTHER RESOLVED that the City Council requests that in the interest of serving the public, the Fire Chief continue to provide data related to their calls for service (including heat maps) and input on new strategies; and

BE IT FURTHER RESOLVED that, in the interest of serving the public and helping to ensure public safety objectives that the City Council shares with the Chittenden County State's Attorney's Office, the City respectfully requests that the Chittenden County State's Attorney's Office provide the City with quarterly reports setting forth the number of cases referred to it by law enforcement for certain categories of illegal activity occurring within Burlington including firearm violence, illegal distribution of controlled substances, burglary, automobile theft and retail theft, and if possible the number of prosecutions resulting from these referrals, the current disposition of those prosecutions and the current number of backlogged cases; and

BE IT FURTHER RESOLVED that the City Council's Public Safety Committee hears from our fire, police and community-based public safety personnel that the responses we are currently employing to the overdose crisis are not the solution, that we must try new approaches, pilot new responses, be bold and not be afraid to test these approaches, that we must acknowledge that these approaches may not be perfect at the outset and may need time in the field but we must get started now and any new approaches will give us needed experience and data from which to further build strong innovative programs; and

BE IT FURTHER RESOLVED that the City Council requests that all City employees, community members, the state legislature, and the Governor work with us to find these innovative solutions and asks that development of these ideas be a part of the community and City employee forums as it is clear that this crisis is a statewide and national issue; and

BE IT FURTHER RESOLVED that the Mayor and City Council respectfully invite the Governor and members of the Vermont legislature to the City of Burlington so that they may see the effects of the crisis and that members of the City Council travel to Montpelier to speak to the Governor and members of the legislature; and

BE IT FURTHER RESOLVED that Council Rule 16(c) Rules and Regulations of the City Council, Appendix B of the Burlington Code of Ordinances be amended to add a standing item entitled "Public Health and Safety Emergency Updates" to the Council meeting agenda, such that rule 16(c) shall read "(c) Climate

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Resolution Relating to **DECLARING THE UNPRECEDENTED INCREASE IN SUBSTANCE USE
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emergency updates, **Public Health and Safety Emergency Updates**, information presentations, and
commission reports (also can adjourn to local control commission, board of abatement, etc.).”; and

BE IT FURTHER RESOLVED that this agenda item is reserved for items of discussion related to the
public health and safety issues outlined herein that are not already on the meeting agenda such as: Updates
from the Mayor’s administration and Public Safety Committee on progress towards addressing this crisis,
updates from Councilors on initiatives they are working on related to this crisis and requests that the Public
Safety Committee continue to prioritize this crisis and discuss further ways to encourage coordination of all
resources to make this our City’s top public health and safety priority.

PSC/JP/Resolutions 2023/*Declaring The Unprecedented Increase In Substance Use A Public Health Crisis And Together With Drug Activity In
Our City To Be Our Top Public Health And Safety Priority, And Amending Appendix B Rules And Regulations Of The City Council To Add A
Standing Item To Every Agenda*
10/10/2023

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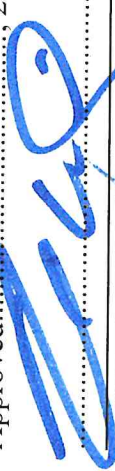
Declaring The Unprecedented Increase In Substance Use A Public Health Crisis And
Together With Drug Activity In Our City To Be Our Top Public Health And Safety
Priority...And Amending Appendix B Rules And Regulations Of The City Council To Add
A Standing Item To Every Agenda

Adopted by the City Council

October 10, 2023

 Clerk

Approved October 13, 2023

 Mayor

Vol. Page

* * * * *

Attest:



Burlington Fire Department

136 South Winooski Avenue
Burlington, Vermont 05401-8378
(802) 864-4554 • (802) 658-2700 (TTY)

Business Fax (802) 864-5945 • Central Station Fax (802) 865-5387



To: Board of Finance; City Council
From: Michael LaChance, Fire Chief
Date: BoF: October 10, 2023; City Council: October 10, 2023
Re: Burlington Fire Department Community Response Team (CRT)

The Fire Department is requesting your support in establishing a pilot program to provide a greater capacity for the Department to handle the increased volume of overdose and unresponsive patient calls for service, along with the associated impacts on the operational capacity of the Department. The idea for the proposed pilot program came from Fire Department personnel who are confident that this new resource will allow for a triage-style system of care that better fits this specific call type and provides opportunities for proactive engagement with repeat and potential patients in a non-emergency setting. The Fire Department has discussed this pilot program with community partners, including The Community Health Center, UVM Medical Center Emergency Department Physicians, State Medical Control, and Howard Street Outreach, and they support establishing this new capacity. We have planned outreach to The Turning Point Center, CHC Safe Harbor, and Spectrum Youth and Family Services.

Proposal:

- The Fire Department will staff a current department-owned vehicle with two overtime BFD employees that would act as a first response vehicle to calls of suspected overdoses and reports of unresponsive patients within the city. Overtime and staffing will be voluntary and has already been discussed with the BFFA, who have expressed support for this pilot program.
- This vehicle, when available, would be dispatched in place of an ambulance and fire truck to suspected overdoses and unresponsive patients.
- BFD employees staffing this vehicle would make patient contact, determine the level of medical emergency, provide immediate lifesaving interventions such as

Narcan, provide respiratory support via Bag Valve Mask if needed, and request additional resources, such as an ambulance for transport.

- If it's determined the patient does not need any medical interventions or refuses transport after Narcan is delivered, BFD employees would be able to provide additional resources such as overdose leave-behind kits, testing strips, information about additional health services in the city, and help to facilitate connecting the patient with BPD CSLs or Howard Street Outreach.
- When not responding to calls for service, BFD employees staffing this vehicle would spend time connecting with members of the community where the department sees a high call volume for overdose / unresponsive patients to establish a rapport and distribute resources such as those listed above and provide education about services which are available throughout the city.
- An operational goal of this pilot would be to decrease unit hour utilization of traditional front-line emergency response resources while at the same time keeping them available for other incidents. Frequently, units are running from call to call and leaving their districts to support simultaneous incidents. This leaves a void in some districts, delaying response times.
- Because this pilot uses primarily existing equipment and current employees, we believe we can launch the CRT within 1-week of approval, and expect that during the pilot period the BPD will be hiring, training, and deploying the BTV Cares team. The CRT is intended to respond to calls for service for overdoses and suspected overdoses in public areas and to provide outreach and follow-up primarily for community members experiencing opioid use disorder. BTV Cares is intended to respond to calls for service for primarily mental health conditions and substance use disorder, trauma-related conditions, and other emotional, medical, psychological, or behavioral needs. Recognizing that often community members experience these conditions or challenges co-currently, the initial parallel deployment of both CRT and BTV Cares will allow BFD and BPD leadership and the teams to evaluate how best these new resources can work together to best respond to various calls for service, and/or whether their services

are potentially duplicative and if the CRT should not continue once the BTV Cares team is established and operational.

Financials:

Estimated costs are detailed below.

Staffing Costs					
Avg OT cost/hr	\$ 42.00				
Staffing hours per week (goal)	168				
	\$ 7,056.00	Weekly			
	\$ 30,576.00	Monthly			
	\$ 366,912.00	Yearly			
Upfit equipment costs					
Tablet and service	\$ 850.00				
Phone and service	\$ 450.00				
Medical equipment	\$ 7,500.00				
Vehicle	Utilize existing equipment				
	Service is unavailable if vehicle is unavailable				

The Fire Department is seeking support from the Board of Finance and City Council to fund this initiative for an initial pilot period of six months, with a maximum cost of \$192,256, to be funded from the assigned Opioid Money fund, which is expected to receive another \$182,598 in FY24. This amount covers two FF/EMTs for 12 hours/day 7 days/week, and hardware and equipment costs for the team. If the accumulated staffing costs lead the pilot funding to exceed what is available in the Opioid Money Fund, we will seek a budget amendment with the recommendation of the CAO for the additional funds if needed.

During the pilot period, BFD will seek sustainable funding opportunities other than the General Fund or Opioid Money Fund, including potential grants from State Opioid Settlement Funds intended to support treatment and harm reduction outreach. At the end of the pilot period, the Fire Department will evaluate how well it is working and whether it should become a more permanent service of the BFD.

Board of Finance Motion:

Move to approve and recommend that the City Council authorize the Chief Administrative Officer to make any and all necessary budget amendments to allocate the use of the assigned Opioid Monney Fund to support the formation and associated costs of a Community Response Team operated within the Burlington Fire Department for six months with a budget not to exceed \$182,598.00.

City Council Motion:

Move to approve and authorize the Chief Administrative Officer to make any and all necessary budget amendments to allocate the use of the assigned Opioid Money Fund to support the formation and associated costs of a Community Response Team operated within the Burlington Fire Department for six months with a budget not to exceed \$182,598.00.

Board of Finance and City Council Submission Checklist

Department: Fire Submitter: Chief LaChance

Title/Subject: Community Response Team

	Approval:	Meeting Date:
☒	Board of Finance	10/10/2023
☒	City Council	10/10/2023
☒	Concurrent	10/10/2023

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	10/4/2023	Chief LaChance
Mayor's Office informed and approved memo	Yes	10/4/2023	Mayor Weinberger
Board/Commission, if required	Yes	10/3/2023	During normally scheduled meeting.
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	10/4/2023	J. Pellerin
CAO has reviewed budget, financing, and memo	Yes	10/4/2023	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	10/4/2023	K. 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

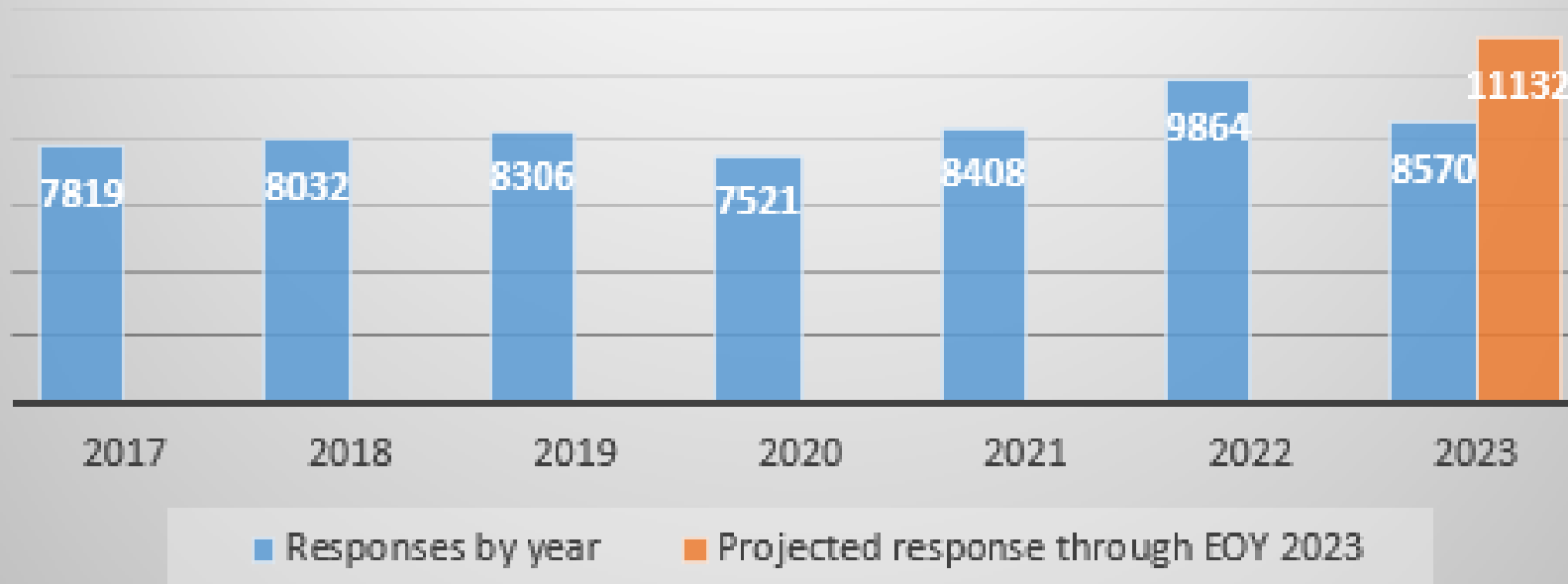
	Included?	Note
Final Memo Attached?	Yes	Memo attached
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Motions for BoF and CC included
If for submission to Council, are sponsors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

Burlington Fire Department Response Data Updated 10/08/2023





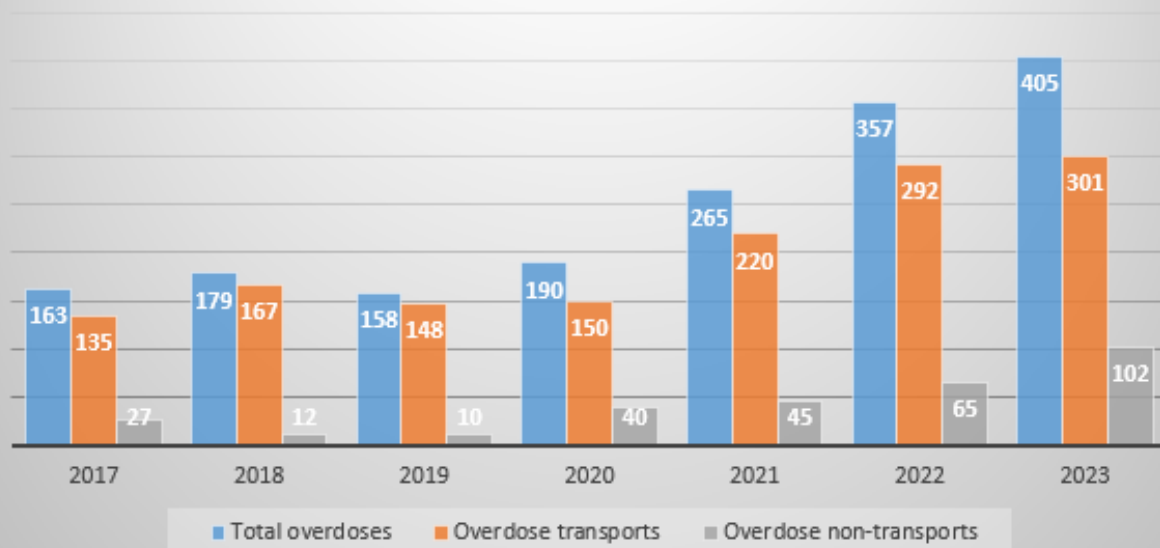
Fire Department Response Totals Calendar Year updated 10/08/2023



- 2023 has already surpassed the 2021 totals.
- On track for a one-year total response increase of 12%.

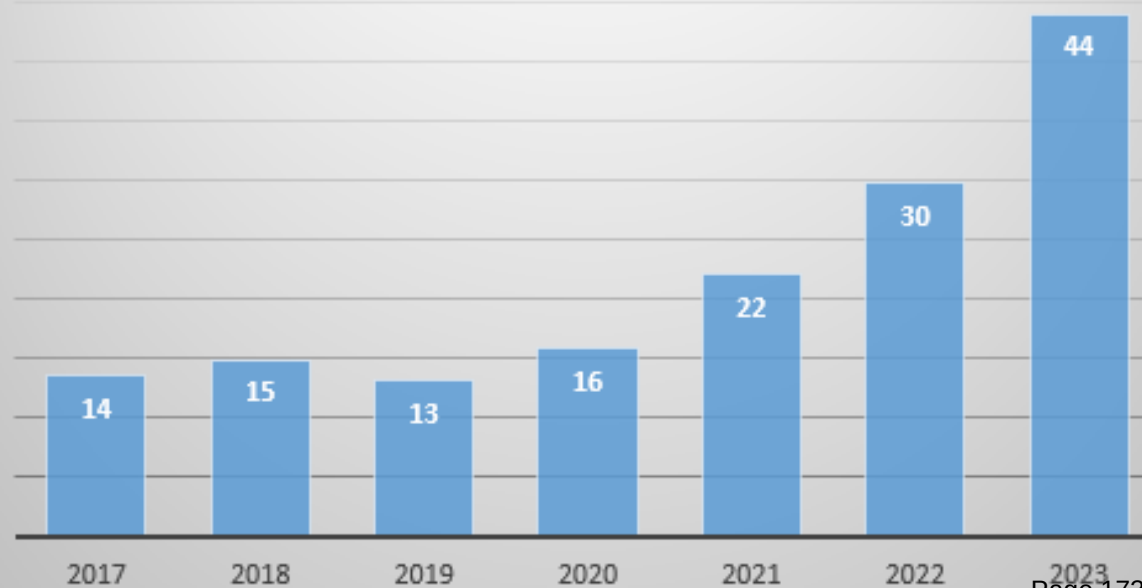


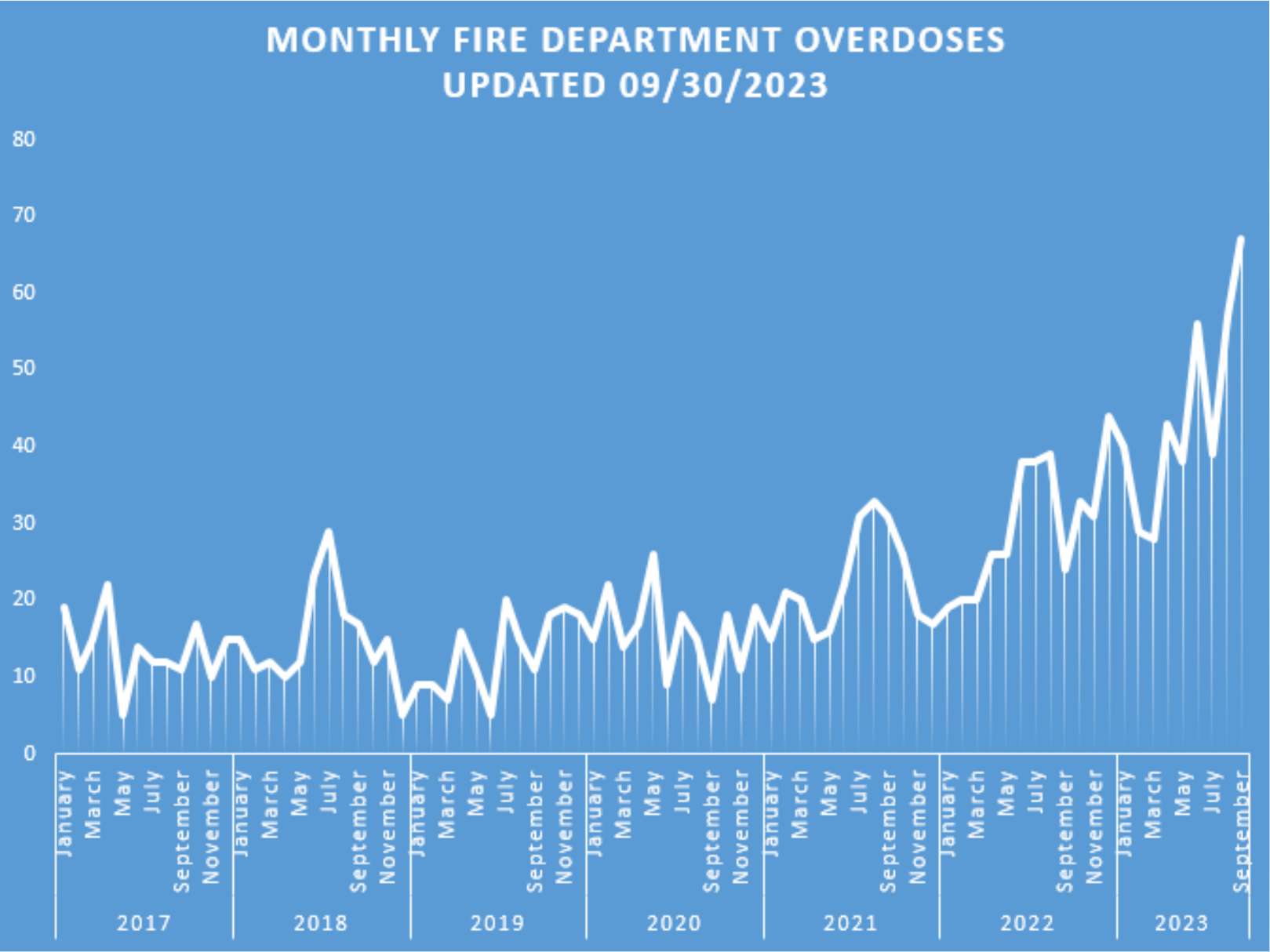
OverdoseTotal:Transported:Not Transported Data through 10/08/2023



- A steady increase since 2020.
- A dramatic increase in non-transports of overdosed patients.
- On track for 526 overdose responses for 2023.

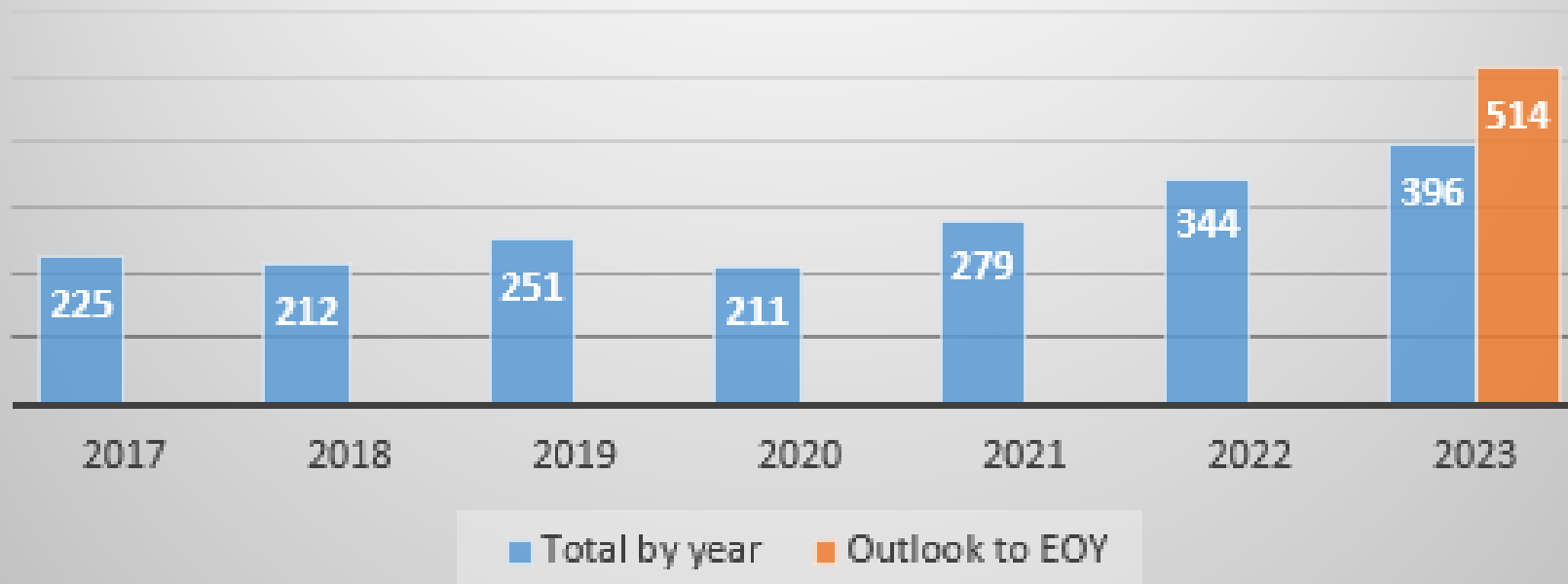
Average Overdose Responses per Month







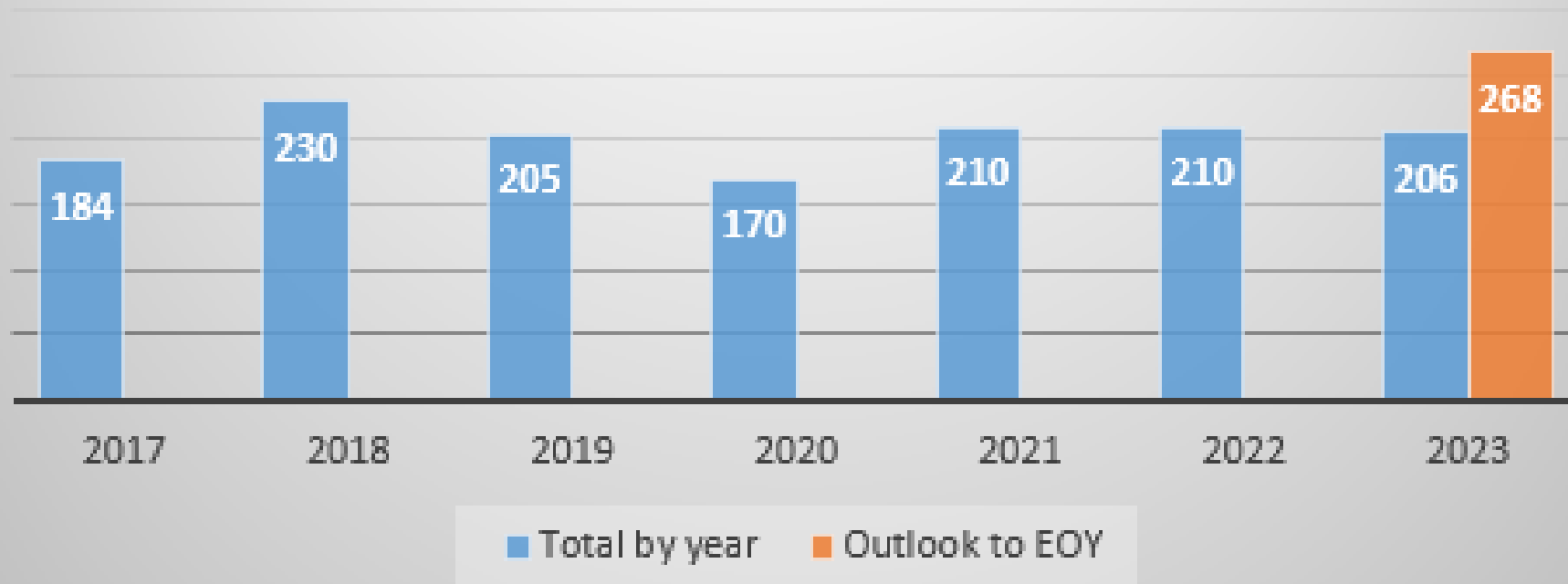
Dispatch Unknown Problem/Person Down Updated 10/08/2023



- Overdoses can be dispatched as an unresponsive person or person down.
- Sometimes, these people are overdosed.
- Often, they are experiencing the desired effect of their substance or have another non-emergent need.



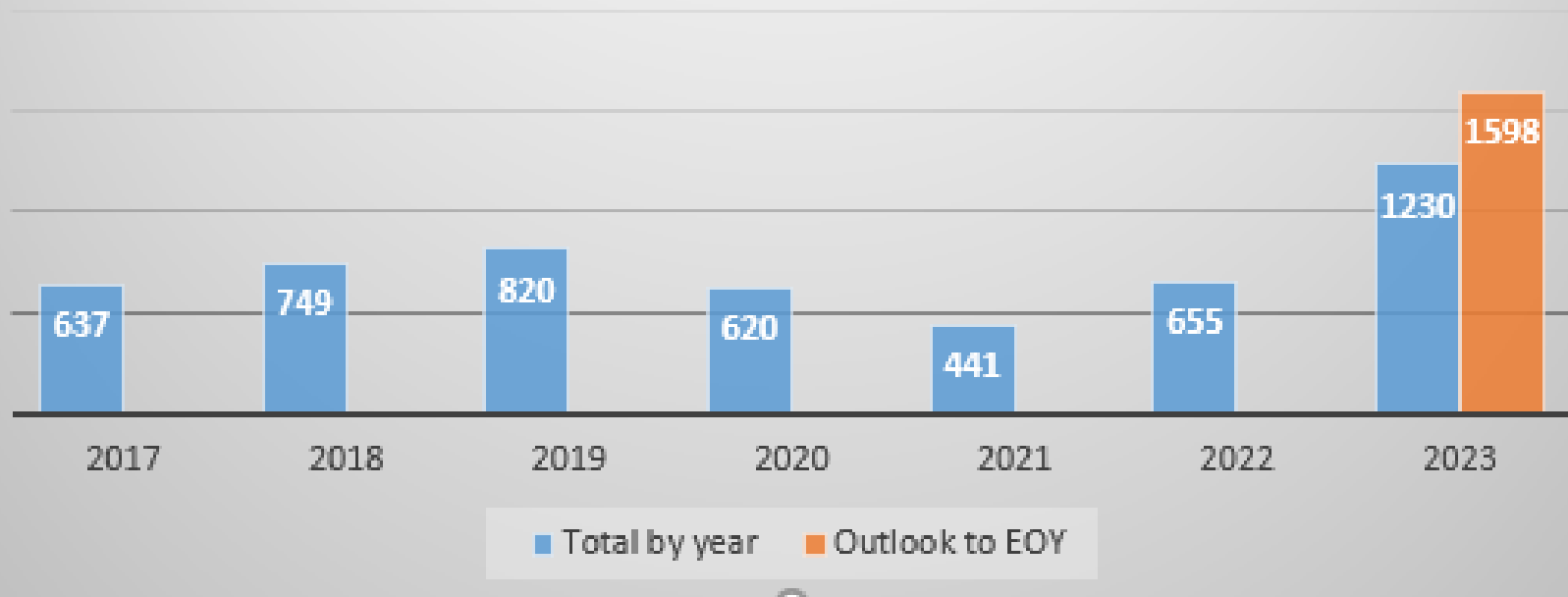
Dispatch Alcohol Intoxication Updated 10/08/2023



- Open alcohol intoxication is a concern in the community.
- These numbers are rising but do not account for the significant response increase.



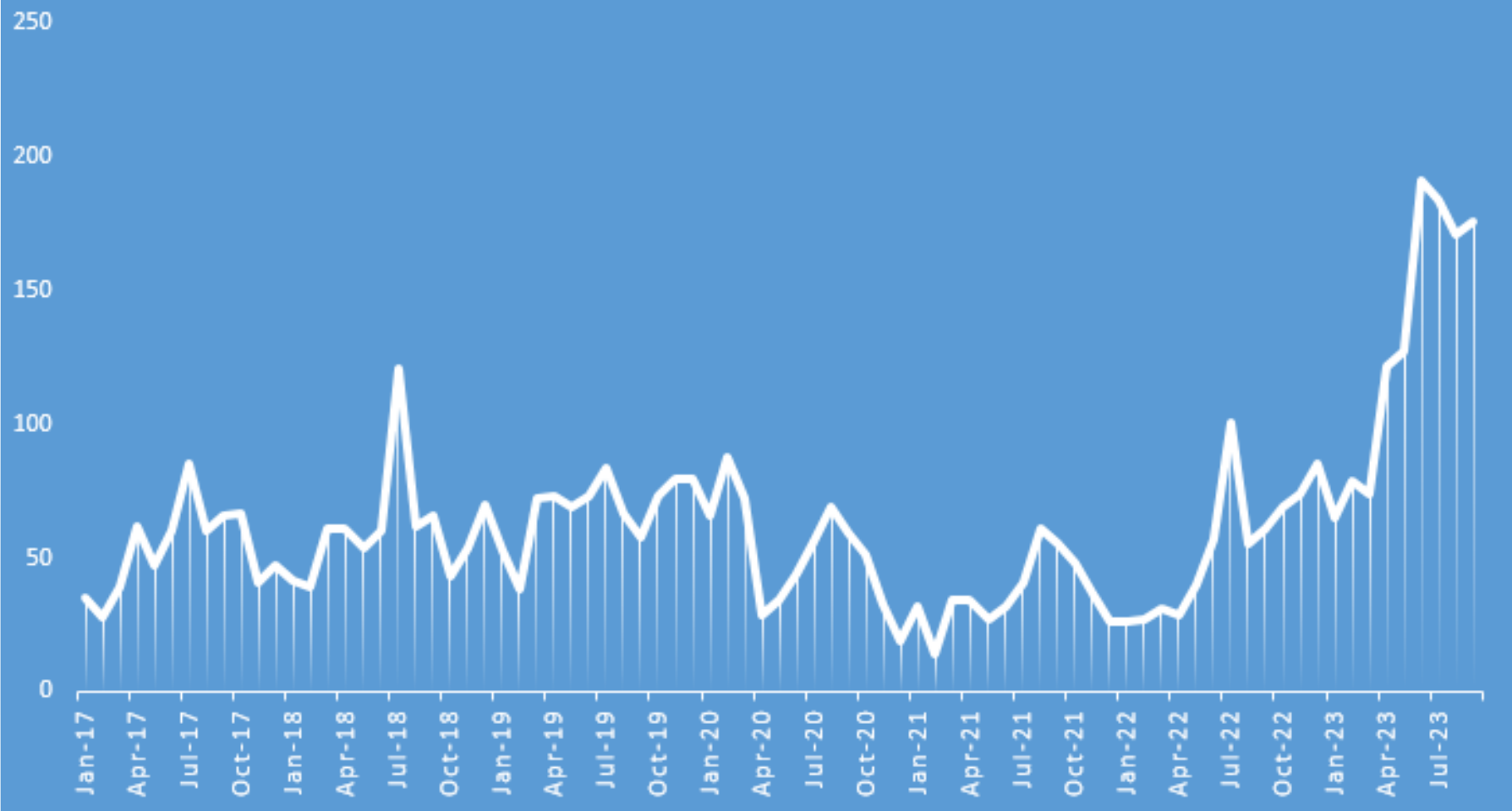
Annual Fire Department EMS Responses to Homeless/Houseless/Transient/ No Address Population Updated 10/08/2023



- Response to the homeless/houseless population has increased dramatically.
- These patients often suffer from substance abuse and/or mental health issues.

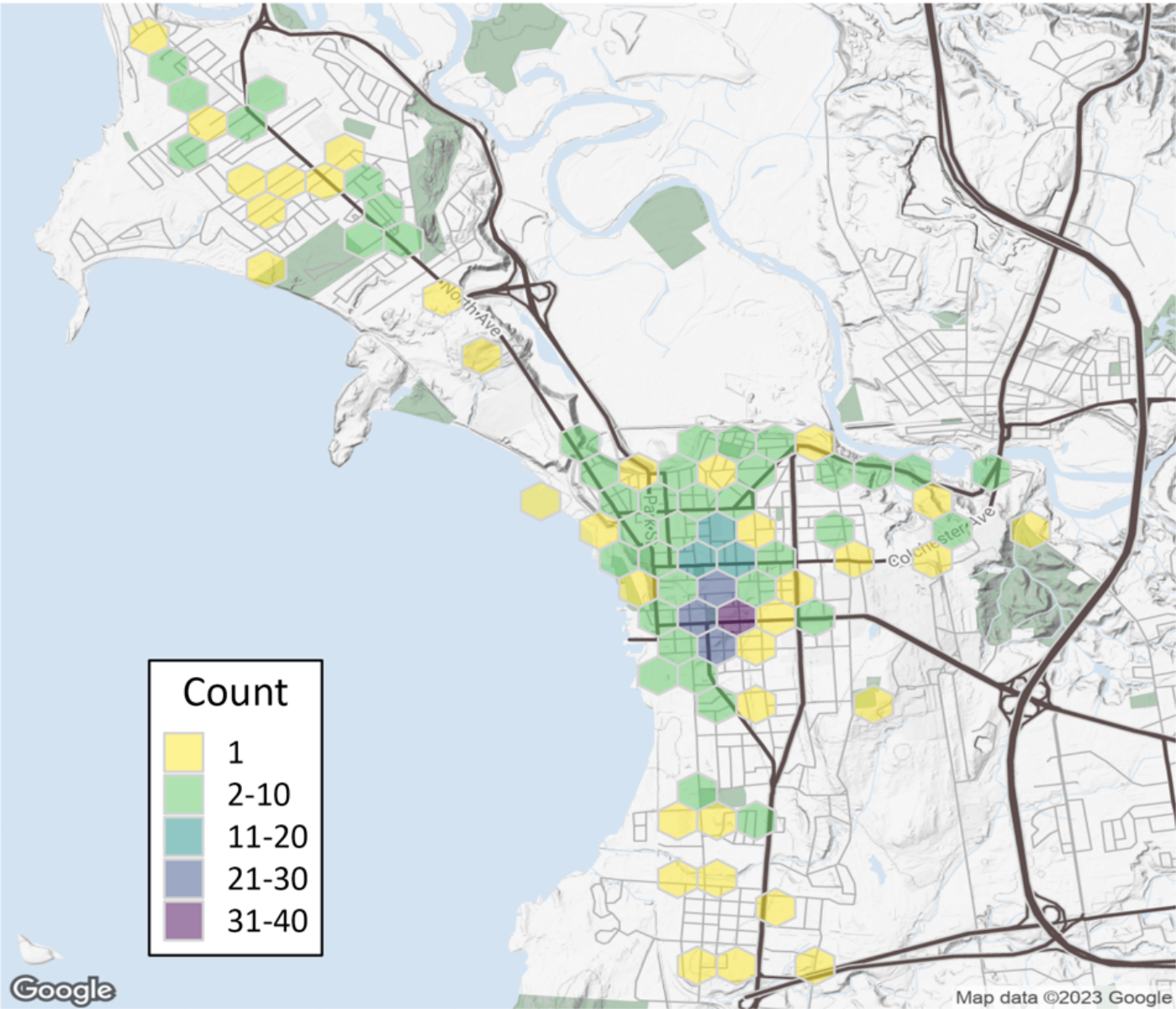


**MONTHLY FIRE DEPARTMENT EMS RESPONSES TO
HOMELESS/HOUSELESS/TRANSIENT/NO ADDRESS
POPULATION
DATA THROUGH 09/30/2023**

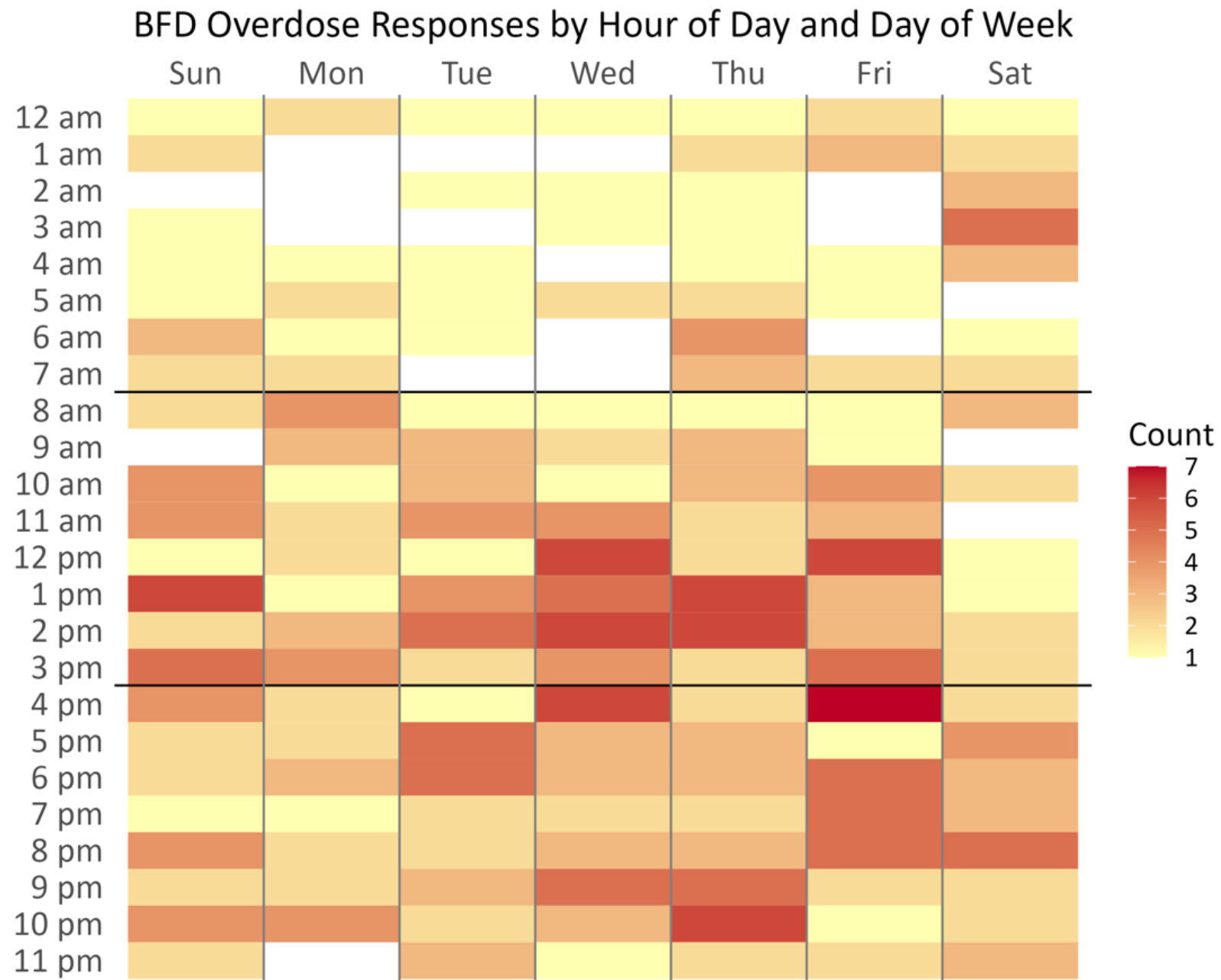




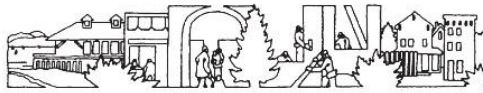
BFD Overdose Responses, 2023



Data through 9/25/2023



Data from January 1, 2023 through September 25, 2023



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

To: Board of Finance
City Council

From: Sarah Russell, Special Assistant to End Homelessness
Brian Pine, CEDO Director
Kerin Durfee, Human Resources Director

Cc: Mayor Miro Weinberger
Katherine Schad, Chief Administrative Officer
Jared Pellerin, Acting City Attorney

Date: October 5, 2023

Subject: City of Burlington Seasonal Warming Shelter Project: Creation of (1) FTE position within CEDO; AHS Grant Agreement; Contracts; Lease

Executive Summary:

The numbers of people experiencing homelessness and housing insecurity continues to be almost triple those pre-pandemic and access to emergency housing is restricted from the levels available during the Spring of 2022. Recent data demonstrates a rise in unsheltered homelessness in Burlington from 80 individuals last September to over 200 currently. This data reflects a growing need for expansion of emergency shelter capacity to ensure prevention of exposure deaths as winter draws near. Without confirmation of Adverse Weather Conditions (AWC) Emergency Housing (seasonal motel) eligibility criteria from the State of Vermont (SoV) Agency of Human Services (AHS), it is imperative that the City identify emergency shelter solutions. The following memo outlines the City's response to this crisis through the development and operation of an overnight seasonal warming shelter, execution of related contracts, acceptance of AHS funding, and creation of a year-round staff position to address emerging challenges related to emergency shelter capacity, outreach coordination, and supports for people living unsheltered through the City.

Justification:

The City of Burlington intends to open a winter warming shelter from December 15, 2023 – March 15, 2024 to prevent exposure deaths for people experiencing unsheltered homelessness. With the transition of operations of the Champlain Inn from A New Place to Champlain Valley Office of Economic Opportunity (CVOEO) in October 2023, shelter beds will be reduced as CVOEO is opting to operate the shelter as non-congregate and will not allow walk-in guests. (The City was part of a team of stakeholders, including CVOEO, Champlain Housing Trust, AHS and Vermont Housing and Conservation Board (VHCB) engaged in this evolution of management and services at the Champlain Inn and the expanded services that will be offered in this location represent best practices that the City fully supports.) The change at the Champlain Inn in conjunction with the closure of the State's motel program in June, leaves the City without a warming shelter, and with a significant need to ensure we are able to prevent exposure deaths during the winter months. The need for seasonal shelter is critical.

Seasonal Overnight Shelter

The City intends to utilize the Veterans of Foreign Wars (VFW) Post 782 building, located at 176 South Winooski Avenue, to provide emergency shelter accommodations for up to 30 guests (with possibility of overflow capacity). We recognize

this shelter capacity seems inadequate compared to the need however it is our hope that many of the people outside now, will be able to access AWC emergency housing this winter. The City proposes a low-barrier overnight shelter, ensuring individuals with substance use disorder, mental health and behavioral challenges, and people experiencing barriers to obtaining and maintaining traditional shelter stay and/or (AWC) emergency housing (motels) have access to safe accommodations during winter months. The shelter will provide overnight accommodations and will operate from 5pm-8am seven days per week beginning December 15, 2023 and running through March 15, 2024. (Champlain Housing Trust anticipates a spring 2024 start to their new affordable housing project at this site.) Capital improvements required prior to operation include, but are not limited to, installation of security camera system, IT infrastructure, door alarms, minor interior modifications, installation of laundry facilities, signage, and additional storage capacity. The City will utilize consultation from our partners with experience in the operation of similar overnight seasonal shelters, in addition to technical assistance from the VoS AHS Office of Economic Opportunity (OEO).

The City will ensure staffing levels for all shifts include a minimum of two Shelter Support Staff and one security guard during operation. An Assistant Manager and Manager will oversee operations, supervise Shelter Support Staff, manage related contracts, conduct data collection and reporting, and ensure trauma-informed and harm-reduction models are implemented with both shelter operations and policies.

Homeless Initiatives Manager

Due to the temporary nature of seasonal shelter, the City will utilize the services of a temporary staffing agency (details below) for all positions; with the exception of the manager position, which will be employed by the City of Burlington, CEDO. The *Homeless Initiatives Manager* will manage all aspects of the winter warming shelter including staffing, operations, monitor contracts, and ensure safe and secure accommodations to guests through the winter season (approximately November/December 2023 – April 2024). With funding support from AHS, this position will continue beyond shelter operation until June 30, 2024 to provide support to CEDO with its efforts to address, respond to, and prevent unsheltered homelessness within the City. CEDO is requesting Board of Finance and City Council approval to approve the creation of this position to manage overnight seasonal shelter operations. We anticipate submitting a proposal to funds this position for FY25.

Acceptance of SoV AHS Funding

CEDO submitted a proposal to VoS AHS OEO and was awarded full funding to cover all costs associated with operations of the overnight seasonal shelter including capital improvements (listed above), staffing and staffing contract, security contract, shelter supplies, meals (evening meal and morning snack), IT and security infrastructure, lease of site, and services. CEDO is requesting Board of Finance and City Council approval to accept 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 in the amount of \$590,023.

Contracts

Due to the seasonal/temporary nature of this shelter, the City will utilize Maxim Healthcare Staffing to recruit, screen, hire, and manage administrative functions. CEDO has developed job descriptions for the Assistant Shelter Manager and Shelter Support Staff positions and holds final decision-making authority on the hiring of all staff. Maxim Healthcare Staffing has experience hiring shelter staff at the Elmwood Community Shelter and low-barrier seasonal shelter in Manchester New Hampshire, as well as provision of medical (nursing) staff for the VT Department of Corrections, and psychiatric facility. All positions will be filled with local candidates to the extent possible. CEDO is requesting Board of Finance and City Council approval to execute Maxim Healthcare Staffing contract and related documents with a maximum limiting amount of \$340,990.

CEDO intends to contract with private security company to provide overnight security services. CEDO is requesting Board of Finance and City Council approval and authorization for the CEDO Director to execute the documents necessary to contract for security services at the Seasonal Warming Shelter with a maximum limiting amount of \$74,256.

Lease

The City intends to utilize the vacant Veterans of Foreign Wars (VFW) building located at 176 South Winooski Avenue for operation of the seasonal overnight shelter. CEDO staff are in negotiation with VFW administrative staff to finalize the lease terms. CEDO is requesting City Council approval and authorization for the CEDO director to execute the documents necessary to finalize a lease with VFW with a maximum limiting amount of \$10,000 over a five-month period (November 1, 2023 (latest) – March 31, 2024).

Motions:

Board of Finance Motion:

Move to recommend that the City Council approve and authorize the following:

- The creation of (1) FTE position within the Community Economic Development Office, the *Homelessness Initiatives Manager, a non-union, limited service, grade 18 position*.
- Approve and recommend that the City Council approve the acceptance of SFY 2024 grant funds in the amount of \$590,023 from the State of Vermont Housing and Opportunities Program for the operations of the seasonal overnight shelter 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 November 1, 2023 thru June 30, 2024, subject to the final review and approval of the City Attorney's Office.
- Approve and recommend that the City Council authorize the Director of CEDO or their designee to create a project budget not to exceed \$590,023 for the development of a seasonal overnight shelter and to execute all contracts in furtherance of this initiative upon review and approval of the Chief Administrative Officer and City Attorney's Office.
- Approve and recommend that the City Council approve and authorize the Director of CEDO to execute a contract with Maxim Healthcare Staffing with a maximum limiting amount of \$340,990 for the time period of December 1, 2023 thru March 31, 2024, for the purposes of providing administrative functions related to the seasonal overnight shelter, subject to the final review and approval of the City Attorney's Office.

City Council Motion:

Move to move and authorize approve the following:

- The creation of (1) FTE position within the Community Economic Development Office, the *Homelessness Initiatives Manager, a non-union, limited service, grade 18 position*.
- Approve the acceptance of SFY 2024 grant funds in the amount of \$590,023 from the State of Vermont Housing and Opportunities Program for the operations of the seasonal overnight shelter 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 November 1, 2023 thru June 30, 2024, subject to the final review and approval of the City Attorney's Office.
- Approve and authorize the Director of CEDO or their designee to create a project budget not to exceed \$590,023 for the development of a seasonal overnight shelter and to execute all contracts in furtherance of this initiative upon review and approval of the Chief Administrative Officer and City Attorney's Office.
- Approve and authorize the Director of CEDO to execute Maxim Healthcare Staffing contract and related documents with maximum limiting amount of \$340,990 for the time period of December 1, 2023 thru March 31, 2024, subject to the final review and approval of the City Attorney's Office
- Approve and authorize the Director of CEDO to execute VFW lease and related documents with maximum limiting amount of \$10,000 over a five month period (November 1, 2023 – March 31, 2024), subject to the final review and approval of the City Attorney's Office

Attachments:

- *Homeless Initiatives Manager* job description
- CEDO (updated) Organizational Chart

City of Burlington

Community and Economic Development Office

October 2023

*Please See Community Justice Center Org Chart for More Details

Brian Pine
Director of CEDO
0106-31-001

Samantha Dunn
Assistant Director of Community Works
Grade 26
1336-31-001

VACANT
Senior Projects and Policy Specialist
Grade 19
1253-31-001

Gillian Nanton
Assistant Director of Opportunity and Engagement
Grade 21
1252-31-001

Scott Rogers
Community Development Manager – Public Engagement
Grade 19
0341-31-002

VACANT
Communications & Outreach Coordinator
Grade 15 AFSCME

Ana Marie Robu
Office Coordinator II – Community Engagement
FT Grade 14 AFSCME

Fosca Bechthold
NPA Public Engagement Specialist
Temporary

Sarah Russell
Special Assistant to End Homelessness
Grade 21

Marcella Gange
Community Development Manager - Homelessness & Equity
Grade 19
0341-31-001

PROPOSED
Homelessness Initiatives Manager
Grade 18

Chanel Bastian
Grant & Finance Coordinator
Grade 15 AFSCME

Darlene Kehoe
Senior Finance Manager
Grade 20
1347-31-001

Kirsten Pigford
Finance & Admin Coordinator
Grade 16 AFSCME
0202-31-004

Todd Rawlings
Assistant Director of Grants and Finance
Grade 24
0321-31-001

VACANT
Projects and Policy Specialist II Housing
Grade 17 AFSCME
1255-31-001

Christine Curtis
Senior Community Development Specialist - Grants Management
Grade 18 AFSCME
1250-31-001

Rachel Jolly
Assistant Director of Community Justice Center
Grade 22
1212-31-001
*Please see CJC Org Chart for more Details

Rebeka Lawrence-Gomez
Housing Program Manager
Grade 20
1251-31-001

Margaret Williams, Lead Program Manager
Grade 19
1049-31-001

Bethany Whitlock
Housing Program Specialist II AFSCME
Grade 17
1251-31-002

Will Verman
Lead Program Specialist II
Grade 17 AFSCME
1050-31-001

Constance Craik
Lead Program Specialist I
Grade 16 AFSCME
1051-31-001

Sean Melinn
Lead Program Specialist I Public & Environmental Health
AFSCME
Grade 16
1113-31-001

City of Burlington

Community and Economic Development Office

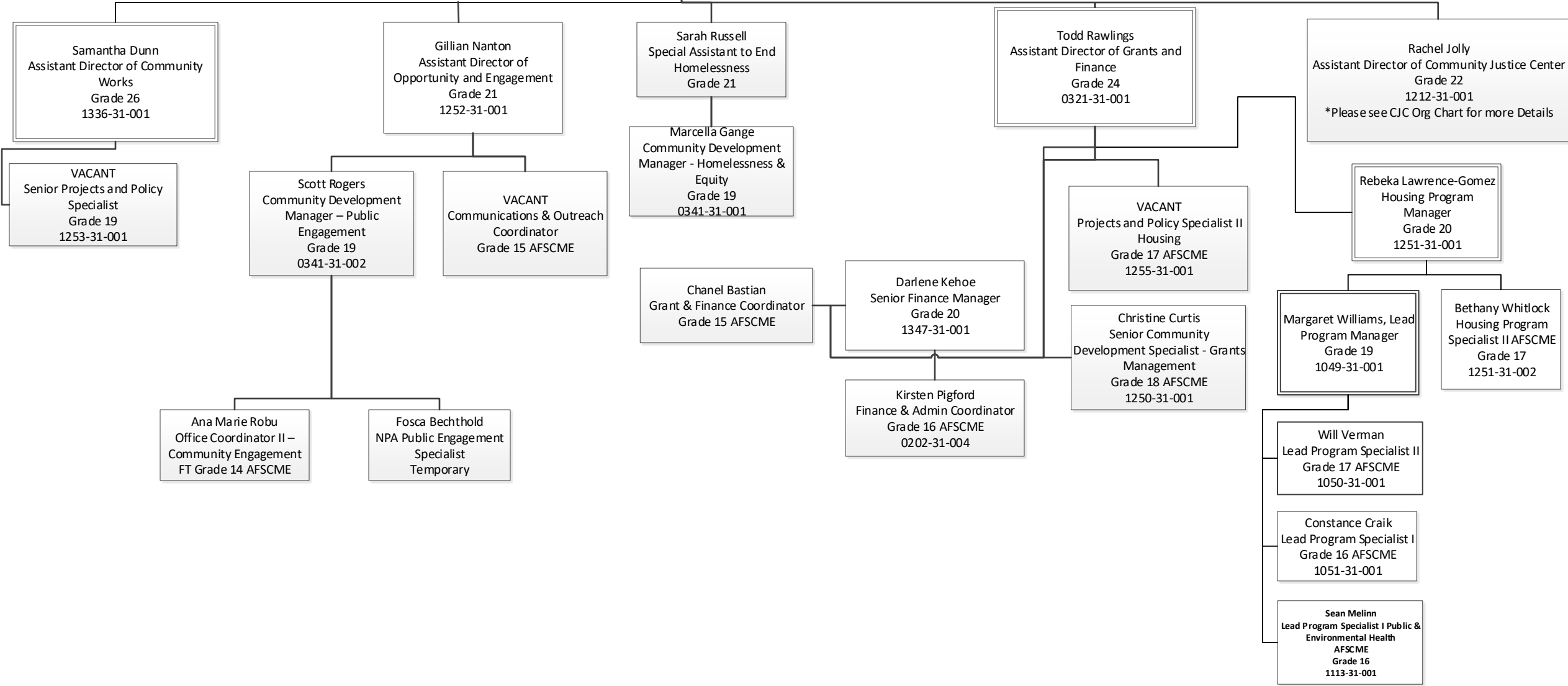
October 2023

*Please See Community Justice Center Org Chart for More Details

Brian Pine

Director of CEDO

0106-31-001



City of Burlington Job Description

Position Title: Homeless Initiatives Manager
Department: Community and Economic Development Office
Reports to: Special Assistant to End Homelessness
Pay Grade: 18
Job Code:
Exempt/Non-Exempt: Exempt, Limited Service
Union: Non-Union

General Purpose:

The Homeless Initiatives Manager supports the City's efforts to end homelessness by overseeing warming shelter operations, coordinating and advocating for increased shelter capacity, supporting coordination of outreach efforts, and special projects as assigned. During winter months, this position will provide client-centered, trauma-informed support for emergency shelter guests and those experiencing homelessness and ensure successful, safe shelter operations. The Homeless Initiatives Manager will oversee all aspects of shelter operation including policy and procedure development and management of related contracts and services to ensure a safe and respectful environment during winter warming shelter operation. During warmer months, this position provides coordination of outreach efforts, data collection on unsheltered homelessness, and overall supports the expansion of shelter capacity within the City and Chittenden County. The Homeless Initiatives Manager supervises the Assistant Shelter Manager, oversees all aspects of shelter operation including staffing, contracts, and administration, and reports to the Special Assistant to End Homelessness.

Essential Job Functions:

This section outlines the fundamental job functions that must be performed in this position.

Winter Warming Shelter:

- Facilitate screenings and intakes for those seeking shelter, when necessary
- Implement shelter policies and procedures, ensuring a harm-reduction model and continually assess and address staff and client safety needs
- Work closely with the Community Resource Center, outreach teams (external and internal to the City of Burlington) and other shelter and service providers in the region to ensure coordination and communication
- Serve as the City's lead in securing donations for meals, clothing, and basic necessities
- Maintain the inventory of supplies; orders supplies as needed
- Conduct training and orientation of shelter staff, record-keeping and data collection and reporting to funder(s) and ensure adherence to regular statistical and programmatic reporting requirements and shelter habitability standards
- Provide supervision for Assistant Shelter Manager (and indirectly to the Shelter Support Staff); ensures shift coverage and serves in on-call role as necessary
- Ensure the cleanliness of the shelter and that the setting shelter is safe and reasonably comfortable

Revision date: XX/XX/XXX

- Respond to emergency situations in a calm, effective manner and provide leadership during times of crisis and high-stress interactions
- Ensure site-upkeep and daily cleaning is carried out; including common spaces, hallways, entryways, bathrooms, kitchen, etc.; conduct routine inspections and identify the need for outside contracts related to cleaning, maintenance, repairs, etc.
- Ensure sanitary conditions for sleeping accommodations related to cots, bedding/linens, etc., and manage outside contract compliance/utilization
- Engage in recommended professional development opportunities as offered; provide staff skills-development
- Oversee the hiring, and management of shelter staff and vendor and contract fulfillment at the winter warming shelter
- Lead routine staff meetings, regular supervision, and programmatic meetings
- Represent The City in a professional manner in accordance with our mission, beliefs and values

Homeless Initiatives:

- Provide coordination support for outreach efforts across the City, including assessment of cross-agency outreach efforts
- Ensure the needs of people living unsheltered are adequately met by resources available and facilitate the expansion of services for people living unsheltered as necessary
- Initiate data collection and reporting related to outreach efforts, working with partner organizations
- In partnership with the Special Assistant to End Homelessness, support the creation of adequate shelter and services in the City and County
- Under the direction of the Special Assistant to End Homelessness, implement strategies set forth by the City of Burlington and the Chittenden County Homeless Alliance to address and respond to unsheltered homelessness
- Provide support for policy development, research, and other special projects, as assigned by the Special Assistant to End Homelessness
- Prepare reports as necessary
-

Non-Essential Job Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's Degree in social or human services or combination of education and experience from which comparable skills and knowledge are required
- At least 3 years of experience with staff supervision, program management, and providing services to vulnerable populations is required
- Commitment to valuing diversity and contributing to an inclusive working and learning environment; ability to hold empathy and tolerance for people experiencing wide range of behavioral challenges
- Willingness to provide appropriate intervention during medical and substance use emergencies (overdose reversal, basic first aid, calling emergency responders)
- Effective verbal and written communication skills required; bilingual and/or multilingual abilities are a plus
- Awareness of the causes and effects of homelessness, affordable housing, poverty, economic justice and multiple oppressions affecting economically vulnerable groups.

Revision date: XX/XX/XXX

- Knowledge of community resources.
- Must be well organized, detailed, proficient at prioritizing; proficiency in Microsoft Office, computer and data entry skills;
- Demonstrated ability to collaborate with internal and external colleagues and partners.
- Possess strong conflict resolution and de-escalation skills and hold a comfort-level with stressful situations including (but not limited to) untreated mental health issues and active substance use disorder, overdose response, and behavioral challenges
- Willingness to work flexible hours, including some weekends and evenings.
- Ability to uphold safety standards.

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
	color perception (red, green, amber)
X	hearing/listening
X	clear speech
X	touching
X	dexterity x hand x finger
X	reading – basic
X	reading – complex
X	math skills – basic
	math skills – complex
X	writing – basic
X	writing – complex
X	analysis/comprehension
X	judgment/decision making
X	clerical
X	inside
	outside
X	works alone
X	works with others
X	face-to-face contact
X	verbal contact w/others
X	ability to move distances within warehouses and offices
X	lifting (specify pounds: 40)
X	carrying (specify pounds: 40)
	climbing
X	driving
	ability to mount and dismount forklift
X	pushing/pulling
X	shift work
X	moving objects
	pressurized equipment

Revision date: XX/XX/XXX

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

Supervision:

Directly Supervises: Assistant Shelter Manager

Indirectly Supervises: Shelter Support Staff

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: _____

Revision date: XX/XX/XXX

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Sarah Russell
 Title/Subject: Authorization to accept grant funds and request budget adjustment, creation of new position, and execute contracts for the operation of the seasonal overnight shelter

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☐	City Council	Click or tap to enter a date.
☒	Concurrent	10/10/2023

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			
Mayor's Office informed and approved memo	Yes	10-5-2023	
Board/Commission, if required			
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note			
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	10-5-2023	
CAO has reviewed budget, financing, and memo			CAO OOF
Human Resources, if personnel action -Identify HR Manager in note	10-03-2023	10-04-2023	Tim Clancy
CIO, if an IT-related investment/purchase	10/5/2023	10/5/2023	Scot Barker

Materials Included

	Included?	Note
Final Memo Attached?	Yes	
Contract Attached, if applicable?	No	
Additional Materials, if necessary	Yes	Job Description and CEDO Org Chart
Draft Resolution or Motion?	Yes	Within Memo
If for submission to Council, are sponsors identified?	N/A	



City of Burlington Initiatives to Support Unsheltered Homelessness

Mayor Miro Weinberger

October 10, 2023



Recent Increase in Unsheltered Homelessness

Burlington and Chittenden County has experienced a more than 175% increase in the unsheltered population over the last year.

- On June 1 2023, 170 households (194 people) were exited from motels in Chittenden County.
- Upon passage of h.171, 256 households in Chittenden County were eligible to stay in motels under new conditions, including a requirement to enroll in Coordinated Entry.
- Outreach teams from CHC, CVOEO, COTS, and BPD have since worked in close collaboration to enroll nearly these households into Coordinated Entry.
- Amidst these changes, unsheltered homelessness has increased from 100 self-reports to the Community Resource Center in March 2023 to a high of 227 in July 2023.

Coordinated Entry Overview

Coordinated Entry is a system to streamline access and create equity to housing supports and resources in our region by better identifying the housing needs facing our community. Mandated by HUD, Coordinated Entry evolved from CCHA with leadership from Burlington's CEDO Department in 2015, as an effort to better use real-time data and to focus county-wide resources to make homelessness brief and rare.

- Each eligible household is enrolled by outreach workers and housing navigators from area organizations
- Once enrolled, the household is referred to a housing navigator
- Each household is added to a master list which is reviewed on a weekly basis by coordinated entry partners to be connected to appropriate housing opportunities



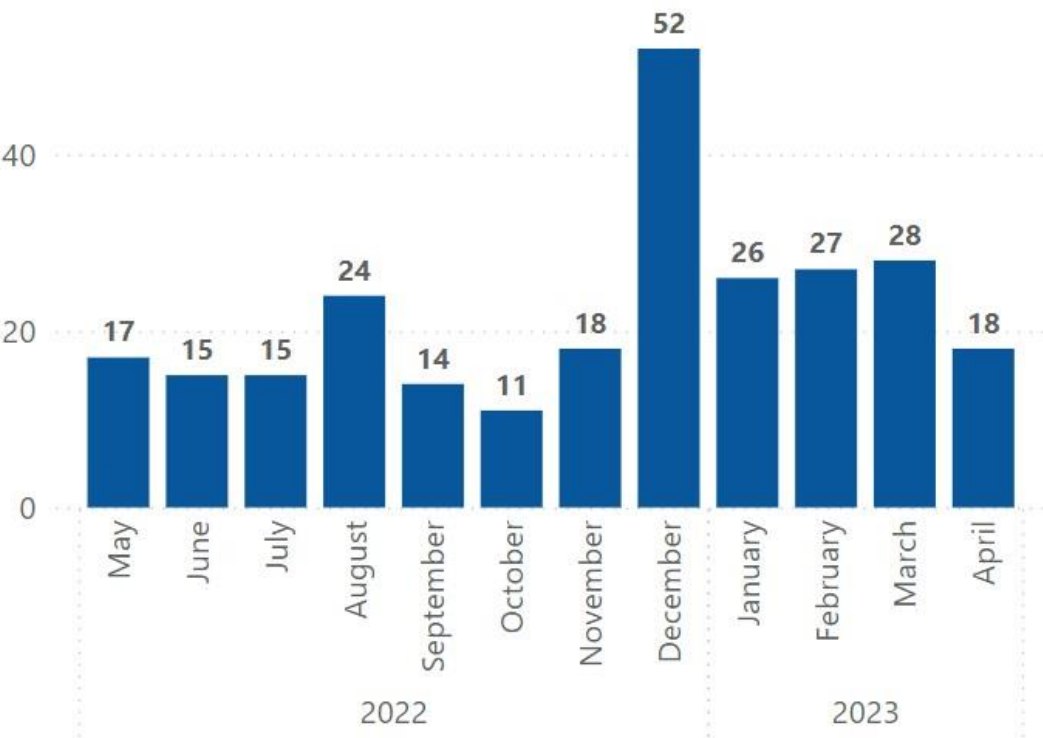
Households Supported by Coordinated Entry

Between January and August, Coordinated Entry has supported 176 households exiting homelessness into permanent housing.

This month, two new housing developments will open in Chittenden County. Therefore, we have 56 pending referrals to permanent units, in addition to 9 pending referrals to rapid re-housing or permanent supportive housing programs.

We are on track to achieve our goal of rehousing 25 households per month, and are prioritizing households in motels.

Total Households Housed by Month





New Shelter Capacity in Burlington Since 2020

- Champlain Inn: 35 – 40 beds (currently 22 are occupied)
- Community Resource Center: visited by 2,300 individuals this year over 25,000 visits
- Elmwood Emergency Shelter Community: 35 beds
- New Winter Warming Shelter at VFW: 30 beds + overflow for extreme weather



New Temporary Winter Warming Shelter at VFW

- Overnight drop-in shelter for 30 people, with overflow capacity for extreme weather.
- Operating December 15 – March 15
- Fully funded by Agency of Human Services Economic Services Division
- Shelter to be managed by CEDO
- Will operate using a low-barrier model



Photo by Burlington Free Press

Importance of low-barrier shelter and homeless dedicated housing units in our community and Vermont

The City has had a winter warming shelter since 2014, including on this block for 5 years. These shelters prevent exposure deaths, reduce disorder in the downtown, provide services and stability to those seeking permanent housing, and improve public health and safety citywide.

- Concerns around public safety are not driven by the creation of new shelter, they are driven by the overwhelming need for shelter and social services in Vermont that our current systems do not meet.
- This shelter will not meet the needs of the 270+ unsheltered people in this community, we continue to advocate for expanded GA and AWC state programs.
- A parallel effort to urgently address the drug crisis and expand and reform our treatment system is needed.