



Regular City Council Meeting - Monday, November 6, 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:

<https://zoom.us/j/91762378205>

Or Telephone: +1 305 224 1968 US

Webinar ID: 917 6237 8205

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

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

To participate in Public Forum via ZOOM sign up here:

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

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

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 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 7.14. Communication: Zach, re: Smoke; add to the consent agenda item 7.15. Communication: Sharon Bushor, Ward 1 Resident, re: MOU with UVM; add to the consent agenda item 7.16. Communication: Crystal B., re: Funding for stores impacted by crime; add to the consent agenda item 7.17. Communication: Sharon Bushor, Ward 1 Resident, re: Gateway Block; add to the consent agenda item 7.18. Communication: Owiso Makuku, CEO, Main Street Landing, re: BTV City Council Letter 11.6.23; remove from the agenda item 8.1. Ordinance: CDO-ZA-24-01 Technical Amendments (per Councilor Traverse)

2. Communication: UVM MOU and Main Street Great Streets Project (verbal) ****expected executive session** 5:45 pm - 6:30 pm; 6:30 pm - 7:00 pm**

Subject	2.1. Communication: UVM MOU and Main Street Great Streets Project (verbal) **expected executive session**
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	2. Communication: UVM MOU and Main Street Great Streets Project (verbal) **expected executive session** 5:45 pm - 6:30 pm; 6:30 pm - 7:00 pm
Department	Mayor's Office
Type	Action Procedural
Recommended Action	I move to find that premature general public knowledge of contract negotiations between the City and the University of Vermont, as well as contract negotiations related to the Main Street Great Streets project 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 pursuant to 1 V.S.A 313(1)(A).

3. DPW Commission Report 7:00 pm - 7:15 pm

Subject	3.1. DPW Commission Report
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	3. DPW Commission Report 7:00 pm - 7:15 pm
Department	Public Works Department
Type	Information Report

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

Subject	4.1. Verbal Comments
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	4. Public Forum: Time Certain: 7:30 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural

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

Subject	5.1. Verbal reports
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. Climate Emergency Reports (5 - 10 mins.)
Department	Council and Board
Type	Information

6. Public Health and Safety Emergency Updates (5 - 10 mins.)

Subject	6.1. Verbal reports
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Public Health and Safety Emergency Updates (5 - 10 mins.)
Department	Council and Board
Type	Information

7. Consent Agenda

Subject	7.1. Motion to adopt the consent agenda (as amended) and take the actions indicated
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Council and Board
Type	Action (Consent) Procedural

Recommended Action Motion to adopt the consent agenda and take the actions indicated

Subject	7.2. Communication: C/T Office, re: Accountability List
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information

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

Subject	7.3. Calahan Park Shared-Use Path Design Consultant Contract with Stantec, Inc. - BPRW
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)

Recommended Action to authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the referenced funding sources to create the project budget for FY24, for use of Capital Funds as described in this

memorandum and related attachments, subject to the review and approval of the Chief Administrative Officer

Subject	7.4. Creation of one position with CJC - CJC/HR
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Community Justice Center
Type	Action (Consent)
Recommended Action	to approve the creation of the Youth Restorative Services Coordinator—BARJ position within CEDO, a Limited Service, Full-time, Union, Grade 16, position
Subject	7.5. Fletcher Free Library Restoration & Preservation Project Dore + Whittier Contract, First Amendment: Restoration & Preservation of Windows and Masonry to 1904 building - Library
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Fletcher Free Library
Type	Action (Consent)
Recommended Action	to approve and authorize the execution of a Contract Amendment and any related documents needed to carry out said contract amendment with Dore + Whittier Architects for a contract of services for the Schematic Design - Restoration & Preservation of Windows and Masonry for the Fletcher Free Library in an amount not to exceed \$30,000.00 and amend the maximum limiting amount of the overall contract from \$183,000 to \$213,000.00, as well as authorize the, Director of the Fletcher Free Library, to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney's Office
Subject	7.6. Request for Approval of Contract Amendment for Emergency Winooski River Siphon Repair Work - DPW - Water Resources
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. 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 amendment with Engineers Construction Inc. for \$414,100 and to increase the maximum limiting amount of the contract to \$1,247,600, subject to the review and approval of the City Attorney's Office
Subject	7.7. Communication: Sandy Wynne, re: 10/23/23 PF Comments

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication

Recommended Action waive the reading and place the communication on file

Subject 7.8. Communication: Selena Kunkel, re: For the Burlington City Council

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication

Recommended Action waive the reading and place the communication on file

Subject 7.9. Communication: Brad Wiltfong, re: Street Safety Around Schools Driving Start Time

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication

Recommended Action waive the reading and place the communication on file

Subject 7.10. Communication: Charlene Wallace, Vice President of the Board of Goethe Community Trust, re: Agreement with VHCB and PTV

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication

Recommended Action waive the reading and place the communication on file

Subject 7.11. Neighborhood Development Area Expansion - Planning

Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Planning
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	7.12. Communication: Samuel Lincoln, re: In Support Of The District Energy Project
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.13. FIO Documents
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information
Recommended Action	for information only
Subject	7.14. Communication: Zach, re: Smoke
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.15. Communication: Sharon Bushor, Ward 1 Resident, re: MOU with UVM

Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.16. Communication: Crystal B., re: Funding for stores impacted by crime
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.17. Communication: Sharon Bushor, Ward 1 Resident, re: Gateway Block
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	7.18. Communication: Owiso Makuku, CEO, Main Street Landing, re: BTV City Council Letter 11.6.23
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	
Recommended Action	

8. Deliberative Agenda

Subject	8.1. Ordinance: CDO ZA-24-01 Technical Amendments (Planning Commission) (10 mins.) **AGENDA ITEM REMOVED**
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Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 8. Deliberative Agenda

Department Planning

Type Action
Ordinance - Second Reading

Recommended Action waive the reading and adopt the ordinance.

Subject 8.2. Resolution: Support For The Redevelopment Of The Gateway Block Through Further Due Diligence Of A Public-Private Partnership (Councilor Paul) (45 mins.)

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 8. Deliberative Agenda

Department Clerk/Treasurer's Office

Type Action
Resolution

Recommended Action waive the reading and adopt the resolution

Subject 8.3. Funds For Downtown Support - BWD (30 mins.)

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 8. Deliberative Agenda

Department Business and Workforce Development

Type Presentation
Action
Communication

Recommended Action to authorize the Director of Business & Workforce Development to accept a donation of \$50,000 from the Pomerleau Family Foundation and to reallocate \$50,000 in ARPA funds for the use of a PR/Marketing campaign and downtown lighting and security project. The purpose of which is to support economic activity in downtown Burlington and stabilize worker retention

9. Committee Reports

Subject 9.1. Verbal reports

Meeting November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 9. Committee Reports

Department Council and Board

Type Information

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

Subject	10.1. Verbal reports
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	10. City Council - General Affairs (up to 15 mins.)
Department	Council and Board
Type	Information

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

Subject	11.1. Verbal reports
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	11. City Council President - Council Updates (up to 5 mins.)
Department	Council and Board
Type	Information

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

Subject	12.1. Verbal reports
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	12. Mayor - General Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

13. Adjournment

Subject	13.1. Motion to adjourn
Meeting	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	13. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

14. Informational and Non-Discrimination Statements

Subject	14.1. 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	November 6, 2023 - Regular City Council Meeting - Monday, November 6, 2023, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	14. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

An aerial photograph of a city street, likely Main Street in Burlington, Vermont. The street is lined with historic buildings, including a prominent white building with a clock tower on the right. In the background, a large body of water (Lake Champlain) is visible, with mountains in the distance. The image is overlaid with a dark blue gradient.

Great Streets Main Street Project Update

CITY COUNCIL WORK SESSION
NOVEMBER 6, 2023

OVERVIEW

Main Street Revitalization

Project Limits: Battery Street to South Union Street



OVERVIEW

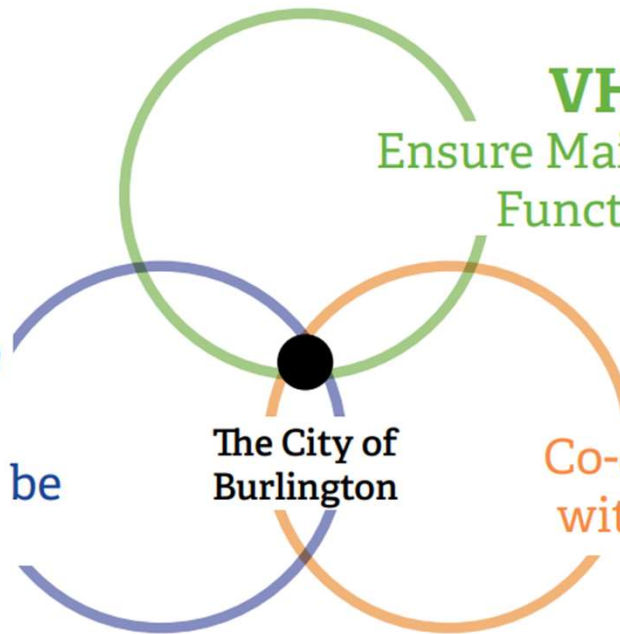
Hello, there!

The Main Street Redesign Team



**Agency Landscape
+ Planning**

Design Main Street to be
Unique & Beautiful



VHB
Ensure Main Street is
Functional

Grayscale
Co-design Main Street
with the Community

The City of
Burlington



CHURCH STREET
MARKET PLACE

BCA



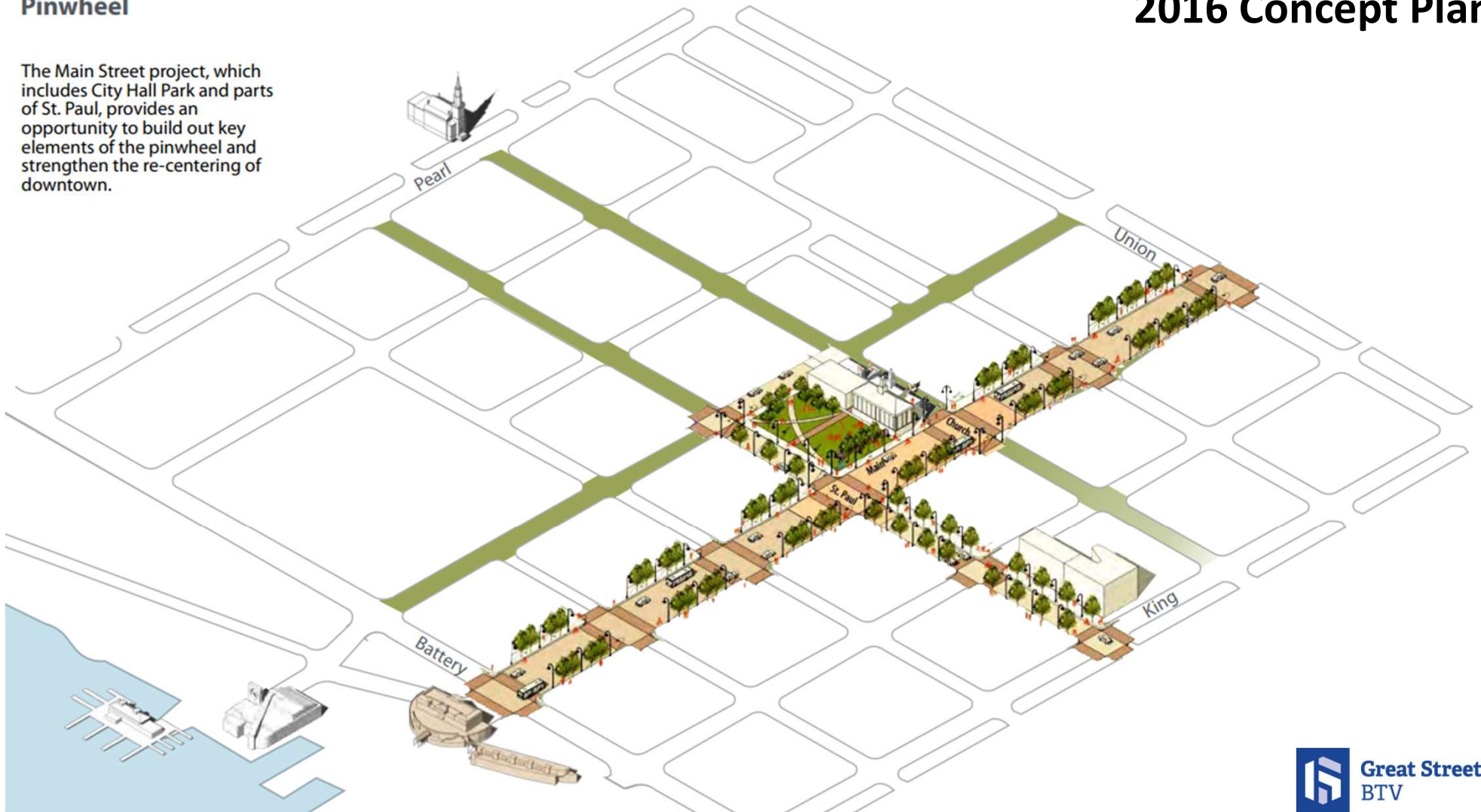
Great Streets
BTV

OVERVIEW

Main Street Concept Plan Pinwheel

The Main Street project, which includes City Hall Park and parts of St. Paul, provides an opportunity to build out key elements of the pinwheel and strengthen the re-centering of downtown.

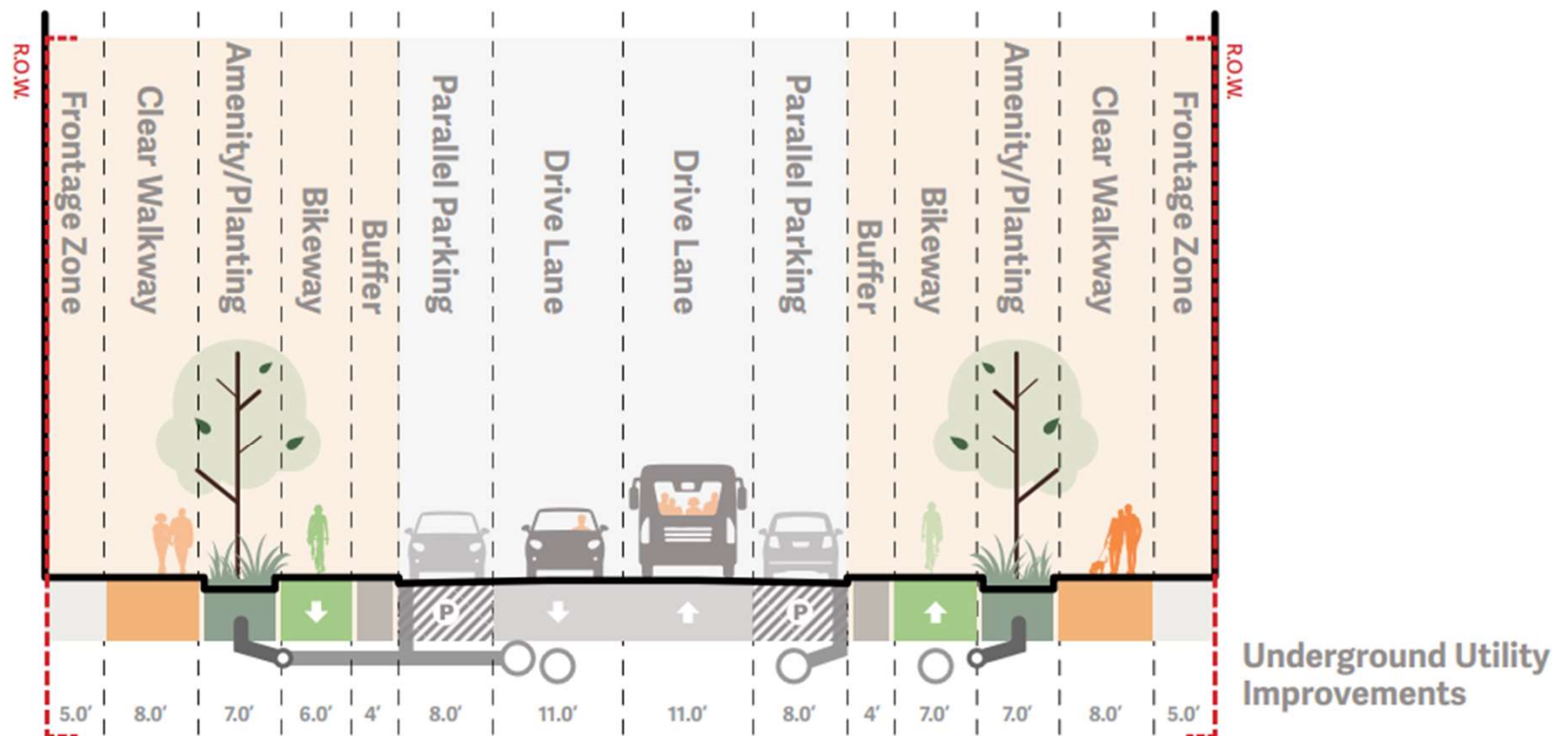
2016 Concept Plan



OVERVIEW

Typical Main Street Cross Section

The cross section will vary, especially where there are R.O.W. encumbrances



OVERVIEW

2016 Concept Plan

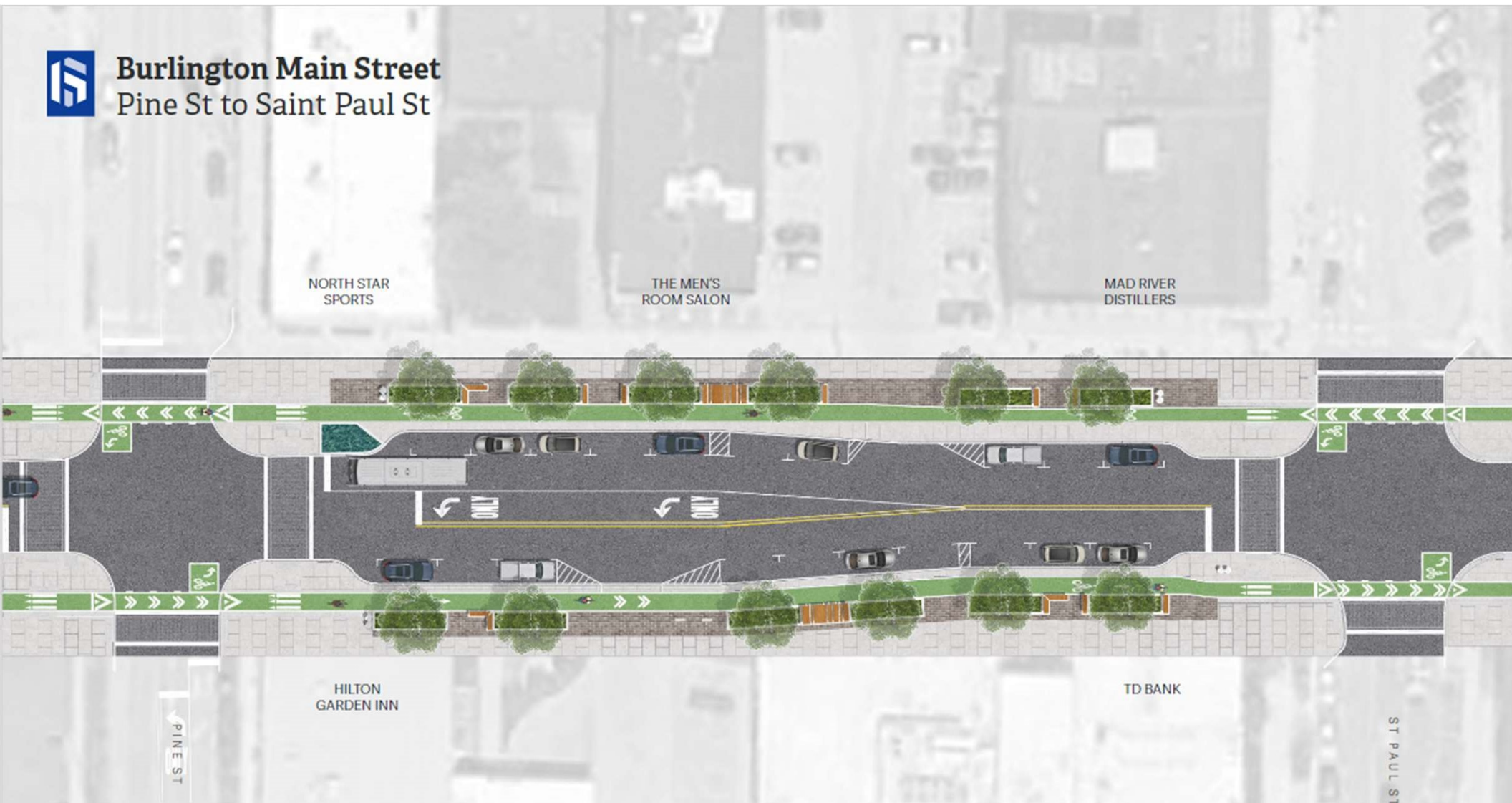


OVERVIEW

2023 PLANS



Burlington Main Street Pine St to Saint Paul St



GREAT STREETS TIMELINE

March 2015	72% of voters approved \$10M of TIF funding for St Paul Street and Main Street
May 2016	Suisman Urban Design hired to develop Great Streets conceptual designs
November 2016	Main Street conceptual design presented to City Council
June 2017	City Council approves contract amendment to develop 100% plans for St Paul St
April 2018	Great Streets Design & Construction Standards adopted by City Council
2018-2020	St Paul Street reconstruction
2020-2021	City Hall Park reconstruction
March 2022	62% of voters approved \$34.4M of TIF funding for Main Street + ravine sewer project
May 2022	City Council approves conceptual design for Main Street
May 2023	DPW Commission approves initial temporary and permanent parking changes
September 2023	Bids received for Main Street + ravine sewer project
October 2023	Staff evaluate options given construction bids
→ 11-6-23	City Council work session
Nov 13/20	Board of Finance/City Council vote on contract award
January 2024	Construction start on ravine sewer

PROJECT SCHEDULE



Timeline has been progressing as planned

QUESTIONS

WHERE TO FIND INFORMATION

<http://greatstreetsbtv.com/>

Connect with Staff:

Laura Wheelock, DPW

LWheelock@burlingtonvt.gov

Olivia Darisse, DPW

odarisse@burlingtonvt.gov



An aerial photograph of a city street, likely Main Street in Burlington, Vermont. The street is lined with historic buildings, including a prominent white building with a clock tower on the right. In the background, a large body of water (Lake Champlain) is visible, with mountains in the distance. The image is overlaid with a dark blue gradient.

Great Streets Main Street Project Update

CITY COUNCIL WORK SESSION
NOVEMBER 6, 2023



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
Burlington, VT 05401
802.863.9094 VOICE
802.863.0466 FAX
802.863.0450 TTY
www.burlingtonvt.gov/dpw

To: Burlington City Council
Fr: Public Works Commission
Re: FY'23 DPW Commission Annual Report
Date: September 20, 2023

Burlington Public Works Mission Statement

- To steward Burlington's infrastructure and environment by delivering efficient, effective and equitable public services

FY 23 Public Works Commissioners

- Brendan Hogan – Chair *Brendan Hogan*
- Peggy O'Neill-Vivanco – Vice-Chair *Peggy O'Neill-Vivanco*
- Jim Barr *Jim Barr*
- Christopher Damiani *Christopher Damiani*
- Eliana Fox *Eliana Fox*
- Daniel Munteanu
- Solveig Overby – Tenure ended June 2023

Overview of the Commission: The Public Works Commission represents the citizens of Burlington in reviewing departmental performance. The seven Commissioners are appointed jointly by the Mayor and the City Council, and serve for three-year terms. With departmental support and recommendation, the Commission is responsible for reviewing and changing ordinances that are contained within Appendix C of the Burlington Code of Ordinances ('Rules and Regulations of the Traffic Commission').

More info: The Commission typically meets regularly on the third Wednesday of each month at 6:30 pm at 645 Pine Street. Visit <https://www.burlingtonvt.gov/DPW/Commission/Agendas> for more.

Year In Review:

The Commission provided guidance on many timely Public Works matters and considered regulatory changes to advance municipal projects. The DPW Commission is focused on ways we can support increased traffic safety for all mobility modes. With less traffic enforcement capacity in our community, robust traffic calming and roadway safety improvements will be critical to making our roads even safer.



**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

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Re: FY'23 DPW Commission Annual Report
Date: September 20, 2023

Burlington Public Works Mission Statement

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Year In Review:

The Commission provided guidance on many timely Public Works matters and considered regulatory changes to advance municipal projects. The DPW Commission is focused on ways we can support increased traffic safety for all mobility modes. With less traffic enforcement capacity in our community, robust traffic calming and roadway safety improvements will be critical to making our roads even safer.

- **Youth Engagement:** The DPW Commission has discussed how we can meaningfully engage the younger generation in our work after the Council’s passage of the “Expanding Youth Representation on City Boards” resolution in May 2021. Acknowledging that finding youth who have the flexibility and mobility to participate in our evening meetings for a year or more may be difficult, we have taken an innovative approach. We reached out to the Burlington City and Lake Program at Burlington High School and collaborated with them during two interactive sessions on timely City initiatives:

- October 19, 2022: Great Streets Main Street (Commissioners O’Neill-Vivanco, Hogan, and Damiani attended)
- February 8, 2023: North Winooski Avenue / Old North End Mobility Audit (Commissioners Damiani and O’Neill-Vivanco attended)

For each session, several DPW Commissioners and staff members joined approximately 20 high school students and their teachers to hear from the students about their insights and feedback on these developing community projects. The input from these sessions was helpful in guiding both the projects’ process and design. This kind of direct engagement is much richer, allows for diverse perspectives and allows a range of youth the opportunity to interact with City projects and policy debates – rather than having a single youth representative on our Commission. We plan to continue this youth engagement as part of our equity work into the future.

- **PlanBTV Walk/Bike Implementation** – The Commission reviewed the department’s 5-year progress report on the City’s walk/bike master plan, provided a forum for community input, and shared feedback to staff on next steps.
 - August meeting
 - Outcome: Input provided, no formal action taken.
- **Railyard Enterprise Project** – The Commission received an update on the project, provided a forum for community input, and considered recommending that the Council select Alternative 1B as the City’s preferred alternative.
 - August meeting
 - Outcome: The Commission voted to recommend the City Council select Alternative 1B as the City’s preferred alternative.
- **Individual Parking Ordinance Changes** – The Commission reviewed and acted on a wide variety of traffic requests that were separate and in addition to traffic requests that were part of large capital projects.
 - August, September, November, December, January, February, March, April, May and June meetings
 - Outcome: The Commission acted on each request.
- **BHS Downtown Garage Rooftop Garden** – The Commission reviewed a proposal to decommission 11 spaces in the Downtown Garage in order to accommodate an outdoor learning space for the downtown Burlington High School.
 - September meeting

- Outcome: The Commission approved the request.
- **Wastewater Treatment Plants** – The Commission toured the City’s main wastewater treatment plant and received a presentation from staff on the upcoming need for major upgrades at the City’s three wastewater plants.
 - October meeting
 - Outcome: Input provided, no formal action taken.
- **Plattsburg Ave Bike Lanes** – The Commission reviewed a recommendation from staff to remove on-street parking along a section of Plattsburg Avenue to install bike lanes and provide a forum for community input.
 - November meeting
 - Outcome: The Commission approved the request.
- **Great Streets Main Street** – The Commission reviewed the overall proposal for Great Streets Main Street including recommendations for intersection control, provided multiple opportunities for public comment, and ultimately reviewed both temporary and permanent parking changes to facilitate the project’s development.
 - December, March, April and May meetings
 - Outcome: The Commission approved some ordinance changes for the upcoming project with additional actions to be considered at a future date.
- **North Winooski Ave Corridor Study Implementation** – The Commission reviewed staff-recommended parking changes, provided opportunities for public comment, and acted on the recommendations.
 - November, January, February meetings
 - Outcome: The Commission approved ordinance changes to consolidate and regulate on-street parking and add bike lanes to a two-block section of North Winooski Avenue.
- **Building Code Appeal** – The Commission heard testimony on an appeal from a residential property owner related to the code requirements for an egress window.
 - January meeting
 - Outcome: The Commission denied the appeal and upheld staff’s determination.
- **Public Parking Policy Review** – The Commission received reports on various public parking policies and conditions including: Fines for Food, Holiday parking promotion utilization, downtown garage occupancy, parking fine adjustments, and enforcement of Parks’ parking lots.
 - October, February, March, May meetings
 - Outcome: The Commission adjusted parking fine rates and approved Ordinance language change to clarify enforcement of Parks’ parking lots.
- **East Avenue Traffic Calming** – The Commission reviewed a staff recommendation to adjust on-street parking to accommodate chicanes as a traffic calming measure.

- April meeting
- Outcome: The Commission approved the parking changes necessary to construct the traffic calming features.
- **Director and City Engineer Reviews** – The Commission reviewed the performance of the DPW Director and City Engineer.
 - May meeting
 - Outcome: The Commission provided their feedback to the Mayor’s Office for their consideration of reappointments.
- **Parking Facilities Fund Capital Bond** – The Commission reviewed a request from staff to recommend the City Council approve a \$750,000 bond to pay for capital repairs to the municipal parking garages.
 - June meeting
 - Outcome: The Commission voted to recommend that the City Council approve a \$750,000 bond to pay for repairs to the City’s downtown garages.
- **FY’24 DPW Goals and Objectives** – The Commission reviewed the annual goals and objectives developed by DPW leadership
 - June meeting
 - Outcome: Feedback provided including a request for future presentations on metrics. DPW leadership updated annual goals and objectives to be used in FY’24 reviews.

FY’23 DPW Commissioner Attendance:

	Barr	Damiani	Fox	Hogan	Munteanu	O’Neill	Overby
August	Present	Present	Present	Present		Present	Present
September	Present	Present	Present	Present	Present	Present	Present
October	Present	Present	Present	Present	Present	Present	Present
November	Present	Present	Present	Present	Present		Present
December	Present	Present		Present	Present	Present	Present
January	Present	Present	Present	Present		Present	Present
February	Present	Present	Present	Present	Present	Present	Present
March	Present	Present	Present	Present	Present	Present	Present
April	Present	Present	Present	Present	Present	Present	
May	Present	Present	Present	Present	Present	Present	Present
June	Present	Present	Present	Present	Present	Present	Present

FY’24 DPW Commission Leadership:

At the first meeting in FY’24, the Commission elected the following officers:

- Chair: Peggy O’Neill-Vivanco, PONeill-Vivanco@burlingtonvt.gov
- Vice Chair: Chris Damiani, cdamiani@burlingtonvt.gov

We hope this report is helpful. Please reach out with any questions.

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
13	10/10/2023	Communication: Vehicle for Hire Licensing Board, re: Vehicle for Hire Modernization

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

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

2-Nov-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.	Referred to PACC with updates to the full Council in September and early 2024
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.	Work session was held on June 5. UPDATE: research from CEDO is forthcoming and will be discusseed at the September 2023 CDNR meeting.
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	Report to come to Public Safety in October 2023
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	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
referred to TEUC	not - specified

e oversight and accountability.

MEMO

Date: October 30, 2023

To: Board of Finance and City Council

From: Max Madalinski, Parks Project Coordinator

CC: Cindi Wight, Director of Parks & Recreation; Sophie Sauvé, Parks Comprehensive Planner

Re: Calahan Park Shared-Use Path Design Consultant Contract with Stantec, Inc.

I. Purpose

This memo seeks approval to execute a contract agreement with Stantec, Inc in the amount of \$72,000.00 and a \$7,000 contingency to conduct engineering investigations, develop construction plans, specifications, and estimates, and provide design engineering services during the construction phase of a paved multi-use pathway along a portion of Locust Street in Calahan Park. Board of Finance and City Council approval was granted on May 1, 2023 to enter into a grant agreement with the State of Vermont Transportation Assistance Program (TAP, Grant #CA0755 Burlington TAP TA23(15)) for the shared funding of this project (80% State, 20% City) and this contract will serve as the first step toward completing the project.

II. Background

BPRW submitted a proposal to design and construct 700 feet of an 8- to 10-foot-wide shared-use path along the north side of Calahan Park along Locust Street. This is the first phase of the shared-use path, as described in the Calahan Park Comprehensive Plan. Phase 1 will run from Locust Terrace, connecting the existing crosswalk that leads into the park at Locust Street, continuing east to connect to crosswalks at Charlotte and Caroline Streets. The path will connect these crosswalks, the playground, and the Locust Street on-street parking area to the north-south connecting path that leads to the tennis and basketball courts in the upper and eastern section of the park. The path will provide accessible entry into the upper section of this terraced park.

This work will also include expansion of the bioretention area in the park at the corner of Locust Street/Locust Terrace. Calahan Park is terraced from the high point at the eastern end and is prone to flooding and erosion. The bioretention expansion will allow stormwater discharge from impervious surfaces to be treated onsite in accordance with stormwater best management practices.

III. Consultant Selection Process

Consistent with procurement requirements for the grant funding of this project, the State of Vermont's At-The-Ready (ATR) Consultant process was used to select Stantec, Inc. for this project. The state issues an annual RFP to engineering consultants to submit proposals that demonstrate their firm's capabilities, qualifications, and adequate staffing for inclusion on the ATR Approved Consultants list. As a grantee, BPRW staff reviewed the proposals of pre-approved consultants and ranked the top three firms from the list to pursue the project. Staff then sent an RFP, compliant with grant requirements, to the highest-ranked consultant (Stantec) on August 11, 2023 with a submission deadline of September 1, 2023.



BPRW staff reviewed the initial proposal from Stantec in coordination with the State's Project Manager (PM). After a brief negotiation between all parties, some elements of the work scope were narrowed and simplified to reduce cost, recognizing that this is a simpler project than typical for this grant program. The final cost for the design proposal is \$72,000.00.

The overall design cost for this project is higher than BPRW staff typically expect for a project of this scale. The additional cost is due to many additional administrative and design costs required by the grant process, including: an archaeological assessment, additional reports required for the NEPA documentation process, and supporting financial documentation. Staff discussed possibilities for further scope reduction or a more protracted RFP process to try and reduce costs for this project with the VTRANS PM and was advised that there would not be additional cost reductions. The recommendation from the State PM was to move forward with the project at the proposed cost as it is in line with how much projects typically cost to design under this grant program. The State PM also confirmed that if the design cost impacts funding available for construction, the City can apply for additional grant funding under the program.

IV. Project Funding Sources, Budget, and Estimates

The City's Capital Committee reviewed and approved a request for local match on March 31, 2023. Funding for this project's 20% local match comes from a variety of Capital sources, including the March 2022 General Obligation bond and the FY23 Annual CIP bond (see breakout below).

Local Match – Identified Capital Sources	
Parks March 2022 General Obligation Bond	\$65,000.00
FY23 Annual CIP Bond	\$5,005.00
Capital Contingency (FY23)	\$1,595.00
Total Capital Match:	\$71,600.00

The remaining 80% will be funded by Federal Grant administered through the VTrans Transportation Alternatives Grant Program (TAP), Agreement #CA0755; Burlington TAP TA23(15) as per the table below and as approved by Board of Finance and City Council on 5/1/2023:

Project Funding Sources	
City of Burlington Capital Funds – Local Match	\$71,600
VTrans TAP Grant	\$286,400
Total Approved Project Design & Construction Budget	\$358,000

Estimated Design Budget	
Construction-Ready Engineering Design	\$72,000
10% Contingency	\$7,000
Total Estimated Design Budget	\$79,000
Funding Sources Split for this contract	
City of Burlington Capital Funds	\$15,800
Federal Grant Match	\$63,200
Total Design Funding Sources	\$79,000



Estimated Future Costs	
Construction	\$233,700
Resident Engineering, Construction Management and Contingency	\$45,300

The design budget above includes \$72,000 for the contractual services and an additional 10% contingency of \$7,000 to account for any additional services that may be needed.

The \$63,200 in grant funding is a reimbursable grant awarded by VTRANS which will pay 80% of the total design cost, with the City providing the remaining \$15,800 as a 20% local match. The total authorized project budget inclusive of design and construction is \$358,000.

As this project moves into the construction phase, the project team will review revised cost estimates and work the City's Capital Planning Team and the State PM to determine the best strategy for funding full construction of this project. If needed, the project team will work with the Capital Committee to secure any additional local match that may be required, and then return to the Board of Finance and City Council with additional project requests.

V. Schedule

- ATR RFP Issued: August 11, 2023
- Proposal Due: September 1, 2023
- Scope Negotiation Finalized: September 21, 2023
- Board of Finance Approval Request: October 16, 2023
- Contract Signing: Week of October 23, 2023
- Project Kick-off/Survey Begins: November, 2023
- Estimated Design Completion: October 2024
- Estimated Construction Bid: Winter of '24, Spring of '25
- Estimated Construction Timeline: Spring/Fall of 2025

VI. Department Recommendation

Board of Finance Motion:

1. To approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a Consultant Agreement with Stantec, Inc. for Calahan Park Shared-Use Path Design services in an amount not to exceed \$72,000, and further authorize an earmarked contract contingency in the amount and any of \$7,000, subject to review by the City Attorney's Office.
2. To approve and recommend the City Council authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the referenced funding sources to create the project budget for FY24, for use of Capital Funds as



described in this memorandum and related attachments, subject to the review and approval of the Chief Administrative Officer.

City Council Motion:

1. To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the referenced funding sources to create the project budget for FY24, for use of Capital Funds as described in this memorandum and related attachments, subject to the review and approval of the Chief Administrative Officer.

Capital Project Funding Opportunity Request Form

AMENDMENT DATE	3/31/23 Nicole Losch			
Brief Reason for Amendment	A calculation error was made and the grant was submitted with a higher project cost and match amount than was originally approved by the Capital Committee.			
Amended Request	Original local match: \$60,000 from the Parks FY23 capital bond allotment New total project cost: \$358,000 Amended local match request: \$65,000 from the Parks FY23 capital bond allotment \$5,005 Remaining FY23 Annual CIP \$1,595 Capital Contingency New total match: \$71,600 Capital Committee Request to Approve the following match sources for the Calahan Park Phase 1 Path project: \$5,000 Parks FY23 allotment \$5,005 Annual CIP \$1,595 Capital Contingency			
Form Completed By & Today's Date:	Nicole Losch & Sophie Sauve 11/29/22			
Grant/Funding Opportunity & Due Date:	Transportation Alternatives Program (VTrans) Due 12/14/22			
Project Title & Brief Description:	Calahan Park Shared Use Path – Phase 1 Construct a shared use path along the north side of Calahan Park adjacent to Locust Street. Phase 1 will connect the existing crosswalk from Locust Terrace to the Calahan parking lot and playground.			
Department/Staff Involved:	BPRW, Sophie Sauve			
Total Project Cost:	\$360,000	Amt. of Grant Funds Requested:	\$300,000	Match Required (Y/N) & What %: Yes, 20%
Requested Match (source & amount):	\$60,000 Capital	Other Funds Secured (Y/N) & Amount:	No	

Explain how this funding would provide an opportunity to leverage other funds.

This grant allows the city to leverage \$300k, which benefits BPRW and DPW.

Explain Project's Department/Capital Prioritization: (History of Project in Capital Budget)

This project has been in the DPW Transportation Capital Plan since 2013 and more recently has been identified as a high priority by BPRW in the Calahan Park Master Plan.

How does Project Achieve Burlington's Equity Goals:

Burlington has a goal for a sidewalk on both sides of every major street, but Locust Street only has a sidewalk on the north side of the street. Calahan Park is a major destination for local and regional activities including team sports. An accessible path will allow universal access to the park and connections to adjacent streets.

Supplemental Funding & Match Amount Requested: (Please attach a project budget to be submitted with grant application.)

[Pages from 220401-Calahan-Comprehensive Plan-Report estimated cost.pdf](#)

The Phase 1 budget is in development to extrapolate the expenses for Phase 1 only.

Impact of Supplemental Funding on Project Success: (Likelihood of project success with or without this funding.)

Neither BPRW nor DPW have funds to construct new shared-use paths without acquiring grant funds. This project would not be constructed anytime in the near future without grant funds.

Reviews & Recommendations/Approvals -

	Review Date:	Recommendation/Approval:
Capital Committee: Amended Request	4/6/2023	Motion to approve amended request as written. Motion was seconded. Motion was approved 4-0-3.
Mayor's Office:		

Board of Finance and City Council Submission Checklist

Department: Parks & Recreation Submitter: Max Madalinski

Title/Subject: Calahan Park Pathway – Design Contract & Budget Approval

	Approval:	Meeting Date:
☒	Board of Finance	10/30/2023
☒	City Council	11/6/2023
☐	Concurrent	

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

Signoffs Received

Signoff Needed	Received	Date Received	Note
Department Head	Yes	10/18/2023	Cindi Wight
Mayor's Office informed and approved memo	Yes	10/25/2023	Jordan Redell
Board/Commission, if required	N/A		
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	10/16/2023	Hayley Mclenahan;
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	10/23/2023	Hayley Mclenahan
CAO has reviewed budget, financing, and memo	Yes	10/24/2023	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		
CIO, if an IT-related investment/purchase	N/A		

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	No	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Grant/Budget Documents
Draft Resolution or Motion?	Yes	Included in memo
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, Director of CEDO
Rachel Jolly, Assistant Director, CJC
Kerin Durfee, Director of Human Resources
Tim Clancy, Human Resources Manager

Date: October 24, 2023

RE: Creation of one position at CJC

Executive Summary

We propose creating one new position in the Community Justice Center (CJC):

- Youth Restorative Services Coordinator--Balanced and Restorative Justice (BARJ) Case Coordinator, a Limited Service, Full-time, Union, Grade 16, position.

Background:

Balanced and Restorative Justice (BARJ)

For the past year, the Burlington Community Justice Center has held the Balanced and Restorative Justice (BARJ) contract for the VT Department for Children and Families, serving youth who are involved with the criminal-legal system or at risk of being so. In addition, for two years prior, we have delivered the restorative justice portion of the contract as a subcontractor of Spectrum Youth and Family Services. The state-wide contracts have historically been under-funded, but thanks to advocacy on the part of several CJC directors, the Legislature has awarded additional money to the various agencies holding the BARJ contracts.

On October 10, 2023, City Council approved the acceptance of a \$311,061 award, for 18 months of service. This was an addition of \$140,433 from our 12 month contract, and allows for an extra FTE to address the large caseload referred through this particular contract. While we anticipate that the contract will renew in July 2024 at a level that will allow for the continuation of 3 FTE that can be supported with our current funding, until that has been confirmed, we are proposing a Limited Service status for this position.

Financial Impact:

The BARJ contract will cover 100% of the cost of the new position.

Motions

Board of Finance Motion:

To approve and recommend that City Council approve the creation of the Youth Restorative Services Coordinator—BARJ position within CEDO, a Limited Service, Full-time, Union, Grade 16, position.

City Council Motion:

To approve the creation of the Youth Restorative Services Coordinator—BARJ position within CEDO, a Limited Service, Full-time, Union, Grade 16, position.

City of Burlington Job Description

Position Title: Youth Restorative Services Coordinator - BARJ

Department: CEDO – Community Justice Center

Reports to: Youth Restorative Programs Manager

Pay Grade: 16

Job Code:

Exempt/Non-Exempt: Limited Service, Non-Exempt

Union: Yes

General Purpose:

This position is responsible for providing restorative interventions across youth programs with young people who are at risk to engage, or who are already engaged, with the juvenile justice system, particularly through our Balanced and Restorative Justice (BARJ) program and through our Restorative Practices work in the Burlington School District. Program staff work with young adults ages 11-23 to repair harm that they might have caused to themselves, others and the community, as well as assist in skill development to ensure harm does not happen again. This position also provides support to affected parties across youth programs.

This position will use restorative practices, a trauma-informed lens, and collaborate with multiple community partners, including area schools, to create a system for culturally responsive, early interventions. Staff will support programming that strengthens life skills development such as conflict resolution, social skills, decision making, community service/leadership skills and effective communication. For their justice-involved youth caseload, staff will provide a Youth Assessment and Screening Instrument (YASI) to determine risk and protective factors.

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

Essential Functions

- Work collaboratively with team members and agency partners to maintain and support a caseload of program participants, making appropriate referrals as necessary.
- Provide client intakes, screenings and assessments, case management, and support.
- Provide restorative interventions that reduce and eliminate further involvement in the justice system.
- Provides consultation and educational workshops to schools, with an emphasis on building accountability skills for youth and guiding staff to support alternatives.
- Accurately maintain participant program records and progress reporting systems in compliance with agency standards.

- Create and facilitate skill building workshops and activities.
- Support youth to complete restorative plan agreements.
- Attend court, trainings, and facilitate restorative meetings as assigned.
- Actively ensure impacted parties' voices are included in restorative processes of participants.
- Work to ensure effective, confidential, consistent, and timely communication with affected and responsible parties.
- Prioritize identifying and designing for equity in youth programs.
- Communicate with schools, State's Attorney, Dept. for Children and Families, courts and referring partners on a daily basis, as needed or requested.
- Complete all required forms, correspondence and reports in a timely manner and retain copies of such writings in an organized format.
- Complete any other duties as assigned by the Youth Restorative Programs Manager.

Non-Essential Job Functions:

- Participate in agency meetings and events as directed, including monthly CEDO and CJC staff meetings, and at least one CJC committee.
- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Associate's degree in education, criminal justice, youth development, domestic or sexual violence, or human services or related field and three years related work experience. Additional experience may be substituted for a degree requirement on a two for one-year basis.
- Training, education, course work in the areas of substance use, youth development, domestic and sexual violence, mental health, trauma, poverty, crime and other challenges.
- Ability to develop strong relationships with a wide range of individuals and groups, who may have conflicting interests and opinions.
- Demonstrated ability to engage with youth who have experienced trauma, and come from diverse racial, economic, and other backgrounds.
- Knowledge of community resources and the ability to make appropriate referrals.
- Strong attention to detail, time management, record-keeping and computer skills.
- Evening availability required.
- Reliable transportation required.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- General knowledge and utilization of virtual platforms and databases
- Maintain procedures that protect confidentiality and personal boundaries
- Ability to understand and comply with City standards, safety rules and personnel policies.
- The City of Burlington is committed to diversity, equity, and inclusion. We strongly encourage people from underrepresented groups to apply recognizing and respecting that diverse perspectives and experiences are valuable to our team and essential to our public service.

Physical & Mental/Reasoning Requirements; Work Environment:

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

☒ seeing	☒ ability to move distances
☐ color perception	☐ lifting (specify) ☐ pounds
(red, green, amber)	within and between warehouses/offices
☒ hearing/listening	☐ carrying (specify) ☐ pounds
☒ clear speech	☐ climbing
☒ touching	☐ ability to mount and ☐ driving (local/over
☒ dexterity	dismount forklift/truck the road)
☐ hand	
☒ finger	
☐ reading - basic	☒ math skills - basic
☒ reading – complex	☒ analysis/comprehension
☐ writing - basic	☐ math skills - complex
☒ writing - complex	☒ judgment/decision
☐ shift work	☒ clerical making
☒ works alone	☐ outside
☒ works with others	pressurized equipment
☒ verbal contact w/others	☐ extreme heat
☒ face-to-face contact	☐ moving objects
	☐ extreme cold
	☐ high places
	☐ noise
	☐ fumes/odors
	☐ mechanical equipment
	☐ hazardous

x inside

materials

 electrical

equipment

 dirt/dust

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

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

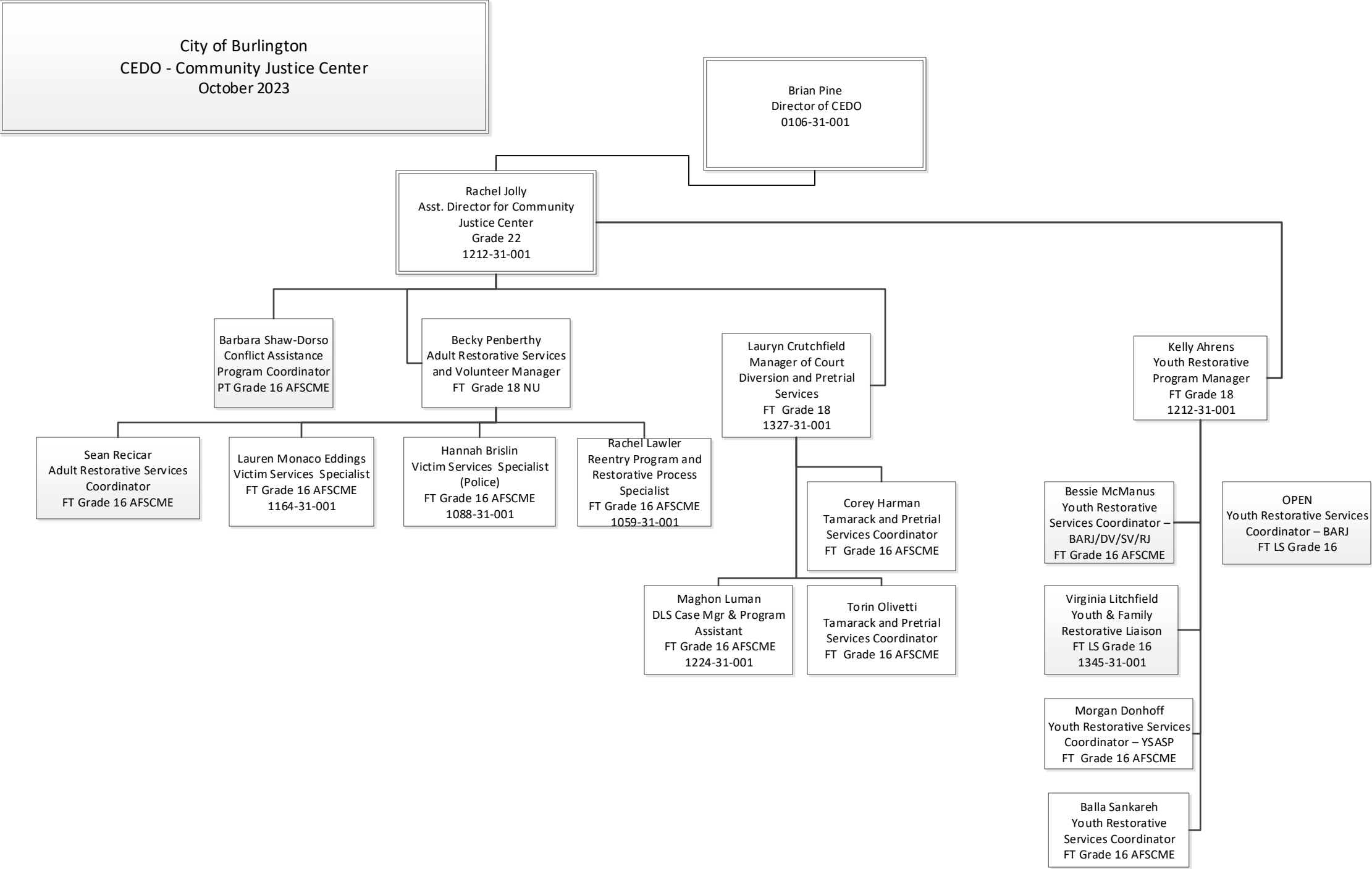
Approvals:

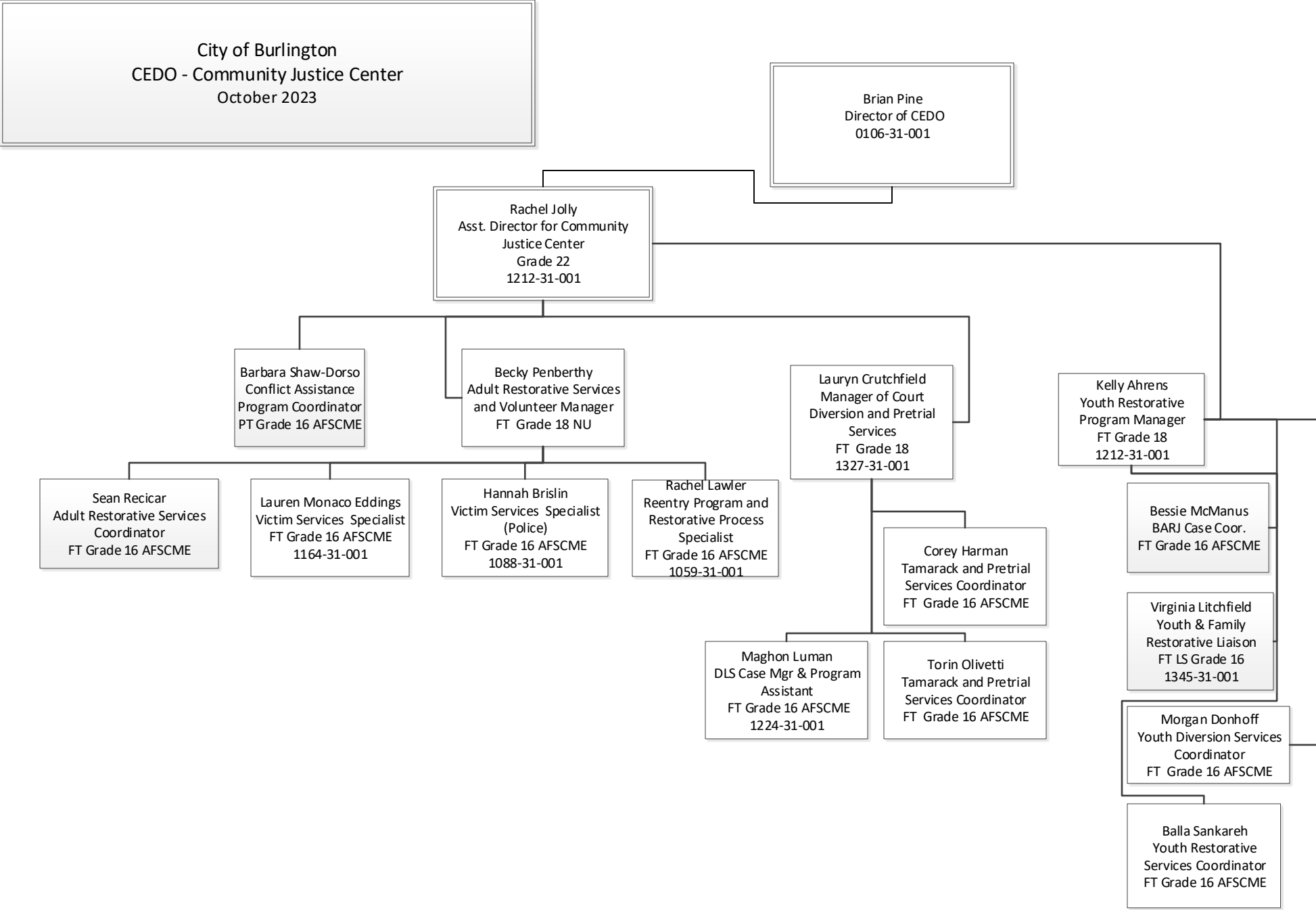
Department Head: _____

Date: _____

Human Resources: _____

Date: _____





Board of Finance and City Council Submission Checklist

Department: CEDO/CJC Submitter: Rachel Jolly

Title/Subject: Creation of new Youth Team position

	Approval:	Meeting Date:
☒	Board of Finance	10/30/2023
☒	City Council	11/6/2023
☐	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	10/24/2023	Approved by Brian Pine
Mayor's Office informed and approved memo	Yes	10/25/2023	Approved by Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	10/25/2023	Approved by Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	10/25/2023	Approved by Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	10/24/2023	Approved by Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	10/24/2023	Tim Clancy approved
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	Yes	Current and proposed org chart and JD
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



To: Board of Finance, City Council

From: Mary Danko, Library Director

Date: 10/25/23

Re: Fletcher Free Library Restoration & Preservation Project Dore + Whittier Contract, First Amendment: **Restoration & Preservation of Windows and Masonry to 1904 building**

1. PURPOSE

This memo seeks approval to execute a contract amendment for the Fletcher Free Library's (FFL) Restoration & Preservation Project with Dore + Whittier Architects (D+H) for \$30,000.00 by invoking the option of continuing with the same vendor as outlined in our Schematic Design RFP. This amendment will address the **Fletcher Free Library Schematic Design - Restoration & Preservation of Windows and Masonry to 1904 building**

2. BACKGROUND

The Fletcher Free Library (FFL) was founded in 1873 and has proudly inhabited one of the four Carnegie public libraries in Vermont since 1904. Our beautiful Beaux-Arts building was slated for demolition in the 1970s due to a myriad of structural issues. A group of concerned citizens took action to not only restore the original building, but to add the 1981 addition that maintained the individuality and grandeur of the original building that was meticulously designed by famed architect, Walter R.B. Wilcox.

While FFL programs grow and adapt, the physical building limits opportunities. Our next renovation will transform the interior. Upgraded facilities will bring the building up to today's energy efficiency standards, meet modern technological needs, and serve the community into the future – while preserving a Burlington architectural gem.

The Library has worked on a Vision Plan and then a Schematic Design Project for our transformation. During the Schematic Design phase, a building assessment was completed and several areas in need of restoration and preservation were noted.

Exterior restoration and historic preservation are a critical first step to the larger renovation. The exterior of the building is decaying and in urgent need of attention to preserve a deteriorating historic landmark, protect and restore one of the largest public buildings in our City, and move the Library renovation toward the next phase of interior transformation. The historic windows need to be repaired as well as bricks and terra cotta need to be repointed and

replaced as needed, as per recommendations in a 2022 FFL library assessment, to prepare for the larger renovation.

The Restoration & Preservation Project is a continuing project from the Schematic Design (SD) Phase. The Library anticipated extending the contract and included the following paragraph in the original RFP:

Future Design/Administration Phases:

The Fletcher Free Library Building Committee (FFL BC) reserves the right to extend the contract with the awarded architect to include future design phases without advertising or to advertise for Architectural Services as best fits the needs of the Committee. The specific scope and fee of future phases will be determined at that time. Respondents must demonstrate to the satisfaction of the FFL BC their capability to perform this scope of work to be deemed qualified. There may be a year or more between the Schematic Design and Detailed Design phases.

4. OVERALL FUNDING SOURCES, BUDGET & ESTIMATE

The entire FFL Restoration & Preservation Project will be funded by several funding sources that are in various stages of acceptance. Each funding source has its own requirements and timelines. All of the funding sources have expressed their willingness to work together on this project as the goal for all of historic preservation of a significant building in the National Register of Historic Places.

1. NEH - National Endowment Humanities – 3:1 Match Required
 - Federal Government/NEH Grant - \$245,425
 - City of Burlington Match - \$736,275
 - **Total NEH Grant & COB Match funding - \$981,700**
 - Grant accepted by BOF/CC on 9/18/23
2. Senator Patrick Leahy CDS - Congressional Directed Spending - 1:1 Match Required
 - Federal Government/National Parks (NPS)-Save America's Treasures (SAT) Grant-\$500,000
 - City of Burlington Match - \$500,000
 - **Total NPS/SAT Grant & COB Match Funding - \$1,000,000.00**
 - Grant acceptance by BOF/CC forthcoming
3. Vermont Historic Preservation –1:1 Match required
 - Vermont Historic Preservation (VHP) Grant - \$20,000
 - City of Burlington Match - \$20,000
 - **Total VHP & COB Match Funding - \$40,000.00**
 - Grant acceptance by BOF/CC forthcoming

TOTAL FFL RESTORATION & PRESERVATION PROJECT FUNDING: \$2,021,700.00

5. PROJECT SCOPE for Fletcher Free Library Schematic Design - Restoration & Preservation of Windows and Masonry to 1904 building

The City of Burlington and Dore + Whittier entered into a Schematic Design agreement on 1/13/22 to develop Schematic Design documents that were to build off the FFL Visionary Redesign Project done in 2019.

Dore + Whittier performed the services of developing conceptual Schematic Design documents, which included floor plans, elevations, and sections to describe the building at a Schematic level. Design documents showed compliance with program elements, applicable building and zoning codes/setbacks, environmental and conservation requirements, and included provisions for required permits and variances. Design consideration considered alternative energy and energy conservation design and storm water collection and distribution systems. Also, provided site plans showing utilities, parking and access, site improvements and landscaping.

Recommendations were given based on work with City Utilities to include obtaining rebates, grants and efficiencies. Evaluations of the historical structure and the needs and requirements to maintain the integrity and the feel of the building, was developed.

Now we need to enter into this first contract Amendment in order to continue to undertake further schematic design work specific and detailed for the Restoration and Preservation of the Windows and Masonry of the 1904 building. This includes:

- a. Additional site verification and spot-measurement
- b. Consultation with a Construction Manager (CM) to further develop the scope of work and means & methods of construction.
- c. Consultation with VT Division for Historic Preservation on plans for the façade & roof repairs.
- d. Development of schematic design floor plan for scope location, annotated building elevations and/or photographs assembled on drawing sheets indicating façade renovations and reconditioning, conceptual enlarged window elevations and details.
- e. Development of SD-level written specifications for the work.
- f. Review of the drawings and scope of work, and make modifications if needed.
- g. Prepare an estimated conceptual cost prepared by the CM.

The projected costs for Schematic Design - Restoration & Preservation of Windows and Masonry to 1904 building is \$30,000.00. This will be paid by grant funds and city matching funds. The NEH portion has already been approved and the approval is attached in Appendix C.

The Contract Amendment (Appendix A) and Contract Amendment Attachment G (***Historic 1904 Building Exterior and Structural Repairs D+W Proposal for Professional Services***) (Appendix B) are at the end of this memo.

6. DEPARTMENT RECOMMENDATIONS & MOTIONS

Board of Finance:

“To approve and recommend that the City Council approve the execution of a Contract Amendment and any related documents needed to carry out said contract amendment with Dore + Whittier Architects for a contract of services for the Schematic Design - Restoration & Preservation of Windows and Masonry for the Fletcher Free Library in an amount not to exceed \$30,000.00 and amend the maximum limiting amount of the overall contract from \$183,000 to \$213,000.00, as well as authorize the, Director of the Fletcher Free Library, to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney’s Office.”

City Council:

“To approve and authorize the execution of a Contract Amendment and any related documents needed to carry out said contract amendment with Dore + Whittier Architects for a contract of services for the Schematic Design - Restoration & Preservation of Windows and Masonry for the Fletcher Free Library in an amount not to exceed \$30,000.00 and amend the maximum limiting amount of the overall contract from \$183,000 to \$213,000.00, as well as authorize the, Director of the Fletcher Free Library, to execute the contract and any related documents needed to carry out said contract, upon final review and approval of the City Attorney’s Office.”

Appendix A – Contract Amendment

Appendix B – Contract Amendment Attachment G named ***Historic 1904 Building Exterior and Structural Repairs D+W Proposal for Professional Services***

Appendix C – BOF/CC Approval to Accept NEH Funds

**First AMENDMENT TO THE AGREEMENT BETWEEN Dore + Whittier AND THE
CITY OF BURLINGTON REGARDING Fletcher Free Library Schematic Design -
Restoration & Preservation of Windows and Masonry to 1904 building**

A first amendment to the Agreement between **Dore + Whittier** and The City of Burlington regarding **Fletcher Free Library Schematic Design - Restoration & Preservation of Windows and Masonry to 1904 building** (the first Amendment) is made and entered into as of the ____ day of October, 2023 by and between the City of Burlington, a Vermont municipal corporation (“City”), and Dore + Whittier (collectively, “the parties”).

Background

- A. The parties entered into that certain agreement, dated as of 1/13/22 (the “Agreement”) in order to develop Schematic Design documents that were to build off of the FFL Visionary Redesign Project done in 2019.
- B. The consultant was to perform the services of developing conceptual Schematic Design documents. This included floor plans, elevations, and sections to describe the building at a Schematic level. Design documents were to show compliance with program elements, applicable building and zoning codes/setbacks, environmental and conservation requirements, and include provisions for required permits and variances. Design consideration was to consider alternative energy and energy conservation design and storm water collection and distribution systems. Also, they were to provide site plans showing utilities, parking and access, site improvements and landscaping.

Additionally, recommendations were to be given based on work with City Utilities to include obtaining rebates, grants and efficiencies. Evaluation of the historical structure and the needs and requirements to maintain the integrity and the feel of the building, included in the overall design was to be developed. Additionally, there were to be developed system descriptions for structural and MEP systems that create the most energy efficiency possible.

- C. The parties desire to enter into this first Amendment in order to continue to undertake further schematic design work specific to and detailed for the Restoration and Preservation of the Windows and Masonry of the 1904 building. This includes:
 - a. Additional site verification and spot-measurement

- b. Consultation with a CM to further develop the scope of work and means & methods of construction.
- c. Consultation with VT Division for Historic Preservation on plans for the façade & roof repairs.
- d. Development of schematic design floor plan for scope location, annotated building elevations and/or photographs assembled on drawing sheets indicating façade renovations and reconditioning, conceptual enlarged window elevations and details.
- e. Development of SD-level written specifications for the work.
- f. Review of the drawings and scope of work , adding modifications if needed.
- g. Prepare an estimated conceptual cost prepared by the CM.

NOW THEREFORE, in consideration of the Background described above and other good and valuable consideration, IT IS AGREED by and between the parties as follows:

1. In **EFFECTIVE DATE, TERM, AND TERMINATION**, paragraph B., the original text shall be revised as follows, with deletions indicated by strikethroughs and additions indicated by underlines:

This Contract and the Parties' respective performance shall commence on the Effective Date and expire on ~~June 30, 2023~~ June 30, 2024 or upon the satisfaction of the City, unless sooner terminated as provided herein.

2. In **PAYMENT FOR SERVICES**, paragraph A., the original text shall be revised as follows, with deletions indicated by strikethroughs and additions indicated by underlines:

Amount. The City shall pay the Consultant the sum of ~~One Hundred Eighty Three Thousand Dollars (\$183,000.000)~~ Two Hundred and Thirteen Thousand Dollars (\$213,000.00).

3. A new Attachment G named ***Historic 1904 Building Exterior and Structural Repairs D+W Proposal for Professional Services*** be added after Attachment [F] and will be adopted by reference and made part of this Agreement.

4. Except as specifically amended by the terms of this first Amendment, the Agreement remains in full force and effect. Unless specifically defined in this first Amendment, all terms shall have the meanings contained in the Agreement.

IN WITNESS WHEREOF, this first Amendment is executed as of the day and date first above written.

CITY OF BURLINGTON, VERMONT

By: _____
Mary Danko, Director
Duly Authorized Agent
Fletcher Free Library

By: _____
Duly Authorized Agent

(Print Name and Position)

June 29, 2023

Mary Danko, Library Director
Fletcher Free Library
235 College Street
Burlington, VT 05401



Re: Historic 1904 Building Exterior and Structural Repairs
D+W Proposal for Professional Services

Dear Mary:

Dore + Whittier is pleased to provide this Architectural Services proposal in response to your recent request.

Based on our conversations in early June, and our meeting on 6/29/23 the project scope includes the following items which will include work entirely on the Fletcher Free Library historic 1904 wing:

- Masonry restoration/rehabilitation at brick and terra cotta elements, including associated flashings
- Investigation and repair of excessive efflorescence at brick chimneys
- Historic wood window rehabilitation and glazing replacement
- Historic exterior wood doors rehabilitation / potential replacement

As you indicated in your email of June 23, 2023 the potential budget for this work is approximately \$2M.

Our previous Schematic Design effort described a comprehensive project that addressed the renovations to the entire facility, and only dealt with specific elements like the roof structure repairs in conceptual form. As we've discussed, if the renovations cannot be executed all at one time, we ought to use the SD documents as a Master Plan for executing smaller, defined projects. We would call this proposed scope of work for the 1904 wing "Phase 1" of the Master Plan.

Each aspect of the exterior repairs demands specific knowledge of historic materials, and acceptable methods for executing the repairs. As we discussed, this work will be complex and the planning moving forward should include—as soon as possible—the addition of a qualified and experienced Construction Manager (CM) to aid with constructability review, means and methods of construction planning, and cost estimating support for the team. We are happy to support and assist you in hiring such a firm.

As such, we propose to break our Phase 1 scope of work and fee into two Tasks:

Task 1 – Detailed Schematic Design

Building off our initial information, we will complete a more detailed schematic design package that defines the scope elements listed above based on means and methods recommended by the CM.

As part of this SD package, we will continue to work with our team of consultants:

- Building Envelope – We may consult with expert Trade representatives experienced in masonry restoration on technical aspects of masonry and terra cotta rehabilitation
- Historic Wood Windows – We may consult with team members Public Archaeology Lab or Simpson Gumpertz Heger on historic wood window restoration and reconditioning, and would welcome input from the CM on this topic as well.
- Cost Estimating – if a CM is not hired, we would work with team member PM&C as an additional service to this proposal.

Dore + Whittier's proposes to work on an hourly basis during this SD phase, with a not-to-exceed fee limit of \$30,000.00 as outlined below.

Our fee includes the following:

1. Additional site verification and spot-measurement
2. Consultation with a CM to further develop the scope of work and means & methods of construction.
3. Consultation with VT Division for Historic Preservation on plans for the façade & roof repairs.
4. Development of schematic design floor plan for scope location, annotated building elevations and/or photographs assembled on drawing sheets indicating façade renovations and reconditioning, conceptual enlarged window elevations and details.
5. Development of SD-level written specifications for the work.
6. Review of the drawings and scope of work with you and modifications if needed.
7. Prepare an estimated conceptual cost prepared by the CM (preferred).

This proposal assumes that the drawings produced for the preceding schematic design phase will be accurate enough to be used as base documentation for this Phase 1 scope-defining exercise. If exhaustive site measurements are required, this will be billed as an additional service.

As we discussed, we would also advise that prior to construction, existing exterior building materials proposed to be disturbed should be tested for hazardous materials.

Task 2 – Detailed Construction Documents, Bidding, and Construction Administration

Once we have determined the true scope of the work and are assured that it will fit within your budget, we will prepare an additional fixed-fee proposal to develop detailed construction documents for bidding and construction. Our team would include those members mentioned above.

Due to the nature of this project which does not encompass the whole of the building and site, we recommend that a U.S. Green Building Council LEED certification not be pursued. However, our normal standard of practice will include many sustainability measures and initiatives which could be included in a later certification if required.

Tom Hengelsberg, AIA will continue to be the Project Manager and your main point of contact. You can contact him or myself should you need anything further in the interim. Thank you for requesting this proposal from us and we look forward to assisting the Library with this effort.

This proposal is valid for ninety (90) days from the date of this letter. We will be billing based on our current hourly rates. A copy is attached. Please sign and return the attached Project Proposal Approval Form when you are ready to proceed.

Sincerely,

DORE + WHITTIER



Lee P. Dore, President

802.863.1428

lpdore@doreandwhittier.com

Terms:

In recognition of the relative risks, rewards and benefits of the Project to both the Owner and the Architect, the risks have been allocated such that the Owner agrees, to the fullest extent permitted by law, to limit the Architect's liability to the Owner for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from negligent errors or omissions or causes, including reasonable attorney's fees and costs and expert witness fees and costs, so that the total aggregate liability of the Architect to Owner shall not exceed the amount of the Architect's total fee for services rendered on this project. It is intended that this limitation shall apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

In an effort to provide resolution for any conflicts that may arise during the design or construction of the Project, the Owner and the Architect agree that all disputes between them, arising out of or relating to this Proposal, shall be submitted to non-binding mediation unless the parties agree otherwise.

The Architect cannot or shall not be required to author or execute any documents that would certify, guarantee, or warrant the existence of conditions whose existence the Architect has been contracted to ascertain or over which the Architect has not control.

Neither the Architect, the Architect's Consultants, nor their agents or employees have offered any fiduciary service to the Owner and no fiduciary responsibility shall be owed to Owner by Architect, the Architect's Consultants, nor their agents or employees, as a consequence of Architect entering into this agreement with Owner.

The Owner shall, to the fullest extent permitted by law, indemnify and hold harmless the Architect, its officers, directors, employees, agents and subconsultants from and against all damage, liability and cost, including reasonable attorney's fees and defense cost, arising out of, or in any way connected with, the performance by any of the parties above named for the services under this agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the Architect.

In providing services under this Agreement, the Architect will endeavor to perform in a manner consistent with the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances. The Architect makes no warranty, express or implied, as to its professional services rendered under this Agreement.

Drawings, specifications, and other documents prepared by the Architect are instruments of the Architect's service and are for the Owner's use solely with respect to this Project. The Architect shall retain all common law, statutory and other reserved rights, including the copyright. Upon completion of the Project or termination of this Agreement, the ownership of these instruments of service shall transfer to the Owner only after the Architect has been paid in full for the services rendered and for all applicable reimbursable expenses. When transmitting copy-right-protected information for use on the Project, the transmitting party represents that either the transmitting party is the copyright owner of the information or has permission from the copyright owner to transmit the information for its use on the Project.

In the event of termination, suspension or abandonment of the Project by the Owner, the Architect shall be compensated, for services performed. The Owner's failure to make payments in accordance with this Agreement shall be considered substantial nonperformance and sufficient cause for the Architect to suspend or terminate services. Either the Architect or the Owner may terminate this Agreement after giving no less than seven days' written notice if the Project is suspended for more than 90 days, or if the other party substantially fails to perform in accordance with the Terms of this Agreement.

Fees:

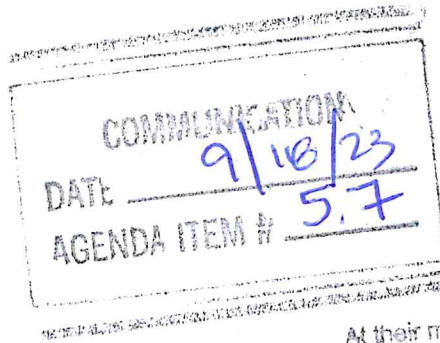
Basic Services: Not to Exceed fee of \$30,000.00

A professional services fee retainer will not be required for this project.

This Proposal shall remain valid for a period of Ninety (90) days from the date of issue.

Billings are compiled at the end of each month based upon the work completed and are due in full upon receipt of invoice. Invoices which are unpaid and past due more than Sixty (60) days may be subject to interest penalty charges at 1.5% every month. In the event that any portion of an account remains unpaid Sixty (60) days after billing, the Owner shall pay all costs of collection, including reasonable attorney's fees and the Architect may elect to suspend services.

The Owner explicitly understands and agrees that the Architect's fees for professional services for this project are payable per the terms stated herein and are not dependent upon funding for the project, approval by agencies, or the construction of the project. The Architect will not issue final deliverables if the Owner's account is not current.



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

From: Mary Danko, Library Director

Date: August 4, 2023

Re: National Endowment for the Humanities Challenge Infrastructure and Capacity Building Grant

At their meeting of 9/18/23
the Burlington City Council voted to

Approve the motion
Attest: *Jaci Oberg*
as
secretary

Request:

The Fletcher Free Library (FFL) is requesting City Council approval for the acceptance of the National Endowment for the Humanities (NEH) Challenge Infrastructure and Capacity Building Grant which is a 3:1 match.

The grant amount is \$245,425.00 to be paid upfront by the City of Burlington and then reimbursed by NEH. The local match is \$736,275.00 in City Capital funds, for a total project budget of \$981,700.00. This grant required an approval upon application. This request was approved by Board of Finance and City Council at their 9/12/2022 meetings, and the local match request was reviewed and approved by the Capital Committee on 9/8/2022. See BOF memo in Appendix A.

Background of Project: FFL Restoration & Preservation Project

The Fletcher Free Library (FFL) was founded in 1873 and has proudly inhabited one of the four Carnegie public libraries in Vermont since 1904. Our beautiful Beaux-Arts building was slated for demolition in the 1970s due to a myriad of structural issues. A group of concerned citizens took action to not only restore the original building, but to add the 1981 addition that maintained the individuality and grandeur of the original building that was meticulously designed by famed architect, Walter R.B. Wilcox.

While FFL programs grow and adapt, the physical building limits opportunities. Our next renovation will transform the interior. Upgraded facilities will bring the building up to today's energy efficiency standards, meet modern technological needs, and serve the community into the future – while preserving a Burlington architectural gem.

The Library has worked on a Vision Plan and then a Schematic Design Project for our interior transformation. During the Schematic Design phase a building assessment was completed and several areas in need of restoration and preservation were noted.

Exterior restoration and historic preservation is a critical first step to the larger renovation. The exterior of the building is decaying and in urgent need of attention to preserve a deteriorating historic landmark, protect and restore one of the largest public buildings in our City and move the Library renovation toward the next phase of interior transformation. The historic windows will be repaired and bricks and terra cotta will be repointed, as per recommendations in a 2022 FFL library assessment, to prepare for the larger renovation.

The historic preservation and restoration leverages funding from several sources. Further exterior renovation will be accomplished using congressionally directed spending (CDS) funding that is anticipated to be allocated in the coming months from the National Park Service (NPS) Save America's Treasure Grant Fund.

NEH support comes at a crucial time, and will dovetail with NPS funds and allow for FFL to maximize exterior renovation of the Carnegie Building.

The Restoration & Preservation Project is a continuing project from the Schematic Design SD Phase. Dore + Whittier has been approved to continue this work as per the original SD RFP that stated:

Future Design/Administration Phases:

The Fletcher Free Library Building Committee (FFL BC) reserves the right to extend the contract with the awarded architect to include future design phases without advertising or to advertise for Architectural Services as best fits the needs of the Committee. The specific scope and fee of future phases will be determined at that time. Respondents must demonstrate to the satisfaction of the FFL BC their capability to perform this scope of work to be deemed qualified. There may be a year or more between the Schematic Design and Detailed Design phases.

Funding for the FFL Restoration & Preservation Project

The NEH program requires a 3:1 match for projects of this size. Federal funds would contribute \$245,425.00 for the proposed project. The grant does not allow operational budgets as a source of matching funds and requires that local match funds be restricted for the purpose outlined in the grant proposal. As mentioned above, the City's Capital Committee approved the obligation of up to \$737,301 of the March 2022 General Obligation Bond Premiums received in FY23 to serve as the necessary match for this grant request. NEH has revised the necessary local match and it is now \$736,275.

We are seeking City Council approval to create the project budget based on the budget provided in the NEH award letter (see below).

The proposed budget amendment would follow the anticipated project schedule below:

Fiscal Year	City Match (Capital)	NEH Federal Match	Total:
FY24	\$64,125	\$21,375	\$85,500
FY25	\$672,150	\$224,050	\$896,200
Totals:	\$736,275	\$245,425	\$981,700

Motions

Actions for Board of Finance:

1. To approve and recommend the City Council authorize for 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 Capital 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.

2. Move to approve and recommend that the City Council accept the recommendation of the City's Capital Committee to 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, subject to the review and approval of the Chief Administrative Officer.

Actions for City Council:

- 
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.
 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.

Appendix A



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401 Voice (802) 865-7000

Fax (802) 865-7014

Deaf/Hard of Hearing 711

TO: Board of Finance
City Council

FROM: Nicole Losch, Grants Director
Gale Batsimm, Fletcher Free Library Development Director
Mary Danko, Fletcher Free Library Director
Ashley Parker, Capital Program Director
Kim Bleakley, Central Facilities Manager

DATE: September 13, 2022

RE: Proposed Budget Amendment for Fletcher Free Library Local Match toward National Endowment for the Humanities Infrastructure and Capacity Building Challenge Grants for Capital Projects

Executive Summary:

The Fletcher Free Library and Capital Committee jointly seek Board of Finance and City Council approval to spend up to \$737,301 from the FY23 Capital GO Bond Premiums as a local match for the National Endowment for the Humanities Challenge Grant for urgent exterior upgrades to the Library, including repoint masonry and replacing windows.

Overview:

The National Endowment for the Humanities (NEH) is accepting proposals for restoration or renovation of buildings of historical or cultural significance that house humanities collections or are used for humanities activities. Projects are financed through a combination of federal matching funds and related non-federal fundraising.

In February 2022, an assessment of the Fletcher Free Library identified \$2,055,361 in exterior upgrades needed to prevent damage caused by deferred maintenance. The Library and Facilities staff have identified \$983,068 in projects that should be advanced and will not impact the future renovations

Board of Finance and City Council Submission Checklist

Department: Fletcher Free Library Submitter: Mary Danko
 Fletcher Free Library Restoration & Preservation Project Dore + Whittier Contract,
 First Amendment: **Restoration & Preservation of Windows and Masonry to 1904**
 Title/Subject: **building**

	Approval:	Meeting Date:
☒	Board of Finance	10/30.23
☒	City Council	11/6/2023
☐	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	10/18/2023	Mary Danko
Mayor's Office informed and approved memo	Yes	10/26/2023	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	10/20/2023	Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	10/24/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	10/25/2023	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?	Yes	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.



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 30, 2023 / November 6, 2023

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

REQUEST

The Department of Public Works (DPW) and its Water Resources Division (WRD) seeks approval and authorization to amend the recently approved (October 10, 2023 City Council) construction contract for the Emergency Winooski River Siphon Repair Work by \$414,100, for a total value of \$1,247,000, including \$40,000 contingency.

BACKGROUND

This contract was recently approved by the Board of Finance on October 2 and City Council on October 10, 2023 in support of 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. For a full and up to date accounting of this incident and the City's response, please see <https://www.burlingtonvt.gov/water/WinooskiBreakJuly12>.

This project involves the in-river repair of the Winooski River sewer siphon to bring it back into service. After the siphon broke on July 12, DPW conducted two non-toxic dye tests to try to narrow the potential location of the break and in August commercial divers were finally able to safely enter the river to inspect the siphon. Unfortunately, due to the continuous wet weather conditions that increased the turbidity in the river the pipe was still not visible during the dive inspection. The divers completed an inspection by feel and reported that the siphon was at least broken near the shore, feeling a gap and deflection between the first in-river pipe sections, and that the next pipe joints back may be compromised as well (approximately 20 and 40 ft from the first joint). This 50 foot limit from shore to the third joint was the basis of the initial contract and cost estimate. During construction, the contractor and commercial divers completed additional investigations with much better visibility and discovered that broken pipes exist to a limit of 116 feet from the shore. This extended distance is where the pipe is above the river bottom sediment and exposed to the same changing river conditions. Beyond the 116 feet distance, the pipe dives below the river bottom sediment and is less likely to have breaks. We are

confident in this revised approach but since there is uncertainty in this work we will provide an update if anything else changes.

Per our memo approved at the 10/10/23 City Council, 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 is a complex repair that involves commercial divers, a construction barge, a crane, and other heavy equipment.

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.

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.

We expect that the City will be responsible for 12.5% of projects costs and we believe that a portion of these (12.5% of total project cost) will be covered by the State due to our compliance with the qualifying mitigation measures under the Emergency State Assistance Funding process. It also looks increasingly likely that Vermont damages will meet the threshold needed to reach 90% FEMA reimbursement, in which case the City's local match will be greatly reduced.

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 necessary 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' to enter into and execute a contract amendment with Engineers Construction Inc. for \$414,100, and to increase the maximum limiting amount of the contract to \$1,247,600, 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 amendment with Engineers Construction Inc. for \$414,100 and to increase the maximum limiting amount of the contract to \$1,247,600, subject to the review and approval of the City Attorney's Office."

Thank you for your consideration of this request.



October 23, 2023

Ms. Kate Komoroski
Water Resources Engineer
234 Penny Lane
Burlington, Vermont 05401

Re: Design-Build North WWTF Emergency Inverted Siphon Repair
Change Order #1-Additional Pipe Removal and Installation within Winooski River

Dear Ms. Komoroski:

On Friday October 20, 2023, our team performed an air test on the remaining lengths of unburied sewer pipe within the Winooski River which are outside of the contract limits. The air test proved that additional pipe joints into the river were broken and leaking. The original scope of work for this project included the removal and installation of new 24" sewer pipe within 50 feet of the shoreline (defined at the top of bank). Based on what was discovered on site, the project now includes the removal and installation of new 24" sewer pipe within 116 feet of the shoreline resulting in 66 additional feet of pipe within the Winooski River.

This additional work will require changes to methodology, increased material costs, increased equipment costs, and the ability of the entire project team to rearrange their schedules and delay other projects as needed to perform the additional work. Below you will find a list of the new challenges this additional work brings:

- Increased water depth
- Spudding the barge down in higher water creating a less stable working platform as we will need longer spuds which become unstable as they get longer.
- As the job takes longer, weather conditions may continue to deteriorate.
- Now that the work can no longer be completed with the barge secured to shore, we need an additional crane boat to work between the barge and the shoreline.
- Reduced shore support.
- Heavier loads on the barge.
- An increased crew size will be needed to help facilitate the barge movements required.
- Additional crew will be needed to man the work skiff to shuttle people and materials from shore as needed.
- Every morning and every evening the barge will need to be reset to ensure safe dockage at night.

The additional scope of work includes the following:



- Performing additional under water pipe connections. Given the additional distance and weight of more pipes the previous plan of preassembly and swinging into place is not feasible for portions of the additional work.
- The additional distance from the shoreline will require larger crane capacity.
- Driving 2 additional H piles to support the new placement of the Hymax connection.
- Removal and delivery to shore of the leaking pipe sections.
- Grading the river bottom to allow new and existing pipes to meet at the same alignment and elevation in a deeper section of the river.
- Supply, expedited delivery, and installation of an additional 66 linear feet of 24" Ductile Iron pipe and fittings.

The following contract agreement changes are requested:

Original Contract Amount:	\$ 793,500.00
Change to Contract Price (Increase):	\$ 414,100.00
Revised Contract Amount:	\$ 1,207,600.00

Original Contract Completion date:	December 29, 2023
Revised Contract Completion date:	January 8, 2024

Increased Contract Amount Accounting:

For work associated with the removal and replacement of 24" sewer pipe between the original contract limits (50' from shoreline) and the revised contract limits (116' from shoreline) see below:

- Labor: \$133,500
- Equipment: \$221,100
- Materials: \$59,500

Respectfully,

Benjamin D. Heath

Benjamin D. Heath, P.E.
Civil Construction Manager

enc.

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

	Approval:	Meeting Date:
☒	Board of Finance	10/30/2023
☒	City Council	11/6/2023
☐	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	10/25/2023	Chapin Spencer
Mayor's Office informed and approved memo	Yes	10/25/2023	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	10/25/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	10/25/2023	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.

PF = 10/23/23 = cc SANDY WYNNE

Vermont law delegates power to local governments to protect **"the public health, safety, welfare and convenience"** of its citizens. PLEASE DO YOUR JOB

2018 – Winooski & South Burlington passed resolutions to not bring the F35 here. Burlington city council voted 9-3 to not bring them here after a successful voter referendum on town meeting day. **The Mayor said he would not honor the voters will.** Instead he supported the wishes of our local commercial developers who supported exposing hundreds of families and children to dangerous noise levels.

The Department of Defense Directive and the Air Force Policy Directive **"require military operations separate and apart from populated areas"**.

Sanders, Leahy and Welch all said they support basing the F35s here **"because there will be no mission for the Vermont Air National Guard if it's not the F35s"**

The US Air Force and the US District Court said **"if Burlington is not selected, the base's current mission would continue"**.

Federal government has authority to add or remove the F35 planes BUT **Vermont controls the training.** Exposing a dense population of residences and schools for training violates the rules prescribed by the Dept of Defense & the Military.

The negative impacts of these planes target working class and minority civilians.

The US Air Force EIS predicted serious impacts on health and well being to dangerously high noise. **These impacts include hearing damage, impaired learning, damaged cognitive development, severe stress, cardiovascular issues.**

VT Real Estate agents were initially required to continually check the NEM – Noise Exposure Map – and put in writing to potential buyers that they may be buying a home that **"is not fit for residential use"**. That map started out small and was enlarged numerous times showing how far the noise impact was actually affecting people. Some agents still disclose airport noise concerns.

Solution seems to be to add sound proofing elements to homes to help dampen the negative sound impact. Thus you will have to live inside 12 months/year. And by the way, that **program to sound proof the hundreds of homes on the list will take DECADES to complete.**

Lori Olberg

From: City of Burlington Vermont
Sent: Friday, October 27, 2023 7:31 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Selena Kunkel

Reply to e-mail Address: selenapjo@gmail.com

Subject: Foro the Burlington City Council

Message: Hello, my name is Selena. I am a Jewish American resident of Burlington, VT. I am writing about the genocide ongoing in Gaza. The Palestinian people have faced over 75 years of occupation, displacement, and apartheid. Now, it is even more desperate than ever we take a stand in their defense, with over 7,000 innocent people dead from Israeli airstrikes. Richmond City Council in California put out a resolution expressing their support for Palestinians in Gaza in the face of Israel's ethnic cleansing and collective punishment. I believe Burlington City Council needs to follow in their footsteps and pass a similar resolution. Richmond is an example to us all in that we can stand together against hate and not stand idly by while atrocities are committed. Thank you.

Submitted on Friday, October 27, 2023 - 19:31 from IP address: 2601:19b:c501:6d90:1808:9f43:f402:9da9

Check IP address location: <https://viewdns.info/iplocation/?ip=2601:19b:c501:6d90:1808:9f43:f402:9da9>

Questions about this form? e-mail webmaster@burlingtonvt.gov

Lori Olberg

From: City of Burlington Vermont
Sent: Friday, October 27, 2023 8:54 AM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Brad Wiltfong

Reply to e-mail Address: bradwiltfong@gmail.com

Subject: Street Safety Around Schools During Start Times

Message: Hello,

My name is Brad Wiltfong. I live in Ward 7 and today while walking my cats to the Vet's office I passed by CP Smith Elementary and Lyman C. Hunt Middle Schools around 7:50am.

During my brief walk I witnessed many incidences of reckless and improper driving that put people walking/biking to school at higher risk of being hit.

Speeding. Failures to yield. Failures to stop at stop signs. Use of phone while driving.

In conjunction with the glut of oversized vehicles with terrible sightlines now clogging our roads, this is a recipe for disaster.

We know that the more cars on the road the more unsafe the roads are for anyone outside a car. We know that when people feel like roads are unsafe they will choose against walking/biking even when they live within an easy walking distance to their destinations. Thus a feedback loop is created as roads get less safe.

We need protected bike lanes, expanded bus services, and slower vehicle speeds for our schools in Burlington. For the residential streets around schools, 25mph is not a safe speed. We know that roughly 18% of collisions between vehicles and vulnerable road users results in death. That percentage grows with the mass of the vehicles.

It is unconscionable but not surprising that so many parents feel they need to drop their kid off at school when many undoubtedly live within a bikeable/walkable distance to that school. The primary failure lies in our infrastructure and road design. The simple fact that crossing guards are needed is testament to that.

Please install more protected bike lanes, expand bus service serving the schools, and lower the speed limits on the roads surrounding schools.

My recommendation:

- Farrington PKWY should have a protected bike lane. This corridor sees high volumes of mixed traffic commuting to schools and people in cars routinely and flagrantly speed and fail to stop at that stop signs. The allowance of both sides street parking regularly creates conflict points and impairs sightlines. This corridor is also marked as 25mph which contributes to conflict between all road users. Lower it to 20mph or less.

- Ethan Allen Parkway desperately needs a protected bike lane in both directions. This corridor sees a high amount of mixed use traffic at the commuter hours and people in vehicles regularly speed well over the marked 25mph limit and create conflict and danger for all road users.

Please do more to push back against the entrenched convention that Americans want to drive everywhere. Our roads are more dangerous than they have been for people outside cars in the past 40 years. We know that our car dependent transportation paradigm is profoundly unsustainable. Equally so are our patterns of road design. Painted bike lanes are useless. A critical mass of people will never use them. In order for people to feel comfortable commuting in their communities in a safe and sustainable way the bike lanes need to be protected by hard barriers.

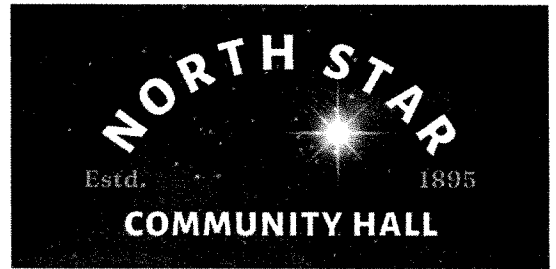
Please do more to ensure the safety and sustainability of our transportation systems in Burlington.

Thank you,
Brad

Submitted on Friday, October 27, 2023 - 08:53 from IP address: 65.183.154.238

Check IP address location: <https://viewdns.info/iplocation/?ip=65.183.154.238>

Questions about this form? e-mail webmaster@burlingtonvt.gov



October 30, 2023

City Council
City of Burlington
149 Church St.,
Burlington, VT 05401

28 NOV 14-2105

Dear City Council,

VT Housing Conservation Board has awarded nonprofit North Star Community Hall (known formerly as the Champlain Club, with the legal name Goethe Community Trust, Inc.), a \$100,000 grant to rehabilitate the Hall. The building, located on Crowley St in the Old North End, has been in continuous use as a social hall, community gathering place and club since 1895. In 2021, it became a nonprofit arts and cultural center.

As required by Title 10 V.S.A. §602(d), I am writing to inform you that, as a condition of the grant, Goethe Community Trust has conveyed a historic preservation easement to VT Housing Conservation Board and Preservation Trust of Vermont. This easement assures that the significant interior features, significant exterior features, finishes and structural soundness of the building will be retained and maintained substantially in their current condition so that historic and architectural integrity is not lost, will prevent any use or change of the Building that will significantly compromise such integrity, and will ensure that the building will be owned in perpetuity by a qualified nonprofit.

We are thrilled to have entered into this agreement with VHCB and PTV and to be recognized with such strong support.

Please get in touch with any questions or concerns.

Sincerely,

Charlene Wallace

Vice President of the Board of Goethe Community Trust
802-363-7439



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Charles Dillard, AICP, Principal Planner
Meagan Tuttle, AICP, Planning Director
DATE: October 31, 2023
RE: Neighborhood Development Area Expansion

The Office of City Planning is happy to notify the City Council of Burlington's application to expand its Neighborhood Development Area (NDA). The NDA is a designation program of Vermont's Agency of Commerce & Community Development (ACCD) that helps to reduce the time and cost of state permitting in areas within easy walking distance of state designated centers. Municipalities or developers may use this designation to encourage the creation of new homes in development-ready locations near shops and services and to reduce pressure to develop on farm and forest land. Neighborhood development area designation goes to municipalities with an existing designation and with adopted plans, policies and regulations that support housing and compact development.

The benefits granted to NDAs are as follows:

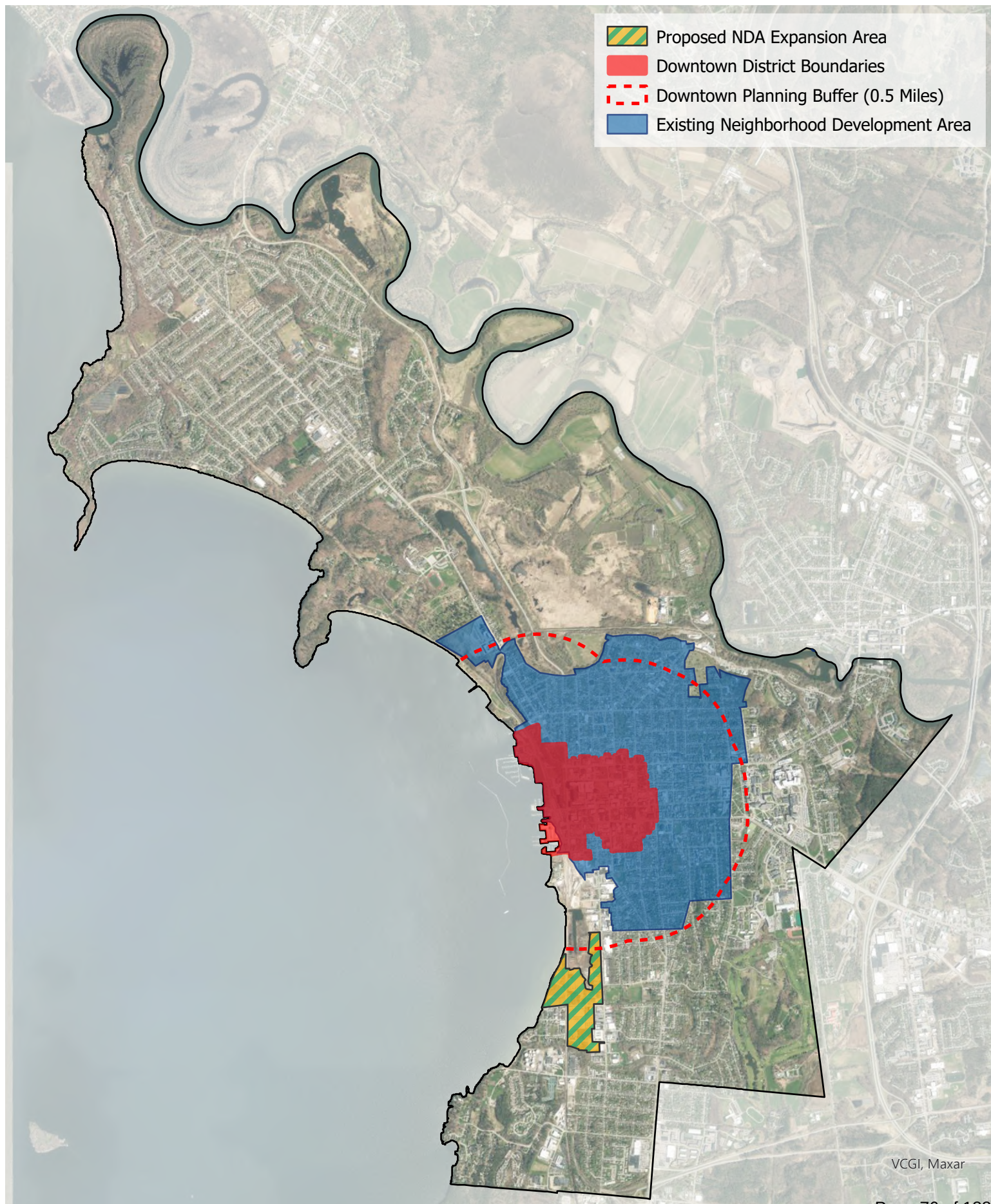
- Qualified "mixed income" projects are exempt from Act 250 regulations.
- On properties with an existing Act 250 permit, no permit or amendment is required for a mixed income housing project that meets underlying permit conditions and jurisdictional thresholds.
- Act 250 projects not qualifying for the exemption receive a 50% discount on application fees.
- Agency of Natural Resources fees for wastewater review are capped at \$50.00 for projects that have received sewer allocation from an approved municipal system.
- Exemption from the land gains tax.
- A local conditional use decision, that a housing project meets the "character of the area" criteria, cannot be appealed.
- Pilot funding for downtown & village tax credits
- Municipalities receive priority consideration for state grants.
- Helps meet the location requirement for tax increment finance (TIF) districts.

Burlington's existing NDA extends at least one half-mile beyond the limits of the City's designated downtown. In 2017 the NDA was extended to include the properties known today as Cambrian Rise. This current NDA expansion application will extend Burlington's NDA to encompass the area recently rezoned as the South End Innovation District. This designation will facilitate much needed housing and mixed-use development in this area.

Please accept this memo as formal notification of the City's application to expand the NDA. The application will be reviewed at the November 27th meeting of the Vermont Development Board. If you have any questions, please contact Charles Dillard, Principal Planner, at cdillard@burlingtonvt.gov or 802-865-7194. Thank you for your consideration.

Map 12-F: State Designation Areas

Designated downtown, village center, new town center, or growth center boundaries as approved under this chapter and their associated neighborhood planning area in accordance with this section.





Samuel W. Lincoln
4884 East Bethel Rd. • Randolph Center, VT 05061
(802) 793-1206 • lincolnfarmtimber@gmail.com

November 2, 2023

Karen Paul, President, Burlington City Council
Burlington City Hall, 149 Church Street,
Burlington, VT 05401

Madame President,

I support the District Energy project the City Council is considering and would like to provide some important context about forestry practices in Vermont. I operate a certified Master Logger company in Randolph Center and supply wood fuel to the McNeil Generating Station (MGS) through a third-party chipping contractor. I'm on the board of directors of the Professional Logging Contractors of the Northeast and served four years as Deputy Commissioner of the Vermont Department of Forests, Parks, and Recreation (2017-2020). My enterprise is part of the broader forest economy supply chain (which includes MGS) that provides essential goods and services to consumers and generates \$27 million in annual payments for timber to Vermont's forestland owners to help keep their forests as forests.

I attended the City Council meeting on October 23rd, intending to provide public comment on the District Energy proposal, but the time ran late. Though I didn't speak, I am very glad I was able to hear the presentation by BED, VGS, and UVMC leadership, and the subsequent dialogue with council members. Part of the discussion was focused on the wood fuel consumption at the plant and councilors were seeking certainty that the average annual tonnage would not incrementally increase if the District Energy project moved forward. I found this to be a particularly interesting point and I am assuming the concern with fuel usage is connected to the environmental impact of Burlington's electricity consumption and concern about emissions at the stack of MGS, which is, of course, an important consideration. However, the dialogue I heard did not include any reference to how each ton of wood fuel purchased has a direct connection to the conservation of Vermont's forests, not to mention that the forest management activity supports those forests storing and sequestering carbon. MGS enables numerous positive environmental and ecosystem protection goals that Burlingtonians have, all of which are immeasurable at the MGS stack.

Clients of my timber harvesting operation are rural landowners committed to stewardship and long-range forest management plans. Without exception, they need income to pay mortgages, property taxes, land maintenance costs, and other family expenses. Timber harvests on their land not only provide revenue but also include intentional work to protect, enhance, or create wildlife habitat. Many of them open their land for outdoor recreation on the trails created by harvesting

operations. Forest management decisions and practices are continuously improving, and practices beneficial to carbon and climate are being integrated into planning and operations.

The existence of the market and economic value created at MGS plays a vital role in forest conservation and in sustaining healthy forests, which the world is relying on to mitigate the effects of climate change and simultaneously produce goods essential for human existence. Smaller local markets, such as firewood producers, wood pellet plants, and MGS, are important to providing stability in Vermont's forest economy. Enormous paper mills in other states, where millions of tons of low-grade forest products are processed annually, are erratically influenced by the global economy, and their procurement of raw materials is unpredictable. If Vermont were to lose MGS because it hasn't adapted to new technology or efficiency upgrades, it would only serve to reduce the tools and options that licensed foresters and forestland owners need as they make management decisions that sustain and improve their land.

The timber harvests that deliver wood fuel to MGS are among the most carefully administered operations in Vermont. The permitting and planning process is thorough. MGS forestry staff are an important resource to operators like me. Their knowledge of regulations and best practices is current and extends across state and federal agencies, jurisdictions, and programs. They are a reliable source of accurate information when boots-on-the-ground decisions are being made to protect environmental features on the landscape. I have been at home during weather events, when my logging operation is shutdown, and taken calls from MGS foresters who are out on my jobsites in adverse weather, verifying that appropriate water quality protections are in place, and providing feedback on my work. During numerous forest policy discussions, working with legislators, regulators, forest economy business owners, and environmental and conservation advocates, I have been able to confidently point to the wood fuel procurement process at MGS as a model to follow, because the work is carried out with integrity.

The use of wood fuel can be viewed positively as benefiting the health and conservation of Vermont's forests, which are accumulating low grade wood fuel at nearly twice the rate at which it is being harvested. No other source of fuel or energy can match the downstream benefits that wood fuel provides, and I ask that you take that into consideration as you deliberate. Even though the benefits of improving the plant's efficiency and offsetting fossil fuel consumption at UVMCC are significant, the investments you're considering are connected to much more.

I am a proud supplier of MGS, and I welcome you to visit any of my jobsites, because there's a lot of exciting work to talk about. McNeil Generating Station is one of the most important markets we have in Vermont, and I hope you'll take similar pride in the positive effect that the city of Burlington has on the forests, and rural economy, of Vermont.

Please vote in favor of moving forward with the District Energy project.

With respect and gratitude for your consideration,

A handwritten signature in blue ink that reads "Samuel Lincoln". The signature is written in a cursive, flowing style.

Samuel Lincoln

Lori Olberg

FOR INFORMATION ONLY

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Friday, October 20, 2023 11:31 AM
Subject: DEC Press Release - State of Vermont Seeks Public Input on Clean Water Budget

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

PRESS RELEASE

For Immediate Release – October 20, 2023

Media Contact:

Emily Bird, Clean Water Initiative Program Manager
Department of Environmental Conservation | Agency of Natural Resources
802-490-4083, Emily.Bird@vermont.gov

State of Vermont Seeks Public Input on Clean Water Budget

Montpelier, Vt. – Vermont's Clean Water Board is seeking public input on the State Fiscal Year 2025 Clean Water Budget by November 20, 2023. Vermonters can weigh in on how they would like to prioritize approximately \$39.6 million to fund projects to protect and improve the quality of water in our rivers, lakes, ponds, and wetlands. State Fiscal Year 2025 begins July 1, 2024, and ends June 30, 2025.

"Each year, the Clean Water Board welcomes and values the public's input to help guide its Clean Water Budget priorities," said Agency of Natural Resources Secretary and Clean Water Board member Julie Moore. "Public comment is a critical step in the Board's annual budget process, and we thank the public for their time and input."

The public can share whether they think funding levels are sufficient, whether they agree with the priorities, and if they have recommendations. The Board will review public comment before making its final Clean Water Budget recommendation in December 2023.

The public is encouraged to visit the [Clean Water Board webpage](#) to:

- **Learn more** about Vermont's clean water funding and the draft budget:
 - [View a one-page snapshot of the draft budget](#),
 - [Read an overview of the draft budget](#), and/or
 - [Explore an interactive online Story Map](#) with a budget presentation.
- **Share your feedback** on the draft budget with the Clean Water Board:
 - [Complete a short online questionnaire](#) by November 20, 2023, at 4:00 pm,
 - Email your feedback to ANR.CleanWaterVT@vermont.gov by November 20, 2023 at 4:00 pm with the subject line "SFY 2025 Clean Water Budget Public Comment", and/or
 - Voice your comments online or in-person at the [Clean Water Budget Public Hearing](#) in Montpelier on November 2, 2023 at 2:30 pm.

If you need help participating in the public comment period or would like a printed copy of the questionnaire, email ANR.CleanWaterVT@vermont.gov. Use the subject line "SFY 2025 Clean Water Budget Public Comment."

Visit the [Clean Water Initiative reports webpage](#) and access the [Clean Water Interactive Dashboard](#) to learn more about investments in and results of state-funded clean water projects.

FOR OFFICIAL USE ONLY

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Tuesday, October 24, 2023 9:23 AM
Subject: ARPA Press Release: Governor Phil Scott Announces \$3.3 Million in Awards for Wastewater Pretreatment Projects

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



State of Vermont
OFFICE OF THE GOVERNOR

For Immediate Release
Tuesday, October 24, 2023

Contacts

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

Ashley Hellman, Environmental Analyst
Department of Environmental Conservation
Ashley.Hellman@vermont.gov

**GOVERNOR PHIL SCOTT ANNOUNCES \$3.3 MILLION IN AWARDS FOR WASTEWATER
PRETREATMENT PROJECTS**

Berlin, Vt. - Governor Phil Scott and the Department of Environmental Conservation's (DEC's) [Wastewater Program](#) today announced \$3.3 million in American Rescue Plan Act (ARPA) awards to help municipalities and businesses improve their wastewater quality through removing pollutants early in the process, and ensuring adequate capacity for wastewater treatment. This is the second round of funding that will be used to install and upgrade wastewater treatment infrastructure at businesses in Vermont.

"Investing in municipal wastewater infrastructure has many benefits, including economic development opportunities, increasing housing capacity and more," said Governor Scott. "My team will continue to support these critical infrastructure improvements that will benefit Vermonters for years to come."

Industrial wastewater, like wastewater produced by metal finishers or beverage manufacturers, may contain a significant amount of nutrients or organic matter, and in some cases, could be considered toxic or high strength. Pretreatment, which means addressing wastewater pollution early in the process, ensures that harmful pollutants in wastewater can be removed or reduced before they enter municipal wastewater treatment facilities. Proper wastewater management allows municipalities to reserve a facility's capacity for future development and growth in that community.

Lori Olberg

FOR INFORMATION ONLY

From: NRB.Act250Essex@vermont.gov
Sent: Wednesday, October 25, 2023 3:40 PM
To: epomerleau@vermontrealestate.com; kmerrimanshapiro@getahome.org;
clare@watershedca.com; andres@watershedca.com; Karen Paul; Andrew Montroll;
permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery;
burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov;
Kevin.Anderson@vermont.gov
Subject: 4C0125-6,4C0652-7,4C0438-18 Schedule G - Antonio Pomerleau, LLC/Champlain
Housing Trust
Attachments: Schedule_G 4C0125-6,4C0652-7,4C0438-18.pdf

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

Attached is Schedule G.

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: NRB.Act250Essex@vermont.gov
Sent: Tuesday, October 31, 2023 8:33 AM
To: epomerleau@vermontrealestate.com; kmerrimanshapiro@getahome.org;
clare@watershedca.com; andres@watershedca.com; Chapin Spencer; Karen Paul;
Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah
Montgomery; burlingtontownclerk; Lori Olberg; anr.act250@vermont.gov;
barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov;
AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov;
Kevin.Anderson@vermont.gov
Subject: 4C0125-6,4C0652-7,4C0438-18 Incomplete Letter - Ernie Pomerleau
Attachments: Incomplete Letter 4C0125-6 et al.pdf

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

Attached is Incomplete Letter 4C0125-6,4C0652-7,4C043819.

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>

10/26/23

123 OCT 26 PM 1:17

To Whom it may concern,

The amount of smoke in and
around Key Streets in Burlington
is so nasty to get second hand
And cigarette butts all over the
street. There should be an ordinance
outlaw any non-bio-degradable
Plastic and smoke of any
kind.

Thank You,

Zach

Lori Olberg

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Monday, November 6, 2023 8:17 AM
To: Lori Olberg
Subject: MOU with UVM

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

Good morning Lori,
Please add this communication to the City Council agenda for tonight's meeting. Thank you.

To the City Council and the Mayor and his administration

Residents of Burlington care deeply about any agreement between the City and UVM that addresses housing and enrollment. I do not know what criteria requires this

discussion to take place in Executive Session. I do know that as you move forward, I am requesting:

1. Greater transparency in this process
2. An opportunity for the residents of Burlington to see the agreement or details of the agreement before the Council votes on it. In our City, please include us.
3. Time for residents to give feedback either through written communication or speaking at Public Forum. Please do not schedule this for the same meeting you are slated to vote on the agreement. It renders this feedback meaningless.
4. Please avoid the meeting scheduled for the week of Thanksgiving. Many people are out of town or unavailable.

Thank you for considering these comments and your work on this critical agreement.

Sharon Bushor
Ward 1 Resident

Lori Olberg

From: City of Burlington Vermont
Sent: Monday, November 6, 2023 8:31 AM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

You are receiving this message because you are a designated recipient for: City Council

Received from: Crystal B

Reply to e-mail Address: crystal.berenberg@gmail.com

Subject: Funding for stores impacted by crime

Message: I find this as another way to coddle the individuals doing the crime. The stores have cameras then the police should be able to arrest the individuals who are committing the offense. I think the stores impacted should have the city and state compensate them by paying for insurance which would compensate the funds of all products that were taken during the crime. But I believe this still will not keep stores open around Church Street. I say this relocate to a place which is not easily accessible by public transportation. I don't think relocation nor funding businesses will curtail the situation. The only way to stop this issue is by having police do their diligence and lock anyone committing these crimes. This is just coddling the perpetrators even more which is perpetuating the situation.

This is just my thoughts on this situation.

Crystal B
crystal.berenberg@gmail.com

Submitted on Monday, November 6, 2023 - 08:31 from IP address: 2600:387:5:807::66

Check IP address location: <https://viewdns.info/iplocation/?ip=2600:387:5:807::66>

Questions about this form? e-mail webmaster@burlingtonvt.gov

Lori Olberg

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Monday, November 6, 2023 9:33 AM
To: Lori Olberg
Subject: Gateway Block

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

Good morning Lori,

Please include this communication under this agenda item on the Council's Deliberative Agenda if possible. If not just add it to the Agenda at the appropriate spot. Thank you
To the City Council,

I read through the packet and have these comments to offer.

The process as outlined concerns me. A signed document is far greater than exploration. It carries with it an intent that has not been presented to the public. Why not agree to hold meetings for the public to give feedback to the ideas contained within and if embraced then move forward with this document. The process bypasses public input on key critical components.

My thoughts are as follows:

1. I thought we had no or limited additional dollars to bond for needed improvements. How can the City propose this? Where are the City's portion of necessary financial investments coming from?
2. A hotel at this block will create a traffic nightmare. Main Street brings you directly into Burlington. Something like this that necessitates delivery trucks for services will greatly hinder the flow of traffic.
3. Where will our Main Fire Station be located? With significant expansion of downtown housing in taller buildings, I felt this drove the need to keep this station with its taller ladder truck central. CityPlace and Old Y building are examples of that housing.
4. What about the future of our Library and any future additional space and dedicated parking? This needs to be a major component of any new design.
5. Finally, Memorial Auditorium. A structure that has been neglected by many administrations. Once a vibrant place for sports events, craft shows, performances and even the winter's farmers market has been abandoned. No longer a home for teens or a place for crafts it sits silently shoved away like America does for its aging. Once a place where plaques recognizing veterans were on full display, now is slated to be buried. Shame on all of us that have allowed this to happen. This City is known for its creativity. People within Burlington and in the surrounding communities have incredible talents. Please explore these in a meaningful way before making your decision on this building. Memorials around our Country, built to "remember" should not end up being buried and forgotten. I do acknowledge that the document tries to address this in multiple ways. Yet once again this is void of public input.

One last thought, why does our City continue to give up ownership on properties? It is self limiting in that it eliminates our ability to address unforeseen needs in the future. I have serious concerns with this aspect of the proposal.

Although this is explorative and not binding, it does lay the foundation for the ideas contained within it. Once signed, it becomes a challenge to significantly change them. PLEASE DELAY SIGNING. HOLD PUBLIC MEETINGS DISPLAYING THE IDEAS AND GATHER FEEDBACK. THAT IS A MORE INCLUSIVE AND HEALTHIER PROCESS.

Thank you again for your time and considering my feedback.

Sharon Bushor
Ward 1 Resident

November 6, 2023

Dear Burlington City Council,

I write today as the representative of a Burlington business named Main Street Landing (MSL) that owns bricks and mortar buildings on the Burlington waterfront.

I have become aware of an effort that you're making to bring people downtown during the holidays, namely \$100k to help businesses impacted by crime. Increased lighting and security (both of which we've done at MSL) will provide some help but will not make much of a dent in the problem. Additional decorations are just a waste of money. Those are just the tip of the iceberg when it comes to the time and emotional energy that my team and I have expended on solutions to keep our tenants and our properties safe. We're exhausted from the efforts: cleaning up human feces and urine, disposing needles, issuing trespasses while the biggest abusers and repeat offenders laugh at us for issuing them. We have spent thousands of dollars on security guards, cameras, alarms, etc. to keep our little portion of the waterfront as safe as possible, while also cautioning our tenants that we can't do it all and that they need to take precautions because we're not immune to the problems that are currently plaguing Burlington at large. Gilding the streets with fairy lights will not change any of the conditions on the ground. I sat with one of my team members for at least an hour, at a window table on the College St side of Leunigs for lunch in recent weeks. From the window, we had a view of passersby, and I can tell you with 99.9% confidence that 9 out of 10 passersby were people who have found a home in City Hall Park – also evidenced by the fact that a handful of them, one at a time, would root around in a garbage can that was within my line of vision on Leunigs' western corner. The others may have been employees, but no one looked like they were there on vacation, despite the fact that we were experiencing some balmy temperatures. When it's unsettling to be out during the day, you're not going to get more traffic at night, no matter how pretty a street scene is created.

Using the money to address the root causes of the problems that plague our city -- including enforcement of Burlington's laws and ordinances, will help business owners. Prosecuting drug dealers would help business owners. Figuring out a way to collect all 32,000 needles handed out to keep drug users safe but which threaten the safety of every person and pet would help business owners. Not having to step over piles of clothes and discarded sleeping bags at every turn would help business owners. Determining an alternative to tents along Battery Street – which have no access to running water or sanitation - unless the fountain in Battery Park is considered that resource – would help business owners. Not having to watch people shoot up on our doorsteps would help business owners. Not having to step over or around other human beings where they've fallen in the street which causes each and every one of us to lose a bit of our humanity as we're faced with the magnitude of a problem that we alone can't solve as individuals – that would help business owners. Not leaving it up to the citizens and business owners to deal with the monumental decrease in quality of life created by inaction on the part of State and local officials would help business owners. This is a slice of what Burlington business owners have to deal with – it's our problem and it should be yours.

Sincerely,

Owiso Makuku

CEO, Main Street Landing

CITY OF BURLINGTON

ORDINANCE _____

Sponsors: Planning, Planning
Commission
Public Hearing Dates: _____
First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

CDO—TECHNICAL AMENDMENTS
ZA-24-01

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

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections 3.1.2, Zoning Permit Required; 3.2.7, Administrative Review and Approval; 3.5.2, Applicability; 4.3.1, Base Districts Established; 4.4.1, Downtown Mixed Use Districts; 4.4.2, Neighborhood Mixed Use Districts; 4.4.5, Residential Districts; 5.1.2, Structures; 5.2.5, Setbacks; 5.2.6, Building Height Limitations; 5.2.7, Density Calculations; 5.3.5, Nonconforming Structures; 5.4.8, Historic Buildings and Sites; 5.4.13, Emergency Shelters; 7.1.3, Exemptions; 7.2.3, Band Signs; 7.2.13, Wall Sign; 9.1.8, Inclusionary Rentals Units, Rentals and Sales; 9.1.12, Additional Density and Other Development Allowances; 9.1.13 Off-Site and Payment in Lieu Options; 9.1.15, Marketing of Inclusionary Units; 10.1.5, Lot Line Adjustments; 10.1.8, Preliminary Plat Review; 10.1.9, Final Plat Approval Process; 10.1.11, Recording of Final Plats; 13.1.2, Definitions; 14.3.6, Civic Spaces; 14.4.13, Urban Design Standards; 14.7.1, Applying for a Zoning Permit: Submission Requirements and Review; 14.7.2, Non-Conformities; 14.8, Glossary; and Appendix A, Use Table—All Zoning Districts; thereof to read as follows:

Sec. 3.1.2 Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) – (b) As written.

(c) Exemptions

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1-20. As written.

21. The creation of new interior finished and habitable space where no change of use or exterior alteration is proposed.

(d) As written.

Sec. 3.2.7 Administrative Review and Approval

Pursuant to the provisions of 24 V.S.A. Section 4464(c), this section provides for the administrative review and approval of new development and amendments to previously approved development.

(a) Administrative Authority:

The administrative officer is hereby authorized to undertake the review and approval of those applicable applications subject to the planBTV: Downtown Code under Sec. 14.7.1 e) i and all of the following types of applications:

1. – 6. As written.

In addition, the administrative officer is hereby authorized to undertake the review and approval of certain COA Level II applications subject to the following thresholds and conditions:

7. – 10. As written.

11. Compliance with conditions of approval as specified in a written decision of the DRB; ~~and~~,

12. Minor amendments to development applications previously approved by the DRB where the proposed amendment otherwise qualifies for administrative review as a COA Level I application or under the planBTV: Downtown Code under Sec. 14.7.1 e) i and will not substantively alter any findings of fact or DRB decision and related conditions of approval; ~~and~~,

13. Creation of an Accessory Dwelling Unit where no other applicable standards would require review by the DRB.

Sec. 3.5.2 Applicability

(a) As written

(b) Major Impact Review:

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

<u>Table 3.5.2-1 Zoning Districts</u>					
	Downtown Mixed Use and Form Districts	Neighborhood Mixed Use, Institutional, Enterprise,	Residential-Medium Density, Residential – High Density	Residential-Low Density	RCO-A, RCO-C, RCO-RG, UR
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA

Non-residential or Mixed Use Development	A development footprint ¹ of fifty thousand (50,000) s.f. or more, or the creation of one hundred thousand (100,000) s.f. or more of gross floor area.	A development footprint ¹ of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.	A development footprint ¹ of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area.	A development footprint ¹ of five thousand (5,000) s.f. or more, or the creation of ten thousand (10,000) s.f. or more of gross floor area.	Creation of five thousand (5,000) s.f. or more of gross floor area ²
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¹ Development Footprint: total area of impervious coverage – buildings and parking.

² Farm structures are exempt per 10 VSA 6001.

In addition, Major Impact Review shall also be required for multiple projects undertaken by the same applicant or responsible party within any consecutive twelve (12) month period on the same or adjacent property that in the aggregate equal or exceed the above criteria.

Sec. 4.3.1 Base Districts Established:

The following zoning districts are hereby established as illustrated in Map 4.3.1.-1 and further described in Part 4 below:

- (a) As written.
- (b) A series of four (4) Neighborhood Mixed Use districts (see Sec. 4.4.2)
 - Neighborhood Mixed Use (NMU);
 - Neighborhood Activity Center (NAC);
 - Neighborhood Activity Center - Riverside Corridor (NAC-RC); and,
 - Neighborhood Activity Center – Cambrian Rise (NAC-CR);
- (c-g) As written.

Sec 4.4.1 Downtown Mixed Use Districts

- (a) –(c) As written.
- (d) **District Specific Regulations**
 - 1. As written.
 - 23. Facades and Setbacks on Side and Rear Property Lines**
As written.
 - 34. Lake Champlain Waterfront Setback:**
As written.
 - 45. Development Bonuses/Additional Allowances**
As written.

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.2 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			Front ³	Side	Rear	
NAC	2.0 FAR	80% ⁴	0	0 ²	0 ²	Min: 22', 2 stories Max: 35
NMU	2.0 FAR	80%	0 ⁵	0 ²	0 ²	Min: 22', 2 stories Max: 35
NAC-Riverside	2.0 FAR	80%	0	0 ²	0 ²	Min: 22', 2 stories Max: 35
NAC-CR	2.0 FAR	60%	Min. 0 ⁷ Max. 20 ⁷	10 ⁶	20 ⁶	Min: 22', 2 stories Max: 65'

1. – 7. As written.

(c) – (d) As written.

Sec 4.4.5 Residential Districts

(a) As written.

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 As written.**Table 4.4.5-2** As written.**Table 4.4.5-3: Residential District Dimensional Standards**

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁺
		Front ²	Side ³	Rear	Waterfront	
RL; WRL	35%	Min/Max:	Min:	Min:	Min:	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁺
		Front ²	Side ³	Rear	Waterfront	
		Ave. of 2 adjacent lots on both sides +/- 5-feet	10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	25% of lot depth but in no event less than 20' Max required: 75-feet	75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	
RM	40%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
WRM	60%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	Min: 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River	35-feet
RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet

Table 4.4.5-3: Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}				Max. Height ⁺
		Front ²	Side ³	Rear	Waterfront	
1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5. 2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.45. 3. – 7. As written.						

(c) As written.

(d) District Specific Regulations

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Setbacks As written.

2. Lot Coverage

A. Exceptions for Accessory Residential Features.

In addition to lot coverage exemptions in Sec. 5.2.3 (b), within the RL, RL-W, RM and RM-W districts, an additional ten (10) per cent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to residential uses provided that such features shall at no time be enclosed or be used for parking:

(i) Decks;

(ii) Patios;

(iii) Porches;

(iv) Terraces

(v) Tennis or other outdoor game courts;

(vi) Swimming ~~pools and swimming~~ pool aprons;

(vii) Walkways;

(viii) Window Wells; and/or

(ix) Pervious pavement designed and maintained to infiltrate the 1-year/24-hour storm event onsite, subject to review and approval by the Stormwater Administrator.

With the exception of the additional lot coverage allowances provided for under Inclusionary Zoning, requirements such additional lot coverage shall not be permitted for any development where bonus provisions of this ordinance are applicable.

3. Accessory Residential Structures, Buildings and Uses

An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure,

building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Parts 1 and 2;

B. – D. As written.

4-6. As written.

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a) – (c) As written.

(d) Accessory Residential Structures or Buildings

An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of Sec. 4.4.5(d)43.

(e) – (f) As written.

Sec. 5.2.5 Setbacks

Setbacks between buildings structures and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of buildings-structures and open spaces between them and to the street.

(a) – (b) As written.

Sec. 5.2.6 Building Height Limits

No structure shall exceed thirty-five (35) feet in height unless otherwise authorized under the district-specific provisions of Article 4:

(a) As written.

(b) Building on Sloped Sites

Buildings on slopes shall reflect the pre-construction topography of the site by making use of opportunities to vary the building's height and roof forms relative to terrain changes as follows:

1. Measurement Interval: Building height shall be measured from the average grade along the street-facing façade at intervals of no less than 32-feet or more than 65-feet along the entire length of the street-facing façade (s).

*** *Illustration remains unchanged.*

2. – 3. As written

(c) Exceptions to Height Limits

1-5. As written.

6. The administrative officer may allow for up to a ~~5~~10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

(ed) _____ Clear Sight Triangle

1. As written.

Sec. 5.2.7 Density Calculations**(a) Dwelling Units Per Acre:**

In accordance with the district-specific provisions of Article 4, the calculation of density shall be measured as follows in such cases where the density is measured on a dwelling unit per acre basis:

1. Density Calculation: The total number of dwelling units provided on a lot or lots, or portion of the lot(s) where split by a zoning district boundary, shall be divided by the ~~net~~-area expressed in acres calculated to the nearest fractional tenth (i.e. to a single decimal point). The ~~net~~-area of the lot(s) shall account for buildable area where applicable (see Sec. 5.2.4). In calculating the number of dwelling units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation.

2. As written

(b) Floor Area Ratio

In accordance with the district-specific provisions of Article 4 where the intensity of development is measured on a floor area ratio basis, the calculation of development intensity shall be measured by dividing the gross floor area of all structures on a ~~site~~lot or lots, or portion of the ~~site~~lot(s) where split by a zoning district boundary, by the area of the gross-site lot(s)-area.

*** Illustration remains unchanged.

Sec. 5.3.5 Nonconforming Structures**(a) Changes and Modifications:**

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. – 3. As written.

When any portion of a nonconforming structure has been made conforming, it shall not be made nonconforming again except as provided for historic building features pursuant to Sec. 5.2.5(b)(4).

A non-conforming residential structure may be enlarged up to the dimensional standards of the underlying zoning district, subject to review and approval by the DRB pursuant to Art. 3, Part 4

Design Review ~~and Art. 3, Part 5 Conditional Use Review~~. Adaptive reuse or residential conversion bonuses may allow a greater expansion than the underlying zoning district allows approved per the provisions of Article 4.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

- To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;
- To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;
- To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,
- To promote the adaptive re-use of historic buildings and sites.

(a) – (d) As written.

(e) Historic Building Rehabilitation Bonus:

In order to facilitate the rehabilitation and reuse of historic buildings in Residential and Institutional districts, development in excess of the limits set forth in Tables 4.4.4-1, 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to all of the following conditions:

- i. The principal building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;
- ii. The density limits of the underlying zoning district in Sec. 4.4.4(b) and 4.4.5(b) shall not apply. The extent of development shall instead be limited to an expansion up to a total of 125% of pre-application gross floor area of the qualifying principal building in (i) above;
- iii. The rehabilitation conforms to the requirements of Sec.5.4.8 (b) above;
- iv. Neighborhood commercial uses may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A); and,
- v. Lot coverage shall not exceed the figure established in Table 5.4.8-1:

Table 5.4.8-1 Historic Building Rehabilitation Bonus

District	Maximum Coverage ¹
RL, RL-W, I	Expansion up to <u>the greater of 62% lot coverage or</u> a total of 125% of pre-application principal building coverage.
RM, RM-W	Expansion up to <u>the greater of 72% lot coverage or</u> a total of 125% of pre-application principal building coverage.

RH	Expansion up to <u>the greater of 92% lot coverage or a total of 125% of pre-application principal building coverage.</u>
<u>1. The maximum lot coverages identified in this table are applied in Table 4.4.5-8 – Maximum Density, Lot Coverage and Building Heights with Bonuses</u>	

Sec 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

- (a) – (b) As written.
- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the ~~downtown or downtown transition~~ FD5 and FD6 zones;
- (d) – (f) As written.

Sec. 7.1.3 Exemptions

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Article and allowed without the requirement to obtain a new zoning permit.

The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Article and the necessity to obtain a permit:

- (a-g) As written
- (h) Historic Marker: A non-illuminated Wall Sign ~~two (2) square feet or less in size~~ sixteen square feet or less in size commemorating the historic significance of a building or site.
- (i-j) As written

Sec 7.2.3 Band Sign

****Illustration to remain unchanged.*

Description

This Sign type consists of a single face, and is placed within a Sign Band that is architecturally integrated into the overall design of the building façade over a principal entrance and spanning across an individual storefront or the entire façade on a Primary Frontage.

Specifications

Quantity (max)	1 Band Sign per street-level storefront, <u>except that where a Primary Frontage contains more than one architecturally distinguishable Sign Band, 1 Band Sign shall be permitted per Sign Band.</u>
Width, Sign (max)	As written.

266	Height, Sign, (max)	As written.
267	Height, Overall (max)	As written.
268	Depth/Projection,	
269	lettering (max)	As written.
270	Area, Sign (max)	As written.
271		
272	Miscellaneous	As written.
273		

Sec. 7.2.13 Wall Sign

****Illustration to remain unchanged.*

Description

This Sign type has a single face and is attached, painted, or otherwise mounted parallel to a building or structure wall on a Primary or Secondary Frontage or elevation where no street Frontage is available.

Specifications

Height (max)

No higher than the floor level of the second story.

Area (max)

- 2 sf per linear foot of street frontage, or elevation where no street frontage is available, associated with a first floor tenant.
- 10 sf for a second floor or above tenant with only a ground floor entryway.
- In no case may the total area of all Wall Signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade or elevation to which they are attached.
- A Wall Sign in any residential district shall not exceed 6-sf in area.
- A Wall Sign in a RCO-R/G district shall not exceed 20-sf in area.

**Depth/Projection
(max)**

12-in max. from the facade

Miscellaneous

As written.

9.1.8 Inclusionary Units, Rentals and Sales

For covered projects in which units are offered for rent or sale, a base of fifteen percent (15%) of all of the dwelling units in the project, graduated as specified in Table 9.1.8-1, shall be designated as inclusionary units

This includes any covered project where units are offered for sale via the conveyance of a deed or share for individual units, including fee simple ownership, condominium ownership and cooperative ownership.

Table 9.1.8-1 Inclusionary Zoning Percentages	
If the average sale and rental price of project units is affordable to a household earning:	The percentage of units which are subject to rent and sales prices as per Sec. 9.1.9 and are subject to marketing and continued affordability provisions (Sec. 9.1.105 and Sec. 9.1.146) shall be at least:
Less than 139% of AMI	15%
140%-179% of AMI	20%
Development in any Waterfront district (RM-W, RL-W, NAC-CR and FD5 west of Battery St) or 180% of AMI and above in any other district	25%
Off-campus student housing	15% of total beds

Sec. 9.1.12 Additional Density and Other Development Allowances

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

(a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located when all required Inclusionary Units are constructed on the same lot, or lots subject to Article 11 Planned Development. Calculations for these entitlements shall be based on the following tables:

***Remainder of section as written.

Sec. 9.1.13 Off-Site and Payment in Lieu Options

In no event may a covered project which benefited from additional density or development allowances per Sec. 9.1.12 that has been constructed and occupied utilize the following options.

(a) – (b) As written.

Sec. 9.1.15 Marketing of Inclusionary Units

Any applicant developing a covered project shall adhere to the following provisions with respect to the initial offering of inclusionary units for sale or rental:

(a) Trust Fund Notification

The developer shall notify the Housing Trust Fund Manager, as defined in Section 18-~~400~~ 403 of the Burlington Code of Ordinances, of the prospective availability of any inclusionary units at the time that the building permit is issued for such units in a covered project;

(b) – (f) As written.

Sec. 10.1.5 Lot Line Adjustments

The intent of this section is to provide for an abbreviated review and approval process for the realignment of lot boundary lines between existing adjacent lots, including the merger of lots, where no additional lots are being created. In addition, a lot line adjustment shall include the addition and subtraction of vestigial alleys, as defined in Article 13, when being combined with an adjacent lot. A lot line adjustment shall not constitute a subdivision.

(a) Lot Line Adjustment Submission Requirements:

1-3. As written

4. ~~Two (2) copies~~ One digital or electronic copy of a lot line adjustment plat which shall include the following:

The plat shall be prepared by a Vermont licensed land surveyor and indicate all lots that are proposed to be modified as a result of the proposed lot line adjustment. The survey shall be sufficient to clearly indicate the area, metes, bounds, and ties of each of the affected lots.

The survey shall include all structures and site improvements and delineate all building/structure setbacks, lot coverage, parking spaces and any other details as may be specified by the Administrative Officer.:

The following additional language shall be printed on the plat:

“Approval of this lot line adjustment plat does not constitute the creation of a separate parcel or lot. It adjusts the physical location of the common boundary of the adjoining parcels or lots. This lot line adjustment has been approved by:”

City of Burlington Administrative Officer/ Assistant Administrative Officer

Date: _____ Zoning Permit # _____

(b)-(c) As written.

Sec. 10.1.8 Preliminary Plat Review

After sketch plan review if applicable, the applicant may submit an application for Preliminary Plat Review pursuant to requirements specified below and containing any additional information requested by the administrative officer after completion of the sketch plan review.

(a) Preliminary Plat Submission Requirements

An applicant requesting preliminary plat review shall submit the following to the administrative officer:

1-4. As written.

5. ~~Eight (8) copies~~One digital or electronic copy of a preliminary plat meeting the following specifications:

A. Sheet ~~size and~~ scale: The preliminary plat ~~shall be twenty four (24) inches by thirty six (36) inches outside dimension. The plat shall be clearly and legibly drawn to a scale of no larger than one-inch equals forty (40) feet. Larger sheet sizes will be allowed with approval of the administrative officer. A reduced, 11" X 17" copy as well as digital version in a format acceptable to the administrative officer shall also be submitted.~~

B. As written.

6. ~~Eight (8) copies~~One digital or electronic copy of a preliminary site plan meeting the following specifications:

A. Site plan, drawn to a scale of 1" =, 10, 20, 40 or 60 ft., of the subject property. ~~A reduced, 11" X 17" copy as well as digital version in a format acceptable to the administrative officer shall also be submitted;~~

B. As written.

(b) Completeness of Submission, Administrator's Action

Upon receipt of a complete application, including all supporting documents and payment of all applicable fees, the administrative officer shall have no more than thirty (30) days to refer the application to the DRB pursuant to the provisions of 24 VSA Sec 4448 and Art. 3, Sec. 3.2.5. In addition, the administrative officer shall date each copy and immediately distribute one copy to each of the following:

1. – 5. As written.

The administrative officer shall retain ~~the other two (2) copies~~a copy. The administrative officer shall also notify the school board and the city councilors serving the affected ward(s) of the pending development; its size, location, and general character.

(c) – (d) As written.

(e) Decision of the DRB on the preliminary plat:

Pursuant to Sec. 3.2.8, within forty-five (45) days from the close of the public hearing on the preliminary plat the DRB shall issue Findings of Fact regarding the proposed application's conformance with each of the review standards of (d) above. The DRB's decision may be to approve, approve with modifications, or disapprove the preliminary plat. Failure of the DRB to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Notation of the action taken by the DRB shall be ~~made on two (2) copies of the preliminary plat—one copy to be returned~~provided to the applicant and one copy retained for the records of the DRB.

Approval of the preliminary plat shall not constitute a final decision of the DRB on the proposed project or in any manner whatsoever constitute an approval of a final plat unless as specifically provided under Sec. 10.1.7 above. Such a decision shall indicate only conceptual approval of the proposed layout and serve as a guide to the preparation of the final plat.

Disapproval of the preliminary plat shall constitute a final decision of the DRB on the proposed project and be subject to the provisions for appeal pursuant to Art. 12, or consideration of a revised preliminary plat as provided under (f) below. In the case of disapproval, the DRB shall include in the Findings of Fact the specific reasons for denial which shall accompany the ~~returned~~provided copy of the preliminary plat.

(f) –(g) As written.

Sec. 10.1.9 Final Plat Approval Process

During such time that an approved preliminary plat remains effective, the applicant may submit an application for approval of a final plat.

(a) Final Plat and Construction Detail Submission Requirements

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. – 2. As written.

3. ~~Ten (10) copies~~One digital or electronic copy of the final plat, as specified in subsection (6) below.

4. ~~One digital or electronic copy~~Ten (10) copies of the final site plan, as specified in subsection (7) below.

5. ~~One digital or electronic copy~~Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.

6-9. As written.

(b) Completeness of Submission, Administrator's Action

Upon receipt of a complete application for review of a final plat, the administrative officer shall have no more than thirty (30) days to refer the application to the DRB pursuant to the provisions of 24 VSA 4448 and Art. 3, Sec. 3.2.5. In addition, the administrative officer shall date each copy of such drawings and distribute a copy to the city engineer and the director of each affected city department. The final plat shall be made available~~Two (2) copies shall be reserved~~ for use by private utilities ~~and two (2) copies~~ shall be retained by the administrative officer.

(c) – (e) As written.

Sec. 10.1.11 Recording of Final Plats

(a) As written.

(b) Recording within 180 days

The final plat, endorsement by the DRB and all associated documents, shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void. In the case of an appeal of the DRB's approval of the final plat, or where additional state or federal permits may be required, the filing deadline shall be within 180 days of the final action or adjudication.

Upon written request, the administrative officer may extend the date for filing the plat by an additional 90 days.

The plat to be filed with the chief administrative officer shall comply with the requirements of 27 V.S.A. Chapter 17 and Section 10.1.9 (a)6 of this Article, and shall be drawn in black permanent inks on three (3) to five (5) mil stable-base polyester film (mylar) and 18 inches by 24 inches in dimension. After such filing or recording, the plat shall be part of the City of Burlington Official Map.

In addition to the final plat as recorded in the city land records:

1. One copy of the approved plat shall be filed with the building inspector before building permits for structures within the subdivision are made available;
2. One copy of the approved plat shall be filed with the city assessor; and,
3. A digital version of the approved plat shall be filed with the ~~department of planning & zoning~~Department of Permitting & Inspections in a format acceptable to the administrative officer.

(c) As written.

Sec. 13.1.2 Definitions

For the purpose of this ordinance certain terms and words are herein defined as follows: Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Density Calculation: A calculation based on the lot size and the allowable units per acre or FAR as applicable in a given zoning district.

~~**Floor Area Ratio:** The ratio of above ground gross floor area to gross site area or, a multiplier representative of the development limits of a site applied to the parcel/land size.~~

Sec. 14.3.6 CIVIC SPACES

(a)-(b) As written.

(c) **PARK**

INTENT As written.

SPECIFICATIONS As written.

TYPICAL FEATURES As written.

PARKING

~~On-site parking is not required unless facilities for structured recreation and community events such as recreation fields and courts, swimming pools, and community rooms are provided. No on-site parking is required.~~

Sec. 14.4.13 URBAN DESIGN STANDARDS

While traditional architectural styles and forms are welcome, a diversity of traditional, neo-traditional, and modern architectural styles and forms are highly encouraged in order to both reflect and advance the evolution and diversity of Burlington's built environment. Regardless of the architectural style used, there remain a number of fundamental urban design standards that must be addressed in order to ensure the creation of a dynamic, engaging, and pedestrian-oriented streetscape.

The following urban design standards shall be applicable to all new construction and Substantial Modification of all Buildings in the Downtown and Waterfront District:

(a)-(c) As written.

(d) Building Materials

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and maintain the character of the downtown area.

i. –iv. As written.

vi. Alternate Materials: As written.

vii. Other: As written.

(e)-(g) As written.

SEC. 14.7.1 APPLYING FOR A ZONING PERMIT: SUBMISSION REQUIREMENTS AND REVIEW

(a)-(e) As written.

(f) Review and Approval of Civic Spaces and Civic Buildings

The creation of new Civic Spaces or Civic Buildings, or the Substantial Modification of an existing Civic Space or Civic Building, shall follow the process as defined below. Any other proposed alteration to an existing Civic Space or Civic Building shall be reviewed and approved by the Administrative Officer who shall ensure ongoing compliance with the intent and standards of this Chapter as applicable.

Because of their important civic nature and public use, the design and form of a new or Substantial Modified Civic Space or Civic Building shall be determined after:

- pre-application review and consultation with the departments of ~~City~~ City Planning, Permitting and Inspections, Community and Economic Development, and Parks, Recreation, Waterfront;
- a pre-application Neighborhood Public Meeting pursuant to Sec. 3.2.1 (d) of the BCDO;
- review and recommendation of the Design Advisory Board; and,
- final review and approval by the Development Review Board.

In its discretion to approve a new Civic Space or Civic Building, the Development Review Board, after a Public Hearing, shall consider and reach an affirmative finding on each of the following:

i. – iii. As written.

Sec. 14.7.2 NON-CONFORMITIES

In addition to that as specified in Article 5, Part 3 Non-Conformities of the *Burlington Comprehensive Development Ordinance*, any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which lawfully existed at the time of adoption of the applicable provisions of this Article or any amendment thereto may be continued subject to the following provisions:

a) As written.

b) Any Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto which legally existed on the effective date of this Article that does not conform to the requirements of this Article may continue until a Substantial Modification is requested or ~~Abandonment~~discontinuance occurs.

c) As written.

d) At such time when a Substantial Modification is requested or ~~Abandonment~~discontinuance occurs, only the affected portion(s) of the Building, Structure, Frontage, Development, Site, Improvement, or other appurtenance thereto shall be required to comply with all applicable provisions of this Article and to the greatest extent practicable in the determination of the Administrative Officer or unless relief is provided by the DRB pursuant to Sec. 14.7.3 below; and,

~~de~~) As written.

Sec 14.8 GLOSSARY

This Section provides definitions for certain terms found in this Article 14. Additional definitions are to be found in Article 13 of the BCDO.

The following terms, as used in this Article 14, shall have the following meanings:

Civic: the term defining public or quasi-public activities dedicated to arts, culture, education, recreation, government, places of worship, public assembly, and public transportation.

Appendix A-Use Table – All Zoning Districts

***For changes See attached Appendix A-Use Table—All Zoning Districts

591 * Material stricken out deleted.

592 ** Material underlined added.

593

594 Planning/KS/Ordinances 2023/ZA-24-01 Technical Changes

595 CDO Sections 3.1.2, 3.2.7, 3.5.2, 4.3.1, 4.4.1, 4.4.2, 4.4.5, 5.1.2, 5.2.5, 5.2.6, 5.2.7, Density Calculations; 5.3.5, 5.4.8, 5.4.13, 7.1.3, 7.2.3, 7.2.13, 9.1.8, 9.1.12,
596 9.1.13 9.1.15, 10.1.5, 10.1.8, 10.1.9, 10.1.11, 13.1.2, 14.3.6, 14.4.13, 14.7.1, 14.7.2, 14.8, and Appendix A

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Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC- R C	NAC-CR	E-AE	E-LM ³⁴
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC- R C	NAC-CR	E-AE	E-LM
Single Detached Dwelling	N	N ¹	N	N	Y	Y	Y	N ³⁰	N		N ³⁰	N ³⁰	N ³⁰	N	N	N
Attached Dwellings - Duplex	N	N ¹	N	N	Y	Y ²	Y	Y	N		Y ³	N	Y	N	N	N
Attached Dwellings - Multi-Family (3 or more)	N	N ¹	N	N	Y	N	Y	Y	N		Y	Y	Y	Y	N	N
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC- R C	NAC-CR	E-AE	E-LM
Assisted Living	N	N	N	N	CU	CU	Y	Y	N		Y	Y	Y	Y	N	N
Boarding House ⁶ (4 persons or less)	N	N	N	N	CU	CU	Y	Y	N		Y	Y	Y	N	N	N
Boarding House ⁶ (5 persons or more)	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	N	N	N
Community House (See Sec.5.4.4)	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
Convalescent /Nursing Home	N	N	N	N	CU	CU	Y	Y	N		Y	Y	Y	Y	N	N
Dormitory ⁵	N	N	N	N	CU	N	N	N	N		N ²⁵	CU	CU	N	N	N
Emergency Shelter ³¹	N	N	N	N	N	CU	CU	CU	N		CU	CU	CU	CU	N	N
Group Home	N	N	N	N	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
Historic Inn (See Sec.5.4.2)	N	N	N	N	CU	CU	CU	CU	N		CU	Y	Y	Y	N	N
Mobile Home Park	N	N	N	N	N	CU	CU	N	N		N	N	N	N	N	N
Sorority/Fraternity ⁵	N	N	N	N	CU	N	N	N	N		N	N	N	N	N	N
Short Term Rental ³³	N	N	N	N	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	Downtown FDs	NMU	NAC	NAC- R C	NAC-CR	E-AE	E-LM
Adult Day Care	N	N	N	N	CU	N	N	N	N		Y	Y	Y	Y	N	N
Agricultural Use ²⁰	N	Y	Y	CU	Y	N	N	N	N		N	N	N	N	Y	N
Amusement Arcade	N	N	N	N	N	N	N	N	N		N	CU	CU	CU	N	N
Animal Boarding/Kennel/Shelter	N	CU	N	N	N	N	N	N	N		N	CU	CU	CU	CU	CU ²⁷
Animal Grooming	N	N	N	N	N	N	N	N	N		Y	Y	Y	Y	CU	CU ²⁷
Animal Hospitals/Veterinarian Office	N	CU	N	N	CU	N	N	N	N		CU	CU	CU	CU	Y	Y ²⁷
Appliance Sales/Service	N	N	N	N	N	N	N	N	N		Y ²⁴	Y	Y	Y ²⁴	N	Y ²⁷
Aquarium	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	N	N
Art Gallery/Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	Y	Y
Auction House	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU ²⁷

Appendix A-Use Table – All Zoning Districts

Automobile Body Shop	N	N	N	N	N	N	N	N	N		N	N	Y	N	N	Y ²⁷
Automobile & Marine Parts Sales	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)		CU	Y	Y	Y	N	Y ²⁷
Automobile/Vehicle Repair	N	N	N	N	N	N	N	N	N		CU ^{9, 12, 14}	CU ^{9, 12, 14}	CU ¹⁴	N	N	Y ²⁷
Automobile Sales – New & Used	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU ²⁷
Automobile/Vehicle Salvage Yard	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N
Bakery	N	N	N	N	N	N ²²	N ²²	CU ¹³	N		Y	Y	Y	Y	Y	Y ²⁷
Bank, Credit Union	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	Y
Bar, Tavern	N	N	N	N	N	N	N	N	N		CU	CU	CU	CU	N	N
Beauty/ Barber Shop	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N		Y	Y	CU	Y	N	N
Bicycle Sales/Repair	N	N	N	N	CU	N	N	N	N		Y	Y	Y	Y	N	Y ²⁷
Billiard Parlor	N	N	N	N	N	N	N	N	N		CU	Y	CU	Y	N	N
Boat Repair/Service	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	N	N	Y ²⁷
Boat Sales/Rentals	N	N	CU	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	Y	Y	N	N	Y ²⁷
Boat Storage	N	N	CU	N	N	N	N	N	N		N	CU	CU	N	N	Y ²⁷
Bowling Alley	N	N	N	N	N	N	N	N	N		CU	Y	Y	Y	N	Y
Building Material Sales	N	N	N	N	N	N	N	N	N		N	Y ¹⁰	Y	N	N	Y ²⁷
Café	N	CU ¹⁷	CU	N	CU	N ²²	N ²²	CU ¹³	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	CU	CU ²⁷
Camp Ground	N	Y	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	N	N
Car Wash	N	N	N	N	N	N	N	N	N		N	CU	Y	CU	N	CU ²⁷
Cemetery	N	N	Y	N	N	N	N	N	N		N	N	N	N	N	N
Cinema	N	N	N	N	Y	N	N	CU	N		CU ¹⁴	Y	N	Y ¹⁴	N	N
Club, Membership	N	N	Y	N	CU	N	Y	Y	N		CU	CU	N	CU	N	N
Community Center	N	N	CU	N	CU	CU ¹³	CU ¹³	Y ¹³	N		Y	Y	Y	Y	N	CU ²⁷
Community Garden	N	Y	Y	N	Y	Y	Y	Y	N		Y	Y	Y	Y	Y	Y ²⁷
Conference Center	N	N	N	N	CU	N	N	N	N		N	N	N	N	N	N
Composting	N	CU	N	N	N	N	N	N	N		N	N	N	N	N	N
Contractor Yard	N	N	N	N	N	N	N	N	N		N	N	Y ¹⁰	N	N	Y
Convenience Store (See Sec.5.4.3)	N	N	N	N	N	N	N	CU ¹²	N		Y ¹²	Y	Y	Y ¹²	N	Y ²⁷
Convention Center	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N
Courthouse	N	N	N	N	Y	N	N	CU	N		N	N	N	N	N	N
Crematory	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	N
Crisis Counseling Center	N	N	N	N	CU	CU	CU	CU	N		Y	Y	Y	Y	N	N
Daycare (See Sec.5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N		Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N		Y	Y	Y	Y	N	N
Dental Lab	N	N	N	N	CU	N	N	N	N		Y	Y	Y	Y	N	Y

Appendix A-Use Table – All Zoning Districts

Distribution Center	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	CU
Dry Cleaning Plant	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	CU
Dry Cleaning Service	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y ²⁴	Y	Y	Y ²⁴	N	CU ²⁷
Film Studio	N	N	N	N	Y	N	N	N	N		N	CU	Y	CU	N	CU
Fire Station	N	N	Y	N	Y	CU	CU	CU	N		Y	Y	Y	Y	Y	Y
Food & Beverage Processing	N	N	N	N	N	N	N	N	N		CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	Y	Y
Fuel Service Station ⁹	N	N	N	N	N	N	N	N	N		CU ¹¹	Y ¹¹	Y	N	N	N
Funeral Home	N	N	N	N	N	CU ⁷	CU ⁷	CU ⁷	N		CU	Y	Y	N	N	N
Garden Supply Store	N	N	N	N	CU	N	N	N	N		CU ²⁴	Y	Y	N	Y	Y ²⁷
General Merchandise/Retail – Small <4,000sqft	N	N	N	N	CU	N ²²	N ²²	N ²²	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	N	Y ²⁷
General Merchandise/Retail – Large ≥4,000sqft	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	CU ¹⁸	CU	CU	N	CU ^{17,27}
Grocery Store – Small ≤10,000sqft	N	N	N	N	N	N	N	CU	N		Y	Y	Y	Y	CU	CU ²⁸
Grocery Store – Large >10,000sqft	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	CU ²⁸
Hazardous Waste Collection/Disposal	N	N	N	N	N	N	N	N	N		N	N	N	N	N	CU
Health Club	N	N	N	N	Y	N	N	CU	N		CU	Y	Y	Y	N	CU ²⁷
Health Studio	N	N	N	N	Y	N ²²	N ²²	CU	N		Y	Y	Y	Y	N	Y ²⁷
Hospitals	N	N	N	N	CU	N	N	CU	N		N	N	N	N	N	N
Lodging	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	Y	N	Y	N	N
Junkyard	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N
Laundromat	N	N	N	N	CU	N ²²	N ²²	CU ¹³	N		Y ¹³	Y	Y	Y	N	Y ²⁷
Library	N	N	N	N	Y	CU	CU	Y	N		Y	Y	Y	Y	N	N
Lumber Yard	N	N	N	N	N	N	N	N	N		N	CU ¹⁰	Y	N	N	Y
Manufacturing-Light	N	N	N	N	N	N	N	N	N		CU ¹⁴	CU ¹⁴	CU	CU ¹⁴	CU	Y
Manufacturing	N	N	N	N	N	N	N	N	N		N	N	CU	N	CU	Y
Marina	N	N	Y	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	N	N
Medical Lab	N	N	N	N	CU	N	N	N	N		CU	Y	Y	N	CU	CU
Mental Health Crisis Center	N	N	N	N	N	N	CU (See §5.4.11)	N	N		N CU	N	N	N	N	N
Museum–Small < 10,000 sqft	N	CU	CU	CU	Y	CU ¹³	CU ¹³	CU ^{8,13}	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	CU	Y ²³
Museum-Large >10,000 sqft	N	N	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	N	CU	CU ²³
Office - General	N	N	N	N	N	N	N	N	N		Y	Y	Y	Y	CU	Y ²⁷

Appendix A-Use Table – All Zoning Districts

Office - Medical, Dental	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	Y ²⁷
Office-Technical	N	N	N	N	N	N	N	N	N		Y	Y	Y	Y	CU	Y
Open Air Markets	N	Y	Y	N	Y	CU	CU	CU	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	Y	Y ²⁷
Operations Center – Taxi/Bus ⁹	N	N	N	N	N	N	N	N	N		N	N	CU ¹¹	N	N	Y
Operations Center - Trucking ⁹	N	N	N	N	N	N	N	N	N		N	N	Y ¹¹	N	CU ¹¹	CU
Park	N	Y	Y	Y	Y	Y	Y	Y	(See Sec.4.4.1(d) 1)		Y	Y	Y	Y	CU	CU ²⁷
Parking Garage ⁹	N	N	N	N	Y	N	N	CU	N		CU	Y	N	CU	N	CU
Parking Lot ⁹	N	N	N	N	N	N	N	N	N		N	CU	N	N	N	CU
Performing Arts Center	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)		CU	Y	N	CU	N	CU ^{27,32}
Performing Arts Studio	N	N	N	N	Y	N	N	CU ¹³	(See Sec.4.4.1(d) 1)		CU	CU	CU	Y	N	Y ²⁷
Pet Store ¹⁰	N	N	N	N	N	N	N	N	N		CU	Y	Y	Y	N	N
Pharmacy	N	N	N	N	CU	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	N
Photo Studio	N	N	N	N	N	N ²²	N ²²	N	N		Y	Y	Y	Y	N	Y
Photography Lab	N	N	N	N	N	N	N	N	N		CU	Y	Y	Y	CU	Y
Police Station - Central	N	N	N	N	CU	N	N	N	N		Y	Y	Y	N	N	N
Police Station - Local	N	N	CU	N	Y	CU	CU	CU	N		Y	Y	Y	Y	Y	Y
Post Office – Central Distribution Center	N	N	N	N	N	N	N	N	N		N	Y	Y	N	N	Y
Post Office - Local	N	N	N	N	Y	N ²²	N ²²	N ²²	N		Y	Y	Y	Y	N	N
Printing Plant	N	N	N	N	N	N	N	N	N		N	N	CU	N	N	Y
Printing Shop	N	N	N	N	CU	N ²²	N ²²	N	N		CU	Y	Y	Y	N	Y
Public Transit Terminal	N	N	N	N	Y	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	Y	CU	Y
Public Works Yard/Garage ⁹	N	N	N	N	CU ¹¹	N	N	N	N		N	CU ¹¹	Y ¹¹	N	CU	Y
Radio & TV Studio	N	N	N	N	N	N	N	N	N		N	Y	Y	Y	N	Y
Rail Equip. Storage & Repair	N	N	N	N	N	N	N	N	(See Sec.4.4.1(d) 1)		N	N	N	N	CU	CU ²⁷
Recording Studio	N	N	N	N	N	N	N	CU	N		CU	CU	Y	Y	N	Y
Recreational Facility - Indoor	N	N	CU	N	CU	N	CU	CU	(See Sec.4.4.1(d) 1)		N	Y	CU	N	N	CU ²⁷¹
Recreational Facility - Outdoor Commercial	N	N	CU	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	N	CU	N	N	N
Recreational Facility - Outdoor	N	N	Y	N	Y	N	N	N	(See Sec.4.4.1(d) 1)		N	Y	Y	CU	N	N

Appendix A-Use Table – All Zoning Districts

Recreational Vehicle Sales – New and Used	N	N	N	N	N	N	N	N	N		N	CU	CU	N	N	Y ²⁷
Recycling Center – Large ¹⁰ (above 2,000 sf)	N	N	N	N	N	N	N	N	N		N	N	N	N	CU	CU
Recycling Center - Small ¹⁰ (2,000 sf or less)	N	N	N	N	CU	N	N	N	N		CU	CU	CU	CU	CU	Y
Research and Development Facility	N	N	N	N	CU	N	N	N	N		CU	CU	CU	CU	CU	Y
Research Lab	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	CU	CU	CU ²⁴	CU	Y
Restaurant	N	N	N	N	N	N ²²	N ²²	CU ^{8, 13}	(See Sec.4.4.1(d) 2)		Y ¹³	Y	Y	Y ¹³	N	N
Restaurant – Take Out	N	N	N	N	CU ¹³	N ²²	N ²²	N	(See Sec.4.4.1(d) 1)		Y ¹³	Y	Y	Y ¹³	N	Y ^{13,27}
Salon/Spa	N	N	N	N	CU	N ²²	N ²²	N	N		Y	Y	Y	Y	N	N
School - Post-Secondary &Community College	N	N	Y	N	CU	N	CU	CU	N		CU	CU	CU	CU	N	N
School – Preschool (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N		Y	Y	Y	Y	CU	CU ^{17,27}
School - Primary	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
School - Secondary	N	N	N	N	CU	CU	CU	CU	N		CU	CU	CU	CU	N	N
School, -Trade, or Professional	N	N	N	N	CU	N	N	N	N		CU	N	N	CU	N	CU ²⁷
Solid Waste Facility - Incinerator, Landfill, Transfer Station	N	N	N	N	N	N	N	N	N		N	N	N	N	CU	CU
Tailor Shop	N	N	N	N	N	N ²²	N ²²	CU	N		Y	Y	Y	Y	N	N
Warehouse	N	CU	N	N	CU	N	N	N	(See Sec.4.4.1(d) 1)		N	N	Y ¹⁵	N	Y	Y
Warehouse, Retail ⁹	N	N	N	N	N	N	N	N	N		N	CU ¹⁵	CU ¹⁵	N	CU	CU
Warehouse, Self-Storage ⁹	N	N	N	N	N	N	N	N	N		N	N	Y ¹⁵	N	N	CU
Wholesale Sales ⁹	N	CU	N	N	N	N	N	N	N		N	N	Y ¹⁵	N	Y	Y
Worship, Place of	N	N	N	N	CU	CU	CU	Y	N		Y	CU	CU	CU	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density

Appendix A-Use Table – All Zoning Districts

- 2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
- 3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
- 4. Reserved.
- 5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
- 6. Must be owner-occupied.
- 7. Must be located on a major street.
- 8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
- 9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
- 10. Exterior storage and display not permitted.
- 11. All repairs must be contained within an enclosed structure.
- 12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
- 13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
- 14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
- 15. Excludes storage of uncured hides, explosives, and oil and gas products.
- 16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
- 17. Allowed only as an accessory use.
- 18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
- 19. [Reserved].
- 20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
- 21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
- 22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
- 23. Allowed only on properties with frontage on Pine Street.
- 24. Such uses shall not exceed 4,000 square feet in size.
- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
- 33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.
- 34. See Sec. 4.5.8(c) 5 for permitted uses in the Enterprise – Innovation District (E-SEID) Overlay

DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Charles Dillard, AICP, Principal Planner
DATE: October 16, 2023
RE: Proposed CDO Amendment – ZA-24-01: Technical Amendments

Overview & Background

In review and administration of the Comprehensive Development Ordinance (CDO), staff and applicants have noted various elements that require minor, technical amendment to correct spelling, cross-references, or clarify the administration of specific provisions. This package of technical amendments is the natural result of administering a lengthy and complex ordinance, and regularly amending it to implement specific policy goals. As is typical every few years, this package of amendments has been prepared jointly by staff from the Office of City Planning and Department of Permitting and Inspections. The technical corrections can be categorized as follows, and more specifically described in staff comments in the enclosed draft amendment:

- **Spelling/Numbering/Formatting Errors:** These majority of these amendments would correct spelling errors, errors in numbering of sections and subsections, and formatting errors, mostly related to cross-references to other portions of the CDO.
- **Site/Building Standards and Features:** These amendments are primarily needed to correct errors in the code to ensure consistency or to clarify ambiguities raised by the Development Review Board and DPI staff.
- **Internal Consistency and Administrative Clarity:** These amendments address internal ambiguity around definitions and methods for calculating density, and provide greater clarity for the implementation of recent major policy initiatives related to inclusionary zoning and ADU provisions.
- **Use Table Errors:** The use table incorrectly states that the Mental Health Crisis Center is a prohibited use in the Neighborhood Mixed Use district, while it should be listed as a conditional use. Changes to the Use Table also clarify that use tables for the downtown form districts are found in Article 14.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment corrects a number of errors in the CDO that are considered technical and will provide further clarity and consistency of administration for staff and applicants.

Proposed Amendments

The following amendments to the *Burlington Comprehensive Development Ordinance* are included in this proposal:

1. Amends Article 3 – Applications, Permits, and Project Reviews

- Modifies Sec. 3.1.2 to exempt new interior finished space from requiring a zoning permit

- Modifies Sec. 3.2.7 to exempt certain ADUs from DRB review when associated with a COA Level II permit

2. Amends Article 4 – Zoning Districts and Maps to make various corrections

- Modifies Sec. Table 3.5.2.1 to provide a Table header name;
- Modifies Sec. 4.3.1 to change "NAC-RC" to "NAC-R," consistent with other references to this district in the CDO;
- Modifies Sec. 4.4.1 to correct the subsection numbering;
- Modifies Sec. 4.4.2 to correct a typo in the Table 4.4.1-1 building height column and correct the numbering of table footnotes;
- Modifies Sec. 4.4.5's Table 4.4.5-3 to correct a cross-reference and re-number the Table's footnotes;
- Modifies Sec. 4.4.5 to remove "swimming pool" from list of accepted accessory structure exemptions, providing consistency with Sec. 5.2.3(b);
- Modifies Sec. 4.4.5(d) 3 to correct the reference to Article 5;

3. Amends Article 5 – Development Review Standards to make various corrections

- Modifies Sec. 5.1.2 to correct a cross-reference;
- Modifies 5.2.5 to reword from "buildings" to "structures" to provide greater clarity;
- Modifies Sec 5.2.6 to add "from the average grade" language to this section that regulates building height on sloped sites as per a previous zoning amendment;
- Modifies Sec. 5.2.6 to correct the subsection lettering;
- Modifies Sec. 5.2.6 to increase modestly the allowed variation in maximum building height;
- Modifies Sec. 5.2.7 to clarify the Floor Area Ratio standard, particularly to reference lot area rather than an undefined term "site";
- Modifies Sec. 5.3.5 to delete an obviated reference to conditional use requirements;
- Modifies Sec. 5.4.8 to provide consistency across CDO elements in discussing the extent of lot coverage bonuses;
- Modifies Sec. 5.4.13 to correct a reference to the FD5 and FD6 in the Downtown Form Code;

4. Amends Article 7 – Signs to provide updated guidance and greater clarity

- Modifies Sec. 7.1.8 to update the historic marker definition based on typical dimensions for such signs;
- Modifies Sec. 7.2.3 to clarify when multiple Band Signs are permitted
- Modifies Sec. 7.2.13 to provide greater clarity in regulating wall signs when proposed for buildings taller than two stories

5. Amends Article 9 – Inclusionary and Replacement Housing to correct a cross-reference

- Modifies Sec. 9.1.12 to confirm intent that IZ density bonus is permitted only when IZ units are provided on the same lot or lots as the project's market rate units;
- Modifies Sec. 9.1.13 to clarify that the off-site and in-lieu options for Inclusionary affordable housing units are not permitted in completed structures that have benefited from additional density or development allowances.

- Modifies Sec. 9.1.15 to correct a cross reference to the Code of Ordinances

6. Amends Article 10 – Subdivision Review to update submission requirements based on a recent policy change

- Modifies multiple sections to remove reference to mylar plan submittals, which are no longer required.
- Modifies Sec. 10.1.5 to correct language that currently calls for paper copies of submissions when only digital copies are currently required

7. Amends Article 14 – PlanBTV Downtown Code to make various corrections

- Modifies Sec. 14.4.13 to correct the subsection numbering
- Modifies Sec. 14.7.1 to correct a typo
- Modifies Sec. 14.7.2 to correct a typo and clarify use of term "abandonment" as meaning "discontinuance"
- Modifies Sec. 14.8 to correct a typo

8. Amends Appendix A – Comprehensive Use Table to correct the table

- Modifies the Use Table to correct an error in the Mental Health Crisis Center row
- Creates a new Downtown Form Districts Column
- Corrects district identification error from NAC-RC to NAC-R

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain		Grow

Compatibility with Proposed Future Land Use & Density

This amendment has no direct impact on land use and density, except in that it corrects errors and provides greater clarity.

Impact on Safe & Affordable Housing

This amendment has no direct impact on safe and affordable housing, except in that it corrects errors and provides greater clarity.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, except in that it corrects errors and provides greater clarity.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff 7/6/23	Presentation to & discussion by Commission 7/11/23	Approve for Public Hearing 7/11/2023	Public Hearing 8/8/2023	Approved & forwarded to Council 8/8/2023
City Council Process				

First Read 9/11/23	Ordinance Cmte discussion <i>Recommend waive rules & warn public hearing.</i>	Ordinance Cmte recommend	Second Read & Public Hearing 10/23/23	Council Approval & Adoption
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Resolution Relating to

SUPPORT FOR THE REDEVELOPMENT OF THE
GATEWAY BLOCK THROUGH FURTHER DUE
DILIGENCE OF A PUBLIC-PRIVATE PARTNERSHIP

RESOLUTION_____

Sponsor(s): Councilor Paul
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, the City’s ‘Gateway Block’ has long been at the forefront of discussions about how to
2 augment Burlington’s vibrant Downtown; and
3 WHEREAS, the ‘Gateway Block’ encompasses the properties between Main Street and College Street and
4 South Union Street and South Winooski Avenue and contains approximately 3.81 acres of land in the heart of
5 downtown Burlington; and
6 WHEREAS, The City of Burlington owns approximately 2.95 acres, or 77% of the block which includes
7 the historic Central Fire Station, the Fletcher Free Library, Memorial Auditorium and the Main and Winooski
8 Parking lot; and
9 WHEREAS, over the past several decades, the City’s Administrations and community members have
10 engaged in processes to reimagine this central block that has long served as a valuable community epicenter; and
11 WHEREAS, the ‘Gateway Block’ is the primary point of entry into Downtown Burlington, and as such,
12 needs to achieve the planning goals of our community as a vibrant and attractive gateway to the downtown
13 welcoming residents and visitors alike, providing new housing, public space, parking and long-term economic
14 benefits for the community; and
15 WHEREAS, after many attempts to revitalize the properties on this block, the City has identified an
16 opportunity to achieve the long held community goals that appear to resolve the previously identified barriers to
17 redevelopment;
18 NOW, THEREFORE, BE IT RESOLVED that the City Council supports further exploration and due
19 diligence centered around redeveloping the ‘Gateway Block’ in a public-private partnership; and
20 BE IT FURTHER RESOLVED that the City Council supports the Mayor entering into the attached Letter
21 of Intent, to explore the feasibility of executing a development agreement between the parties to provide the
22 framework for comprehensive redevelopment; and
23 BE IT FURTHER RESOLVED that this process continue to engage the community and encourage public
24 input on the redevelopment and use of the City’s ‘Gateway Block.’

Proposed Amendment per Councilor Hightower

BE IT FURTHER RESOLVED that the City Council supports the Mayor entering into the attached Letter of Intent, with the Goals and Visions amended by city staff given Council feedback, to explore the feasibility of executing a development agreement between the parties to provide the framework for comprehensive redevelopment; and

Proposed amendment per Councilor Bergman

Move to amend line 21 of the resolution by inserting after “Intent,” and before “to explore”: minus the visions/goals of redevelopment section” and ask for staff to come back to the city council asap with a revised vision for the council to approve based on the comments of the council and public to be presented to the developers.

LETTER OF INTENT

November____, 2023

City of Burlington
Attention: Miro Weinberger, Mayor
City Hall, Room 34
149 Church Street
Burlington, VT 05401

Re: Redevelopment of the Gateway Block, Burlington, Vermont

Dear Mayor Weinberger,

This Letter of Intent reflects our expression of interest in forming a Public/Private Partnership for the purpose of redeveloping the Gateway Block as the gateway to the City.

The City and the Developer agree to work diligently to execute a formal and binding Development Agreement on or before March 29, 2024 (“Development Agreement”) reflecting the expressions contained in this Letter of Intent.

Developer

A new entity (NEWCO) to be formed by Eric Farrell and Joe Larkin.

Gateway Block

The city block bounded by Main Street, South Union Street, College Street and South Winooski Avenue.

Background

The Gateway Block contains approximately 3.81 acres of land. The City of Burlington owns approximately 2.95 acres, or 77%, of the block including the historic Central Fire Station, Fletcher Free Library, Memorial Auditorium and the Main Street Parking Lot. The Northeast corner (0.58 acres) is owned by the College Street Congregational Church. NEWCO holds site control of the remaining 0.28 acres including the properties numbered 230 Main Street, 234 Main Street and 236 Main Street located between Memorial Auditorium and the Main Street Parking Lot.

Since closing Memorial Auditorium for safety reasons in 2016, the City has sought to return this public asset to active use and to facilitate its redevelopment as part of the so-called Gateway Block as anticipated in *planBTV - Downtown and Waterfront Master Plan* adopted on June 10, 2013.

The City is moving forward the Great Streets Main Street vision from planBTV that will use the City’s Downtown TIF district to make major new investments in the public infrastructure of Main Street, introducing a toolkit of amenities to create a vibrant, walkable, and sustainable urban core.

This project, slated to begin construction in the next 6 months, will also relocate the ravine sewer that currently crosses the Main Street Parking Lot, which will prepare that portion of the Gateway Block for redevelopment.

Vision/Goals of Redevelopment

The redevelopment plan should reflect the following important elements and goals:

- The architectural design of the Gateway Block should be inspirational and welcoming. It should honor both the history of the City and the promise of its future.
- The architectural design of Gateway Block should embody the name and responsibility of the Gateway Block, as the primary point of entry into Downtown Burlington.
- The Gateway Block should represent a meaningful connection between the Hill Section of the City and the Church Street Marketplace, encouraging pedestrian movement in support of the businesses and services all along the way.
- The Gateway Block design should embrace the presence of the College Street Congregational Church and the Fletcher Free Library buildings and endeavor to create a vibrant pedestrian streetscape surrounding these important community resources.
- The Gateway Block should maintain the historic integrity of the Central Fire Station, repurposing it to serve in many capacities, such as additional public space, as a function space for an adjacent hotel, or some combination of public and private uses.
- The Gateway Block should include a Central Public Assembly & Activity Space to replace Memorial Auditorium, although not of equal size nor equivalent in use, anchoring the core of the Block and serving as the heart of this new community. Alternatively, such space could be comprised of a combination of a portion of Memorial Auditorium that is retained and new Central Public Assembly & Activity Space. Such spaces can be either owned privately, or owned by a public/private partnership, or a combination thereof.
- If no portion of Memorial Auditorium is retained, then the Central Public Assembly & Activity Space should include a Veterans Memorial,
- The Gateway Block should include hotel use with a minimum of 100 rooms, serving as a vibrant anchor for the Block.
- The Gateway Block should result in the creation of a minimum of 200 units of housing, including a mix of housing types, and both affordable and market-rate units. The affordable housing must satisfy the City's requirement for inclusionary housing units, which requirements will be more specifically articulated in the Development Agreement.

- The Gateway Block should explore secure rooftop greenspaces, where feasible, for the enjoyment of the residents, business employees, hotel guests and the general public, when appropriate (i.e., during public events).
- All parking for the Gateway Block should be located within an understory garage, not visible from the surrounding streets except for the required garage entrances. The garage should include a component of public parking. Incidental surface parking and drop-off zones should be allowed at the entrances to the hotel, residential buildings, Fletcher Free Library, and the College Street Congregational Church. Surface parking should not otherwise be allowed within the Gateway Block.
- The architectural plans for the Gateway Block should be coordinated with, be complementary to, and otherwise support the significant improvements planned for the Main Street corridor.

Items to be addressed in a Development Agreement

Roles, Responsibilities & Capacities of the Parties

- NEWCO's ability to complete the project (financial and technical capacity).
- Role of the City in the design of the redevelopment project.
- Identification and applicability of potential funding sources and financial benefits that may be available to the redevelopment through the public/private partnership; identification of any requirements associated with particular funding sources.

Property Valuation, Ownership, Redevelopment Structures

- What is the value of the property being conveyed?
- Will the property be sold or redeveloped under a long-term lease?
- What is the anticipated value of the redevelopment including access to public space, public parking, increased tax revenue, increase in Rooms & Meals taxes?
- Negotiation of Development Agreement including basis for Purchase / Lease price.
- Consideration in the Development Agreement of the potential for an in-kind contribution of new public spaces towards the Purchase / Lease price.

Development Program Priorities & Mutual Efforts to Overcome Potential Barriers

- What is the size, nature, function, and management of the Public Space to be included in the redevelopment?
- How is space dedicated to youth incorporated into the redevelopment?
- Potential constraints of existing zoning regulations.
- Number of anticipated new housing units and application of Inclusionary Zoning requirements.
- Ability to change traffic circulation on South Union Street to support redevelopment.
- Are there any City requirements pertaining to the design of the project or its components.

- Preservation of some portion of the historic fabric of Memorial Auditorium.

Logistics & Interrelated Details

- Timing and cost of relocating the Central Fire Station.
- Project Timeline.
- Other related capital priorities.

This work is intended to result in a Development Agreement that will provide the basis for the public/private partnership required for redevelopment.

Access to the Gateway Block: During the Due Diligence Period, as defined below, the Developer shall have reasonable access to Memorial Auditorium, the Central Fire Station and to the Main Street Parking Lot for the purpose of performing due diligence as set forth below, provided that (a) Developer shall not perform any invasive environmental testing without the City's prior written consent and (b) Developer shall only be permitted to enter into Memorial Auditorium while accompanied by a representative of the City. The City shall reasonably cooperate with Developer to facilitate Developer's access to and due diligence of Memorial Auditorium. Developer acknowledges that portions of Memorial Auditorium are being occupied by, or are being used for storage by, others, and Developer agrees that its due diligence shall not disturb such use.

Preliminary Due Diligence Period: Developer shall have from the date of this Letter of Intent to the later of the date on which the parties execute the Development Agreement or March 29, 2024 (the "Preliminary Due Diligence Period") to perform a project feasibility evaluation of Memorial Auditorium, the Main Street Parking Lot, and the Central Fire Station, including an engineering and environmental review to ascertain their physical condition; legal review of the City's title to such property, including but not limited to review of title and survey to determine the existence or materiality of any encumbrances affecting its use, occupancy, or enjoyment. The City acknowledges and agrees that such preliminary study will not obviate the need for a more comprehensive investigation of the Gateway Block, which investigation will require a substantial outlay of time and expense to be borne by the Developer, which expenses cannot be reasonably incurred by the Developer until after the execution of the Development Agreement. A comprehensive Due Diligence Period will be more fully articulated in the Development Agreement. Developer agrees that in conducting any inspections or investigations, Developer and Developer's Agents shall: (a) not damage any part of the City's property; (b) promptly pay when due the costs of all tests, investigations, and examinations; and (c) not permit any liens to attach to the City's property by reason of the exercise of Developer's rights hereunder. If any damage occurs to the City's property as a result of Developer's due diligence or any activities upon the Gateway Block by Developer or its agents, Developer shall promptly restore the damaged property to the condition that existed prior to the commencement of the due diligence or such other activities, at Developer's sole cost and expense, and save and hold the City and its successors and assigns harmless from any claim, damage, cost or expense, including reasonable attorneys' fees, for any property damage or for any personal injuries arising in whole or in part from any inspections or investigations performed by Developer or its agents. Developer's obligations under this provision shall survive the termination of this Letter of Intent for any reason.

Limitations. Developer acknowledges and agrees that this Letter of Intent only provides Developer with a limited license for the purposes described herein and for no other purposes and for no other periods, and does not constitute, and no provision shall be construed to constitute, the grant, conveyance or assignment of any interest in real estate or a lease of any portion of the Gateway Block or any rights extending beyond the period and purposes identified above. The Developer shall at its own cost and expense comply with any and all laws, ordinances, regulations, codes and other legal requirements relating to its activities hereunder.

Insurance. Throughout the effective period of this Letter of Intent, Developer, at Developer's own cost and expense, will maintain a policy or policies of commercial general liability insurance (or its equivalent) insuring the City and Developer against all claims or demands for personal injuries to or death of any person, and damage to or destruction or loss of property, which may or may be claimed to have occurred on the Gateway Block or in the vicinity of the same arising from the acts or omissions of Developer. Such policies shall be in an amount not less than Two Million Dollars and 00/100 (\$2,000,000.00) for injury to or death of any one person or for damage to or destruction or loss of property in a single accident or occurrence. The Developer shall deliver to the City certificates evidencing such insurance coverage prior to its entry onto the Gateway Block (other than those portions which Developer already controls), which certificates shall name the City as an additional insured.

Liability; Indemnification. The City shall not be liable for any personal injury or damage to property which Developer or its employees, contractors, agents, or invitees may incur, regardless of the cause thereof, unless the cause of such injury or damage is a willful or grossly negligent act by the City, its officers, employees, and agents. Developer hereby releases the City from all such liability except as otherwise stated, it being the intent of the parties that Developer shall maintain adequate insurance to cover any such losses. Developer hereby agrees to defend, indemnify and hold harmless the City, its officers, employees and agents, from and against any and all damages to the Gateway Block, any personal injuries, claims, damages, losses, suits, judgments, costs and expenses (including without limitation reasonable attorney's fees) arising from Developer's use of and access to the Gateway Block or breach of this Letter of Intent including, but not limited to, the amounts of deductibles on Developer's insurance policies, or any costs resulting from Developer's failure to acquire insurance coverage as required hereunder, and any costs arising from subrogation under worker's compensation or liability claims. The indemnification provisions set forth above shall survive termination of this Letter of Intent.

No Assignment. The Developer may not assign this Letter of Intent under any circumstances.

Termination: If at any time during the Preliminary Due Diligence Period set forth in this Letter of Intent, the Developer determines, in its sole discretion, that the Gateway Block is not suitable for Developer's intended use, Developer may terminate this Letter of Intent, upon written notice to the City and the Developer will have no further obligations to the City. In addition, the City may terminate this Letter of Intent in the event of breach by Developer of any of the covenants set forth herein following Developer's failure to cure such breach within ten (10) days following written notice by the City.

Good Faith Letter of Intent: This Letter of Intent is intended to represent the good faith actions of the parties and therefore binding, subject to the full execution of a Development Agreement on or before March 29, 2024. The City agrees not to solicit any other interest, nor otherwise engage with any other party in connection with the redevelopment of the Gateway Block during the term of this Letter of Intent.

Authority: Each of the undersigned signatories represents that they have the authority to act on behalf of their respective entities. Within thirty (30) days of the execution of this Letter of Intent, the parties will provide each other with evidence of said entity's authority to execute this Letter of Intent and to negotiate the terms of the Development Agreement.

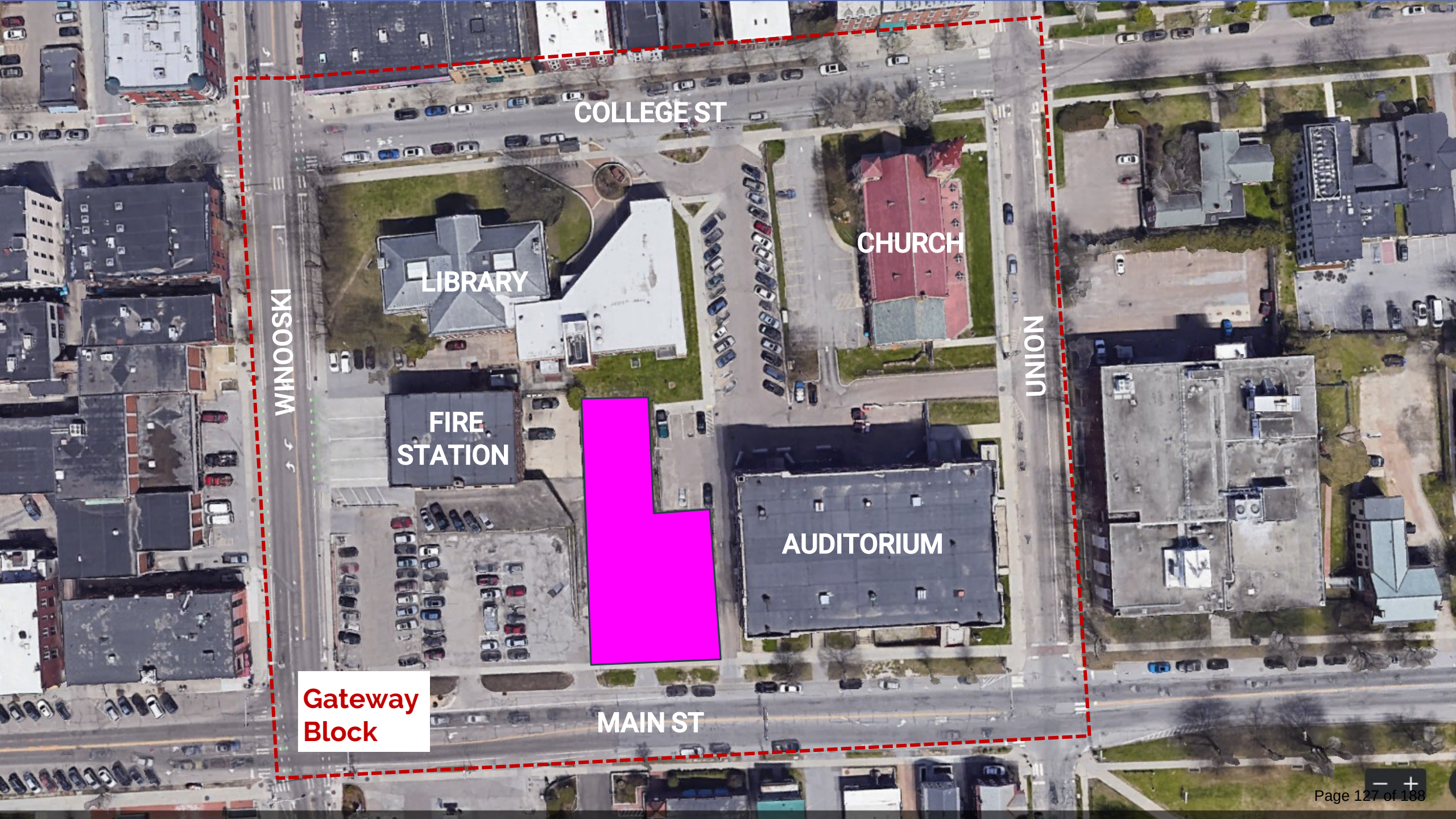
Eric Farrell	Date	Joe Larkin	Date
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City of Burlington

Page 125 of 188

Gateway Block Redevelopment

November 6, 2023



COLLEGE ST

LIBRARY

CHURCH

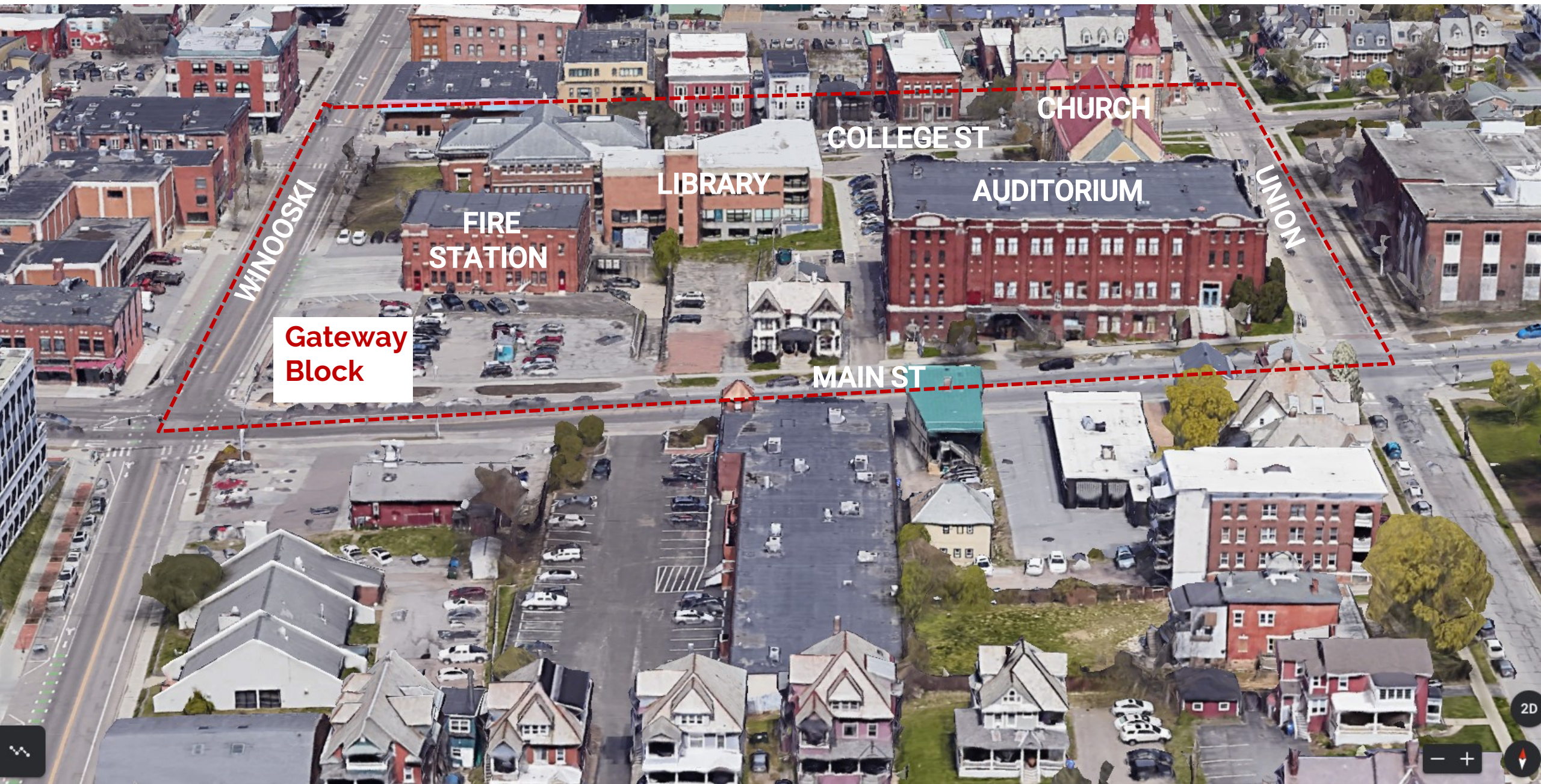
FIRE
STATION

UNION

AUDITORIUM

Gateway
Block

MAIN ST



Background - Memorial

1990s City began to struggle to keep up with repairs on the building; 1994 failed bond vote.

2016 Memorial Auditorium closed to ensure public safety

2018 Robust Public Process by CEDO leading to Adaptive Re-use plans for Memorial Auditorium as a “Community Hub”; 2019: RFP to find a Private Operator for Memorial Community Hub

2021 Failed Bond Vote that included Memorial Redevelopment

2022 Successful Bond brings \$1MM to Memorial Stabilization & Future Exploration

2022 Voters approve \$165MM in bonding for new BHS

2022 RFP for Redevelopment through Public/Private Partnership

2023 Selected Proposal (Babaroosa) withdraws proposal for financial feasibility reasons

2023 City facilitates strategic visioning exercise for Gateway Block Redevelopment



Previous Proposals for Redevelopment

- 1990s: New Public Safety Facility was proposed at Main/Winooski Parking Lot
- 2013: YMCA to Occupy Memorial Auditorium; balance of block to be Mixed-Use w/ Student Housing
- 2016: UVM Arena with Hotel
- 2018: Community Hub concept developed for Memorial Auditorium
- 2021: Gateway Block considered as site of new Burlington High School
- 2022: RFP for Redevelopment of Memorial Auditorium by a Private Entity through long-term lease-one housing, one "Meow Wolf" type art space



planBTV: Downtown & Waterfront



Aerial view of downtown Burlington circa 2010

planBTV: Downtown & Waterfront



planBTV: Downtown & Waterfront



What Now?

Action for this building and this block is required now to:

- Address ongoing cost and liability of Memorial Auditorium
- Chart direction for key capital activities in the downtown
- Activate underutilized properties
- Create public benefit
- Consider dormant City property to address chronic housing shortage

2018 Community Priorities

- Shows & Entertainment Space
- Civic & Community Meeting Space
- Farmer's Market Space
- Arts & Craft Show Space
- Youth Music Space / Youth-led Space



Key Priorities for the City

- Attractive and welcoming entrance to the downtown
- Mixed Income Housing
- Preservation of Veterans Memorials
- Inclusion of public space, including space dedicated to youth, with opportunity for input on programming from the City and Community
- Public Parking
- Grow the Grand List (increased property tax revenue)
- Long-term economic benefit for the community

Barriers to Previous Projects

- Ravine Sewer (crossing the Main/Winooski Parking Lot)
- Lack of control of the private land comprising the "hole in the donut"
- City's inability to finance the 2018 vision/City bond capacity limited due to BHS
- Cost of repairing and renovating Memorial Auditorium makes adaptive reuse financially infeasible without major public funding

Opportunity: Public-Private Partnership

- Ravine sewer will be relocated as part of Great Streets – Main Street
- Private investment to achieve public objectives
- Housing crisis requires creative approaches to City assets
- Growth of the grand list, and other City revenue streams to support City finances broadly
- Potential to advance broader block redevelopment as envisioned in planBTV

Opportunity: Public-Private Partnership with Eric Farrell and Joe Larkin

Local, experienced development/management team with:

- A proven track record;
- Site control of parcels in the center of Gateway Block;
- Vision for the Gateway Block that aligns with key City goals and comes from a love for Burlington;
- Long-record of securing major project financing.

Proposed Letter of Intent (LOI)

The City and the Developer agree to work diligently to execute a formal and binding Development Agreement on/before March 29, 2024, which lays out the foundation for:

- Roles, responsibilities & capacities of the parties
- Property valuation, ownership, redevelopment structures
- Development program priorities & mutual efforts to overcome potential barriers
- Logistics & interrelated details

Proposed Letter of Intent (LOI)

Roles, Responsibilities & Capacities of the parties

- Private Partner's ability to complete the project (financial and technical capacity)
- Role of the City in Design of the Redevelopment
- Identification of potential funding sources and financial benefits that may be available to the redevelopment through the public/private partnership

Property Valuation, Ownership, Redevelopment Structures

- What is the value of the property being conveyed?
- What is the anticipated value of the redevelopment including access to public space, public parking, increased tax revenue, increase in Rooms & Meals taxes?
- Will the property be sold or redeveloped under a long-term lease?
- Negotiation of Predevelopment Agreement including basis for Purchase / Lease price

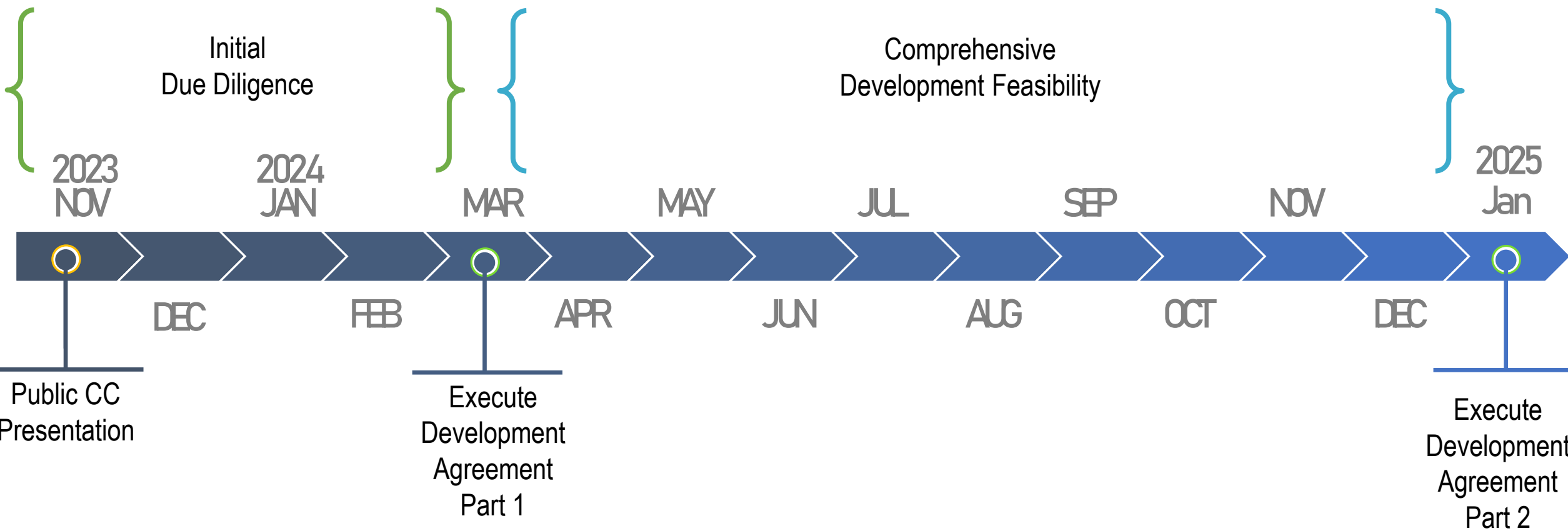
Development Program Priorities & Mutual Efforts to overcome potential barriers

- Preservation of some portion of the historic fabric of Memorial Auditorium
- What is the Public Space to be included in the redevelopment? How will space for youth be incorporated?
- Number of anticipated new housing units and application of Inclusionary Zoning policy
- Potential constraints of existing zoning regulations, including Inclusionary Zoning
- Ability to change traffic circulation on South Union Street to support redevelopment

Logistics & Interrelated Details

- Project Timeline
- Timing and cost of relocating the Central Fire Station
- Other related capital priorities

Proposed Next Steps



Gateway Block Redevelopment

November 6, 2023



COLLEGE ST

LIBRARY

CHURCH

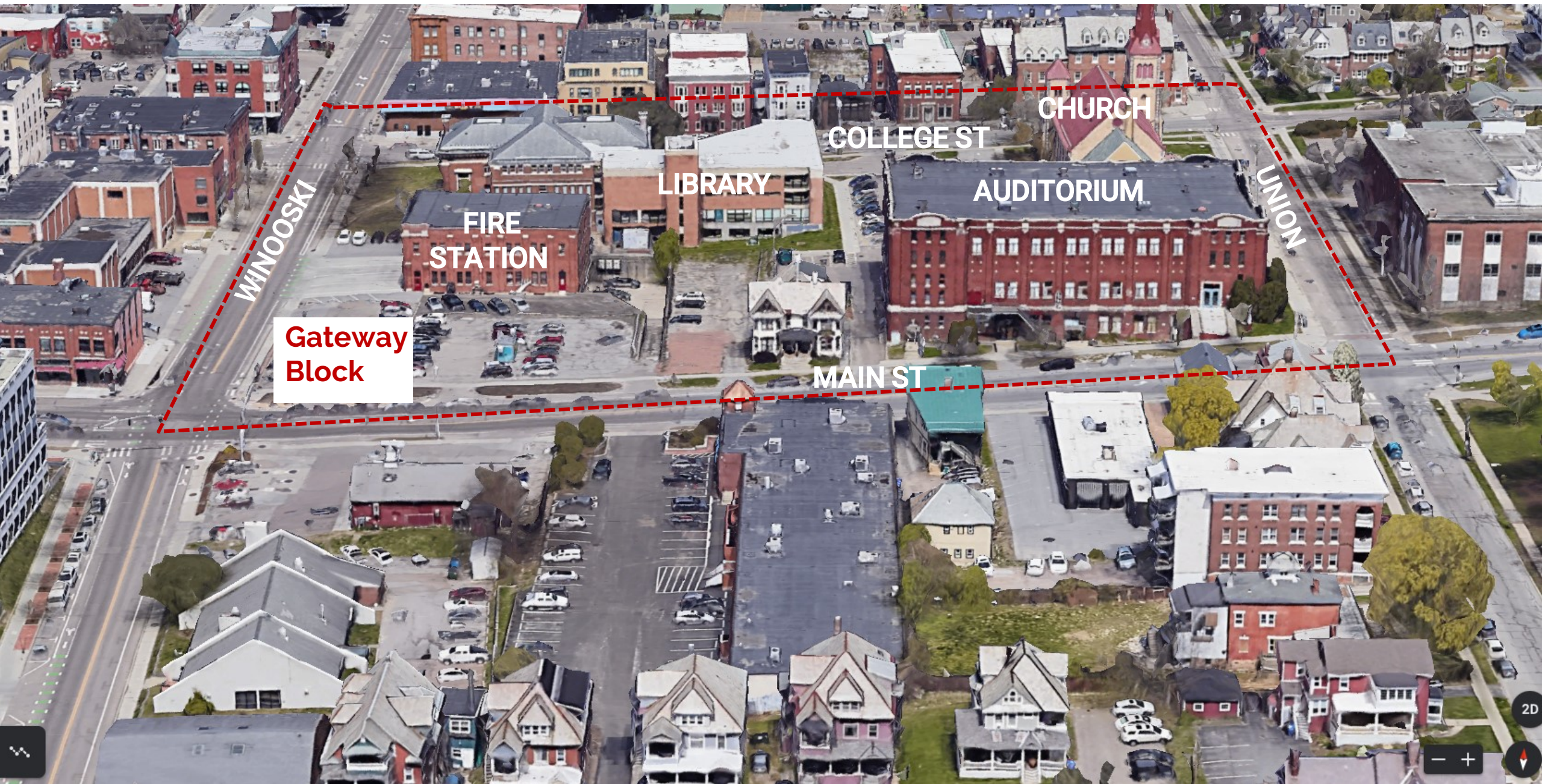
FIRE
STATION

UNION

AUDITORIUM

Gateway
Block

MAIN ST



Background - Memorial

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2016 Memorial Auditorium closed to ensure public safety

2018 Redevelopment effort (estimated at \$30MM)

2021 Failed Bond Vote that included Memorial Redevelopment

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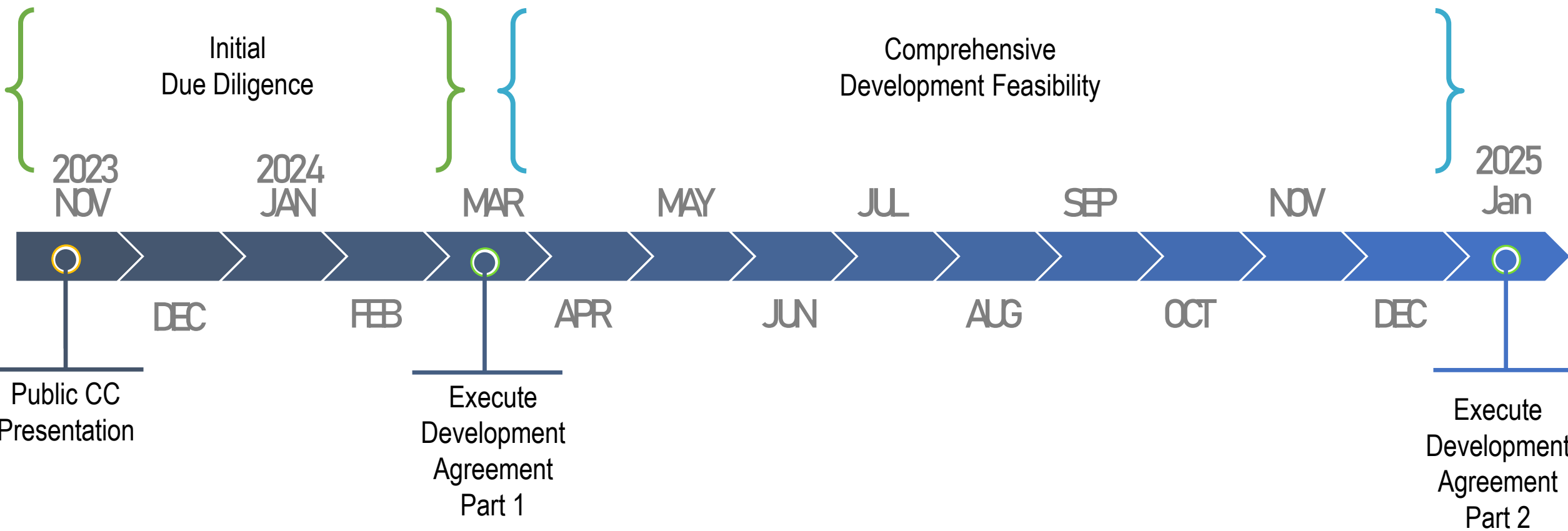
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- Other related capital priorities

Proposed Next Steps



Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Samantha Dunn

Title/Subject: Gateway Block Redevelopment

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	11/6/2023
☐	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	11/1/2023	Brian Pine
Mayor's Office informed and approved memo	Yes	11/2/2023	Miro Weinberger
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	11/1/2023	Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	11/1/2023	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	11/2/2023	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?	N/A	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	Gateway Redevelopment Slides Draft Letter of Intent
Draft Resolution or Motion?	Yes	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	Yes	Karen Paul

Resolution Relating to

SUPPORT FOR THE REDEVELOPMENT OF THE
GATEWAY BLOCK THROUGH FURTHER DUE
DILIGENCE OF A PUBLIC-PRIVATE PARTNERSHIP

RESOLUTION 8.2.

Sponsor(s): Councilor Paul
Introduced: 11/06/23
Referred to: _____
Action: adopted as amended
Date: 11/06/23
Signed by Mayor: 11/09/23

CITY OF BURLINGTON

In the year Two Thousand Twenty-Three.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the City’s ‘Gateway Block’ has long been at the forefront of discussions about how to
2 augment Burlington’s vibrant Downtown; and

3 WHEREAS, the ‘Gateway Block’ encompasses the properties between Main Street and College Street
4 and South Union Street and South Winooski Avenue and contains approximately 3.81 acres of land in the
5 heart of downtown Burlington; and

6 WHEREAS, The City of Burlington owns approximately 2.95 acres, or 77% of the block which
7 includes the historic Central Fire Station, the Fletcher Free Library, Memorial Auditorium and the Main and
8 Winooski Parking lot; and

9 WHEREAS, over the past several decades, the City’s Administrations and community members have
10 engaged in processes to reimagine this central block that has long served as a valuable community epicenter;
11 and

12 WHEREAS, the ‘Gateway Block’ is an important point of entry into Downtown Burlington, and as
13 such, needs to achieve the planning goals of our community as a vibrant and attractive gateway to the
14 downtown welcoming residents and visitors alike, providing new housing, public space, parking and long-
15 term economic benefits for the community; and

16 WHEREAS, after many attempts to revitalize the properties on this block, the City has identified an
17 opportunity to achieve the long held community goals that appear to resolve the previously identified barriers
18 to redevelopment;

19 NOW, THEREFORE, BE IT RESOLVED that the City Council supports further exploration and due
20 diligence centered around redeveloping the ‘Gateway Block’ in a public-private partnership; and

21 BE IT FURTHER RESOLVED that the City Council supports the Mayor entering into the attached
22 Letter of Intent, with the Goals and Visions amended by city staff given Council feedback, to explore the
23 feasibility of executing a development agreement between the parties to provide the framework for
24 comprehensive redevelopment; and

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20
..... Clerk

Approved....., 20

..... Mayor

Vol. Page

Attest:

* * * * *

SUPPORT FOR THE REDEVELOPMENT OF THE GATEWAY BLOCK
THROUGH FURTHER DUE DILIGENCE OF A PUBLIC-PRIVATE
PARTNERSHIP

25 BE IT FURTHER RESOLVED that this process continue to engage the community and encourage
26 public input on the redevelopment and use of the City's 'Gateway Block.'

27

28 SD/KP/JP/Resolutions 2023/*Support For The Development Of The Gateway Block Through Further Due Diligence Of A Public-Private*
29 *Partnership*

30 November 6, 2023

* * * * *

DISTRIBUTION:

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

Samantha Dunn, CEDO

ORIGINAL

RESOLUTION RELATING TO

Support For The Redevelopment Of The Gateway Block Through Further
Due Diligence Of A Public-Private Partnership
.....

Adopted by the City Council

November 6....., 20 23.....
..... Clerk

Approved November 9 20 23.....
..... Mayor
Vol. Page

Attest:
Lori Olberg
Licensing and Records Coordinator

* * * * *

Amended Motion Language per Councilor Traverse Regarding Agenda Item 8.3.

All –

With feedback from Attorney Pellerin and in consideration of the suggestions from Councilor Hightower, I'd like to post the below amended motion on 8.3, which adds public safety initiatives to what the funds can be spent on and removes reference to a PR/marketing campaign:

to authorize the Director of Business & Workforce Development to accept a donation of \$50,000 from the Pomerleau Family Foundation and to reallocate \$50,000 in ARPA funds, and to authorize the Chief Administrative Officer to execute budget amendments up to a full amount of \$100,000 to support public safety initiatives and economic activity in downtown Burlington, and stabilize worker retention, while considering input from downtown workers and businesses, the Church Street Marketplace Commission, and the Burlington Business Association, among other stakeholders.

Thank you.

Ben



To: City Council
From: Kara Alnasrawi, Director of Business & Workforce Development
CC: Mayor Miro Weinberger
Katherine Schad, Chief Administrative Officer
Date: November 6, 2023

Re: Funds for Downtown Support

Background: After the end of the state-run motel housing program in June, and in conjunction with the impacts of the national Fentanyl crisis, Burlington's business community is experiencing serious challenges. Recognizing that over 90% of Burlington's businesses are locally owned, the Office of Business & Workforce Development (BWD) understands the urgency of supporting these community members and the jobs they create in Burlington. While some indicators of economic health have returned to robust, pre-pandemic levels and we are working to support another strong winter season, BWD recognizes that these challenges can negatively impact commercial activity in our City. For many local businesses, a strong holiday shopping season and first fiscal quarter are critical to the ongoing strength and success of their business.

Financial Support: In response to concerns raised by local businesses, President Paul requested that the Administration identify \$50,000 for small business support and secured a \$50,000 match donation from the Pomerleau Family Foundation to fund increased initiatives by BWD that support small businesses in Burlington during the winter season. BWD has managed the City's economic recovery via the American Rescue Plan Act (ARPA) dollars and was able to identify \$50,000 in reserved ARPA funds that would be eligible for new programs to support our downtown. The eligibility centers around guidance from the US Treasury Department in the [State and Local Fiscal Recovery Funds Final Rule](#). This guidance enumerates that funds may be used to address the negative economic impacts from the Covid-19 pandemic-related increase in crime and drug use.

Proposed Use of Funds: BWD recommends a two-pronged approach to the use of these combined funds totaling \$100,000:

- **Public Relations/Marketing Campaign:** BWD proposes to engage a PR firm to discuss a campaign encouraging the public to continue to support local businesses and to continue to visit Burlington's Downtown. Such a PR campaign is well beyond the normal marketing budget housed in the Marketplace and BWD's "Love Burlington".
- **Better Lighting for Downtown Workers:** DPW generously provides [free parking](#) for all downtown restaurant and retail workers and all City staff, however, BWD frequently hears that the walk from places of employment to the garage can be intimidating at night. As a result, multiple businesses have communicated difficulty hiring staff to work evenings, resulting in shorter hours and reduced revenue.

City Council Motion:

To authorize the Director of Business & Workforce Development to accept a donation of \$50,000 from the Pomerleau Family Foundation and to reallocate \$50,000 in ARPA funds for the use of a PR/Marketing campaign and downtown lighting and security project. The purpose of which is to support economic activity in downtown Burlington and stabilize worker retention.



BUSINESS & WORKFORCE DEVELOPMENT

Council Report

Kara Alnasrawi, Director

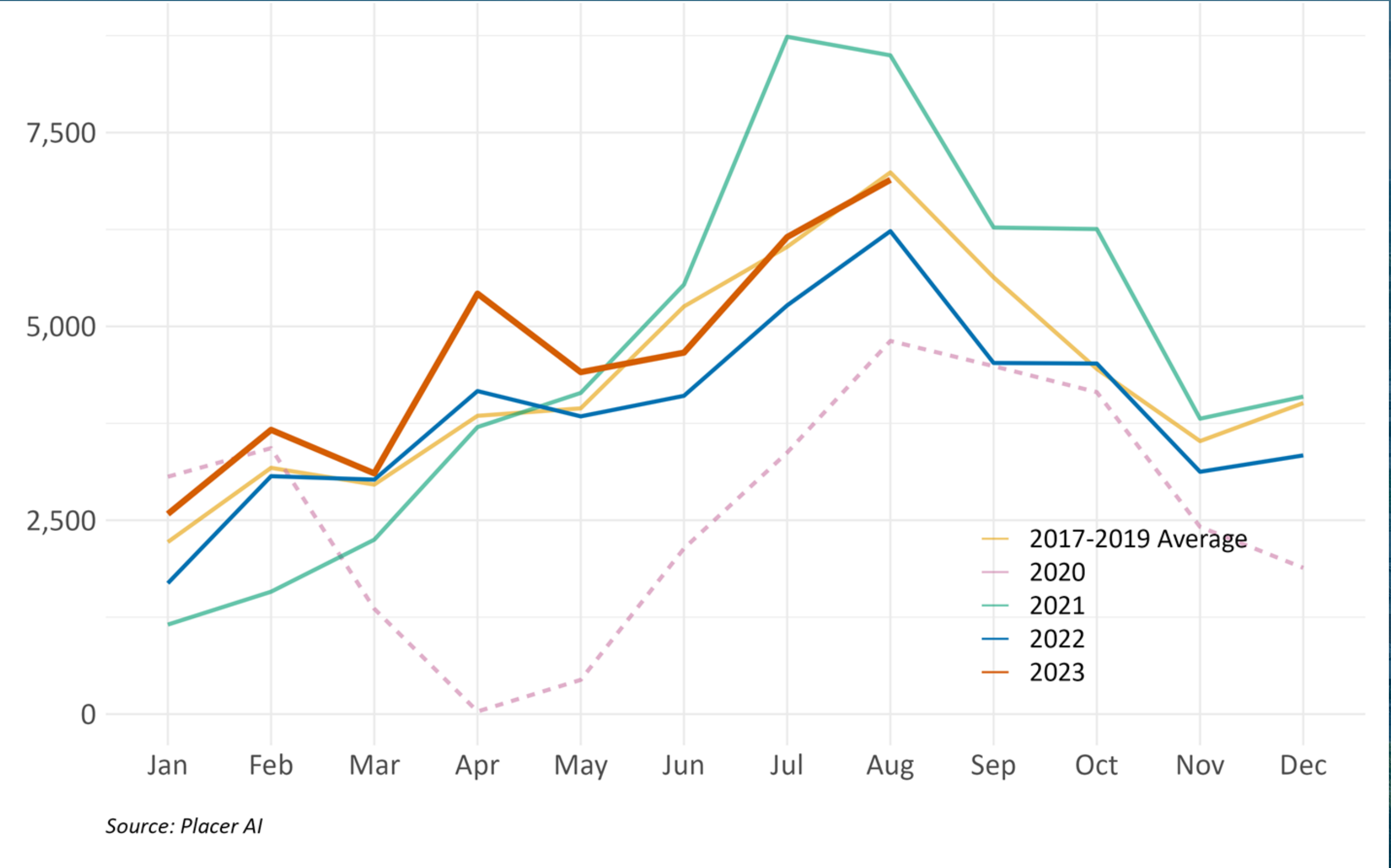
UPDATE ON CURRENT SITUATION

An aerial photograph of Burlington, Vermont, showing a dense urban area with various buildings, streets, and green spaces. The image is overlaid with a semi-transparent blue filter. The title 'BURLINGTON'S ECONOMIC HEALTH' is centered in white, uppercase letters.

BURLINGTON'S ECONOMIC HEALTH

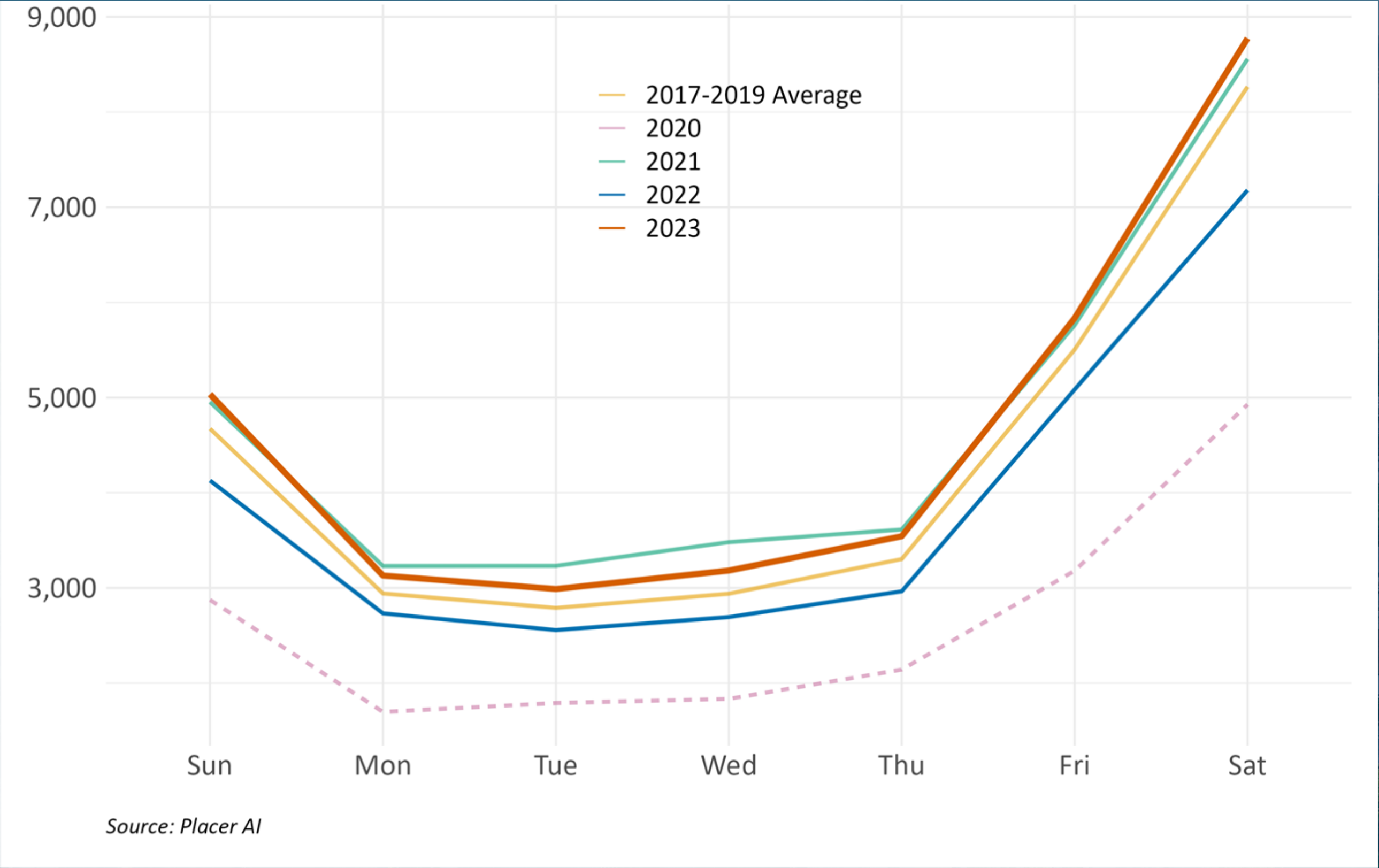
DOWNTOWN ACTIVITY - CHURCH STREET FOOT TRAFFIC

Average daily visitors **by month** shows summer 2023 lower than 2021, but similar to pre-COVID levels.



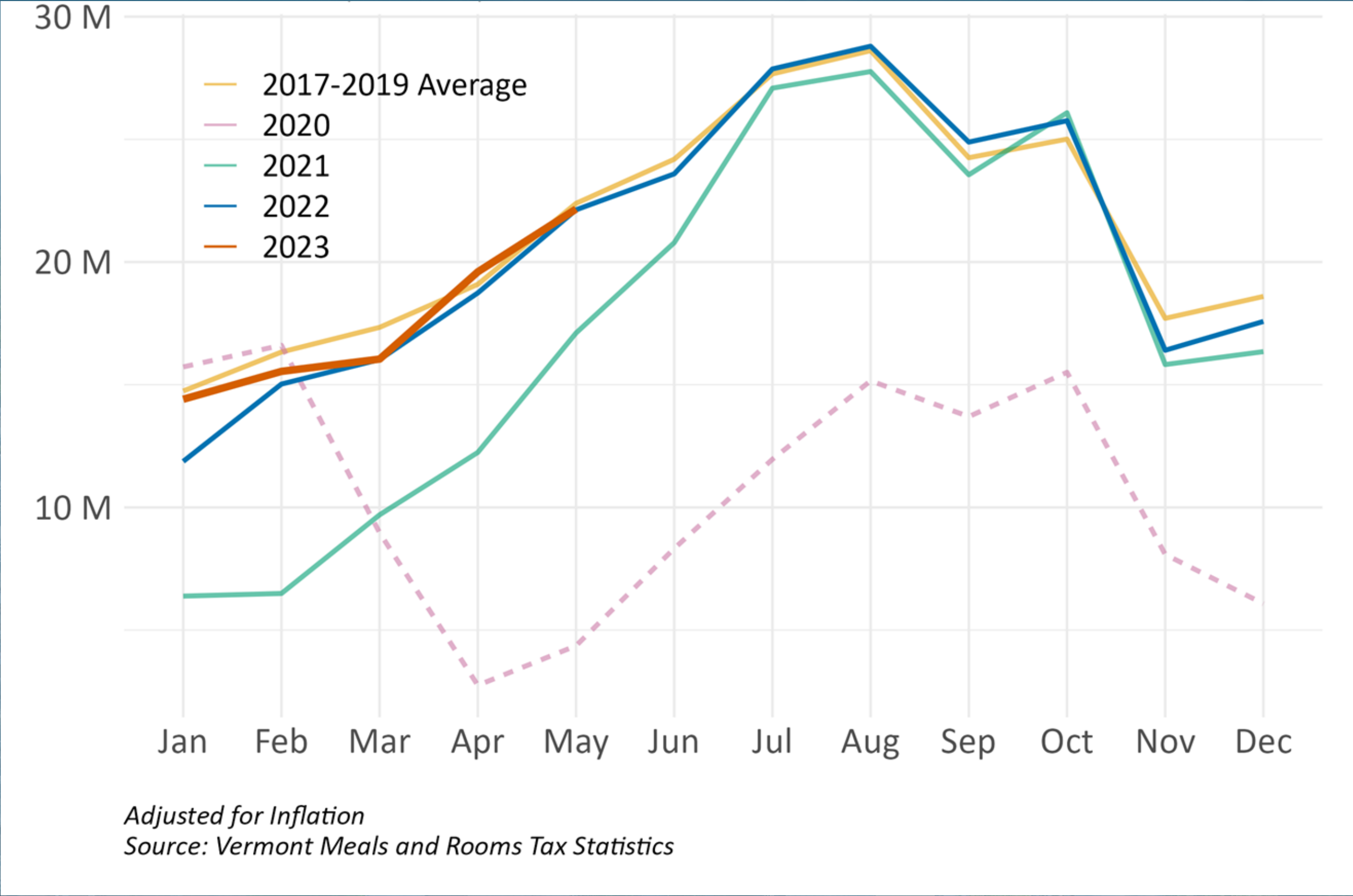
DOWNTOWN ACTIVITY - CHURCH STREET FOOT TRAFFIC

2023 average daily visitors slightly outpacing pre-COVID, but peak day in August 2023 was ~80% of August 2019 peak.



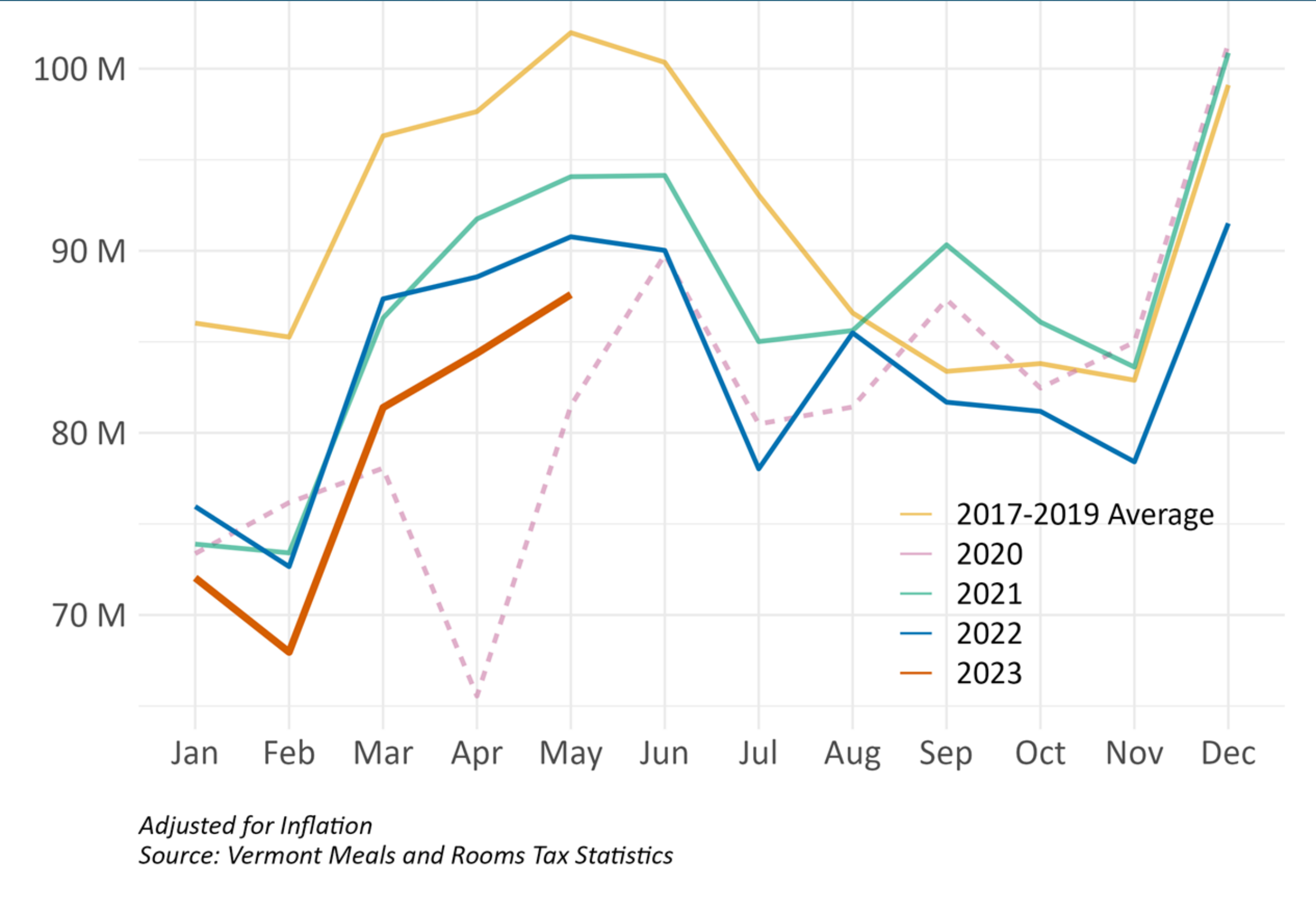
SALES VOLUME: MEALS, ALCOHOL & ROOMS

After significant impacts in 2020 and early 2021, sales volume match pre-COVID averages through May 2023.



SALES VOLUME: GROSS SALES

Gross Sales have been impacted by many factors since 2017; May 2023 is 85% of 2017-2019 average peak.



**BTV-SoBu Metro
had lowest
unemployment
in US in May
2023**

An aerial photograph of a city, likely Burlington, Vermont, showing a dense urban area with various buildings, streets, and green spaces. The image is overlaid with a semi-transparent blue filter. Centered over the image is white text in a bold, sans-serif font.

THE OFFICE OF **BUSINESS & WORKFORCE
DEVELOPMENT** WAS FORMALIZED THROUGH
THE FY23 BUDGET PROCESS (JULY 2022).

OFFICE OF BUSINESS AND WORKFORCE DEVELOPMENT

Church Street Marketplace

- Full maintenance of the street
- Marketing and promotion
- 100+ events annually
- Incubator business programs
- Community arts & culture programming

Business Development City-Wide

- Microbusiness development
- Revolving loan fund
- Direct training and technical support
- Business recruitment and retention
- Business incubation through multiple annual markets

ELI/Workforce Development

- Scholarship program for low-income parents
- Training programs for childcare workers
- Capacity grants
- Workforce training programs to meet current employer demands



CHURCH STREET
MARKETPLACE

Marketplace Management and Community Events & Programming



Full street maintenance, support, and marketing for over 110 Church Street Marketplace businesses.



All physical street maintenance including trash, recycling, snow removal, salting, repairs, and street decorations



Secured donations totaling over **\$150,000** for FY24 in order to minimize Common Area Fees increases and increase activations



Created and supported over 100 public events so far in 2023. An increase of 122% from 2022.



Received **\$1,000,000** Congressionally Directed Spending for repairs and upgrades to the Marketplace. To be completed in 2024.



Voted **#1 Best Public Square in America** by USA Today in 2022 and became a designate Main Street with Main Street America in 2023.



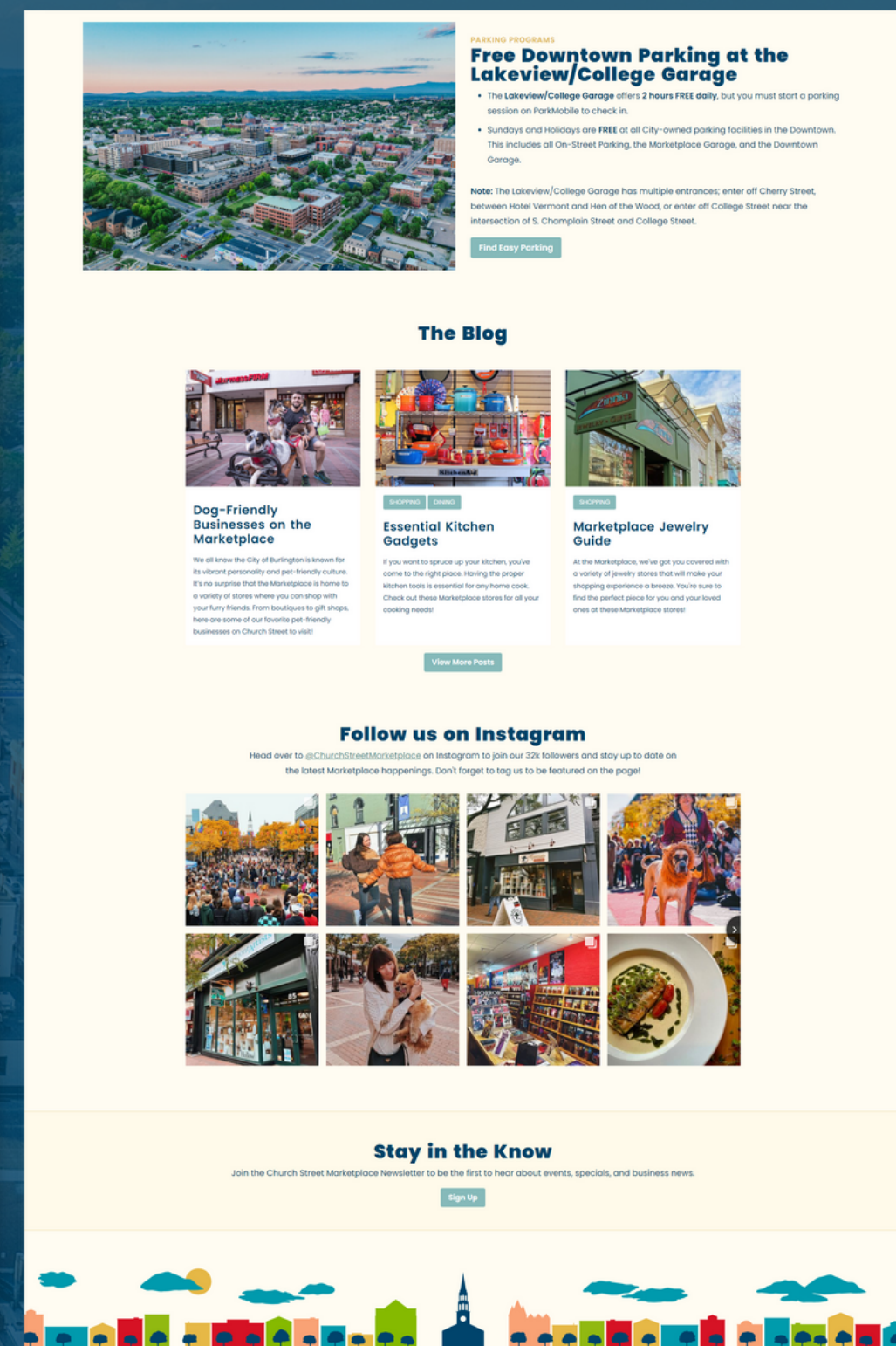
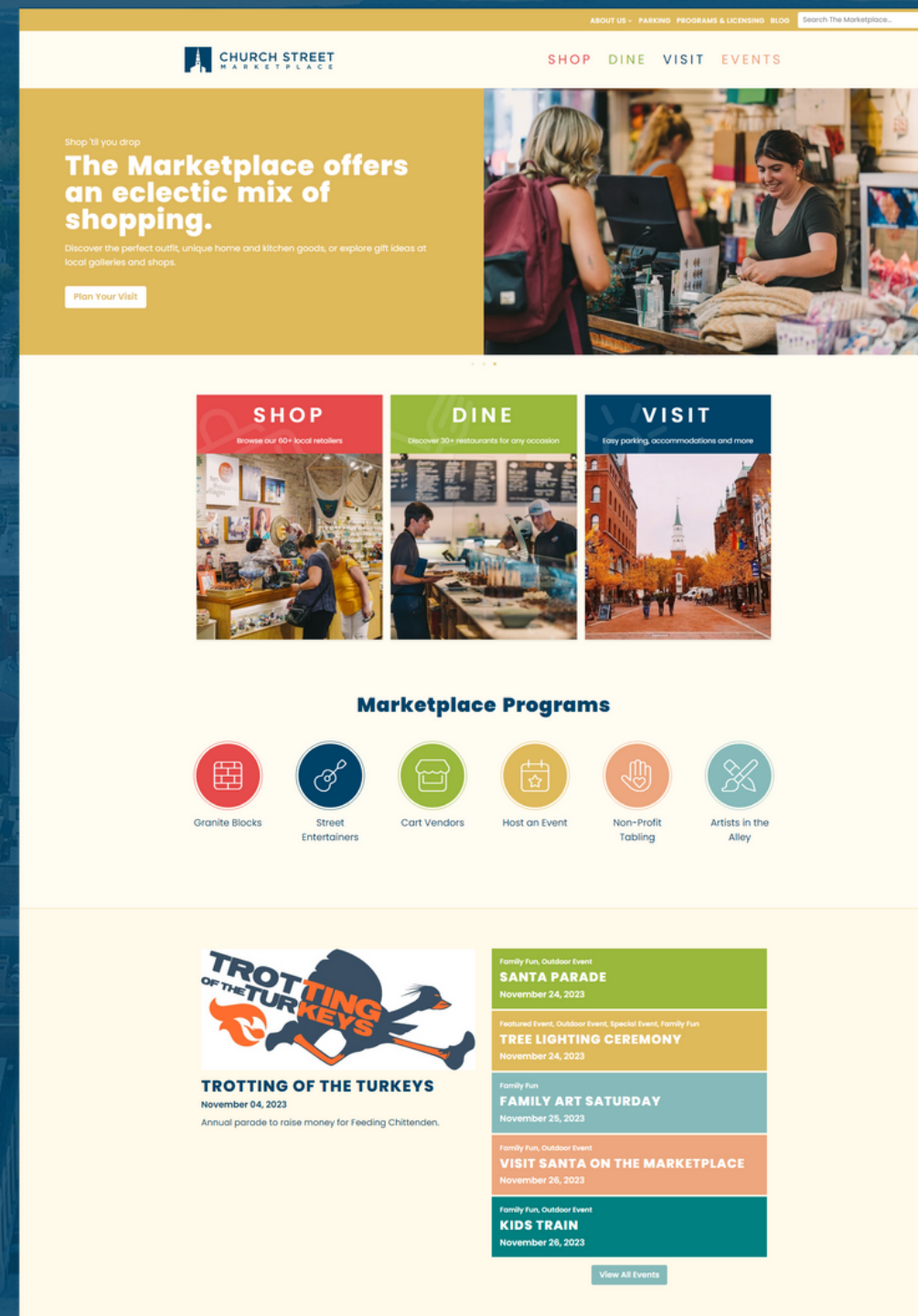
CHURCH STREET MARKETPLACE

Launched new website with over **99k new visitors** in the last year, with **53%** coming from organic searches.

➤ Includes business listings of **110 Church Street Marketplace businesses** with categories of retail, services, dining, and lodging with filters such as locally owned, BIPOC, woman-owned, and dog-friendly.

Launched monthly newsletter highlighting events with average opens of **6.8k**.

Grew Instagram and Facebook followers for a combined total of **45k**.





CHURCH STREET MARKETPLACE

Holidays 2023



Events

- Tree Lighting Ceremony
- Santa Parade
- Menorah Lighting Ceremony
- Visit Santa
- Kids Train
- Santa's Mailboxes
- Shopping and Dining Guides
- Free Hot Chocolate
- Window Decorating Contest
- Holiday Parking Program
- Employee Discount Week



Marketing & Advertising

- Newspaper ads
- Posters
- Counter Cards
- Sandwich boards
- Street Banners
- Window Decals
- Email newsletters
- Paid social media
- Dedicated webpage
- Radio ads across Chittenden County



Launching fourth season of the **BTV Winter Market** in collaboration with BCA

- 2022 season supported **78 small businesses**
 - 54% women owned
 - 20% BIPOC owned
 - 22k attended





— LOVE —
BURLINGTON

MARKETING

BUSINESS SUPPORT
CITYWIDE

— LOVE — BURLINGTON

Business Support



Manage ARPA Funds & Economic Recovery: **\$27M** was administered/distributed by BWD



Interdepartmental policy initiatives to deploy funds, structure large grants to community partners, and support federal reporting.



Created Burlington Revolving Loan Program
4 loans | \$135,000 total



Established Relationship with Kiva
7 loans | \$46,500 total



Designed **\$1M** non-profit ARPA grant program and distributed grants to 25 Burlington organizations.



82+ Burlington businesses & micro-businesses supported with technical assistance



Distributed **\$10,000+** in micro grants to **34** small businesses



Assisted **6** BIPOC owned businesses in opening downtown



Worked extensively with North Winooski Ave businesses during removal of parking



Created **11** business education resources including How-to guides and hosted **5** classes



Created and co-hosted **7** speaker series connecting local entrepreneurs with the community



Supported launch of cannabis industry. **10** businesses opened thus far.



Assisted **14** businesses with finding commercial space in Burlington

Bedidi *

Burlington Trolley Tours *

Café Dim Sum *

Jilib Jiblets

King St Laundromat *

Mas Comida *

Mawuhi African Market

Maya's Kitchen

North Country Kettle Bells

NU Chocolat

Posh Nails *

The Cake Stand

Tight Squeeze

Wilder Wines *

*50% new businesses



Annual Marketing & Promotion Plans

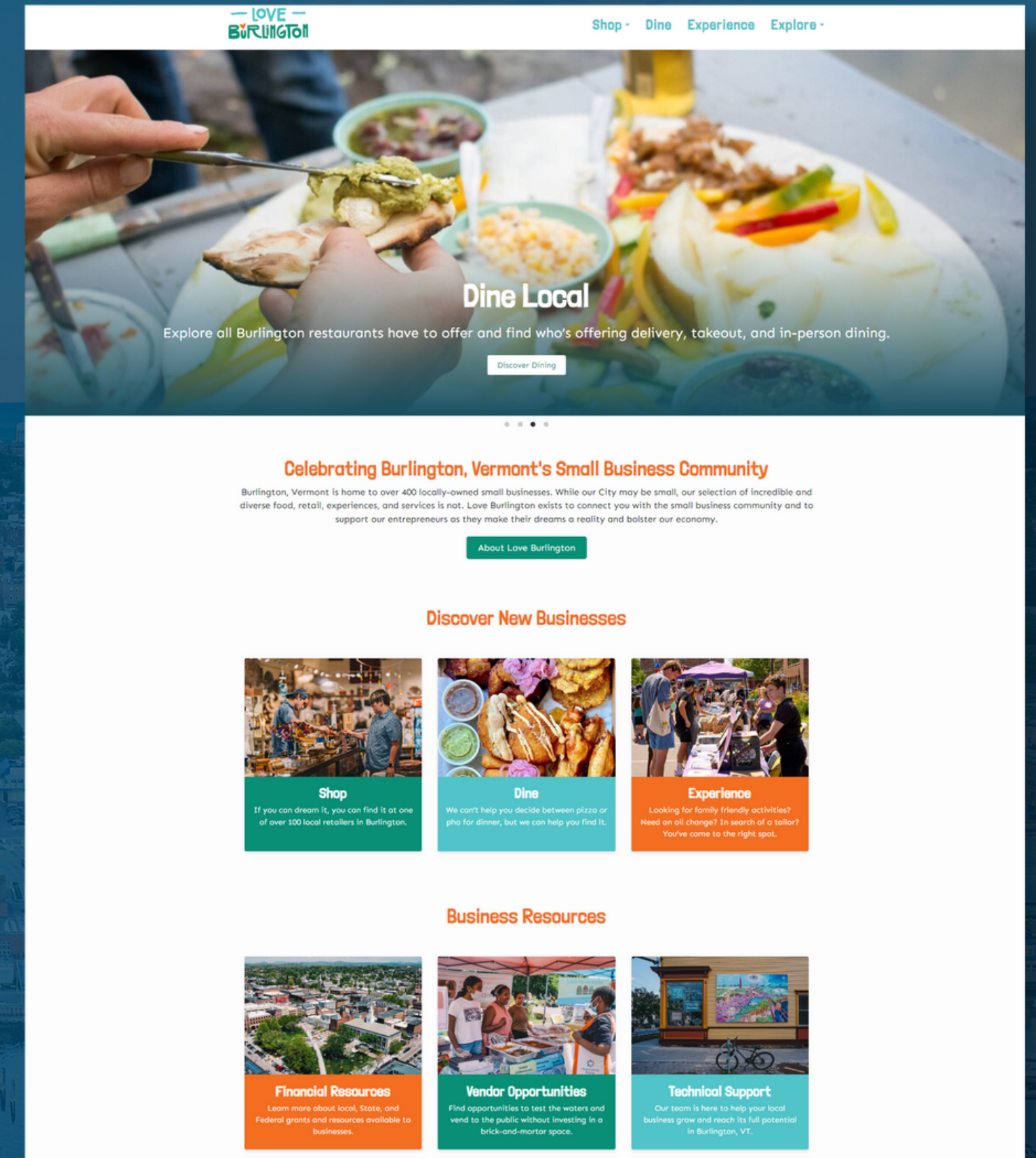
✓ Marketing for over 560 Burlington businesses (website listings, annual advertising, social media features, newsletter & blog)

✓ Launched new website with over **64k new visitors** in the last year, with **69%** coming from organic searches

➤ Includes business listings of over **560 Burlington businesses** with categories of retail, services, dining, and lodging with filters such as locally/women-owned, BIPOC, dog-friendly

✓ Launched monthly newsletter highlighting events with average opens of **7.4k**

✓ Grew Instagram and Facebook followers for a combined total of **over 15k**





Business Support & Collaborations

✓ Over 30 annual opportunities to participate in events and vendor markets

✓ Created, in collaboration with Burlington City Arts, the **BTV Market** (18 weeks each summer in City Hall Park)

➤ 2023 season supported **130 small businesses**

- 65% women owned
- 35% BIPOC owned
- 40k attended

✓ Launching fourth season of the **BTV Winter Market** in collaboration with BCA

➤ 2022 season supported **78 small businesses**

- 54% women owned
- 20% BIPOC owned
- 22k attended



Outreach & Workforce Training ELI Scholarships & Capacity Grants



Workforce Development

- Applied for 4 regional and federal grants
- Managing RAISE workforce development grant (\$1.5M)
- Launched First Steps Training Program to increase licensed childcare and home-based childcare providers



Cultivated relationships with community partners for workforce development

- Fourbital Factory, ReSOURCE, Vermont Works for Women, Generator, Vermont Adult Learning, Burlington Tech Center, Community College of Vermont (CCV), Northern Lights at CCV, Vermont Talent Pipeline, and Vermont Workforce Development Board



Testified to the Vermont Senate Committee on Health and Welfare in February 2023 regarding the Early Learning Initiative model



Representation on the Adult Education Council



First Steps Scholarship Program

- **Doubled** scholarships over last 5 years
- **50% increase** in partner programs (23 in 5 towns)



\$103,000 ELI Capacity Grant to support ONE Arts School open



ELI accessibility efforts

- Fully translated website, paper/online applications, translation services including ELI Language Access Grant

NEW BUSINESSES - OPENED/OPENING SOON

- New Northfield Savings Bank Marketplace office
- Sanitago's
- Monelle has been rented to Vermont Eclectic Co.
- LOI for Slate space has been signed
- New restaurant coming into Penny Cluse Space
- Nomad bakery coming to old Red Onion space
- Convenience store coming into old Perky Planet
- The Tinkering Turtle (Echo toy store on College St.)
- New Bar coming to Main St. (next to Mr. Mikes)
- Restaurant coming to the old Majestic car rental spot near the rotary
- Almost Full Asian Market - almost open

An aerial photograph of a city at dusk, showing a dense urban area with various buildings, streets, and green spaces. The sky is a deep blue with some light clouds. The word "QUESTIONS?" is overlaid in the center in a large, white, sans-serif font.

QUESTIONS?

Memorandum

To: City Council
From: Gene Bergman, Co-Chair, Joint Committee on Police Oversight
Date: November 6, 2023
Re: Committee Status

Your Joint Committee on Police Oversight has just completed our 11th meeting in order to accomplish the goals of the Council's February 6, 2023 resolution. There are three overarching goals. First is to allow the public to have additional input and engagement on police oversight and accountability. Second is to have the committee review a number of prior proposals on the issue. Third is to review and make legislative (charter and/or ordinance) proposals on the chief's authority over discipline, the Police Commission's oversight role, and the creation of a community oversight body, independent from the Police Department.

The committee has endeavored to accomplish these goals. We have a webpage with a listing of and links to its meetings, minutes, and key documents. [Ordinance and Charter Change Joint Committee on Police Oversight | City of Burlington, Vermont \(burlingtonvt.gov\)](#)

At the last several meetings, the committee has focused on three separate proposals from Councilors Traverse, Hightower & Carpenter, and Bergman, looking to see where consensus exists and voting on other proposals. A summary of these proposals is found at this link: [Civilian Oversight Matrix.v.2.DOCX \(burlingtonvt.gov\)](#) We have also focused on charter changes instead of ordinances in light of the December statutory deadline for the council to vote on charter change language to warn for a public hearing in later January.

At our last meeting, the committee reviewed proposed charter changes. The document detailing the changes and the committee's minutes should be posted as soon as possible on the committee's webpage. What follows is a summary of the committee's work, agreed to either by consensus or majority vote.

Language increasing the size of the Police Commission to 9 ~~from 7~~ in charter section 183 was advanced. So was language stating that the city council with mayor presiding "should" appoint members of the commission who "represent the diverse nature of said city's constituents, including those from historically marginalized communities."

The authority of the city council to obtain from the chief any information about the department (not just financial information), to the extent allowable by law, was clarified in section 184(a).

The authority of the Police Commission to audit and monitor the functioning of the department, as well as having authority over the department's management, all subject to the orders (i.e., resolutions) and ordinances of the council, was made explicit in section 184(b).

In section 184(d), the Police Commission's authority to receive and review all civilian and internal allegations of misconduct by members of the police department was made explicit. So was its authority to independently investigate any allegation of misconduct by members of the police department. The committee could not agree on the threshold the commission would need to activate this authority, the question being whether or not a majority or a supermajority is

required and whether or not this threshold will differ when the chief decides against conducting an investigation or has conducted an investigation.

The committee did not finalize but appears to have consensus that the role of the mayor as the chief executive officer of the city should be recognized in section 185(a) and that the police chief is subject to the mayor's authority as the City's CEO as well as the orders and ordinances of the city council.

The committee has scheduled two additional meetings with the intention of trying to wrap up our work in time to report out proposed charter change language for the December council meeting when it is due. Those meetings are on November 13 at 5:30 p.m. by zoom and November 27 at 5:30 in hybrid fashion, with the in person meeting being held in City Hall.

There are a number of issues still to consider besides the threshold to initiate a commission investigation. These include:

1. the authority of the commission to issue subpoenas upon "probable cause," a "reasonable basis" or other threshold,
2. the definition of and timing related to commission investigations,
3. the authority of the commission to recommend a different measure of "discipline" than the chief has decided to impose and the due process related to this process, including the process where there is a commission recommendation the chief disagrees with,
4. a review of the relationship between the basis and process on which discipline is based if new authority is vested with the commission, and
5. changes to the appeal body and process if the commission is vested with a pre-appeal role in the disciplinary process

We, co-chair Traverse and I, want to thank the committee members and the public for their hard work and attention. We look forward to completing this work in our next two meetings.