

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

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jared Pellerin
Kim Sturtevant
Samantha Sheehan
Lori Olberg
Meagan Tuttle
Brian Pine
Richard Cate
Wendy Koenig
Eric Ramakrishnan
Chapin Spencer
Norm Baldwin
Laura Wheelock
Julia Ursaki
Charles Dillard

1. CALL TO ORDER and AGENDA

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

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

- **Add to the consent agenda item 7.24. Communication: Linda, re: Toilets;**
- **Add to the deliberative agenda item 8.5. Ordinance: Burlington Code of Ordinances-Sections 21-45 – 21-49 Trespass (Councilors Paul and Traverse)(per City Council President Paul).**

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

2. PRESENTATION: UNIVERSITY OF VERMONT HOUSING MOU

2.1. Presenters: Richard Cate, VP of Finance & Administration, UVM; Wendy Koenig, Executive Director of Government Relations, UVM; Brian Pine, CEDO Director; Meagan Tuttle, Planning Director

Director Tuttle noted that this relates to zoning amendments to the Trinity Campus area of the University of Vermont's campus, which were presented to the Council back in February of this year. She noted that at that time, much of the feedback around the proposed amendments voiced concern about ensuring that current and future enrollment needs for housing are taken into account when approving zoning amendments for the University. She noted that after the discussion in February, the Trinity Campus zoning amendments were tabled, and they expire at the end of this week. She noted that the City has been working with UVM through the summer and fall to bring forward a proposed Memorandum of Understanding (MOU) that are up for discussion, along with enrollment and housing needs as part of that MOU, and other options for zoning changes at UVM's campus that could facilitate additional housing.

Vice President of Finance & Administration Cate spoke briefly about UVM's housing goals. He noted that these include maintaining enrollment at approximately 3,000 first-year students, expanding bed capacity by at least 1.5 times annual undergraduate enrollment increases, obtaining zoning amendments from the City to enable additional housing development on campus to address the housing shortage in Burlington, and provide housing options for graduate students, faculty, and staff. He noted two major housing projects—Catamount Run, which has 620 graduate student/faculty/staff beds, and Catamount Woods, which has 545 beds for undergraduates, both of which are located in South Burlington.

Vice President Cate spoke briefly about the material terms of UVM and the City's obligations in the MOU. He said that UVM's commitments include building 1.5 beds for every additional enrolled undergraduate student over and above Fall 2023 enrollment, providing the City with enrollment data annually and access to the IPEDS website system that it reports enrollment data to the federal government, and that this commitment would last through five academic years (through 10/31/2028). He said that the City's commitments include zoning amendments to allow buildings up to 80' high and lot coverage of up to 75% by March 31, 2024 for 280 East Avenue, and by October 31, 2024 for the Waterman Block and Trinity Campus. He noted that they are no longer requesting a setback change for any amendments.

Director Tuttle provided a graphic depiction of the net change in UVM's undergraduate enrollment and bed count since 2009, showing the projected effects of the projects under development and the draft MOU, as well as the proposed effects of the potential future on-campus projects that could be enabled by zoning changes and the draft MOU.

Director Pine provided an overview of previous agreements between the City and UVM regarding housing and enrollment, beginning in 1990. He spoke about agreements in 1990, 2000, and 2009. He noted that this agreement is the first that ties UVM's enrollment and beds to the City's housing stock.

Councilor Doherty said one of the dynamics his constituents are concerned about is the influx of undergraduates seeking housing in the Wards 1 and 8 areas, noting that a number of single-family homes have been sold and turned into multiple units to accommodate more student

housing. He additionally noted that this is driven by junior and senior undergraduate students who leave on-campus housing and seek apartments. He said he would like to see a commitment from UVM that a certain number of on-campus units would be dedicated to junior and senior undergraduate students. He asked why the University was not agreeable to that, and asked what the University intends to do with these new units vis a vis junior and senior-year students. Vice President Cate noted that Catamount Woods is proposed to be dedicated to juniors or seniors. He said they are being built as apartments to attract junior and senior-year students. He said that they are unable to control the degree to which students are interested in this housing, which is why it is not in the MOU.

Councilor Shannon asked what kinds of plans UVM has on a ten-year basis. Vice President Cate replied that the University has a Campus Plan which looks at the usage of all property on the campus and where different activities should occur. Councilor Shannon asked about the schedule of operational plans or strategic plans. Vice President Cate replied that those are typically 3-year or 5-year plans. Councilor Shannon asked about the plan for graduate growth. Vice President Cate replied that there is a desire both to grow the number of graduate students on campus and online. Councilor Shannon asked how long the terms of previous agreements have been. Director Pine replied that the 2009 agreement eventually expired (with several extensions) in 2019, and that the 1990 and 2000 agreements were 10-year agreements. Councilor Shannon asked about cost for renting these new units for students. Vice President Cate replied that the apartments would have annual leases which would cost around \$1,300 per person per month. Councilor Shannon said that she doesn't understand why a ten-year agreement has been off the table when the City is being asked for zoning amendments with more longevity than that.

Councilor Hightower said that the baseline of 2023 is disingenuous, given that 2023 had very high enrollment, and that there may not be as much of an effect on the housing side as the public would anticipate seeing. She also questioned the metric of new beds, given the use of forced triples at UVM's dorms. She asked how quality of housing and quality of life factor into this, given that there is no square footage requirement included in this agreement. Vice President Cate replied that the graduate housing will be apartments. Councilor Hightower asked how much of a bed deficit UVM is in, if getting rid of forced triples and how far the City/UVM are from their baseline target from the 2009 MOU. Vice President Cate replied that City Planner Tuttle has the underlying data around that. Councilor Hightower said that if the MOU makes it so that enrollment is held constant and that they are creating 1.5 new beds per enrolled student, how are they not able to ensure that juniors or seniors will fill the apartments coming online. She said that this proposed MOU does not give much to the City other than data, given that it is a short-term agreement that in return asks for long-term, lasting zoning changes for the University's benefit, and that it does not seem to have robust enforcement or corrective action mechanisms.

Councilor Grant noted that many homes in the Central District are being converted into housing for students, which is a concern for her constituents. She asked that the MOU include language guaranteeing that any new beds aren't forced triples. She said she would like more data on graduate students and a more fleshed-out enrollment plan. She also noted that some of the current forced triples don't meet the City's code and raise quality of life concerns.

Councilor Traverse acknowledged that this is a negotiation and that the University did not have to come to the table to negotiate this. He asked whether there is openness from the University's perspective to tweaking the MOU further. He also asked to what extent the enrollment plan is contingent on the City's opening up additional housing opportunities or whether the University plans to build additional housing anyway, in other locations. Vice President Cate replied that based on conversations with the University's Board, they have gone as far as they can on the agreement. He noted that a first-year class of 3,000 is typical for UVM. He said that there is a need and desire to build more housing for its students and that it can occur in Burlington or it can occur in surrounding communities, because they are also concerned about the quality of housing for UVM's students.

Councilor Carpenter asked whether a comparison has been made between what housing can be built on these three sites with proposed zoning changes now compared to what housing can be built once the zoning changes are implemented. Vice President Cate replied that it is difficult to make that comparison, since not much can be built on those sites right now. Director Tuttle said that the current zoning regulations limit the height of any new buildings, but that roughly, they are looking to double the capacity of new buildings with these zoning amendments.

Councilor Bergman asked about the number of beds and target number of beds for the three sites that were proposed by UVM. Vice President Cate replied that the design on the sites hasn't occurred, since the zoning hasn't been amended. He said that they could build between 1,500 and 1,800 beds. Councilor Bergman said it would be helpful to estimate the number of beds that could be brought online for each of those sites. He asked why the MOU doesn't include graduate student beds. Vice President Cate replied that graduate beds weren't the focus of the MOU, and Director Tuttle added that the focus of the MOU over the last several years has been on junior and senior undergraduate housing. Councilor Bergman expressed disappointment about the number of beds that could be brought online, given the dire housing deficit in the City. He said that this is not sufficient, despite best efforts.

Councilor Grant noted that small enrollment changes can be hugely consequential for Burlington, given the tight housing market. She noted that many students are concerned about the cost of housing, as well.

Councilor Doherty asked that UVM remain committed to engaging with the community, such as attending NPA meetings and answering resident questions. He also said that the City cannot afford having a tighter housing market due to increased enrollment, and asked that the University commit in writing to the kinds of units that are planned for constructing and how they will be marketed for upperclassmen.

3. PRESENTATION: COMMUNITY JUSTICE CENTER, RE: UPDATE (VERBAL)

3.1. Presenters: Rachel Jolly, CEDO Assistant Director, Burlington Community Justice Center and Becky Penberthy, Adult Restorative & Volunteer Manager, Burlington Community Justice Center

Assistant Director Jolly spoke began by providing an overview of the Community Justice Center. She noted that the CJC provides programming ranging from prevention and community disagreements to post incarceration and re-entry, noting that they have 17 staff in 3 locations, are present in the schools, have a budget of \$1.59 million and have had 1,447 referrals in SFY23. She said that the majority of primary funders of the CJC are in the justice system, noting major funding from the Attorney General's Office, the Department of Corrections, the Burlington School District, and the Department for Children and Families, among others. She spoke briefly about restorative justice versus traditional justice, noting that the restorative justice philosophy is an integral part of the CJC. She said that they would like to explore self-referrals and how that could be incorporated into programming.

State Representative Taylor Small spoke as a CJC participant and shared her experience with restorative practices, as she was involved in a road rage incident when someone threw a hammer through her back windshield after she inadvertently cut them off while driving, and learned that the perpetrator was charged with unlawful mischief and a referral to the CJC (and that she was also referred to the CJC as part of this). She said that she felt heartbroken that something so terrifying could lead to what felt like a slap on the wrist and a referral to the CJC. Ms. Penberthy then spoke about her experience working with Rep. Small on her case, saying that restorative justice practices could allow for face-to-face interaction between victim and perpetrator, whereas the traditional legal system may not allow for that opportunity. Rep. Small spoke about the face-to-face resolution that they experienced through CJC and how the perpetrator conducted deep reflection since the incident.

Councilor Hightower noted that some difficult situations among residents in neighborhoods have come to the Council, and asked about community-wide conversations for really difficult cases. Assistant Director Jolly replied that they have one staff member who works on community or neighborhood disputes. She said that in the last year, they have gotten outreach with helping with mediating various community conversations, though they have limited capacity to do so.

Councilor Shannon asked about data from surveys that CJC has fielded. Assistant Director Jolly replied that they have worked on improving the response rate of surveys fielded. She said that they generally ask questions around victim satisfaction and whether participants feel seen, heard, and have their needs met. She said that they are still working on a metric around determining whether CJs are making people better off. She said that their successful closure rate was around 80% of those who engage.

Councilor Grant said that this helps people see that restorative justice is extremely valuable.

Councilor Magee noted that he had the opportunity to shadow Ms. Penberthy and the pre-trial team at the courthouse several years ago and that it was an eye-opening experience. He said that it would be great to see CJC as part of the larger community safety response.

Councilor Dieng asked how a case is determined to be eligible for CJC work or not. Ms. Penberthy replied that the majority of eligible cases are non-violent misdemeanors and both the perpetrator and victim of the crime want to take responsibility and steps to repair harm. Councilor Dieng asked what would happen if the perpetrator successfully completed the program and then committed the same crime again. Ms. Penberthy replied that it would depend on the crime, but for example, if someone unlawfully trespassed, completed the program, and then trespassed again, the CJC may take that case again. She said that this also depends on the police, courts, and State Attorney's Office.

4. PUBLIC FORUM: **TIME CERTAIN – 7:15 PM**

4.1 Verbal Comments

Forum opened at 7:15 PM.

COMMENTS:

Burlington residents (in person):

- Jonathan Chapel Sokel provided a statement from the Ward 1 Steering Committee, saying that Council decisions such as the MOU with UVM should allow for public comment, and allow for 45 days to gather that public comment. He said that the Council needs to get ample feedback from constituents in order to allow the Council to make an informed decision
- Dave Maher spoke about last Thursday's public safety forum. He noted a new law requiring landlords to report certain drug activities at their properties or face consequences. He expressed frustration that landlords have tried to contact the Police Department or City Council about these situations but nothing happens. He said that landlords have the right to enter their own properties for inspections or other repairs and suggested that police presence could accompany that inspection and make an arrest if there were suspected drug use or at least trespass. He said that landlords cannot do it on their own.
- Romeo von Hermann expressed gratitude for public service personnel this year, as well as the resilience of residents. He wished all a happy holiday season.
- Todd Deluca expressed concern about certain actions the City has pursued against the free speech of constituents. He said that in March, the Council passed a resolution condemning Bill Ogen's speech. He also noted a rewrite of the NPA laws to censor speech based on Bill Comstock's use of pronouns as an NPA meeting. He said that this limitation on speech is troubling in Burlington, particularly with regards to gender ideology and gender-affirming care.

- Todd Lacroix spoke about the Mayor and the Council's track record on freedom of speech, saying he is disturbed by the legacy that they are leaving. He said that the government has gutted the town in the service of the rich.
- Keren Sita spoke about living truthfully and lovingly, and said that people must speak the truth.
- Jake Schumann expressed concern that he was tokenized during the drafting of resolution 8.1 from the Council's meeting on December 11, 2023.

Burlington residents (via Zoom):

- Troy Headrick spoke about the MOU with UVM. He expressed skepticism around the process itself. He expressed concern that every time UVM opens new housing, they expand their enrollment beyond their housing capacity within five years, which significantly impacts housing in the City, and shared specific historic data around past trends.

Forum closed at 7:36 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports

Mayor Weinberger noted that much of central Vermont is facing significant flooding again, which is especially devastating given that it was only six months ago that some of these same areas faced catastrophic flooding in the summer. He said that this shows that all levels of government need to go beyond and do more to address climate change. He further noted that he signed a letter urging the EPA to revise greenhouse gas standards for heavy duty highway vehicles in 2028-2032, which will align the heavy duty vehicle industry with requirements for lighter vehicles in terms of emissions, as well as potentially spur new innovation for electric or hybrid heavy-duty vehicles. He noted that along these lines, the Airport purchased its first three electric vehicles.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates

Councilor Doherty said that the second of the public safety community forums is tomorrow night at 8:00 PM in Contois Auditorium.

Councilor Grant noted that the next City Council Public Safety Committee meeting will occur on Thursday at 5:30 PM. She said that she is also working to set up another forum for gathering feedback from the public in addition to the public forums that are occurring.

Mayor Weinberger also noted that the second public safety community forum is tomorrow night and that topics include substance use disorder and property crime and that panelists include State Health Commissioner Dr. Levine, Jess Kirby from VCJR, Police Chief Murad, U.S. Attorney Nikolas Kerest, State Attorney Sarah George, Rachel Jolly from CJC, and himself.

Mayor Weinberger then spoke about bolstered security services downtown during the holiday season, as well as new lighting on several parking garages.

Mayor Weinberger then noted that the new winter warming shelter was opened on December 15, and will run until the spring.

Councilor Dieng spoke about some of the stories he has heard from the unhoused while walking around various City parks. He said that the situation will not change until each of these people are connected with at an individual level.

Councilor Magee noted that the State's Opioid Settlement Advisory Committee will be meeting on Friday from 1:00-3:00 and will be discussing funding recommendations for the legislature, including overdose prevention centers. He said that he is hopeful that this intervention will be moving to the State legislature for their consideration this session.

Councilor Shannon noted that today, someone entered a local non-profit wielding a knife, and that the police were called to apprehend the individual. She noted that the police have had numerous encounters with this person, including assaults on officers and Howard Center staff. She noted that these incidents included across Chittenden County and Central Vermont, and that the Council has very little insight into what happens with these individuals, but that they are released again and again and again back into the public. She also thanked Councilor Dieng for his efforts to dig deeper into this issue.

7. CONSENT AGENDA

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

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

7.3 Reclassification of one (1) Clerk/Treasurer position – C/T/HR - approve the reclassification and Retitling of Cash & Banking Accounting, a Regular, Full-time, Nonexempt, AFSCME, Grade 16, position to Senior Accountant, a regular, Full-time, Exempt, Non-union, Grade 18, position in the Clerk/Treasurer's Office.

7.4 Reclassification of Two BCA Positions - BCA/HR - approve the: 1. Reclassification of the Assistant Director position, a Regular, Full-Time, Exempt, Grade 19, Page 3 of 330 position to a Regular, Full-Time, Exempt, Grade 22 position in Burlington City Arts retroactive to July 1, 2023, and to further authorize retro pay in an amount to not exceed \$1,929.97; and 2. Reclassification of the Festival and Event Director position, a Regular, Full-Time, Exempt, Grade 18 position to a Regular, Full-Time, Exempt, Grade 20 position in Burlington City Arts retroactive to July 1, 2023, and to further authorize retro pay in an amount to not exceed \$1,792.25.

7.5 1. Creation of Water Resources Utility Inspector position 2. Creation of Stormwater Field Specialist position - DPW - Water Resources/HR - approve the: 1. Creation of Water Resources Utility Inspector, Regular, Full-time, Non-Exempt, AFSCME, Grade 19, role in the Department of Public Works; and 2. Creation of Stormwater Field Specialist, Regular, Full-time, Non-Exempt, AFSCME, Grade 18, role in the Department of Public Works.

7.6 Schifilliti Park Shared-Use Path Construction Contract with Engineers Construction, Inc. – BPRW – 1. Approve and authorize Sophie Sauvé, Parks Comprehensive Planner, to execute an amendment to the existing design Contract with Hoyle Tanner & Associates, Inc. and any related documents needed to carry out the Schifilliti Park Pathway Construction project, in the additional amount of \$18,724.00 for a revised maximum limiting amount not to exceed \$69,660.00, subject to the review of the City Attorney's Office; and 2. Approve and authorize Parks Comprehensive Planner, Sophie Sauvé to execute a construction contract and any related documents needed to carry out the Schifilliti Park Pathway Construction project, with Engineers Construction, Inc., for a price not to exceed \$194,497.00, plus a contingency of \$30,000.00, for a total authorized expenditure in the amount of \$224,497.00, subject to the review of the City Attorney's Office.

7.7 Old North End Greenway VTrans Grant Acceptance #CA0825 – DPW - authorize the Director of Public Works to execute the Vermont Agency of Transportation Grant Agreement #CA0825 for the Old North End Greenway construction in the amount of \$75,000, obligating the City to commit a local match of \$166,000 of the total project budget of \$241,000, subject to approval by the City Attorney's Office.

7.8 Request to Execute a 2023 ARPA Clean Water Fund - MS4 grant agreement (Grant #06140-ARPA-CWF-MS4-01) – Airport - approve and authorize the Director of Aviation to execute a 2023 ARPA Clean Water Fund – MS4 grant agreement (Grant # 06140-ARPA-CWF-MS4-01) not to exceed the amount of \$459,698, with a 20% matching requirement, after review and approval by the City Attorney's Office.

7.9 Request to execute a Reinstatement of the First Amendment to the Cellular Antenna License Agreement with SprintCom, Inc. – Airport - approve and authorize Mayor Weinberger to execute the reinstatement of and First Amendment to the original Cellular Antenna License Agreement with SprintCom, Inc., subject to review and approval from the City's Attorney.

- 7.10 Request to purchase Two Ford F150 Lightnings and a Mach-E vehicle, and a budget neutral amendment – Airport - 1. To authorize a purchase from Lamoille Valley Ford for three vehicles in the total amount of \$183,862; and 2. To approve a budget neutral amendment in the amount of \$54,284 to the Fiscal Year 2024 Airport budget by increasing the amounts as described in the affiliated memorandum.
- 7.11 Airport Equipment purchase over \$100,000; Toro Groundskeeper 5910-D rotary – Airport - authorize a purchase from Grassland Equipment & Irrigation Corp. in the amount of \$159,945.82.
- 7.12 Request for Authorization of a Budget Neutral Amendment to the FY2024 Patrick Leahy Burlington International Airport AIP-142 Project Budget in the Amount of \$3,453,000 – Airport - authorize a budget neutral amendment to the FY24 Patrick Leahy Burlington International Airport budget to increase Federal Grant Revenue by \$3,107,700, State Grant Revenue by \$207,180 and Interfund Transfer proceeds by \$138,120, and to increase Capital Expenditures by \$3,453,000, for a total increase of overall expenditures and revenues by \$3,453,000.
- 7.13 Extension of Section IIIg of the Memorandum of Understanding between the Friends of the Fletcher Free Library and the Fletcher Free Library-City of Burlington – Library - approve and authorize the Director of the Fletcher Free Library to execute an amendment to the October 24, 2018 Memorandum of Understanding with the Friends of the Fletcher Free Library to extend the timeframe over which the Friends agree to manage a capital campaign for the Library from a period of five years to ten years, commencing on October 24, 2023 and lasting until October 24, 2033.
- 7.14 Communication: Matt Carr, re: Kaffiyeh worn by Councilors at Meeting – waive the reading and place the communication on file.
- 7.15 Communication: Jordana, re: Resolution 8.1 – waive the reading and place the communication on file.
- 7.16 Communication: MJ, re: human trash bigots and delusional destructive Marxists – waive the reading and place the communication on file.
- 7.17 FIO Documents – for information only.
- 7.18 Resolution: Terminate Option And Reject Offer Of Dedication: Chittenden Emergency Food Shelf Building At 228 North Winooski Avenue (Board of Finance) – waive the reading and adopt the resolution.
- 7.19 Resolution: Terminate Option And Reject Offer Of Dedication: Vermont Legal Aid Building At 264 North Winooski Avenue (Board of Finance) – waive the reading and adopt the resolution.
- 7.20 Resolution: Authorization For Up To \$345,000 Step II Loan From Vermont Drinking Water State Revolving Fund For Final Design Of Reservoir Improvements Project (Board of Finance) – waive the reading and adopt the resolution.
- 7.21 Resolution: Authorization For Up To \$352,127 Step I Loan From Vermont Drinking Water State Revolving Fund For Service Line Inventory Project (Board of Finance) – waive the reading and adopt the resolution.
- 7.22 Resolution: Authorization For Up To \$1,132,767 Step II Loan From Vermont Clean Water State Revolving Fund For Final Design Of Upgrades For Crescent Beach, Proctor Place, And Water Plant (Penny Lane) Pump Stations (Board of Finance) – waive the reading and adopt the resolution.
- 7.23 Resolution: Appointments Of Acting Ward Three And Ward Eight Ward Clerks And Acting Inspectors Of Election For Wards Two, Three, Four And Eight For March 5, 2024 Annual City Election And Presidential Primary Election (Councilor Paul) – waive the reading and adopt the resolution.
- 7.24 Communication: Linda, re: Toilets – waive the reading and place the communication on file.

MOTION by Councilor Shannon, SECOND by Councilor Magee, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.24.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

- 8.1 Communication: Mayor Miro Weinberger, re: Appointment of Assistant City Attorney

Mayor Weinberger spoke briefly about Mr. Ramakrishnan's past education and experience in municipal issues, saying that he will make a strong addition to the City Attorney's team.

MOTION by Councilor Doherty, SECOND by Councilor Traverse, to confirm the appointment of Erik Ramakrishnan as Assistant City Attorney.

VOTING: unanimous; motion carries.

8.2 Appointment: Chittenden County Regional Planning Commission – Alternate (term expires 6/30/25)

MOTION by Councilor Magee to nominate Larry Lewack as the CCRPC Alternate Member.

There were no other nominations.

VOTING: unanimous; motion carries.

8.3 Resolution: Adoption of the City of Burlington Engineering Standards (Transportation, Energy, and Utilities Committee [TEUC])
Director Spencer began by briefly noting that this project has been 8 years in the making and it will help the City behind the scenes in ways that will improve how work is conducted and how developers and the public also do their work.

Assistant Director Baldwin noted that having clear standards of practice is critical to the success of the work done by DPW. He noted that in the past, a number of streets have been built that are not up to standards, which has an impact years down the road when it becomes a problem for residents. He said that this process will hopefully eliminate future challenges by preventing sub-par streets from being built, as well as providing recourse for residents who live on previously built streets that are not up to standards of practice.

Public Works Engineer Ursaki spoke about the history of standards of practice in Burlington, noting that it adopted the Transportation Master Plan in 2011 and the VTrans Town Road & Bridge Standards in 2012 (and an updated version of it in 2020). She noted that in 2016, the City began using the Trans specifications for construction for contracts and work in the right-of-way, and then adopted the Great Streets BTV Design Standards for downtown in 2018.

Public Works Engineer Ursaki then spoke about the standards being discussed tonight. She said that at a basic level, they are a set of drawings and specifications for construction of typical features in the City's right-of-way, and that they are based on best practices from water resources and transportation capital projects, components of the Great Streets standards, and VTrans standard specifications for construction, with modifications for Burlington-specific procedures. She spoke in more detail about the modifications that they are seeking to make to the VTrans standards, which they have grouped into four categories of modification, including contractual/organizational updates, choosing materials/methods, new sections that VTrans doesn't include, and areas of significant modification. She noted that these modified standards were created by engineers in DPW, with input from other departments. She spoke about the value of having these standards, which include consistency in construction throughout the right-of-way, being more prepared to maintain and repair City assets, to streamline contract development and ensure uniformity across divisions, and to create a more straightforward and predictable bidding experience for contractors. She also noted that this will be cross-referenced in the City's Comprehensive Development Ordinance. She shared examples of different specifications within the standards.

Public Works Engineer Ursaki briefly outlined the process to adopt and update these standards. She noted that DPW will bring new additional standards and large-scale design or policy updates to existing standards to the City Council to adopt via the TEUC, and that the City Engineer has the authority to update and make administrative changes to the existing standards to meet current best practices for construction and safety.

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

DISCUSSION:

- Councilor Carpenter asked whether these standards have existed previously and that this exercise was to gather them into one place and streamline modification of them. Public Works Engineer Ursaki replied that DPW has been using them in contracts for several years, but they are formalizing them and putting them into one place. Councilor Carpenter asked if they received input on these standards prior to implementation. Assistant Director Baldwin noted that the majority of these standards are adopted from State or federal guidelines, because those are industry standard practice, with some overlay to make them more relevant to an urban environment.
- Councilor Barlow said that this will ensure that construction is done to a standard that the City needs to have.
- Councilor Grant asked for the list of unaccepted streets, which Assistant Director Baldwin said he would supply.

VOTING: unanimous; motion carries.

8.4 Ordinance: CDO—Technical Amendments ZA-24-01 (Planning, Planning Commission)

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to waive the reading and adopt the ordinance with the following amendment: to retain the “and” from line 448 and strike the “shall be” from line 449.

DISCUSSION:

- Councilor Traverse said that these are technical amendments and don’t substantively change the underlying ordinance.
- Principal Planner Dillard said that this is a compilation of technical corrections to errors (spelling, formatting, providing clarity and resolving ambiguity) in the overall CDO document that have been amassed over the last number of years, and are not substantive in nature.

VOTING: unanimous; motion carries.

8.5 Ordinance: Burlington Code of Ordinances-Sections 21-45-21-49 Trespass (Councilors Paul and Traverse)

MOTION by Councilor Traverse, SECOND by Councilor King, to waive the reading and refer the proposed to the Ordinance Committee for further review to include, but not be limited to, consideration of the list of parties authorized to issue no trespass orders, balancing no trespass orders with proactive harm reduction efforts, and to evaluate expanding the ability to enforce the trespass ordinance on private property.

DISCUSSION:

- Councilor Traverse noted that one of the most frequent concerns heard from residents in the community is around trespassing and said that it is time to look at the City’s trespassing ordinance to understand how it is currently being enforced and whether or not there are steps the Council can take to further update its enforcement. He said that he would like to balance no trespass orders with proactive harm reduction efforts. He said that he is also continuing to hear that when there is an issuing with individuals trespassing on someone’s property, only the owner has the capacity

to have the time and presence to issue the individual a no-trespass order. He said that other communities have taken a look at their trespass laws to see how they can be more productively enforced, including allowing others to enforce the ordinance other than the property-owner. He noted that whatever is stood up by this ordinance will also need to be coordinated with law enforcement, given their current recruitment and retention needs, as well as bandwidth.

- Councilor Magee said that the fact that the Council is discussing the trespass ordinance indicates that it is failing to address the harm done by the system to the many individuals who are experiencing homelessness or struggling with substance use disorder. He recognized that this conversation is necessary, but that it isn't a solution to the crisis occurring in the City. He said that the City needs to be more thorough in its approach.
- Councilor Grant said that she agrees that some of the ordinance language needs to be updated, but said that enforcement of ordinances is challenging in this environment, given that individuals have been issued no-trespass orders and have torn them up right in front of the issuer. She said that she does not want to promise something that can't be delivered on based on the City's current staffing situation.
- Councilor Traverse said that this ordinance is less focused on the unhoused and more focused on the individuals in the community who are engaging in significant criminal activity.
- Mayor Weinberger said that he welcomes the initiative to do this, saying that the trespass order can be very effectively in these situations, and said it is prudent to explore whether it can be used as a tool to further downtown safety goals.

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

9. COMMITTEE REPORTS

9.1. Verbal reports

Councilor Barlow noted that the TEUC will meet tomorrow at 4:30 PM at the Fletcher Free Library and will hear an update on the Winooski River Bridge replacement and carbon impact fee.

Councilor Magee noted that the Parks, Arts, and Culture Committee met last Wednesday and discussed an MOU between the Fletcher Free Library and the Friends of the Fletcher Free Library, as well as a presentation on the final report on the Dog Task Force, which they sent to the full Council for its consideration.

Councilor Dieng noted that the Racial Equity, Inclusion, and Belonging Committee will meet tomorrow at City Hall in the Bushor Conference Room at 5:30 PM and will be receiving a final report from the Vermont New American Advisory Council on gun violence affecting new Americans. He said that additionally, they will be discussing the Reparations Task Force report.

Councilor Traverse said that the Ordinance Committee and Planning Commission will be meeting again jointly tomorrow, virtually, at 6:30 PM to discuss the Neighborhood Code proposal. He said he anticipates several further meetings of the joint committee in order to develop a neighborhood code proposal that will be taken up by this Council at one of its March 2024 meetings.

City Council President Paul noted that the Public Safety Committee will meet on December 21 to discuss the emergency management plan, a dispatch update, and a data overview from the Fire Department and the Police Department.

Councilor Bergman noted that the Tax Abatement Committee is meeting on January 3 at 3:00 PM.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports

Councilor Grant said that she received a lot of feedback about not allowing all attendees to speak during the public forum portion of last week's City Council meeting, given the large number of attendees who wished to speak. She expressed concern about not allowing those who attended via Zoom to speak. She said that the Council needs to be willing to listen to people.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports

None.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports

Mayor Weinberger noted that in addition to the MOU with UVM that is being discussed, the City recently announced three new permanent affordable housing projects that are moving forward. He said that additionally, the former YMCA building is under new ownership, who are taking steps to stabilize, demolish part of the building, and then reconstruct it. He said that 2024 looks to be another big year for housing, noting potential revisions to Act 250, which has been a barrier to development in some areas.

Mayor Weinberger then gave several holiday announcements, noting that this weekend will be the final BTV Winter Market (Fri-Sun), that many vendors are giving out free hot chocolate with a \$25 or more purchase, that Santa will be at Homeport on Saturday, and that there are 2 hours of free parking downtown this weekend to encourage folks to shop locally.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 9:28 PM.

RScty: AACoonradt