



City Council Meeting

Tuesday, January 16, 2024, 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/95467806511>

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

Webinar ID: 954 6780 6511

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

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

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<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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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 7.22. Communication: Jake Twarog, re: Winooski Bridge Project - Pedestrian & Bike Safety

2. Presentation: Burlington School District, re: Budget Development Update *5:30 pm - 6:15 pm

Subject	2.1. Presentation: Burlington School District, re: Budget Development Update
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	2. Presentation: Burlington School District, re: Budget Development Update *5:30 pm - 6:15 pm
Department	Burlington School District
Type	Information Presentation

3. Communication: Mayor Weinberger, re: Requested Amendments To Land Use MOU With UVMC; City Place ARDA 2.0 Amendments; Amendments To Development Agreement With Cambrian Rise *expected executive session *6:20 pm - 7:30 pm

Subject	3.1. Communication: Mayor Weinberger, re: Requested Amendments To Land Use MOU With UVMC; City Place ARDA 2.0 Amendments; Amendments To Development Agreement With Cambrian Rise *expected executive session
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	3. Communication: Mayor Weinberger, re: Requested Amendments To Land Use MOU With UVMC; City Place ARDA 2.0 Amendments; Amendments To Development Agreement With Cambrian Rise *expected executive session *6:20 pm - 7:30 pm
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	Move to find that premature general public knowledge of the City's stance on requested amendments to the development agreement with Cambrian Rise; amendments to the City Place ARDA 2.0; and amendments to the land use MOU with UVMC, would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating stance prematurely. Based on the finding of substantial disadvantage, the Council moves to enter into executive session to communicate with legal counsel and the City Administration under the provisions of 1 V.S.A. Section 313(a)(1)(A) and (F).

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

Subject	4.1. Verbal Comments
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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 & Safety Emergency Updates (5-10 mins.)

Subject	6.1. Verbal reports
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	6. Public Health & Safety Emergency Updates (5-10 mins.)
Department	Council and Board
Type	Information

7. Consent Agenda

Subject	7.1. Motion to adopt the consent agenda and take the actions indicated
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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. Tobacco License and Tobacco Substitute Endorsement Renewals (2024-2025); see attached list
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent)
Recommended Action	approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals as listed
Subject	7.4. Special Event Outdoor Entertainment Permit Application (one day only): Vermont Future Fest, 377 Pine Street, private parking lot, June 15, 2024, 11 am - 4 pm
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for Vermont Future Fest, June 15, 2024, 11 am - 4 pm, 377 Pine Street, private parking lot
Subject	7.5. FY23 Recycling Truck & Plow Truck Purchase Cost Increase - DPW
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve and authorize the Department of Public Works to spend an additional \$16,189.00.00, for a total of \$222,722.00, for the FY23 plow truck, and additional \$21,242.00, for a total of \$285,242.00 for the FY23 recycling truck purchase; and to further authorize the Director of the Department of Public Works to execute a purchase agreement and other associated documents necessary to effect such purchase with Allegiance Trucks for a total purchase price not to exceed \$222,722.00 for the FY23 plow truck, and \$285,242.00 for the FY23 recycling truck, subject to the review of the City Attorney's Office
Subject	7.6. Conversion of BED Energy Assistance Program from a Pilot to a Permanent Rate - BED
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Burlington Electric Department
Type	Action (Consent)
Recommended Action	to approve BED seeking approval from the Vermont Public Utility Commission of the Energy Assistance Program tariff provided with this memo as a permanent BED tariff offering to

its
customers

Subject	7.7. Position Elimination and Creation - BED/HR
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Burlington Electric Department
Type	Action (Consent)
Recommended Action	to approve the elimination of an Enterprise Data & Integration Specialist, a Regular, Full-time, Exempt, Union, Grade A2, A4, and A6 (depending on tiered level) position and the creation of a Cybersecurity Engineer, a Regular, Full-time, Exempt, Union, Grade A4 and A6 (depending on tiered level) position within the Burlington Electric Department
Subject	7.8. Communication: C/T Office, re: October 10, 2023 Regular City Council Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.9. Communication: C/T Office, re: October 10, 2023 Local Cannabis Control Commission Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.10. Communication: C/T Office, re: October 10, 2023 Local Control Commission Meeting Minutes, Draft

Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the Janaury 29, 2024 Regular City Council Meeting
Subject	7.11. Communication: C/T Office, re: October 23, 2023 Regular City Council Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.12. Communication: C/T Office, re: October 23, 2023 City Council With Mayor Presiding Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.13. Communication: C/T Office, re: November 6, 2023 Regular City Council Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.14. Communication: C/T Office, re: November 20, 2023 Regular City Council Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.15. Communication: C/T Office, re: November 20, 2023 Local Cannabis Control Commission Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.16. Communication: C/T Office, re: November 20, 2023 Local Control Commission Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information

Minutes

Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.17. Communication: C/T Office, re: December 11, 2023 Regular City Council Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.18. Communication: C/T Office, re: December 18, 2023 Regular City Council Meeting Minutes, Draft
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Information Minutes
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes at the January 29, 2024 Regular City Council Meeting
Subject	7.19. FIO Documents
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	7.20. Resolution: Selection Of Newspapers For Publication Of 2024 Election Warnings And Notices (Councilor Paul)

Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.21. BED Advanced Distribution Management System Project - BED
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Burlington Electric Department
Type	Action (Consent)
Recommended Action	to approve and authorize the General Manager of Burlington Electric Department to execute with Survalent a Software License Agreement, an Implementation Services Agreement, and a Support & Maintenance Agreement to purchase and receive associated implementation, support, and maintenance services for an Advanced Distribution Management System at fixed, not-to-exceed prices, subject to review and approval of the City Attorney's Office and subject to appropriations for each relevant fiscal year
Subject	7.22. Communication: Jake Twarog, re: Winooski Bridge Project - Pedestrian & Bike Safety
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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

8. Deliberative Agenda

Subject	8.1. First Public Hearing On Proposed Charter Amendments For March 5, 2024 Annual City Meeting
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office

Type	Public Hearing
Recommended Action	open Public Hearing close Public Hearing
Subject	8.2. ARPA Funding Dedicated to Housing and Homelessness - CEDO (15 mins.)
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action
Recommended Action	Move to approve and authorize the allocation and spending of \$2,025,000 of City ARPA funds, by the Chief Administrative Officer pursuant to the City's spending policies, to continue to address housing and homelessness throughout the City as outlined in the above memo and in the following way: ☐ Increase the amount of ARPA funds allocated to address the acute homelessness crisis by \$75,000 from \$2,975,000 to \$3,050,000; and ☐ Dedicate \$1,000,000 of ARPA funds to the Post Apartments project at 176 S. Winooski Avenue to aid in the creation of permanently affordable housing units; and ☐ Dedicate \$950,000 of ARPA funds to Champlain Housing Trust for use towards the creation of permanently affordable housing units in the next phase of their development at Cambrian Rise.
Subject	8.3. Presentation Regarding Burlington-Winooski BF RAIZ (2)/Burlington STP 5000(29): Burlington Winooski Bridge - DPW (25 mins.)
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Public Works Department
Type	Information Presentation

9. Committee Reports

Subject	9.1. Verbal reports
Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 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,
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sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.

Meeting	January 16, 2024 - Regular City Council Meeting - Tuesday, January 16, 2024, 5:30 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	14. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

Budget Development Update

January 16, 2024



Agenda

- Budgetary assumptions
- Enrollment review
- Equitable Budgeting review
- Board Guidance
- RISE funding
- Fund balance
- BTC budget
- Tax variables
- Ballot language
- Motion



Budgetary Assumptions

Full list of assumptions posted on budget website

Wages & Benefits

- Most bargaining agreements are settled in the range of 5% increase. Health insurance premiums are estimated to increase by 16.4%.

BHS/BTC Bonding

- \$9.5 million increase in debt service due to bonding.

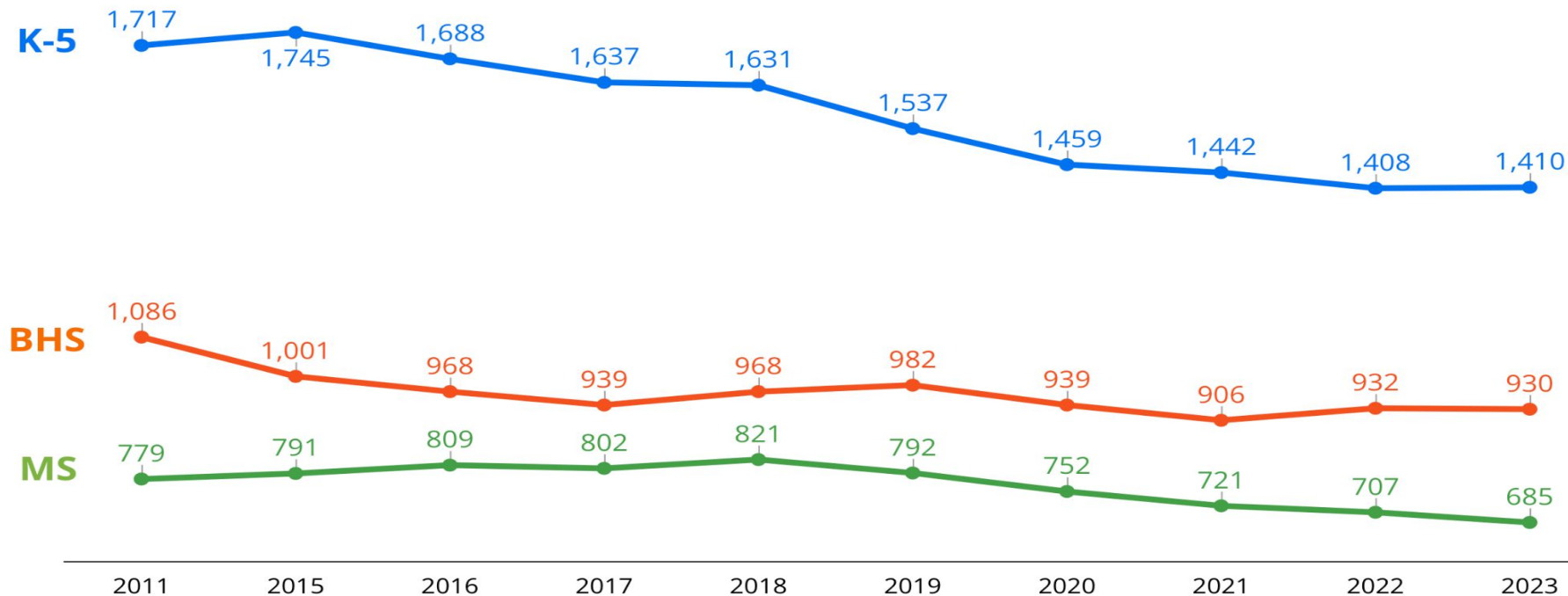
ESSER Funds:

- End of ESSER funding means that programs and positions funded by federal dollars can only be retained if budget is increased to support them.



BSD Enrollment History

BSD's K-12 Enrollment has dropped from 3,436 to 3,025 since 2018



Equitable Budgeting

A Brief History

- Research-based model created with input from the community.
- Overwhelming support for allocating resources to the students who need them most.
- Provides foundational level of support and additional funds for equity-focused investments unique to each school community: Recognizing Injustice and Seeking Equity (RISE) Funding
- Recognize that our staffing level must be responsive to enrollment changes.



Community Survey: Who did we hear from?

We heard from...

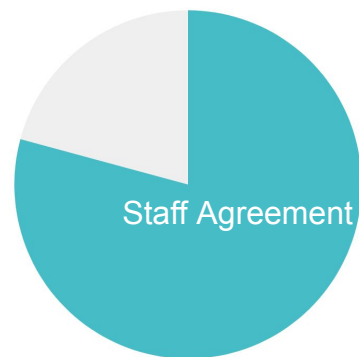
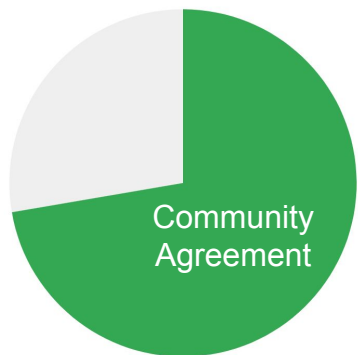
- 450+ students, family members, staff, and community members
- Individuals affiliated with every BSD school and program
- 43.2% of respondents' students receive free or reduced lunch
- 21.7% of respondents' students receive special education services
- 20.9% of our respondents self identified as BIPOC
- 14.4% of respondents speak a language other than English in their home



2020 Community Survey: What did we say?

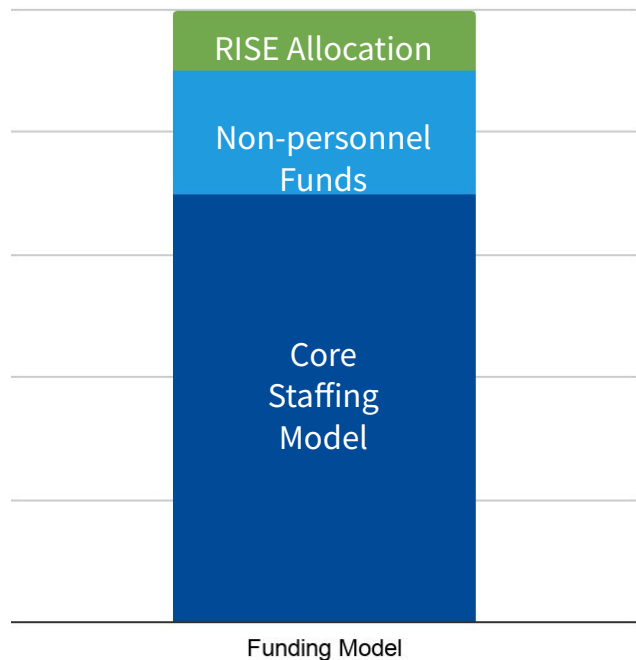
*72% of all respondents and 79% of BSD staff
strongly agree or agree that*

***resources should be allocated in a way that supports
the students who need them most - even if it means
reducing the resources at their school(s).***



Our proposed model has three components

- A **staffing model** will provide each school with its core staffing, using staff:student ratios (e.g. 1 school counselor staff for every 250 students)
- Non-personnel funds will be allocated based on a **per-student** basis
- An Equity Allocation will provide additional funding using a **weighted student formula**, meaning more funds in schools with greater need
 - Schools will have discretion in how best to serve their students using these funds
 - Intent and desired outcomes will be documented for future evaluation



Board Guidance

- Recognize that our staffing level must be responsive to enrollment changes.
- Limit budget growth due to increases in wages, benefits and pending BHS/BTC costs.
- Ensure funding to meet strategic plan objectives.
- Continue to offer robust programmatic offerings.
- Consider multi-year impact of changes and minimize annual disruptions.
- Identify investments that serve our most vulnerable students and are being made in response to the financial capacity gained from the new approach to pupil weighting.



Impact of Bond for BHS/BTC Project

- Majority of borrowing has occurred; BSD has borrowed \$130 million of the total \$165 million authorization
- Biggest tax impact of the project is in FY25 (+11% impact on taxes)
- If remaining \$35 million is borrowed, it will increase tax rates by an additional 2.8% (holding all other variables constant)
- Remaining borrowing likely to occur over two years; impact FY26 and FY27 budgets and tax rates.



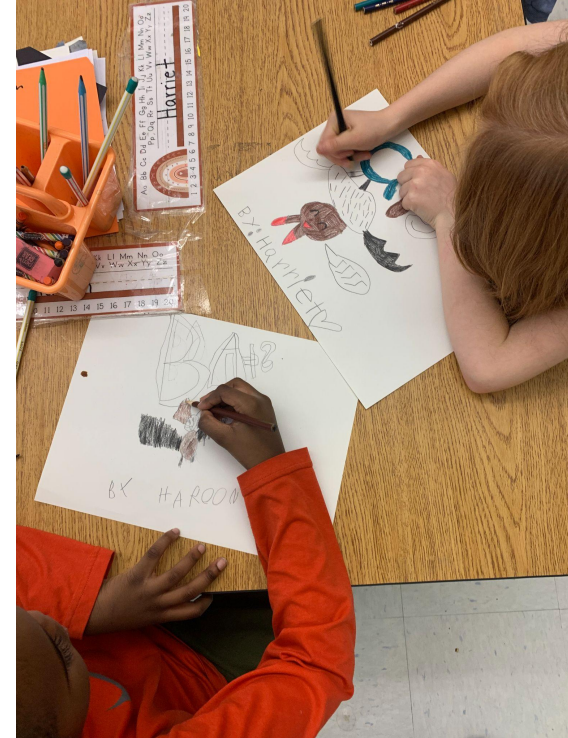
Act 127 and Tax Cap

- Act 127 includes a tax cap to help communities adjust spending over multiple years in response to new pupil counts.
- The tax cap had two features
 - A 5% cap on the increase in equalized tax rate (before CLA)
 - A review by the AOE if growth in spending per pupil exceeds 10%.
- Because the 5% cap is applied to equalized tax rates, it does not shield communities from tax rate increases resulting from CLA changes.
- Due to the CLA change in Burlington, any budget scenario subject to the 5% cap will still increase tax rates by nearly 14%.



Why is the Common Level of Appraisal (CLA) decreasing by 7.87%?

- CLA is a measure of how closely property in a community is valued (for tax purposes) at fair market value.
- Designed to ensure that every Education Property Tax payer in Vermont pays taxes on the basis of the fair market value of their property.
- Prices appreciated significantly for residential property in Burlington (and Chittenden County) the past few years. According to the City Assessor, annual price appreciation has often been in the 10%-20% range.
- When prices increase, the value of property for tax purposes falls further below fair market value. The CLA makes up for this by increasing the tax rate.



Impact of Common Level of Appraisal

- BSD received CLA information from the State on January 3rd.
- We anticipated CLA would remain closer to last year because of the recent City-wide reappraisal.
 - **Surprisingly, the CLA dropped by 7.87%**
- Initial proposal projected an 8% tax increase before the CLA.
 - With the CLA, that same proposal now results in a 17% tax increase.
- The CLA is applied after tax rate cap of 5% (see slide 11). Even without programmatic investments and with reductions, the CLA would result in a 13.67% tax rate increase AFTER the 5% Cap is applied.
- Because of the CLA, the only way to reduce the tax rate below 10% is to reduce FTE's (educators in schools) by 12% (which we believe is unrealistic and unsustainable).

Scenario Development

- The recent information about our CLA, and its impact on taxes, has been disruptive to our process in BSD and across the region.
- We have created five scenarios to illustrate the impact of the CLA and ACT 127 on our budget.
- The scenarios show that even when eliminating all programmatic investments and keeping all proposed reductions, the tax impact with the cap is 13.97%
- We can only achieve below 8% tax increase by making huge reductions in force (at least 12%).
- Many other districts in the state are in the same situation.
- The Superintendent recommends Scenario 2.

Scenario 1 - Investments and Reductions

Operational Investments	Amount	Programmatic Investments	Amount	Reductions	Amount
Wages & Benefits	\$4,000,000	Magnet School Recommendations	\$340,000	Central Office Department reductions	-\$340,000
Operating	\$760,000	Mental health support for alt. programs	\$100,000	District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
BHS/BTC Bonding	\$9,500,000	BHS instructional coach (1.0 FTE) (per funding model)	\$100,000	HR Specialist	-\$60,000
DtBHS lease	\$250,000	Special Educator at Horizons (1.0 FTE)	\$100,000	Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
Rock Point Lease	\$475,000	SLPs for Early Education Programming to maintain current model. (3.0 FTE)	\$300,000	BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Sara Holbrook lease	\$205,000	Elementary Dean of Students for Flynn & Champlain	\$200,000	Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
YMCA Rental	\$50,000	Assoc. Dir. of Health or Lead Nurse, plus budget of \$20k (1.0 FTE)	\$130,000	0.5 FTE guidance at HMS (per funding model)	-\$50,000
BHS School Safety	\$94,000	ARC - reduced professional learning and supports & curricular materials	\$200,000	0.5 FTE health at EMS (per funding model)	-\$50,000
HHB/Title IX Investigations	\$100,000	Recruitment Plan activities	\$100,000	Hiring Limit	-\$100,000
Subtotal	\$15,434,000	RP Support for Schools	\$100,000	Subtotal Reductions	-\$1,100,000
		Added RISE for Smith/EES	\$100,000		
		Ex. Dir. School Leadership	\$166,000		
		Subtotal Discretionary Additions	\$1,936,000		

Scenario 1 - Summary

Total Budget Increase	\$16,270,000
Equalized Tax Rate (before CLA)	7.51%
Actual Tax Rate (after CLA)	16.96%
Capped Equalized Tax Rate (before CLA)	5.00%
Capped Actual Tax Rate (after CLA)	13.97%
Spending per LTWADM	\$14,032.06
Total Budget	\$120,414,584

This was our original proposal before we received updated CLA information on January 3. After receiving that information, we revisited the initial proposal to further refine our additions and reductions. While Scenario 1 provides the greatest level of investment, Scenario 2 is the Recommended Budget Proposal because it is responsive to the long-term challenging tax climate while providing some programmatic investments.

Scenario 2 - Recommended Budget Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
Magnet School Recommendations	\$200,000
Mental health support for alt. programs (0.5 FTE)	\$50,000
BHS instructional coach (1.0 FTE) (per funding model)	\$0
Special Educator addition (1.0 FTE)	\$0
SLPs for Early Education Programming to maintain current model (2.0 FTE)	\$200,000
Elementary Dean of Students for Flynn & Champlain	\$0
Alt. Program nurse, lead nurse, sub (1.0 FTE)	\$80,000
ARC - reduced professional learning and supports & curricular materials	\$180,000
Recruitment Plan activities	\$50,000
RP Support for Schools	\$50,000
Added RISE for Smith/EES/Champlain/Flynn	\$100,000
Ex. Dir. School Leadership	\$166,000
EL Teacher (1.0 FTE)	\$100,000
Subtotal Investments	\$1,176,000

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Subtotal Reductions	-\$1,100,000

Scenario 2 (Recommended Budget) - Summary

Total Budget Increase	\$15,460,000
Equalized Tax Rate (before CLA)	6.51%
Actual Tax Rate (after CLA)	15.60%
Capped Equalized Tax Rate (before CLA)	5.00%
Capped Actual Tax Rate (after CLA)	13.97%
Spending per LTWADM	\$13,901.83
Total Budget	\$119,604,584

***This is the Superintendent's recommended scenario** because it responds to CLA pressures, while allowing necessary programmatic and operational investments.*

Scenario 3 - Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
N/A	\$0

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Subtotal Reductions	-\$1,100,000

The Superintendent does not recommend this scenario as it does not lower capped taxes from Scenario 2, nor does it include investments that support our Strategic Plan.

Scenario 3 - Summary

Total Budget Increase	\$14,284,000
Equalized Tax Rate (before CLA)	5.27%
Actual Tax Rate (after CLA)	14.25%
Capped Equalized Tax Rate (before CLA)	5.00%
Capped Actual Tax Rate (after CLA)	13.97%
Spending per LTWADM	\$13,739.43
Total Budget	\$118,428,584

The Superintendent does not recommend this scenario as it does not lower capped taxes from Scenario 2, nor does it include investments that support our Strategic Plan.

Scenario 4 - Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
N/A	\$0

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Reduce 50 FTE's	-\$5,000,000
Subtotal Reductions	-\$6,100,000

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 50 FTEs (equivalent to 12% of our teachers).

Scenario 4 - Summary

Total Budget Increase	\$9,284,000
Equalized Tax Rate (before CLA)	-0.47%
Actual Tax Rate (after CLA)	8.02%
Capped Equalized Tax Rate (before CLA)	-0.47%
Capped Actual Tax Rate (after CLA)	8.02%
Spending per LTWADM	\$13,002.72
Total Budget	\$113,428,584

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 50 FTEs (equivalent to 12% of our teachers).

Scenario 5 - Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
N/A	\$0

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Reduce 74 FTE's	-\$7,400,000
Subtotal Reductions	-\$8,500,000

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 74 FTEs (equivalent to 18% of our teachers).

Scenario 5 - Summary

Total Budget Increase	\$6,884,000
Equalized Tax Rate (before CLA)	-3.13%
Actual Tax Rate (after CLA)	5.14%
Capped Equalized Tax Rate (before CLA)	-3.13%
Capped Actual Tax Rate (after CLA)	5.14%*
Spending per LTWADM	\$12,643.21
Total Budget	\$111,028,584

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 74 FTEs (equivalent to 18% of our teachers).

Summary of Options

Scenario 1		Scenario 2 - Superintendent Recommendation		Scenario 5	
Total Budget Increase	\$16,270,000	Total Budget Increase	\$15,460,000	Total Budget Increase	\$6,884,000
Equalized Tax Rate (before CLA)	7.51%	Equalized Tax Rate (before CLA)	6.51%	Equalized Tax Rate (before CLA)	-3.13%
Actual Tax Rate (after CLA)	16.96%	Actual Tax Rate (after CLA)	15.60%	Actual Tax Rate (after CLA)	5.14%
Capped Equalized Tax Rate (before CLA)	5.00%	Capped Equalized Tax Rate (before CLA)	5.00%	Capped Equalized Tax Rate (before CLA)	-3.13%
Capped Actual Tax Rate (after CLA)**	13.97%	Capped Actual Tax Rate (after CLA)**	13.97%	Capped Actual Tax Rate (after CLA)	5.14%*
Spending per LTWADM	\$14,032.06	Spending per LTWADM	\$13,901.83	Spending per LTWADM	\$12,643.21
Total Budget	\$120,414,584	Total Budget	\$119,604,584	Total Budget	\$111,028,584

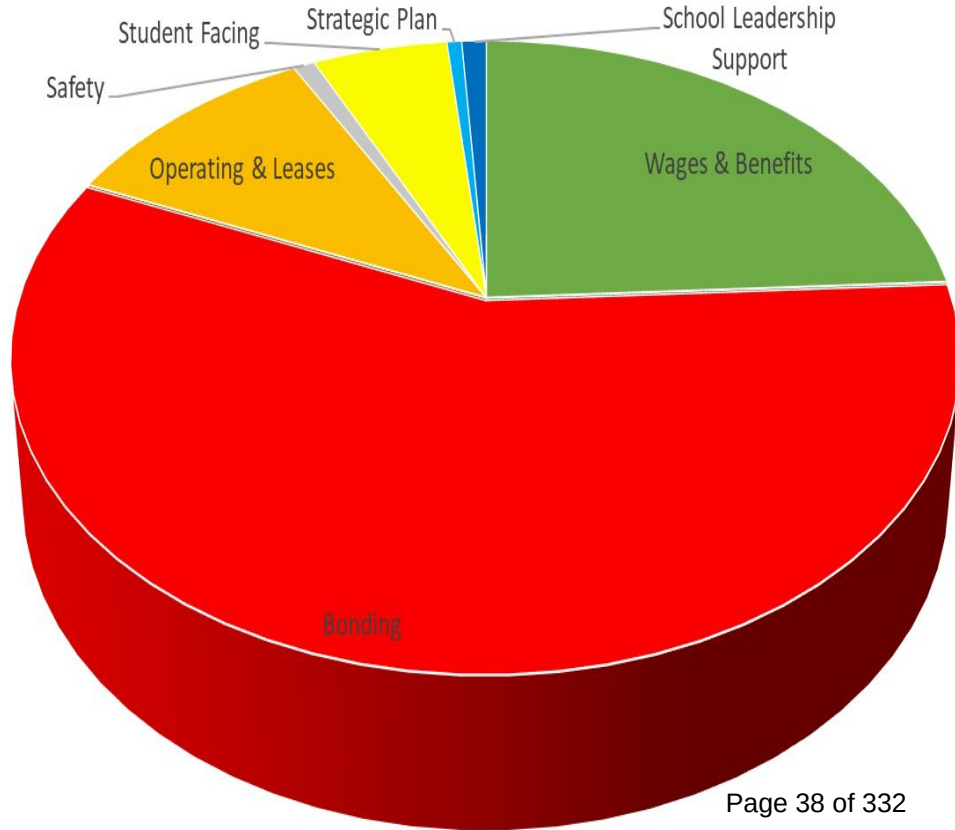
* Scenario 1 & 2 result in the same tax rate for next year, though Scenario 2 offers less investments more reductions.

**Achieving the tax rate in Scenario 5 would require a reduction of approximately 74 FTEs, and is NOT recommended. (Only Scenarios 4 and 5 will reduce the tax rate and both require unsustainable reductions)

Superintendent's Recommendation - Scenario 2

- Responsive to budget pressures; limits investments and includes reductions
- Minimizes impact on staffing
- Includes modest programmatic investments to support strategic plan and leadership development
- Offsets programmatic investments with reductions
- Tax rate identical to a budget with no strategic investments (13.97%)
- Tax increase without bond = 3.97%
- Tax increase without CLA = 5.00%

Proportion of Increased Spending



RISE Allocation Themes

Nearly \$1.5m of School-directed, Equity-oriented Investments

- Elementary: Full-time art teachers, RP specialists, Interventionists, Special Education positions, co-teaching PD
- Middle School: Literacy, math and guidance positions, project-based learning curriculum, social-emotional supports and PD
- High School: Mental health counselor, STEM Interventionist, co-teaching PD and release time, Special Education delivery model redesign, deeper learning activity funds, community-building funds (student-led investments).

FY23 Audit and Fund Balance

FY23 Audit is in final phase of review

FY23 Audited Fund Balance

- \$2,400,000 available to support FY25 budget.
- This surplus is in line with prior year results.
- Represents roughly 2% of the total budget.

Fund Balance is One Time Money

- Careful budget management should result in annual surpluses.
- Currently supports significant costs associated with rent for temporary spaces (DtBHS, BTC, etc.).

BTC Budget

Tuition increase due to enrollment decline

FY25 Budget = \$3.8m

- No budget increase for FY25.
- Reflects 126.07 “average” enrollment over six semesters, a 6% decrease from prior year.
- **Announced Tuition of \$24,623.** Since the program is half-day, the actual tuition cost is also halved.
 - i. This represents an 8.75% increase due to declining enrollment despite a level funded budget.

Tax Rates

Tax rates are the result of four major inputs

- Education Spending: amount of Education Fund support a district's budget requires - something a district controls!
- Long Term Weighted Average Daily Membership: enrollment that weighs factors such as poverty and English Learners.
- Dollar Yield: a state variable reflecting the amount of money in the education fund.
- Common Level of Appraisal: a measure of property values in each community.

Tax Variable Estimates

Key Variables

Status

Education Spending

\$94,424,438

LTWADM

6,792.23 (updated)*

Homestead Dollar Yield (Tax dept.)

\$9,452*

Common Level of Appraisal

87.83 (7.87% decrease)*

*A decrease in these variables increases the tax rate

Property Tax Impact (Scenario 2)

Hypothetical Property Payer - \$370k example (avg value)	Property Tax Impact
Property rate change	13.97%
Tax on \$370,000 homestead	\$6,108
Tax Difference from current rate	\$ 749

Hypothetical Income Payer - \$500k example	Income Tax Impact
Property rate change	13.97%
Tax on \$500,000 homestead	\$8,254
Tax Difference from current rate	\$ 1,012

Figures reflect rounding. For education taxpayers who pay based on income, the impact will be reflected on the fiscal year 2025 property tax bill. Existing law provides additional property tax relief for households with incomes below \$47,000. This is known as a “circuit breaker.” Once a taxpayer qualifies for the circuit breaker, additional school district spending does not increase the taxpayer’s tax liability.

Income Adjustment Tax Impact (Scenario 2)

Hypothetical Income Payer - \$50k income	Income Tax Impact
Income Rate change	10.99%
Tax at \$50,000 household income	\$ 1,216
Tax Difference from current rate	\$ 134

Hypothetical Income Payer - \$120k income	Income Tax Impact
Income Rate change	10.99%
Tax on \$120,000 household income	\$ 3,239
Tax Difference from current rate	\$ 321

Figures reflect rounding. For education taxpayers who pay based on income, the impact will be reflected on the fiscal year 2026 property tax bill. Existing law provides additional property tax relief for households with incomes below \$47,000. This is known as a “circuit breaker.” Once a taxpayer qualifies for the circuit breaker, additional school district spending does not increase the taxpayer’s tax liability.

Budget Summary

Year	Budget	Change
Total Budget	\$119,604,584	14.84%
Offsetting Revenue	\$22,830,146	0.00%
Surplus	\$2,350,000	0.00%
Education Spending	\$94,424,438	19.58%

Offsetting Revenue (federal grants, BTC funding, etc.) and Surplus reduce the needed Education Spending, which helps reduce the pressure on tax rates.

Ballot Language

Shall the voters of the Burlington School District approve the school board to expend \$119,604,584, which is the amount the school board has deemed necessary for the support of the school system for the ensuing fiscal year?

Recommended Motion

I move to approve the annual school budget of \$119,604,584 and the recommended ballot language.

Budget Development Timeline

- 1/9** Finance & Facilities Committee
- 1/9** School board meeting
- 1/16** School Board meeting (vote)
- 3/5** Town Meeting Day budget vote



Full budget timeline available at: <http://www.bsdt.org/budget>

Budget Development Update

January 16, 2024



Agenda

- Budgetary assumptions
- Enrollment review
- Equitable Budgeting review
- Board Guidance
- RISE funding
- Fund balance
- Tax variables
- Timeline



Budgetary Assumptions

Full list of assumptions posted on budget website

Wages & Benefits

- Most bargaining agreements are settled in the range of 5% increase. Health insurance premiums are estimated to increase by 16.4%.

BHS/BTC Bonding

- \$9.5 million increase in debt service due to bonding.

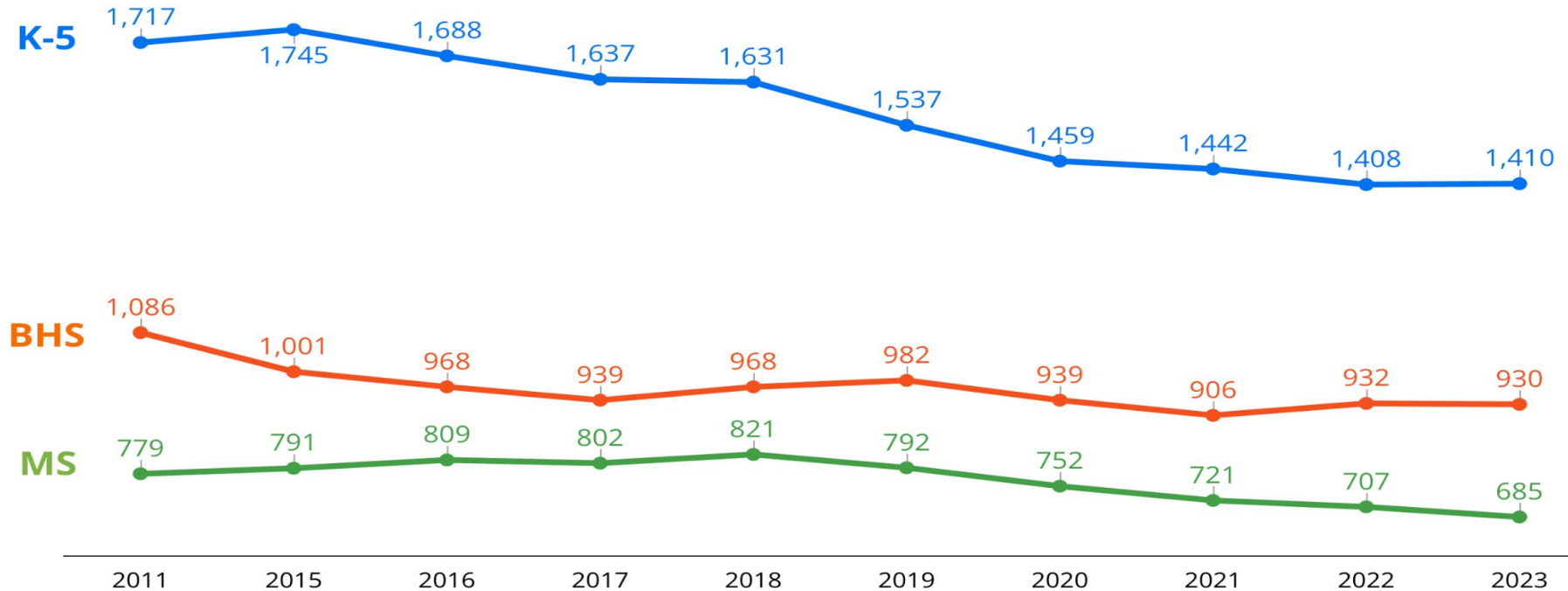
ESSER Funds:

- End of ESSER funding means that programs and positions funded by federal dollars can only be retained if budget is increased to support them.



BSD Enrollment History

BSD's K-12 Enrollment has dropped from 3,436 to 3,025 since 2018



Equitable Budgeting

A Brief History

- Research-based model created with input from the community.
- Overwhelming support for allocating resources to the students who need them most.
- Provides foundational level of support and additional funds for equity-focused investments unique to each school community: Recognizing Injustice and Seeking Equity (RISE) Funding
- Recognize that our staffing level must be responsive to enrollment changes.



Community Survey: Who did we hear from?

We heard from...

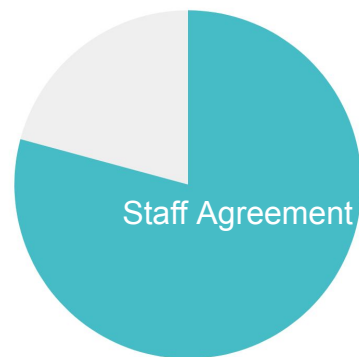
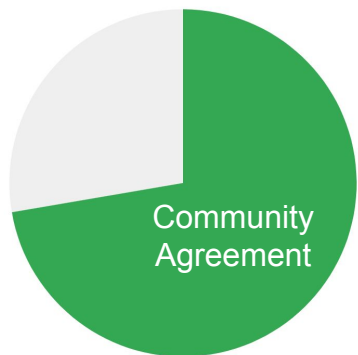
- 450+ students, family members, staff, and community members
- Individuals affiliated with every BSD school and program
- 43.2% of respondents' students receive free or reduced lunch
- 21.7% of respondents' students receive special education services
- 20.9% of our respondents self identified as BIPOC
- 14.4% of respondents speak a language other than English in their home



2020 Community Survey: What did we say?

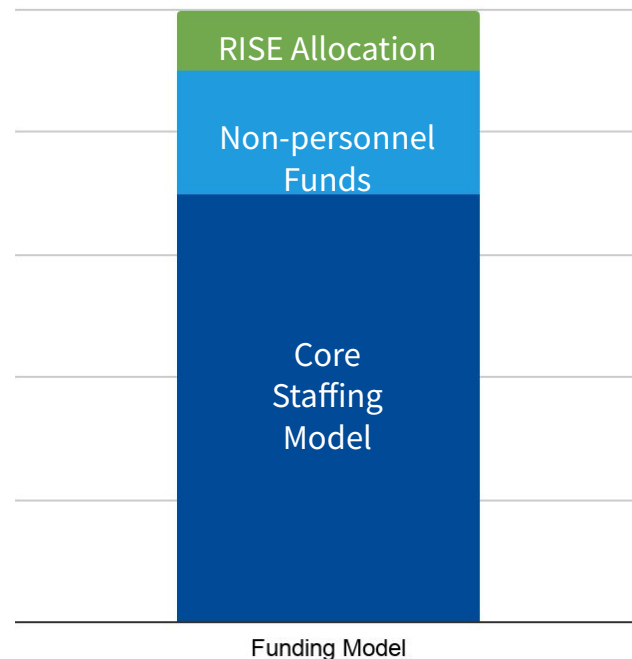
*72% of all respondents and 79% of BSD staff
strongly agree or agree that*

***resources should be allocated in a way that supports
the students who need them most - even if it means
reducing the resources at their school(s).***



Our proposed model has three components

- A **staffing model** will provide each school with its core staffing, using staff:student ratios (e.g. 1 school counselor staff for every 250 students)
- Non-personnel funds will be allocated based on a **per-student** basis
- An Equity Allocation will provide additional funding using a **weighted student formula**, meaning more funds in schools with greater need
 - Schools will have discretion in how best to serve their students using these funds
 - Intent and desired outcomes will be documented for future evaluation



Board Guidance

- Recognize that our staffing level must be responsive to enrollment changes.
- Limit budget growth due to increases in wages, benefits and pending BHS/BTC costs.
- Ensure funding to meet strategic plan objectives.
- Continue to offer robust programmatic offerings.
- Consider multi-year impact of changes and minimize annual disruptions.
- Identify investments that serve our most vulnerable students and are being made in response to the financial capacity gained from the new approach to pupil weighting.



Impact of Bond for BHS/BTC Project

- Majority of borrowing has occurred; BSD has borrowed \$130 million of the total \$165 million authorization
- Biggest tax impact of the project is in FY25 (+11% impact on taxes)
- If remaining \$35 million is borrowed, it will increase tax rates by an additional 2.8% (holding all other variables constant)
- Remaining borrowing likely to occur over two years; impact FY26 and FY27 budgets and tax rates.



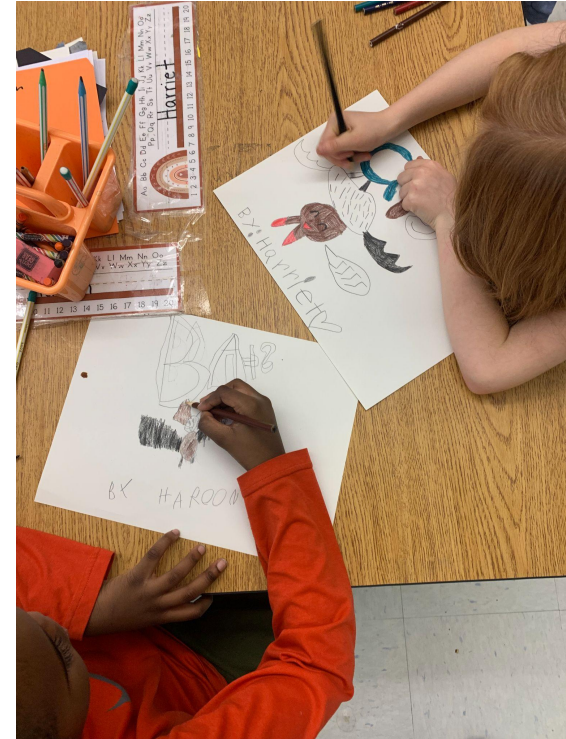
Act 127 and Tax Cap

- Act 127 includes a tax cap to help communities adjust spending over multiple years in response to new pupil counts.
- The tax cap had two features
 - A 5% cap on the increase in equalized tax rate (before CLA)
 - A review by the AOE if growth in spending per pupil exceeds 10%.
- Because the 5% cap is applied to equalized tax rates, it does not shield communities from tax rate increases resulting from CLA changes.
- Due to the CLA change in Burlington, any budget scenario subject to the 5% cap will still increase tax rates by nearly 14%.



Why is the Common Level of Appraisal (CLA) decreasing by 7.87%?

- CLA is a measure of how closely property in a community is valued (for tax purposes) at fair market value.
- Designed to ensure that every Education Property Tax payer in Vermont pays taxes on the basis of the fair market value of their property.
- Prices appreciated significantly for residential property in Burlington (and Chittenden County) the past few years. According to the City Assessor, annual price appreciation has often been in the 10%-20% range.
- When prices increase, the value of property for tax purposes falls further below fair market value. The CLA makes up for this by increasing the tax rate.



Impact of Common Level of Appraisal

- BSD received CLA information from the State on January 3rd.
- We anticipated CLA would remain closer to last year because of the recent City-wide reappraisal.
 - **Surprisingly, the CLA dropped by 7.87%**
- Initial proposal projected an 8% tax increase before the CLA.
 - With the CLA, that same proposal now results in a 17% tax increase.
- The CLA is applied after tax rate cap of 5% (see slide 11). Even without programmatic investments and with reductions, the CLA would result in a 13.67% tax rate increase AFTER the 5% Cap is applied.
- Because of the CLA, the only way to reduce the tax rate below 10% is to reduce FTE's (educators in schools) by 12% (which we believe is unrealistic and unsustainable).

Scenario Development

- The recent information about our CLA, and its impact on taxes, has been disruptive to our process in BSD and across the region.
- We have created five scenarios to illustrate the impact of the CLA and ACT 127 on our budget.
- The scenarios show that even when eliminating all programmatic investments and keeping all proposed reductions, the tax impact with the cap is 13.97%
- We can only achieve below 8% tax increase by making huge reductions in force (at least 12%).
- Many other districts in the state are in the same situation.
- The Superintendent recommends Scenario 2.

Scenario 1 - Investments and Reductions

Operational Investments	Amount	Programmatic Investments	Amount	Reductions	Amount
Wages & Benefits	\$4,000,000	Magnet School Recommendations	\$340,000	Central Office Department reductions	-\$340,000
Operating	\$760,000	Mental health support for alt. programs	\$100,000	District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
BHS/BTC Bonding	\$9,500,000	BHS instructional coach (1.0 FTE) (per funding model)	\$100,000	HR Specialist	-\$60,000
DtBHS lease	\$250,000	Special Educator at Horizons (1.0 FTE)	\$100,000	Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
Rock Point Lease	\$475,000	SLPs for Early Education Programming to maintain current model. (3.0 FTE)	\$300,000	BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Sara Holbrook lease	\$205,000	Elementary Dean of Students for Flynn & Champlain	\$200,000	Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
YMCA Rental	\$50,000	Assoc. Dir. of Health or Lead Nurse, plus budget of \$20k (1.0 FTE)	\$130,000	0.5 FTE guidance at HMS (per funding model)	-\$50,000
BHS School Safety	\$94,000	ARC - reduced professional learning and supports & curricular materials	\$200,000	0.5 FTE health at EMS (per funding model)	-\$50,000
HHB/Title IX Investigations	\$100,000	Recruitment Plan activities	\$100,000	Hiring Limit	-\$100,000
Subtotal	\$15,434,000	RP Support for Schools	\$100,000	Subtotal Reductions	-\$1,100,000
		Added RISE for Smith/EES	\$100,000		
		Ex. Dir. School Leadership	\$166,000		
		Subtotal Discretionary Additions	\$1,936,000		

Scenario 1 - Summary

Total Budget Increase	\$16,270,000
Equalized Tax Rate (before CLA)	7.51%
Actual Tax Rate (after CLA)	16.96%
Capped Equalized Tax Rate (before CLA)	5.00%
Capped Actual Tax Rate (after CLA)	13.97%
Spending per LTWADM	\$14,032.06
Total Budget	\$120,414,584

This was our original proposal before we received updated CLA information on January 3. After receiving that information, we revisited the initial proposal to further refine our additions and reductions. While Scenario 1 provides the greatest level of investment, Scenario 2 is the Recommended Budget Proposal because it is responsive to the long-term challenging tax climate while providing some programmatic investments.

Scenario 2 - Recommended Budget Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
Magnet School Recommendations	\$200,000
Mental health support for alt. programs (0.5 FTE)	\$50,000
BHS instructional coach (1.0 FTE) (per funding model)	\$0
Special Educator addition (1.0 FTE)	\$0
SLPs for Early Education Programming to maintain current model (2.0 FTE)	\$200,000
Elementary Dean of Students for Flynn & Champlain	\$0
Alt. Program nurse, lead nurse, sub (1.0 FTE)	\$80,000
ARC - reduced professional learning and supports & curricular materials	\$180,000
Recruitment Plan activities	\$50,000
RP Support for Schools	\$50,000
Added RISE for Smith/EES/Champlain/Flynn	\$100,000
Ex. Dir. School Leadership	\$166,000
EL Teacher (1.0 FTE)	\$100,000
Subtotal Investments	\$1,176,000

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Subtotal Reductions	-\$1,100,000

Scenario 2 (Recommended Budget) - Summary

Total Budget Increase	\$15,460,000
Equalized Tax Rate (before CLA)	6.59%
Actual Tax Rate (after CLA)	15.69%
Capped Equalized Tax Rate (before CLA)	5.00%
Capped Actual Tax Rate (after CLA)	13.97%
Spending per LTWADM	\$13,897.97
Total Budget	\$119,604,584

This is the Superintendent's recommended scenario because it responds to CLA pressures, while allowing necessary programmatic and operational investments.

Scenario 2 - Income Adjustment Payer

Hypothetical Income Payer - \$50k income	Income Tax Impact
Income Rate change	11.08%
Tax on \$50,000 household income	\$ 1,351
Tax Difference from current rate	\$ 135

Hypothetical Income Payer - \$120k income	Income Tax Impact
Income Rate change	11.08%
Tax on \$120,000 household income	\$ 3,242
Tax Difference from current rate	\$ 323

Figures reflect rounding. For education taxpayers who pay based on income, the impact will be reflected on the fiscal year 2026 property tax bill. Existing law provides additional property tax relief for households with incomes below \$47,000. This is known as a “circuit breaker.” Once a taxpayer qualifies for the circuit breaker, additional school district spending does not increase the taxpayer’s tax liability.

Scenario 3 - Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
N/A	\$0

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Subtotal Reductions	-\$1,100,000

The Superintendent does not recommend this scenario as it does not lower capped taxes from Scenario 2, nor does it include investments that support our Strategic Plan.

Scenario 3 - Summary

Total Budget Increase	\$14,284,000
Equalized Tax Rate (before CLA)	5.27%
Actual Tax Rate (after CLA)	14.25%
Capped Equalized Tax Rate (before CLA)	5.00%
Capped Actual Tax Rate (after CLA)	13.97%
Spending per LTWADM	\$13,739.43
Total Budget	\$118,428,584

The Superintendent does not recommend this scenario as it does not lower capped taxes from Scenario 2, nor does it include investments that support our Strategic Plan.

Scenario 4 - Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
N/A	\$0

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Reduce 50 FTE's	-\$5,000,000
Subtotal Reductions	-\$6,100,000

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 50 FTEs (equivalent to 12% of our teachers).

Scenario 4 - Summary

Total Budget Increase	\$9,284,000
Equalized Tax Rate (before CLA)	-0.47%
Actual Tax Rate (after CLA)	8.02%
Capped Equalized Tax Rate (before CLA)	-0.47%
Capped Actual Tax Rate (after CLA)	8.02%
Spending per LTWADM	\$13,002.72
Total Budget	\$113,428,584

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 50 FTEs (equivalent to 12% of our teachers).

Scenario 5 - Investments and Reductions

Operational Investments	Amount
Wages & Benefits	\$4,000,000
Operating	\$760,000
BHS/BTC Bonding	\$9,500,000
DtBHS lease	\$250,000
Rock Point Lease	\$475,000
Sara Holbrook lease	\$205,000
YMCA Rental	\$50,000
BHS School Safety	\$94,000
HHB/Title IX Investigations	\$50,000
Subtotal	\$15,384,000

Programmatic Investments	Amount
N/A	\$0

Reductions	Amount
Central Office Department reductions	-\$340,000
District Data team - reduce by 1 FTE (vacant); reorganization of the Tech Integration Team	-\$100,000
HR Specialist	-\$60,000
Psychologists - reduce 1.0 FTE (vacant)	-\$100,000
BHS teachers - reduce 2.0 FTE per model (enrollment based)	-\$200,000
Flynn homeroom - reduce 1.0 FTE per model (enrollment based)	-\$100,000
0.5 FTE guidance at HMS (per funding model)	-\$50,000
0.5 FTE health at EMS (per funding model)	-\$50,000
Hiring Limit	-\$100,000
Reduce 74 FTE's	-\$7,400,000
Subtotal Reductions	-\$8,500,000

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 74 FTEs (equivalent to 18% of our teachers).

Scenario 5 - Summary

Total Budget Increase	\$6,884,000
Equalized Tax Rate (before CLA)	-3.13%
Actual Tax Rate (after CLA)	5.14%
Capped Equalized Tax Rate (before CLA)	-3.13%
Capped Actual Tax Rate (after CLA)	5.14%*
Spending per LTWADM	\$12,643.21
Total Budget	\$111,028,584

The Superintendent does NOT recommend this scenario, as achieving this tax rate would require a reduction of approximately 74 FTEs (equivalent to 18% of our teachers).

Summary of Options

Scenario 1		Scenario 2 - Superintendent Recommendation		Scenario 5	
Total Budget Increase	\$16,270,000	Total Budget Increase	\$15,460,000	Total Budget Increase	\$6,884,000
Equalized Tax Rate (before CLA)	7.51%	Equalized Tax Rate (before CLA)	6.59%	Equalized Tax Rate (before CLA)	-3.13%
Actual Tax Rate (after CLA)	16.96%	Actual Tax Rate (after CLA)	15.69%	Actual Tax Rate (after CLA)	5.14%
Capped Equalized Tax Rate (before CLA)	5.00%	Capped Equalized Tax Rate (before CLA)	5.00%	Capped Equalized Tax Rate (before CLA)	-3.13%
Capped Actual Tax Rate (after CLA)**	13.97%	Capped Actual Tax Rate (after CLA)**	13.97%	Capped Actual Tax Rate (after CLA)	5.14%*
Spending per LTWADM	\$14,032.06	Spending per LTWADM	\$13,897.97	Spending per LTWADM	\$12,643.21
Total Budget	\$120,414,584	Total Budget	\$119,604,584	Total Budget	\$111,028,584

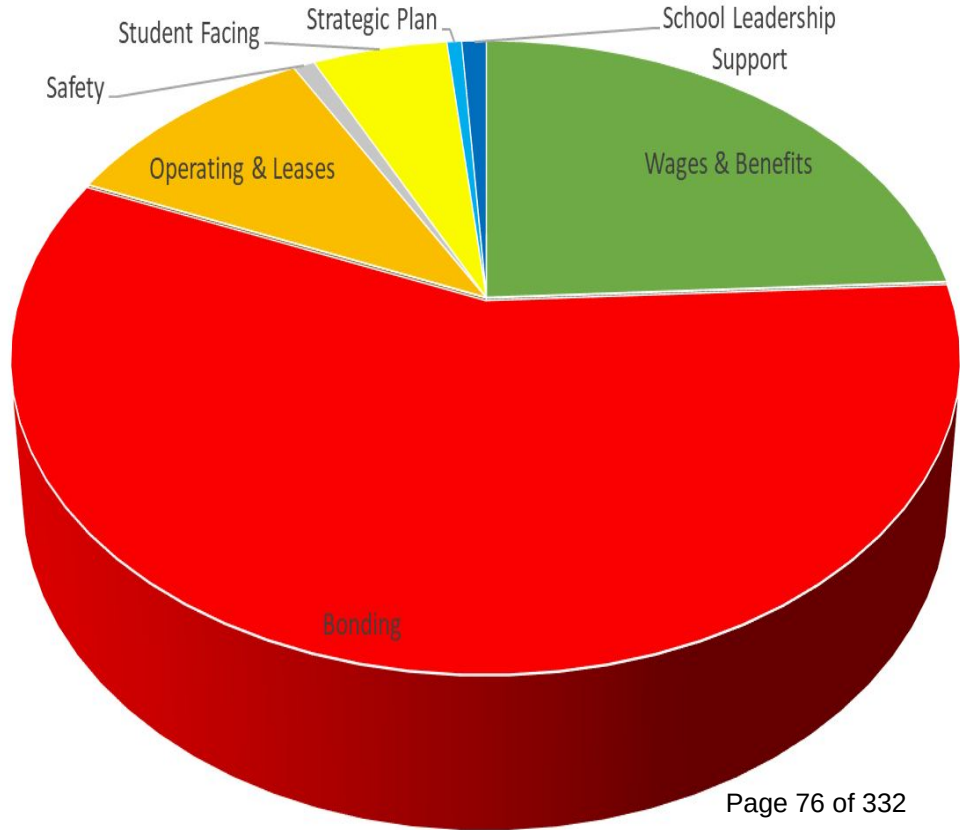
* Scenario 1 & 2 result in the same tax rate for next year, though Scenario 2 offers less investments more reductions.

**Achieving the tax rate in Scenario 5 would require a reduction of approximately 74 FTEs, and is NOT recommended. (Only Scenarios 4 and 5 will reduce the tax rate and both require unsustainable reductions)

Superintendent's Recommendation - Scenario 2

- Responsive to budget pressures; limits investments and includes reductions
- Minimizes impact on staffing
- Includes modest programmatic investments to support strategic plan and leadership development
- Offsets programmatic investments with reductions
- Tax rate identical to a budget with no strategic investments (13.97%)
- Tax increase without bond = 4.05%
- Tax increase without CLA = 5.00%

Proportion of Increased Spending



RISE Allocation Themes

Nearly \$1.5m of School-directed, Equity-oriented Investments

- Elementary: Full-time art teachers, RP specialists, Interventionists, Special Education positions, co-teaching PD
- Middle School: Literacy, math and guidance positions, project-based learning curriculum, social-emotional supports and PD
- High School: Mental health counselor, STEM Interventionist, co-teaching PD and release time, Special Education delivery model redesign, deeper learning activity funds, community-building funds (student-led investments).

FY23 Audit and Fund Balance

FY23 Audit is in final phase of review

FY23 Audited Fund Balance

- \$2,400,000 available to support FY25 budget.
- This surplus is in line with prior year results.
- Represents roughly 2% of the total budget.

Fund Balance is One Time Money

- Careful budget management should result in annual surpluses.
- Currently supports significant costs associated with rent for temporary spaces (DtBHS, BTC, etc.).

Tax Rates

Tax rates are the result of four major inputs

- Education Spending: amount of Education Fund support a district's budget requires - something a district controls!
- Long Term Weighted Average Daily Membership: enrollment that weighs factors such as poverty and English Learners.
- Dollar Yield: a state variable reflecting the amount of money in the education fund.
- Common Level of Appraisal: a measure of property values in each community.

Tax Variable Estimates

<u>Key Variables</u>	<u>Status</u>
Education Spending	\$94,424,438
LTWADM	6,786.925*
Homestead Dollar Yield (Tax dept.)	\$9,452*
Common Level of Appraisal (pending)	87.83 (7.87% decrease)*

*A decrease in these variables increases the tax rate

Ballot Language

Shall the voters of the Burlington School District approve the school board to expend \$119,604,584, which is the amount the school board has deemed necessary for the support of the school system for the ensuing fiscal year?

Budget Development Timeline

- 1/9** Finance & Facilities Committee
- 1/9** School board meeting
- 1/16** School Board meeting (vote)
- 3/5** Town Meeting Day budget vote



Full budget timeline available at: <http://www.bsdvt.org/budget>

TO: Council President Paul and Burlington City Council
FROM: Meagan Tuttle, Planning Director; Jared Pellerin, Acting City Attorney
DATE: January 11, 2024
RE: Requested Amendments to Land Use MOU with University of Vermont Medical Center

The City and the University of Vermont Medical Center (UVMHC, formerly Fletcher Allen Health Care) have had a land use MOU in place since 1999, which has been subsequently amended in 2006 and 2016. The MOU will expire in 2024, and representatives of UVMHC have requested the City engage in a review of requested changes to the MOU, including new commitments by each party, with the intent of entering into a new MOU.

The original MOU aimed to strike a balance between protecting the residential nature of neighborhoods and allowing for additional development within the medical center campus. The original MOU and subsequent amendments have been aimed at addressing development, quality of life, and regulatory issues to ensure the mutual viability of the medical center, the city overall, and nearby neighborhoods in Ward 1. Notably, the Medical Center agreed not to purchase additional residential properties in Ward 1, and to instead carry out any and all of its growth within its campus, in downtown, and/or in other areas of the city outside Ward 1. In order for the Medical Center to do so, a number of zoning amendments were identified that, if enacted, would enable greater development intensity on the main campus. The MOU also identified additional commitments by the Medical Center such as maintaining the residential properties it owns on East Avenue for residential purposes, maintaining the sliding hill on Colchester Avenue, and retaining a neighborhood transition buffer and open spaces on its campus. The previous amendments also pertained to the construction of the American Cancer Society's Hope Lodge on East Avenue, and the Medical Center's acquisition of the former VDH Health Lab on Colchester Avenue.

UVMHC has approached the Administration and begun outreach to neighbors in Ward 1 regarding its long range facility plan for the medical center campus and the MOU. Overall, UVMHC is seeking to further develop the campus as UVM Health Network's principal Acute Care Hospital. This includes accommodating all of UVMHC's acute care beds, expanding on-site support services, and replacing and expanding needed parking within the main campus in Burlington. A presentation that was shared by UVMHC officials with neighborhood stakeholders at a community meeting on January 4, 2024 is attached to this memo.

As a foundation to this discussion, UVMHC is committed to maintaining and incorporating a number of existing commitments to neighborhood quality of life and community engagement. In order to achieve its long term goals, UVMHC has outlined a number of mutual commitments and edits to the MOU it wishes to negotiate as part of a new MOU, including:

- Amending zoning regulations pertaining to maximum building heights and lot coverage
- Increasing the amount of parking on the medical center's campus
- Exploring opportunities for partnerships with property owners/developers to facilitate access to housing for employee in Ward 1 or other parts of the city
- Assessing long-term use of 1 South Prospect Street

We look forward to discussing these requests and other details of the MOU in more detail with the Council at an upcoming Executive Session.

UVM Medical Center Campus- Important Updates

McClure Garage & Land Use MOU

Parking & Traffic Task Force Meeting: 1.4.24

Background

We are treating more families and patients than we ever have before.

- We currently have 481 in-patient beds.
- Our modeling shows that we will need **322** additional beds by 2032 to serve this community.

UVM Medical Center is the only Level 1 Trauma Center in Vermont and the only one accessible to Northern New York.

- For some patients, their loved ones must travel a great distance to the hospital.

The McClure Parking Garage does not meet our needs and is deteriorating.

Immediate Priorities

Replace deteriorating McClure Garage

Update Land Use MOU with neighbors and City of Burlington

- Care for existing relationship with neighbors and set the stage for adding needed beds on the Medical Center Campus
- No changes to neighborhood parking benefits, changes needed re: building restrictions

McClure Garage

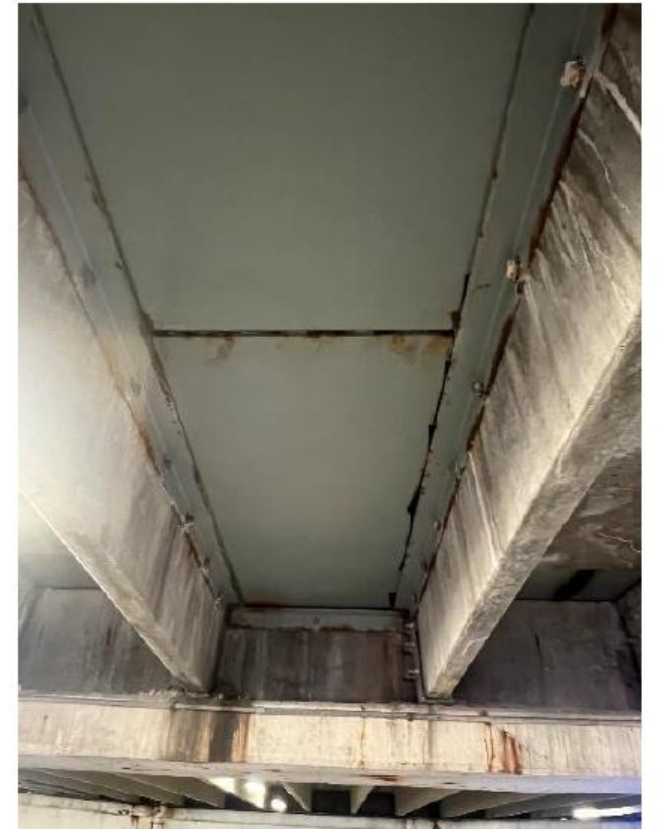
Proposed Garage Addresses Critical Need for Structure Replacement

2 Separate Studies conducted to assess current condition and repair recommendations for the garage



This year, as repairs were becoming so extensive and costly, the UVM Medical Center instead installed (9) steel plates over new holes that had formed in the elevated deck.

Additionally, this year, another local structural engineer recommended shoring (12) of the existing double tee beam webs. The shoring posts were installed to prevent a possible sudden shear failure of these severely deteriorated precast deck beams. A web repair of these beams is typically not practical, and replacement is the best option.



McClure Garage

Order of Operations:

- UVM Medical Center submit Conceptual Certificate of Need to Green Mountain Care Board – March 2024
- Build above-ground structure over the current south parking lot along Beaumont Drive.
 - Solid walls on the East and North sides to address sound issues
- Tear down McClure Garage
- These changes do not require any zoning changes (or changes to the Land Use MOU).

Land Use MOU

Land Use MOU: Background

Since 1999, the MOU has afforded a long-standing clear set of expectations with the residential neighbors closest to UVM Medical Center, including:

- Several parameters regarding the campus structures:
 - Density of buildings
 - Height Restrictions on the campus –hospital in Burlington. Our goal is to have minimal impact on the neighborhood.
- Agreements with residents, especially those who are living in the East Avenue Neighborhood
 - Community Garden Access
 - Parking at the former State Lab Building for Snow bans, evening restaurant pick-ups, Lake Monsters Games etc.

A Separate Note About Zoning

These parameters regarding the campus structures will also require zoning change and we expect to pursue in the next 2-5 years:

- Density of buildings
- Height Restrictions on the campus/hospital in Burlington.

Land Use MOU - Background

Enduring Agreement – Only two amendments in its 25-year history

Circumstances in 1999 are strikingly similar to where we are now: the campus was considering a much needed expansion and update.

UVMHC and Community have experienced changes since initial signing:

- Regional Transport
- Germination of the UVM Health Network
- Population growth and development in catchment area
- More patient referrals; patients are sicker and older.
- Significant increased demand for in-patient capacity
- Increased community concerns: safety, homelessness, substance use disorder
- Medical Center campus takes the most critically ill patients in the region.

Land Use MOU- Evolving Needs

UVM Medical Center's bed capacity is not keeping pace with the community's growth and regional needs and must consider its future state including, a potential expansion of its beds. More people have to Northwestern Vermont, adding to our aging demographic; this is expected to continue.

- We already experienced adding needed bed capacity during COVID-19.

We cannot expand beds without also expanding the services that support patients and their families such as nutrition services/kitchen capacity and parking.

We also cannot do this without also having accountability to the neighbors adjacent to the hospital grounds including that we will **NOT** be altering our transportation demand management, however we will be seeking to increase the number of parking spaces, chiefly in service of patients and their families/visitors.

Land Use MOU – Proposed for 2024

No Change:

- Parking at Former State Lab Building available afterhours*
- Access for community gardeners – parking available 24/7.
- No buildings on Sliding Hill
- UVMMC properties on East Ave remain residential
- Maintain 150 foot transitional buffer
- Density and height continues to be focused to campus core.

Changes being sought:

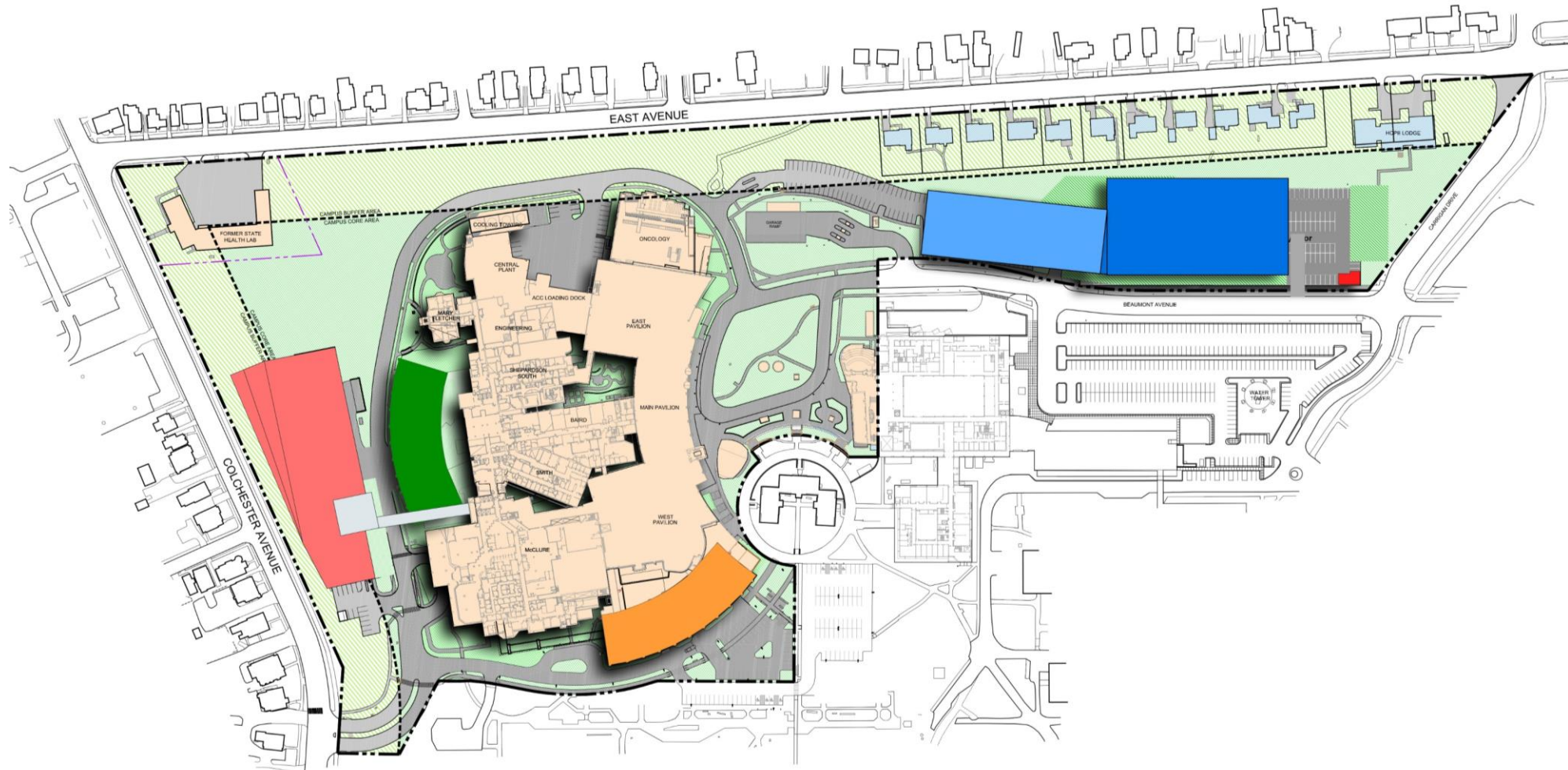
- Adjust the Height Overlay Boundary North to the south side of MF drive
- Adjust the Height Overlay Boundary to increase the maximum allowable height from 540' to 580' (above sea level)
- Increase parking from a maximum of 2,094 spaces to 2,900 spaces
- Increase lot coverage from 65% to 70%

Existing Medical Center Campus Plan

- Existing Campus Buildout at Approximately 97% of allowable
- The campus today consists of 34.65 acres.
- The lot coverage of the campus is as follows.
 - Transitional buffer area: 28%
 - Entire campus area: 58%



UVMMC Site Development Opportunities



Questions?

The background of the slide features several thick, wavy lines in various shades of green. These lines flow from the bottom left towards the right side of the slide, creating a sense of movement and organic design.

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
14	12/11/2023	Resolution: Implementation Of A Carbon Pollution Impact Fee For New Construction And Large Existing Commerical and Industrial Buildings 25,000 Square Feet or Larger
15	12/18/2023	Ordinance: Burlington Code of Ordinances-Sections 21-45 - 21-49 Trespass

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.

11-Jan-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 February 2024.
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 Charter Change in April 2023. This is now Charter language to be voted on at the January 29, 2024 meeting
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	3/9/2023 - chairs of Ordinance and Charter Change to meet with Council President 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: This is now Charter language to be voted on at the January 29, 2024 meeting
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. As of January 2024, no further action taken
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. As of January 2024, no further action taken
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.	There have been stakeholder meetings brought forward by the Administration to address the directives in the resolution.

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 2023, 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.	To be discussed by the HR Committee
referred to TEUC	
referred to TEUC for consideration at their next meeting with any recommendations to come to the full Council by	Any changes to be referred back to the full Council for consideration by January 29, 2024
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.	

e oversight and accountability.

2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals
Regular City Council Meeting, Tuesday, January 16, 2024

Tobacco:

802 BWS
Artisan Vapor Company
Bern Gallery
Burlington Bay Market and Café

Tobacco Substitute Endorsements:

802 BWS
Artisan Vapor Company



2024

Fee \$25.00

**CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION**

☐ Indoor

☒ Outdoor

**PART I
ORGANIZATION**

All information in this section is required

1. Corporation/Sole Proprietor name Chase Desroches
2. D/B/A (Business Name) Vermont Future Fest
3. Bus. Phone 802-923-6334
4. Business Address 42 Chase RD, Jeffersonville, VT
5. Mailing Address 42 Chase RD, Jeffersonville, VT
6. Contact person Chase Desroches 7. Contact Phone 802-923-6334
8. Email contact address chasealandesroches22@gmail.com

**PART II
OPERATION**

1. Do you currently have a Liquor License? Yes or ☒ No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or ☒ No
3. Proposed Date(s) for this Special Event June 15, 2023 2024
4. Proposed Hours for this Special Event 11am to 4pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
377 Pine Street, The event will not be taking place on any roads or right of way, the event will be taking place on a private parking lot.

90
pdew #502
\$25.00
12/8/23

Turn
→

For this Proposed location please answer the following questions:

Fee \$25.00

a) Occupancy Load 999 b) # of Restrooms 2 c) # of
Egresses 2
d) Date of last Fire/Safety Check N/A e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

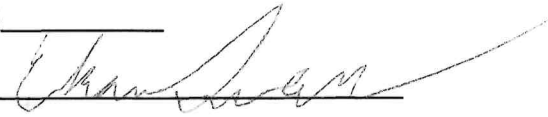
PART III DESCRIPTION OF ENTERTAINMENT

Please give DETAILED description of the type of entertainment for which you are applying:

Description: *The Vermont Future Fest is a climate solutions festival which focuses on free and accesible environmental education. Entertainment at this event will include speakers who will give talks on environmental topics and music played by live musicians. No profane language or acts will take place at the event. Our festival consists of food vendors, educational vendors, music, and sustainability speakers, it functions and operates in the same way as a typical farmers market. Our hope is to attract anyone willing to learn about climate solutions, support local businesses, and listen to some great music. This event is open to the public.*

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 12/06/2023

SIGNATURE OF APPLICANT 

PRINT NAME: Chase Desroches

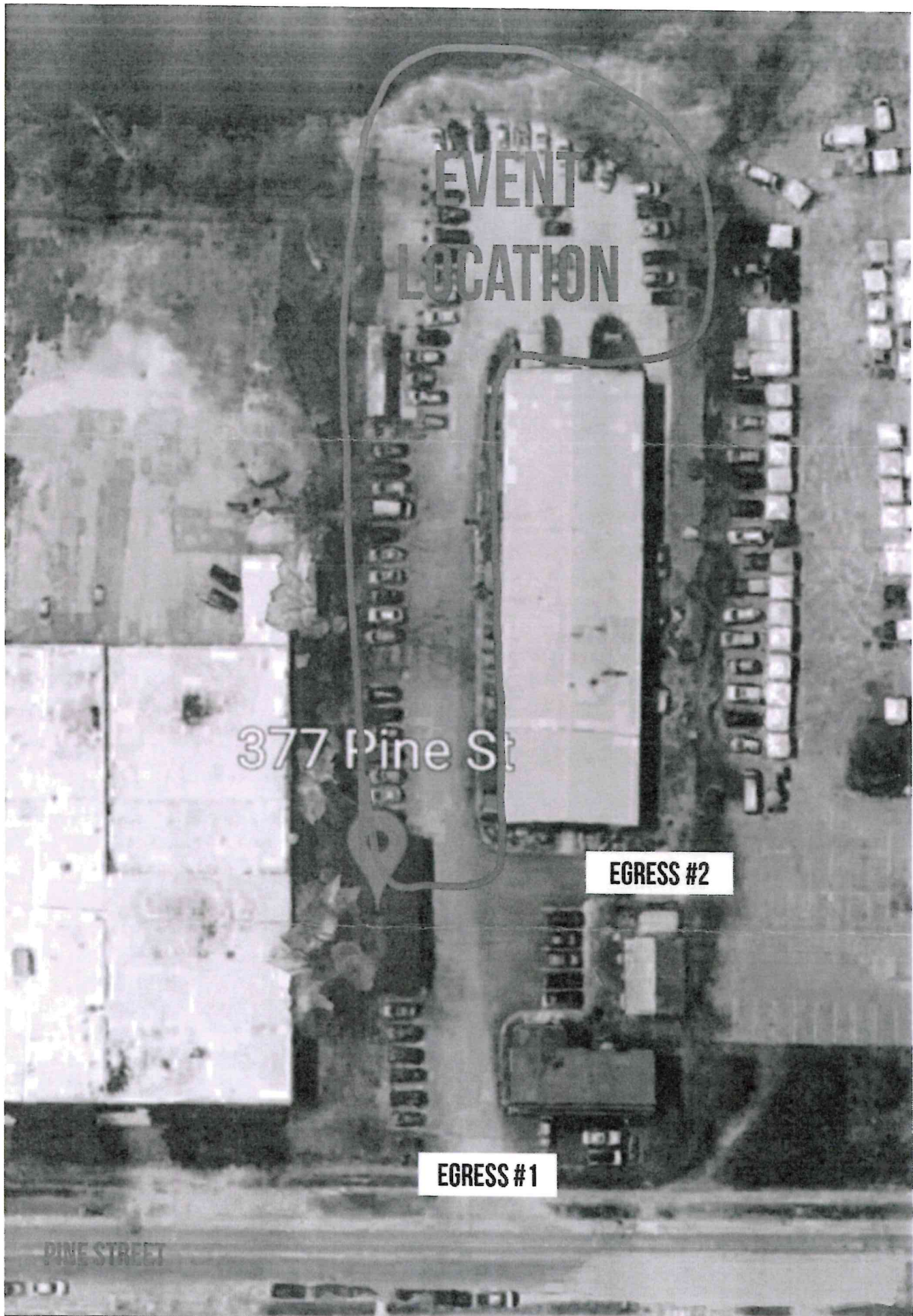
RELATIONSHIP TO BUSINESS Organizer/Owner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 1/9/24, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.





**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine St. Suite A
Burlington, VT 05401
802.865.7200 VOX
802.863.0466 FAX
802.863.0450 TTY

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

MEMORANDUM

Date: January 8, 2024

To: Board of Finance / City Council

From: Chapin Spencer, Director Public Works
Lee Perry, Division Director – Maintenance Division
Ashley Parker, Capital Program Director

Subject: FY23 Recycling Truck & Plow Truck Purchase Cost Increase

REQUEST:

The Department of Public Works (DPW) requests Board of Finance approval, and recommendation to City Council, to increase the purchase price for the FY23 Recycling truck from \$264,000.00 to \$285,242.00 and to increase the purchase price for the FY23 Snow Plow Truck from \$206,533.00 to \$222,722.00.

SUMMARY:

On June 18, 2022, the Department of Public Works (DPW), Fleet Committee came to the Board of Finance and City Council, seeking approval and recommendation that the City Council approve the proposed FY23 Fleet Purchasing List, and authorize the purchase of the vehicles listed therein. Included among the list of vehicles and equipment to be replaced were a new plow truck and recycling truck, both of which are near or at their end of service life.

The total authorized expenditure for the FY23 General Fund Fleet purchases was \$500,000.00, and was one-time money allocated specifically for FY23 General Fund Fleet purchases. Funds for the FY23 recycling truck came from within the recycling budget which is funded through the City's Solid Waste Generation Tax. Both Board of Finance and City Council subsequently approved the replacement list. Please see attachment A

On November 29, 2023, representatives from Allegiance Trucks reached out to inform Fleet Manager Dave Hammond that the order for the FY23 plow truck and recycling truck would become model year 2024, as manufacturers are no longer making 2023-year model truck chassis. The 2024 models carry additional costs beyond what was

originally bid for the FY23 models in the amount of \$16,189.00 (an 8% increase over the original quote) for the plow truck, and \$21,242.00 (a 9% increase over the original quote) for the recycling truck. This increase is due to the long waiting periods vendors are enduring to secure orders to build the chassis, as well as supply chain issues. This delay in ordering along with inflation causes an increase in the cost of materials (mainly steel) thus increasing the overall cost to the vehicle that the vendors are not able to absorb in the original bid estimate.

The Fleet Team has worked with the CT Office to secure sources for these additional funds needed to purchase the two FY23 vehicles. The funds will be allocated from the following sources:

- Plow Truck \$16,189.00 – As stated above, there was one time cash money allocated in FY23 for general fund fleet purchases in the amount not to exceed \$500K. To-date, \$495,633.13 of that one time money has been spent, leaving only \$4,366.87 remaining. Capital Program Director Ashley Parker has identified \$11,822.13 in Capital Contingency funds allocated in FY23 (Series 2022A General Obligation Bonds). This allocation was approved by the Capital Committee at their December 14, 2023 meeting (see attached) and will be used to fill the gap on this cash purchase. This vehicle will not be leased, therefore this money will not be going towards future or current lease payments.
- Recycling Truck \$21,242.00 – This cost increase will be covered via a budget neutral budget amendment within the existing Recycling budget. There are sufficient funds in our FY24 recycling cart purchase line to cover the additional cost. Using these funds will not require an increase in the Solid Waste Generation Tax for this purchase.

SUGGESTED MOTION:

Board of Finance

To approve and recommend the City Council authorize the Department of Public Works to spend an additional \$16,189.00.00, for a total of \$222,722.00, for the FY23 plow truck, and additional \$21,242.00, for a total of \$285,242.00 for the FY23 recycling truck purchase; and to further authorize the Director of the Department of Public Works to execute a purchase agreement and other associated documents necessary to effect such purchase with Allegiance Trucks for a total purchase price not to exceed \$222,722.00 for the FY23 plow truck, and \$285,242.00 for the FY23 recycling truck, subject to the review of the City Attorney's Office.

City Council

To approve and authorize the Department of Public Works to spend an additional \$16,189.00.00, for a total of \$222,722.00, for the FY23 plow truck, and additional \$21,242.00, for a total of \$285,242.00 for the FY23 recycling truck purchase; and to further authorize the Director of the Department of Public Works to execute a purchase agreement and other associated documents necessary to effect such purchase with Allegiance Trucks for a total purchase price not to exceed \$222,722.00 for the FY23 plow truck, and \$285,242.00 for the FY23 recycling truck, subject to the review of the City Attorney's Office.

Attachment A:

Approved Fleet memo sent as attachment

Attachment B:

Capital Committee approval sent as attachment.

Capital Project Request Form

(For New Projects & Existing Projects Requiring Budget Adjustments)

Form Completed By:	Dave Hammond, Fleet Manager		
Today's Date:	12/8/2023		
Funds Requested	\$11,822.13 from Capital Contingency		
Date Funds Needed:	12/18/2023		
Project Title:	FY23 Plow Truck		
Department/ Staff Involved:	DPW, Street Maintenance		
Total Project Cost:	\$222,722.00	Level of Urgency:	High

Brief Project Description.

Due to financial constraints facing the City's municipal fleet in FY23, the CT Office was able to identify ~\$500K for use towards General Fund Fleet purchases. One of these vehicles was a plow truck that had its build date pushed back to FY24 due to factors beyond Fleet's control. As a result, there was a cost increase of \$16,189.00 for the plow truck. There are not sufficient funds left from the \$500K to cover this additional need, requiring Fleet to request \$11,822.13 of Capital funds.

500 characters max

Is there a requirement to complete this project (i.e.: legal mandate or local, state, or federal agreement)? (Provide a reference (link, etc.) and explain how the project meets the requirement.)

The new plow truck will be replacing one that is 3 years beyond its recommended service life. If this plow truck is not replaced, DPW will incur increased downtime, and service/repair costs. The lack of replacement and anticipated downtime, will also impact the department's ability to meet service level expectations in maintaining safe, passable streets during snow plowing operations. This could impact the public's use of roads during snow events, as well as emergency services, and public transportation.

1000 characters max

Does the project address a gap in outcomes/services based on race, religion, gender, sexual orientation, accessibility, age, or income? (Consider how well the project closes gaps in outcomes, and how residents affected were engaged.)

This Project addresses scheduled fleet replacement. If the replacement schedule for this plow truck is not followed, it would impact the department's ability to meet service level expectations in maintaining safe, passable streets during snow plowing operations.

2000 characters max

Does the project create an immediate or long-term health or safety benefit?

The new truck will produce less emissions than the truck it is replacing, as well as public safety by providing safe, passable streets for the public, emergency services, and public transportation.

1000 characters max

What is the condition of the asset? (Consider where it is at in its lifespan, and determine if funding this now minimizes long-term costs.)

The current asset is 3 years beyond it's recommended service life.

1000 characters max

Will investment in the project increase tax revenue, reduce costs to the City, or leverage other funds? (Provide dollar amounts.)

No it will not. It will decrease potential repair costs as the vehicle is beyond it's recommended service life. Also, this request builds upon the general fund dollars that were allocated by the CT Office in FY23 for this purchase.

1000 characters max

Will the project improve air or water quality, or reduce greenhouse gas emissions?

The new plow truck will reduce green house gasses. The new engine abides by all the current emmsion standards.

1000 characters max

Is this project the most cost-effective solution? Is it coordinated with other projects to increase impact? Is the problem clearly defined and does the project successfully solve it? Are there other solutions that might solve the problem in a more creative/cost-effective way?

This project was approved by the Board of Finance, and City Council July 18, 2022. It serves as the most cost effective solution for replacement to meet service level expectations for the City of Burlington and it's residents.

2000 characters max

Reviews & Recommendations/Approvals

	Review Date:	Recommendation/Approval:
Capital Committee:	12/14/2023	Cindi moved to approve request as amended (urgency from low to high); Scot seconded. Committee approved amended request, with Ashley and Chapin abstaining.
Mayor's Office:		



City of Burlington

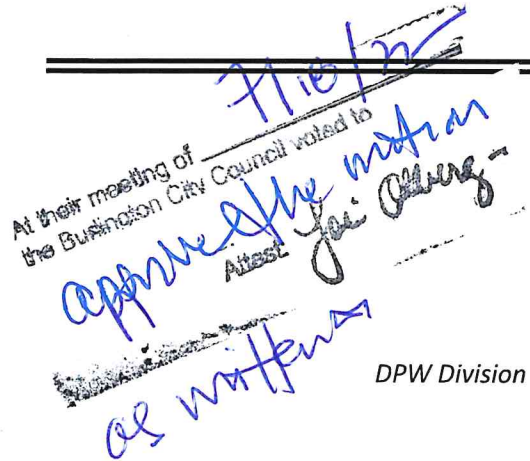
Department of Public Works

645 Pine Street

Burlington, VT 05402

802.863.9094 P

802.863.0466 F



Chapin Spencer

DIRECTOR OF PUBLIC WORKS

Ashley Parker

Capital Program Director

Lee Perry

DPW Division Director Maintenance Division

Date: July 18, 2022
To: City Council
From: Chapin Spencer, Director Public Works
Lee Perry, Assistant Director – Fleet Maintenance Division
Ashley Parker, Capital Program Director

Subject: FY23 Vehicle Purchase Recommendation

BACKGROUND:

The City's interdepartmental Fleet Committee, staffed by the Department of Public Works (DPW) Fleet Maintenance Manager Dave Hammond, coordinates fleet purchases for the General Fund and several enterprise/special revenue funds in order to realize cost savings and provide management oversight. The Fleet Committee has identified nineteen (19) vehicles/equipment to be replaced in Fiscal Year 2023 (FY23) (Attachment A), including twelve (12) General Fund pieces of equipment and seven (7) enterprise/special revenue vehicles.

FY23 Fleet Replacement Summary. (For complete details see Attachment A)

Department	Vehicle	Recommendation
Fire	Pumper Truck	Fossil Fuel
Fire	Ladder Truck	Fossil Fuel
Fire	Pumper Truck	Fossil Fuel
Parks	Walk Behind Mower	Fossil Fuel
Parks	Flail Mower	N/A
Parks	EV Low speed Vehicle	Electric
Parks	UTV	Electric
Parks	Bucket Truck	Fossil Fuel
DPW	Sidewalk Tractor	Fossil Fuel
DPW	Plow Truck	Fossil Fuel
DPW	Recycling Truck	Fossil Fuel
Traffic	F350 One Ton	Fossil Fuel
Traffic	Bucket Truck	Fossil Fuel
Water	Van	Fossil Fuel
Water	One Ton W/ Vac Unit	Fossil Fuel
Water	Service Truck	Fossil Fuel
Water	Pick Up Truck	Hybrid
Water	Low Speed EV	EV

		Value	Number of Leases	
Fire Department Bond (Previously Approved By Council)		\$2,179,250		
General Fund Cash Purchase		\$475,525.00		
Total For Vehicles Leased Annually		\$962,500		
Traffic	\$68,940.00	7 year	\$459,600	2
Water Resources	\$35,835.00	7 year	\$238,900	5
Recycling	\$39,600.00	7 year	\$264,000	1
Total	\$144,375		\$1,438,025	8

The Fleet Committee had to significantly reduce the amount of vehicles/equipment to be replaced in FY23 due to the limited funding available. Contributing financial factors include the proposed FY23 General Fund tax increase not passing, the original \$40M fall 2021 bond proposal not passing, and continued debt payments from fleet purchases in prior years. The \$23.8M bond approved on Town Meeting Day in March 2022 included replacement of three fire trucks, but no other municipal vehicles.

Per the City of Burlington Fleet Policy, the Fleet Maintenance Manager and the Maintenance Division Director met with each Department Head to review the recommended FY23 replacements and receive input on upcoming vehicle/equipment needs. With that information, the Fleet Maintenance Manager researched electric and hybrid options for each item, calculated the carbon pricing on fossil fuel options, and made his recommendations to the Fleet Committee. Department representatives and BED subsequently reviewed these recommendations. BED provided further recommendations and available incentives resulting in further refinement of the recommendations before you. The proposed equipment list (Attachment A) was reviewed by the Fleet Committee, relevant departments, BED, and the Administration. The Fleet Manager and the Fleet Committee worked hard to balance two key policy goals – the City’s 2030 Net Zero energy goal and the City’s operations and safety goal to replace as much of the fleet that is at end-of-life as possible. We are now seeking Board of Finance and City Council approval for the FY’23 vehicle purchase recommendation coming from the Fleet Committee and the Councils’ Transportation, Energy and Utilities Committee (TEUC).

History of Burlington’s Fleet Purchasing Strategy:

Below is a brief timeline of how the purchasing strategies for the City's fleet have changed over time. It provides the framework for understanding how the past has shaped the present and may provide guidance for helping us determine a new strategy focused on long-term sustainability.

- FY12 – FY15: There was a moratorium on the purchase of new vehicles due to the City's financial challenges.
- FY16: The City began to purchase new vehicles again – this time utilizing a master lease. At this time, an informal fleet team started creating a list of vehicles needed each year to help the City forecast needs over time.
- FY17: A Sustainable Infrastructure bond replaced three fire trucks for \$3.3 million.
- FY17 – FY18: The fleet team began creating a spreadsheet to track sustainable investment in fleet. The strategy of using master leases was working, but projections were showing financial challenges for fleet funding in out years due to increased debt payments.
- FY18: The City contracted with a fleet consultant to review how fleet was structured and recommend improvements. This resulted in a new Fleet Policy, the Fleet Committee, and a spreadsheet of needs from the consultant.
- October 24, 2019: The Fleet Policy was approved by the City Council.
- FY20: The Fleet team estimated that the sustainable fleet replacement need was approximately \$2,700,000/year. Up to this point, fleet funding had been by department. As part of the Fleet Committee and Fleet Policy development, all fleet related resources were pooled across departments into one location in order to create efficiencies in purchasing and revenues.

Over the last several fiscal years, through effective coordination and purchasing vehicles through master leases, the City was able to make significant reinvestments in its municipal fleet. Now the City is entering a very challenging multi-year fiscal year period for multiple reasons:

- As discussed above, vehicle replacement funding was pooled from Police, Public Works and Parks starting in FY20. However, not all revenues from pooling vehicle replacement funding from Police, Fire, Public Works and Parks were able to be kept each fiscal year for fleet needs due to shortfalls in General Fund operating budgets.
- Several recent revenue ballot items were not successful at the ballot box (FY'23 proposed municipal tax increase and the Fall 2021 \$40M capital bond proposal).
- After multiple years of financing to purchase new vehicles, the City is now carrying significant debt service payments for vehicles previously received.
- Vehicle industry constraints described below.

Current Industry Constraints:

As Councilors likely know, there are many current challenges and constraints within the industry for ordering/purchasing Fleet vehicles and equipment. Until just recently, the ability for governments or municipalities to order fleet vehicles from vendors was frequently not possible. The only vehicles available to purchase were “on the lot” at manufacturers’ suggested retail pricing, and vehicles were not often specific to our current needs. This changed in the early part of June. We are now able to order vehicles through our Fleet rate with vendors that support this program. This will make it possible to order vehicles that remain from our FY22 approved replacement list that were previously canceled due to supply issues.

Another issue is the ability to have vehicles built in a reasonable amount of time. Delivery periods of two years or more is not uncommon – especially for Electric Vehicles (EVs). For example, Burlington Electric ordered an EV bucket truck in August of 2021 and delivery is not expected until sometime in 2023. DPW has experienced similar issues with some of the vehicles ordered for FY22 replacement. After ordering a Recycling Truck and Plow Truck in July 2021, DPW has just received notice of an expected build date of October 2022 with a delivery date sometime in 2023. Ford is indicating a waiting period for the EV Lightning pickup truck of 2-3 years due to supply chain issues. DPW cannot wait this long on a replacement for vehicles that are failing now. The two vehicles that were originally intended to be replaced with the Ford Lightning EV will be replaced by a vehicle that will be smaller in size and more fuel efficient than the vehicle it is replacing.

Current Financial Constraints:

As a result of the current Fleet Strategy, revenues from other General Fund Departments that were not received, additional vehicle purchases, and paying a premium for EV vehicles over conventional fossil fuel models, there are no funds going forward after FY23 to purchase Fleet vehicles for General Fund Departments. The capital forecast for fleet over the next four years also shows that, with no additional leases, there will be a shortfall in FY24 and FY25, with money to spend on a lease again in FY26.

Fleet Forecast



The average amount of funds needed on an annual basis for a sustainable fleet, is ~\$2.7M. The projected forecast is concerning as it will defer General Fund vehicles that will be beyond their replacement dates adding to the already growing deferred vehicle list seen below. Currently vehicles that were deferred in FY22, and FY23 make up 15% of the General Fund Fleet. Forecasting out through FY26, the total percent of vehicles in the General Fund Fleet past their replacement date, would be 47%. This is based on a total of 203 wheeled, powered vehicles/equipment.

As referenced above, the electric, and hybrid vehicles/equipment, purchased as replacements bore an additional cost on the General Fund compared to the purchase price of conventional vehicles/equipment. From FY20 through FY22, the total cost paid for EV/Hybrid over conventional was \$202,900, with some of the more expensive equipment being the electric mowers, a Zamboni, and a forklift.

Given the significant financial constraints facing the City's municipal fleet, the Clerk Treasurers Office was able to identify ~\$500,000 that may be used for General Fund Departments that have vehicles/equipment in urgent need of replacement. The list of the replacement vehicles can be found in Attachment A. Wherever possible, and feasible, the Fleet Committee will replace gas and diesel vehicles/equipment with hybrid or electric power. This additional funding for vehicle and equipment purchases will come from the Vehicle Reserve Unassigned Fund Balance. While this additional funding is helpful, utilizing this funding source to support FY23 needs will nearly deplete the fund balance and create an even more challenging financing scenario in the subsequent fiscal years.

There may be some additional funding opportunities through a State grant program to assist in the costs associated with EV charging stations – but likely not vehicles. At this time, the State has not developed this program further to describe who could apply for funding or how this funding could be used. It is possible that there may be some funding available to municipalities looking to upgrade their fleets in ways that could also assist the surrounding community. Fleet will continue to work with other staff to identify additional funding opportunities that could help offset some of the pending fleet costs, acknowledging that grant funding often requires a local match and tends not to cover the full amount.

Fleet Strategies for the Future:

DPW Fleet is also looking forward in our Fleet replacement schedule to see what vehicles/equipment are candidates to be replaced by an EV. DPW Fleet is exploring the option of placing an order now, anticipating the timing of manufacturing of the EV to coincide with the replacement schedule of the vehicle to be replaced, but as of this time we are not able to place an order. If the situation arises where the manufacturing date is earlier than the replacement date, DPW Fleet will look into selling the vehicle to replace with the EV. If this strategy does not prove to be financially viable due to constraints, then vehicles that need replacing will be replaced with the type of vehicle that makes the most sense economically.

FY23 Deferred Equipment					
Department	Equip. #	Description	Year	Vehicle	Cost To Replace
Fire	FB1	Shift Command	2018	Suburban	\$38,000.00
Police	P135	Range Trailer	2001	Trailer	\$9,000.00
Police	P1507	Detective	2015	Taurus	\$39,772.00
Police	P1701	Line Cruiser	2017	Explorer	\$80,000.00
Police	P1702	Line Cruiser	2017	Explorer	\$80,000.00
Police	P1703	Line Cruiser	2017	Explorer	\$80,000.00
Police	P1704	Line Cruiser	2017	Explorer	\$80,000.00
Police	P1804	Line Cruiser	2018	Explorer	\$64,714.00
Police	P1805	Line Cruiser	2018	Explorer	\$64,714.00
Parks	PR1459	Tractor	2000	John Deere 1450	\$40,000.00
Parks	PR53	Trailer	2001	Mid-Atlantic	\$9,600.00
Parks	PR670	Tractor	2000	John Deere 670	\$27,000.00
Parks	PRCHIP14	Chipper	2014	Brush Bandit	\$57,247.00
Streets	S30	Dirt Screen	2009	SCM-40	\$50,000.00
Streets	S53	Utility Trailer	1997	Custom	\$9,600.00
Streets	S57	Utility Trailer	2008	Sure Trac	\$10,184.00
Streets	S70	Dump Truck	2002	International	\$66,675.00
Traffic	T01	Pickup	2011	Ford F150	\$35,123.00
Traffic	T09	One Ton Dump	2010	Ford F450	\$75,000.00
Water	Z05	Excavator	2013	John Deer 75G	\$145,145.00
TOTAL	20				\$1,061,774.00

City's NetZero by 2030 Goal – Fleet Update:

DPW Fleet has worked to advance the electrification of the fleet where feasible. This is based on the Departments needs of the vehicle being purchased, and whether the EV technology can support those needs. The progression of the electrification of our fleet can be seen in Attachment B. It is important to note, that if there are no funds allotted for vehicle replacement in the coming fiscal years, there will be no fleet purchases until FY26.

The Fleet Manager has also reached out to various vendors inquiring about the technology available for some of our larger fleet equipment, such as CR Woods, the Volvo heavy equipment dealer. The vendor will be acquiring a small, fully electric bucket loader this coming fall. DPW Fleet will schedule a demo to see if it can fulfill our needs when our current similar size loader is scheduled for replacement. The Fleet Manager has also reached out to Mac Trucks, Peterbuilt, and Lyon electric to see where their technology is at in regard to electric recycling trucks. When available in our area, we look forward to scheduling a demo of the recycling truck as well, to see if it will meet our needs, and demands of our recycling program.

FY23 Replaced Vehicles:

This is a list of vehicles we are proposing to replace and per City Ordinance we need to provide the Council this information prior to disposing of these assets.

FY23 Replaced Vehicles

Year	Make	Model	Auction/Trade	Estimated Value
2002	International	Dump Truck	N/A	\$8,000
2013	International	Bucket Truck	N/A	\$30,000
1992	International	Bucket Truck	N/A	\$8,000
2008	International	Plow Truck	N/A	\$12,000
2011	Ford	F250 4X4	Auction	\$5,000
2008	Ford	F350 Utility/Plow	Auction	\$5,000
2003	Ford	E350 Cube Van	Auction	\$5,000
2015	Ford	F550 Service Truck	Auction	\$8,000
2011	E-One	Pumper Truck	Auction	\$20,000
2011	E-One	Ladder Truck	Auction	\$40,000
2003	E-One	Pumper Truck	Auction	\$6,000
2012	Autocar	Recycling Truck	Auction	\$8,000
2013	Dodge	3500 Service/Vac	Auction	\$8,000
2011	Chevy	1500 Pickup	Auction	\$5,000
2011	Trackless	Sidewalk Tractor	Auction	\$8,000
1980	John Deere	950 Tractor	Auction	\$1,000
2000	McConnell	Flail Mower	Auction	\$200
N/A	Bobcat	Mower	Auction	\$200

Conclusion:

The Fleet team presented this information to the TEUC on June 21, and there was support for developing a more sustainable long-term purchasing strategy for fleet. The TEUC unanimously supported a motion to “Recommend the Board of Finance and City Council approve the proposed FY’23 Fleet Purchasing List and have the City Council, TEUC, DPW and CAO office develop a long-term fleet purchasing strategy that ensures the sustainability of all existing vehicles/equipment in Fleet, as well as one that brings the City closer to reaching its Net Zero 2030 goals”. On July 11, 2022 the Fleet team presented this information to the Board of Finance, which they unanimously supported the motions as stated in the memo.

The Fleet team is now looking to gain support from the City Council for this same motion, which will allow Fleet to pursue a new purchasing strategy that will provide structure for reaching the City’s NetZero 2030 goals, while also maintaining the Fleet and service levels expected by residents. We have reached a pivotal moment in the long-term planning of the City’s fleet, where decisions on how the City funds future fleet purchases will shape its ability to continue providing the level of service required by its residents.

Suggested Motions:

Board of Finance: (7/11/2022)

1. To approve and recommend that the City Council authorize the Director of the Department of Public Works to purchase eight (8) vehicles/equipment for Water Resources, the Traffic Division, and the Recycling Program, for a total value of up to \$962,500, with lease financing determined by the Clerk/Treasurers Office and at a rate not to exceed five percent (5%) for terms of up to seven (7) years, subject to the review and approval by the City Attorney’s Office.

2. To approve and recommend that the City Council authorize the Director of the Department of Public Works to enter into a one-time cash purchase not to exceed \$500,000.00 for General Fund vehicles, and equipment, subject to the review and approval by the City Attorney's Office.
3. Recommend that the City Council, the Transportation, Energy, and Utilities Committee, the Department of Public Works, and the Chief Administrative Officer develop a long-term Fleet purchasing strategy that both ensures the operational sustainability of all existing City vehicles/equipment and brings the City closer to reaching its Net Zero 2030 goals.

City Council: (7/18/2022)

1. To approve and recommend that the City Council authorize the Director of the Department of Public Works to purchase eight (8) vehicles/equipment for Water Resources, the Traffic Division, and the Recycling Program, for a total value of up to \$962,500 with lease financing determined by the Clerk/Treasurers Office and at a rate not to exceed five percent (5%) for terms of up to seven (7) years, subject to the review and approval by the City Attorney's Office.
2. To approve and recommend that the City Council authorize the Director of the Department of Public Works to enter into a one-time cash purchase not to exceed \$500,000.00 for General Fund vehicles, and equipment, subject to the review and approval by the City Attorney's Office.
3. Recommend that the City Council, the Transportation, Energy, and Utilities Committee, the Department of Public Works, and the Chief Administrative Officer develop a long-term Fleet purchasing strategy that both ensures the operational sustainability of all existing City vehicles/equipment and brings the City closer to reaching its Net Zero 2030 goals.

ATTACHMENT A: - FY 23 FLEET CAPITAL SUMMARY

Please see attached PDF provided in the packet.

Board of Finance and City Council Submission ChecklistDepartment: Public Works Submitter: Lee PerryTitle/Subject: FY23 Recycling Truck & Plow Truck Purchase Price Increase

	Approval:	Meeting Date:
☒	Board of Finance	1/8/2024
☒	City Council	1/16/2024
☒	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	12/21/2023	Approved by Chapin Spencer
Mayor's Office informed and approved memo	Yes	1/3/2024	Approved by Jordan Redell
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note			
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/3/2024	Approved by Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	1/2/2024	Approved by Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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



MEMORANDUM

To: Burlington Board of Finance
Burlington City Council

From: Darren Springer, General Manager
James Gibbons, Director of Policy and Planning
Emily Stebbins-Wheelock, CFO and Manager of Strategy & Innovation

Date: January 8, 2024

Subject: Conversion of BED Energy Assistance Program from a Pilot to a Permanent Rate

Burlington Electric Department ("BED") is seeking Burlington City Council ("Council") approval of converting its current Energy Assistance Program ("EAP") from a pilot rate to a permanent rate.

BED's EAP originated as a pandemic assistance program for income-qualified customers, and later on went into effect as an 18-month pilot rate on August 1, 2022, following Council approval on April 25, 2022. Since the pilot program began, participation has grown steadily, with 219 customers currently enrolled and 234 customers served over the program lifetime. The pilot period end date is January 31, 2024. BED is committed to moving from a pilot to a permanent rate for income-qualified customers, as laid out in this memo.

Continuation of BED's EAP

At this time, BED is seeking approval from the Board of Finance and City Council for BED to convert its EAP from a pilot rate to a permanent rate. In April 2022, the Council passed a motion approving BED filing the pilot rate in accordance with a memo (Attachment 1).

The tariff sheet (Attachment 2) provided with this memo specifies the terms and conditions of the permanent EAP rate. The permanent EAP rate will continue to provide a 12.5% discount on BED energy and customer charges for residential, non-net-metered customers whose household income is less than or equal to 185% of the federal poverty level ("FPL"). Customer income will continue to be verified externally, based on proof of customer eligibility for other Vermont assistance programs including Vermont Seasonal Fuel Assistance (which is based on 185% of FPL), Vermont Section 8

Burlington Electric Department
585 Pine Street Burlington, VT 05401
burlingtonelectric.com

Phone 802.658.0300

Assistance (which is based on 50% of Area Median Income (“AMI”), and additional methods described below.

Modifications of EAP Included in this Notice of Conversion to Permanent Tariff

Since the August 1, 2022, implementation of the EAP, BED has worked to publicize the EAP and expand enrollment of its eligible customers through customer outreach activities, partnering with CEDO and Water Resources, and exploring the feasibility of using additional income verification methods. Specifically, BED has undertaken the following actions:

- Partnered with CEDO to allow for EAP enrollment coincident with Lead Program application
- Partnered with Water Resources to allow for EAP enrollment coincident with application for Water Resources Assistance Program (and vice versa)
- Met with staff from Vermont Department of Children & Families Economic Services Division to discuss elements of implementation and advise on income verification
- Outreach to and ongoing coordination with CVOEO, Burlington Housing Authority, Winooski Housing Authority, and Champlain Housing Trust to build awareness of the EAP program
- Developed an EAP flier available in seven languages and distributed door-to-door and at BED community events such as King Street Laundry “office hours” and Intervale Fair Share Program pickup
- Placed posters advertising EAP in community spaces including the Munt Family Room
- Updated BED’s website to add more references to EAP
- Added information about EAP to the email that customers receive after requesting to start or stop service.

BED has also incorporated additional income verification method options into its submitted EAP tariff sheet, including:¹

- Automatic enrollment of eligible BED customers who are on Vermont Department of Children and Families Seasonal Fuel Assistance list. Any customer who is automatically enrolled may opt out of EAP enrollment by contacting BED. We estimate this change would enable up to 650 additional customers to be enrolled in the program.
- 3SquaresVT enrollment
- VGS Assistance program enrollment
- Including an option for BED to decide in the future to use an external entity such as a Vermont agency or other third-party to provide customer income-eligibility verification services.
- Allowing for BED to work with any income-eligible customers who cannot verify eligibility using any of the listed methods in the tariff sheet to determine an alternate method for income verification.

¹ The income eligibility thresholds for the additional verification methods are consistent with the EAP’s income eligibility requirement of household income at or below 185% of FPL.

BED also has included provisions in the submitted EAP tariff to require customers who are enrolled in the EAP to notify BED if they become ineligible for the EAP due to a change in income. The tariff also allows BED to require customers enrolled in the EAP to renew their enrollment by providing updated income eligibility documentation as frequently as once every year.

Conclusion

Absent conversion to a permanent tariff, the EAP and the discounts offered would end on January 31, 2023. Any future modifications to the permanent tariff will be permissible under the normal rules for tariff changes in Vermont.

BED sought approval from the Burlington Electric Commission to convert the pilot to a permanent program at its regularly scheduled meeting on December 13, 2023, and the Commission unanimously approved and recommended the item to the Council. On December 15, 2023, BED submitted notice² with the Vermont Public Utility Commission ("PUC") at least 45 days³ in advance of the conclusion of the 18-month EAP pilot rate period, as required by the Commission's Standards and Procedures for Innovative Rates and Service Offered by Municipal and Cooperative Electric Utilities⁴ ("Standards and Procedures"). BED notified the PUC in this filing of its intent to convert the EAP into a permanent rate effective January 29, 2024 and to obtain approval from the Council of this conversion before that date.⁵ BED filed the tariff sheet (Attachment 2) for the permanent EAP with the PUC in Case No. 23-4266-TF.

BED staff will be present at the Board of Finance and City Council meetings to answer any questions Councilors may have on this program and tariff update. Thank you.

Motions

Board of Finance

To approve and recommend that the City Council approve BED seeking approval from the Vermont Public Utility Commission of the Energy Assistance Program tariff provided with this memo as a permanent BED tariff offering to its customers.

City Council

To approve BED seeking approval from the Vermont Public Utility Commission of the Energy Assistance Program tariff provided with this memo as a permanent BED tariff offering to its customers.

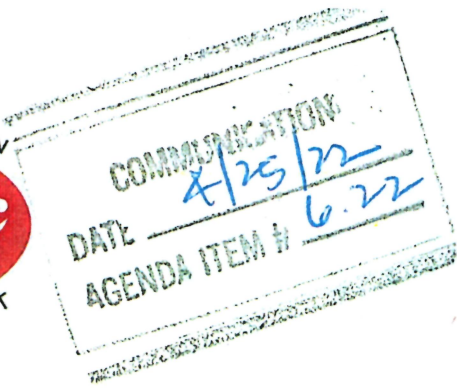
² The notice was submitted in Commission Case No. 21A-2177.

³ 45 days prior to the January 31, 2024, end date of the 18-month period is December 17, 2023.

⁴ The Commission adopted these standards in its January 20, 2022, Order in Case No. 21-2642-INV.

⁵ Section VII of the Standards provides, "unless an objection to the tariff sheet is filed within 45 days of this notice or the Commission orders an investigation within 45 days of the date on which the tariff filing was made with the Commission, the Municipal Company's or Electric Company's filed tariff sheet shall become effective on the 45th day and the Municipal Company or Electric Cooperative may continue offering the innovative rate or service to its customers."

Attachment 1



MEMORANDUM

To: Burlington Board of Finance
Burlington City Council

From: Darren Springer, General Manager
James Gibbons, Director of Policy & Planning

Date: April 25, 2022

Subject: BED Low-Income Pilot Rate and ARPA extension

At their meeting of 4/25/22
the Burlington City Council voted to
approve the motion as
witnessed *John Oberg*

As part of Burlington Electric Department's (BED) FY22 budget, BED offered for the first-time, a temporary energy assistance program to help income-qualified customers by providing them with a bill discount of 7.5 percent. This discount offset BED's FY22 rate increase for low-income customers who participated in the program. Customers are eligible for the current program if they qualify for the State of Vermont Seasonal Fuel Assistance Program (at or below 185 percent of the federal poverty level- \$49,025 for a 4-person household) or if they qualify for Section 8 Housing Choice Vouchers (50 percent of median income for county, \$47,950 for 4-person household). Currently 59 BED customers are participating in the program. The temporary energy assistance program was funded with a small portion of the \$1.3 million in ARPA funds allocated to BED by the City Council to support both the temporary energy assistance program and arrearage assistance for customers. The majority (nearly \$1.1 million) of the \$1.3 million has been used for arrearage assistance to-date, with some additional arrearage assistance pending.

BED now proposes to implement its first-ever Low-Income Pilot Rate, to go into effect starting in FY23, and to replace the temporary energy assistance program. The income qualification criteria would be the same, and all existing temporary energy assistance program participants would be moved to the new Low-Income Pilot Rate. The bill discount would increase to 12.5 percent, providing more support for eligible customers. This discount was arrived at after reviewing similar programs offered in Vermont and by other public power utilities elsewhere in the nation and considering potential budget impacts for all BED customers. This Rate would be filed at the Public Utility Commission (PUC) under BED's authority under 30 V.S.A. § 218d(o) to propose innovative rates, with a duration of up to 18 months. BED anticipates either renewing or modifying the Pilot Rate after the 18 months concludes or adopting a permanent low-income rate at that time. Absent any objection from the PUC or Department of Public Service (PSD), the Rate would be able to go into effect 45 days after being filed.

BED is uncertain how many eligible customers will choose to participate in the Rate, and therefore the budget impact is not fully known. While participation in the temporary energy assistance program is currently only at 59 customers, it has grown steadily throughout the year and we anticipate more customers will be interested in the

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585 Pine Street Burlington, VT 05401
burlingtonelectric.com
Phone 802.658.0300

Pilot Rate, given participation rates in similar programs at other utilities such as Vermont Gas Systems. Based on participation rates for Vermont Gas Systems' low-income rate, it is estimated the FY23 budget impact could be approximately \$110,000. To help address this uncertainty in our budget planning, BED proposes to use the unspent portion of the \$1.3 million in ARPA funds that remains after FY22 arrearage assistance efforts are complete (not more than \$200,000) to support implementation of the Low-Income Pilot Rate in FY23. In future years, BED will have a better sense of the likely participation rate and will be able to plan and budget accordingly.

The Burlington Electric Commission unanimously voted to approve and recommend to the City Council BED's Low-Income Pilot Rate proposal at its meeting on April 13th, 2022. BED now respectfully requests City Council approval to file this Rate with the PUC and to carry over unspent ARPA funds from the \$1.3 million initially allocated to BED in FY22 to provide funding support for the implementation of the Rate. BED staff will be present at the April 25th meeting to answer any questions.

Motions

Board of Finance

1. "To recommend the City Council approve Burlington Electric Department filing a Low-income Pilot Rate with the Public Utility Commission as described in this memo."
2. "To recommend the City Council approve an extension of Burlington Electric Department's deadline for use of \$1.3 million in ARPA funds provided to the Burlington Electric Department in FY22 through the end of FY23, to support implementation of the Low-Income Pilot Rate."

City Council

- 
1. "To approve Burlington Electric Department filing a Low-income Pilot Rate with the Public Utility Commission as described in this memo."
 2. "To approve an extension of Burlington Electric Department's deadline for use of \$1.3 million in ARPA funds provided to the Burlington Electric Department in FY22 through the end of FY23, to support implementation of the Low-Income Pilot Rate."

Attachment 2

BURLINGTON ELECTRIC DEPARTMENT

Tariff Sheets

Effective January 29, 2024

ENERGY ASSISTANCE PROGRAM (EAP) RATE

(EAP Page 1 of 2)

Availability

Service under this Rate is available to any non-net-metered Customer who currently takes service through BED's Residential Service ("RS") Rate and has a household income at or below 185% of the Federal Poverty Level ("FPL").

Character of Service

Alternating current, 60 Hertz, at the standard utilization voltage.

Monthly Bill

EAP Rate Customers will be billed for all applicable charges at the prevailing RS Rate. A 12.5% EAP Rate discount will be applied to the total Energy Charges and Customer Charge each month and appear as a credit on the bill.

Terms and Conditions

- 1) Eligibility verification methods: Eligible Customers can opt to request BED to enroll them in the EAP Rate and verify income eligibility by providing documentation of eligibility for:
 - a. Vermont Seasonal Fuel Assistance,
 - b. 3SquaresVT,
 - c. VGS Energy Assistance,
 - d. Vermont Section 8 Assistance, or
 - e. for any Customers who meet the at or below 185% of FPL income eligibility threshold for the EAP Rate who are not able to provide eligibility documentation using any of the above income verification methods, BED will work with those Customers to find an alternative verification method.
- 2) BED automatically will enroll any Customers in the EAP Rate who are on the Vermont Department of Children and Families list of Seasonal Fuel Assistance recipients and will notify such Customers of their enrollment. Any Customers who are automatically enrolled in the EAP Rate who do not wish to be enrolled in the EAP Rate can opt out of participating by contacting BED.

(EAP Page 2 of 2)

- 3) Termination and renewal of enrollment: Customers may withdraw from this Rate at any time by contacting BED. Customers who become ineligible for the EAP Rate based on a change in income must contact BED to provide notification of this change within one month of such an occurrence. BED may require Customers to renew their enrollment in the EAP Rate by providing updated income eligibility documentation no more frequently than once every year.
- 4) BED is authorized to use an external entity, such as a Vermont agency or other third party, to perform Customer income eligibility verification services.
- 5) If BED identifies methods for verifying income eligibility in addition to those listed in Section 1 above, BED will provide notification of these additional methods on its website where this tariff is located.
- 6) Where no specific provisions are provided in this rate, service will be delivered under BED's Operating Guidelines.

Board of Finance and City Council Submission Checklist

Darren Springer, Emily Stebbins-

Department: BED Submitter: Wheelock, James Gibbons

Title/Subject: Conversion of BED Energy Assistance Program from a Pilot to a Permanent Rate

	Approval:	Meeting Date:
☒	Board of Finance	1/8/2024
☒	City Council	1/16/2024
☐	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	12/22/2023	Darren Springer
Mayor's Office informed and approved memo	Yes	1/3/2024	Jordan Redell
Board/Commission, if required	N/A		
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	1/3/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	1/3/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A		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	Yes	Proposed tariff attached
Draft Resolution or Motion?	Yes	Motions in Memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance



MEMORANDUM

To: Burlington Board of Finance
Burlington City Council

From: Darren Springer, General Manager
Emily Stebbins-Wheelock, CFO and Manager of Strategy & Innovation
Erica Ferland, IT Director
Timothy Clancy, Human Resources Manager

Date: January 8, 2024

Subject: Position Elimination and Creation

Through this memorandum, Burlington Electric Department (BED) respectfully requests that the Board of Finance and City Council approve the elimination of an Enterprise Data & Integration Specialist, a Regular, Full-time, Exempt, Union, Grade A2, A4, and A6 (depending on tiered level) position, and create a Cybersecurity Engineer, a Regular, Full-time, Exempt, Union, Grade A4 and A6 (depending on tiered level) position. This position was vacated on November 6, 2023, with the previous incumbent having served as a Senior Programmer/Analyst, having not elected to move into the new tiered Enterprise Data & Integration Specialist position.

As we do with all vacant positions, we examine critically whether and how to backfill the position in a way that is consistent with our Strategic Direction and competitive in this limited market to attract and retain technical staff. Upon the separation/retirement of the previous incumbent, this legacy Senior Programmer/Analyst position was planned to be converted to a tiered Enterprise & Data Integration Specialist (EDIS) position, which provides database management and application integration services for enterprise business systems.

Since the EDIS position was created, however, BED's IT resource needs have changed. As BED continues to implement its IT Forward initiative, replacing its legacy enterprise systems with more modern IT solutions, reporting and integration capabilities are increasingly "built in:" either provided by the vendor or able to be managed by "power users" of the applications through vendor-provided tools. Additionally, most day-to-day database administration tasks (e.g., backups, integration jobs) are now automated and redundant, and can be overseen by BED's current Systems & Network Engineer staff programmatically outside of our SQL and Oracle environments. Finally, BED has low appetite and need for in-house developed custom code and applications, which can be met by the generalized scripting skills required for the System & Network Engineer positions.

Cybersecurity, however, long a major risk to any organization, has become increasingly important to BED for several reasons. First, threat actors continue to evolve their capabilities, requiring IT departments to constantly

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Phone 802.658.0300

monitor and adjust their defenses. Second, small, municipal utilities supporting critical infrastructure are often seen as easier targets given their lack of resources relative to larger entities. Finally, grid and distribution management technologies are becoming both more automated and more integrated with traditional “business IT” platforms. This increasing operational technology–information technology convergence enables exciting new capabilities but also introduces new cybersecurity risks.

Therefore, BED proposes converting the EDIS position to a new Cybersecurity Engineer position that would be responsible for design and review of security controls, monitoring of internal/external access controls, and implementing security safeguards to protect the confidentiality, integrity, and availability of information technology and operational technology assets. We are requesting that the Enterprise & Data Integration Specialist position be eliminated, and a Cybersecurity Engineer position be created. As an IBEW position, the Cybersecurity Engineer position will be tiered as required by the City’s collective bargaining agreement with IBEW.

We have conferred on this matter with the IBEW Chief Union Steward, who supports the changes without objection. As this position is currently vacant, no employees will be affected.

The financial impact on BED’s FY24 budget will be net positive for two reasons: first, vacancy savings will reduce expenditures in FY24 and second, we plan to recruit for the Cybersecurity Engineer at the lower tier with a Grade of A4 compared to the prior incumbent’s Grade of A6. Future budget impacts will depend on the starting salary of the new Cybersecurity Engineer and any future performance-based increases they may receive, but we note that the pay Grades of the position proposed for creation are the same as the middle and senior tiers of the position proposed for elimination.

We will be present at the January 8, 2024 Board of Finance meeting and the January 16, 2024 City Council meeting to answer any questions or provide additional information. BED’s 2023-2024 Strategic Direction is attached as Appendix A. The current organizational chart and proposed changes thereto are attached as Appendices B and C, respectively. The position descriptions for Enterprise Data & Integration Specialist level 1 and Cybersecurity Engineer level 1 are attached as Appendices D and E, respectively.

Board of Finance Motion:

To approve and recommend that the City Council eliminate an Enterprise Data & Integration Specialist, a Regular, Full-time, Exempt, Union, Grade A2, A4, and A6 (depending on tiered level) position and create a Cybersecurity Engineer, a Regular, Full-time, Exempt, Union, Grade A4, and A6 (depending on tiered level) position within the Burlington Electric Department.

City Council Motion:

To approve the elimination of an Enterprise Data & Integration Specialist, a Regular, Full-time, Exempt, Union, Grade A2, A4, and A6 (depending on tiered level) position and the creation of a Cybersecurity Engineer, a Regular, Full-time, Exempt, Union, Grade A4 and A6 (depending on tiered level) position within the Burlington Electric Department.



MISSION

To serve the energy needs of our customers in a safe, reliable, affordable, sustainable, and socially responsible manner.

VALUES

Safety, Reliability,
Community, Innovation

VISION

Make Burlington a Net Zero Energy city by eliminating fossil fuel usage across the electric, thermal, and ground transportation sectors by strategically electrifying, managing demand, realizing efficiency gains, and expanding local renewable generation while increasing system resilience.

STRATEGIC OBJECTIVES

Engage Customers and Community

Focus on customer first-call resolution to provide exceptional customer care

Increase education and engagement with customers on our Net Zero Energy vision through all communications channels, with a focus on web and social media and video

Ensure all programs are equitable and accessible to all, including people whose primary language is not English, low-to-moderate income, rental, Black, Indigenous, and People of Color (BIPOC), immigrant, and refugee populations

Evolve traditional energy efficiency programs to complement strategic electrification efforts, to drive deeper greenhouse gas emissions reductions, help manage peak demand, and improve community resilience and environmental health

Provide website and other educational tools so that customers can evaluate both cost and greenhouse gas emission reduction outcomes from heat pumps, electric vehicles, and other electrification technologies relative to current fuel sources

Strengthen Reliability

Maintain five-year Distribution System and Generation construction plans to accommodate potential load increases due to the Net Zero Energy goals, and design and construct projects to continue to improve safety, reliability, and efficiency

Continue to follow maintenance plans for McNeil Generating Station, Winooski One Hydro, Gas Turbine, and the Distribution System

Take steps to ensure reliable operations through staff succession planning

Ensure consistent fuel supply availability at McNeil based on annual operational strategy and procurement procedures

Implement Outage Management System (OMS) and grid analytics to improve response to system outages, system reliability, and efficiency

Proactively seek customer input, with the help of existing and strategic community partners, and incorporate their input into program design

Invest in Our People, Processes, and Technology

Attract, develop, and retain a diverse workforce with the knowledge, skills, and ability to support BED's Net Zero vision and strategic objectives

Develop a culture of integrity, safety, inclusion, innovation, teamwork, and continuous learning and improvement

Continually improve internal processes to design and deliver innovative programs and services, maximize operational efficiency and effectiveness, and optimize use of data to inform decision-making

Plan and invest in the technology infrastructure necessary to support BED's mission, vision, and strategic priorities, including multi-year replacement of core business systems

Lead by example in reducing vehicle miles traveled through remote work flexibility, support for multi-modal transportation and carsharing partners, and supporting bicycling (both conventional and e-bikes) through employee programs

Innovate to Reach Net Zero Energy

Advance district energy, battery storage projects, and local renewable energy production including customer-owned and community-based projects

Improve and expand automated demand response capability, with focus on EV charging and thermal, and implement appropriate end-use technologies to manage loads

Advance additional dynamic and creative rates to achieve Net Zero Energy goal

Continue to track and report to the community on progress toward the Net Zero Energy Roadmap goal

Provide clean and affordable transportation fuel through renewable electricity, and invest in and encourage use of the necessary infrastructure to serve customers across all modes of transportation, including electric bikes, electric vehicles, and electric transit buses

Actively participate in City policy processes aimed at reducing greenhouse gas emissions in the ground transportation and building sectors

Manage Budget and Risks Responsibly

Create financially responsible and sustainable budgets that balance the need for stable rates, investment in core infrastructure, and strong credit rating factors

Develop and maintain a sustainable debt financing plan for Net Zero Energy to support electrification while mitigating upward rate pressure

Ensure timely and diligent compliance with risk, safety, environmental, and other legal and regulatory standards

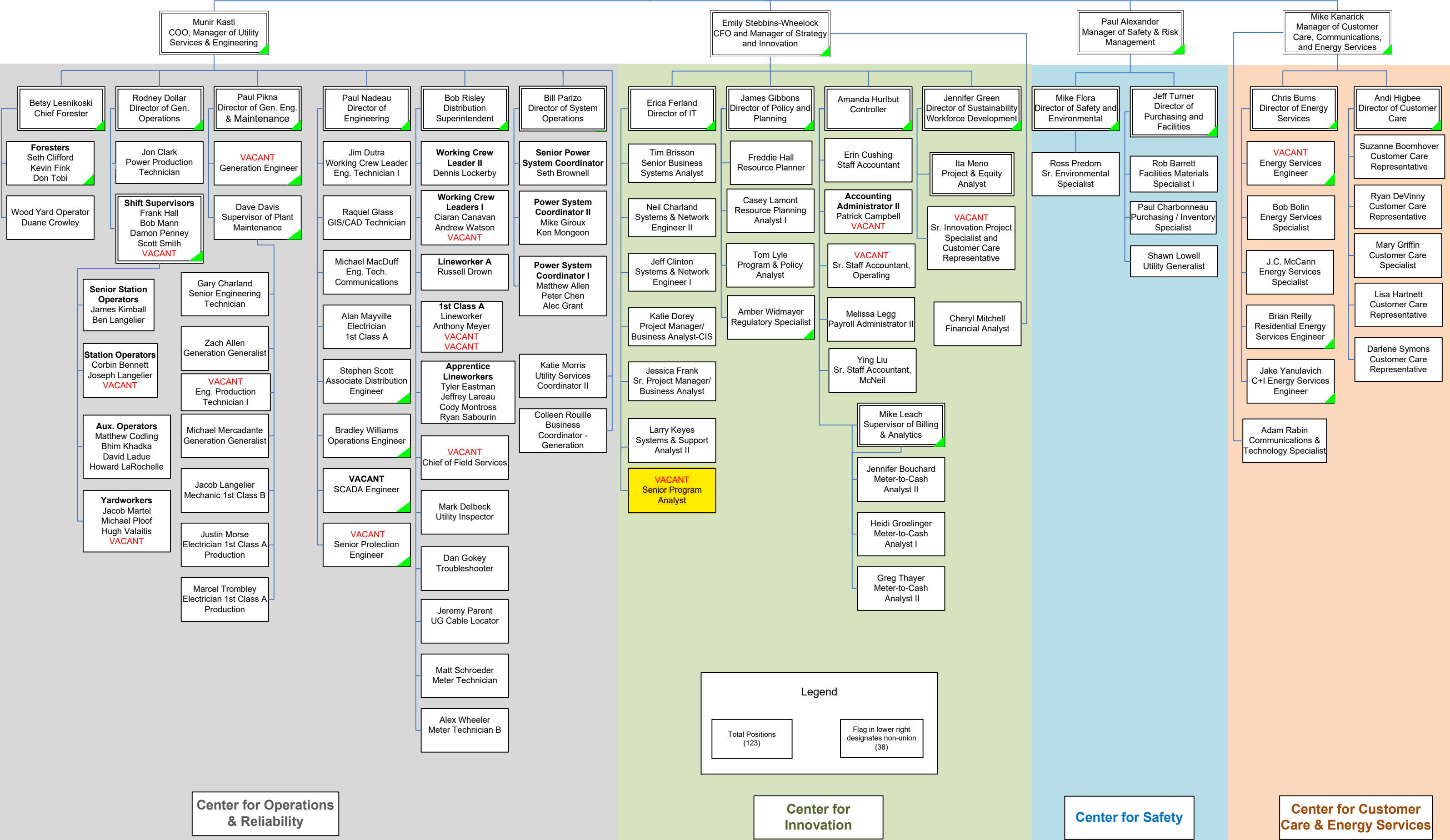
Efficiently and effectively manage procurement of goods and services

Mitigate cybersecurity risk through awareness, assessment, policy, and best practices

Build and maximize use of partnerships that provide unique value and opportunities to make progress toward Net Zero Energy at a more rapid pace and greater scale

Maintain and invest in quality facilities and use them to pilot and showcase new technologies that advance Net Zero Energy

Appendix B



Mike Kanarick
Manager of Customer Care, Communications, and Energy Services

Chris Burns
Director of Energy Services

VACANT
Energy Services Engineer

Bob Bolin
Energy Services Specialist

J.C. McCann
Energy Services Specialist

Brian Reilly
Residential Energy Services Engineer

Jake Yanulavich
C+I Energy Services Engineer

Adam Rabin
Communications & Technology Specialist

Andi Higbee
Director of Customer Care

Suzanne Boomhover
Customer Care Representative

Ryan DeVinny
Customer Care Representative

Mary Griffin
Customer Care Specialist

Lisa Hartnett
Customer Care Representative

Darlene Symons
Customer Care Representative

Center for Operations & Reliability

Center for Innovation

Center for Safety

Center for Customer Care & Energy Services

Laurie Lemieux
Executive Project
Coordinator

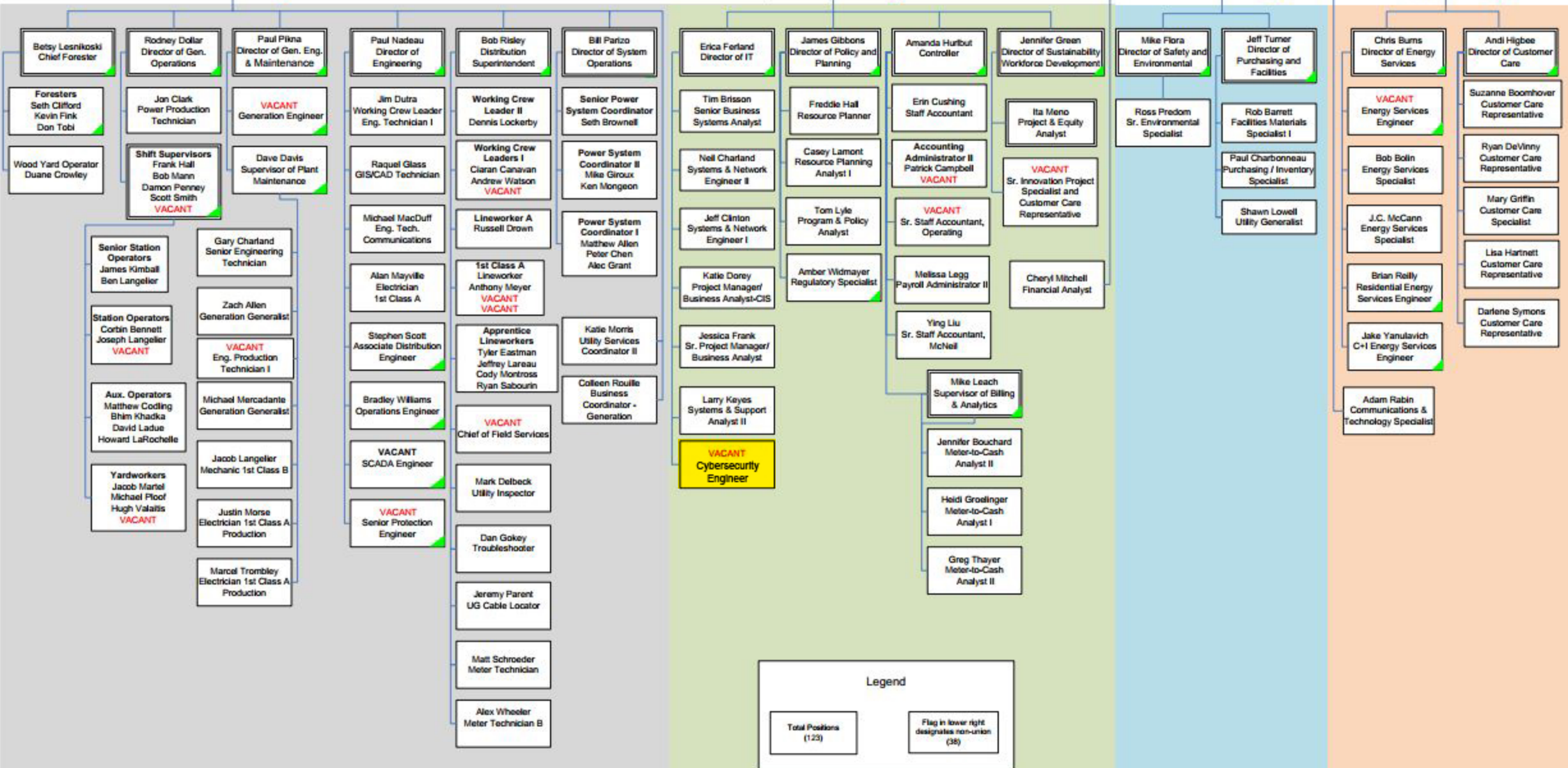
Darren Springer
General Manager

Munir Kasli
COO, Manager of Utility
Services & Engineering

Emily Stebbins-Wheelock
CFO and Manager of Strategy
and Innovation

Paul Alexander
Manager of Safety & Risk
Management

Mike Kanarick
Manager of Customer
Care, Communications,
and Energy Services



Appendix D

Enterprise Database and Integration Specialist I
Page 1 of 4

City of Burlington Job Description

Position Title: Enterprise Database and Integration Specialist I

Department: Burlington Electric Department

Reports to: Director of Information Technology

Pay Grade: A2 **Job Code:** 806

Exempt/Non-Exempt: Exempt **Union:** IBEW

General Purpose:

This position provides database management and application integration services across a variety of enterprise business systems. The individual will support data-driven business excellence by mastering a deep understanding of the organization's critical business and operational data. Responsibilities will range from standard reporting and data analytics to complex database management and systems integrations using ETL, batch, and real-time tools.

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.)

- Design, implement, and manage reports, database applications and business intelligence/analytics.
- Perform system queries, analyze, and evaluate complex data sets.
- Develop programmatic routines necessary for automation and other purposes.
- Ensure the performance, availability, integrity of all systems and networks in accordance with established policies, standards, and procedures.
- Advance corporate-wide cybersecurity efforts and ensure the security of all technology systems in accordance with established policies, standards, and procedures.
- Work with employees in various departments to facilitate the effective use of information technology, provide timely resolutions to problems, document new information technology needs, compile budgetary proposals, support purchasing and implementation.
- Build knowledge of business processes and workflows to support optimal use of business technology.
- Work with hardware and software vendors to document product roadmaps and ensure alignment with long range business priorities.

- Coordinate and install updates, patches, new releases and/or perform any preventive maintenance necessary to ensure the reliable and secure operation of hardware and software in area of responsibility.
- Create and maintain backup and disaster recovery procedures in area of responsibility.
- Maintain up-to-date knowledge and comply with internal policies and procedures, applicable regulatory standards, and industry best practices.
- Create and maintain complete documentation including where applicable, end user documentation, systems and network diagrams, operational and process flow diagrams, troubleshooting and maintenance reports.
- Collaborate as a member of the IS team sharing information, mentoring, cross-training, and providing coverage as directed by the supervisor.

Non-Essential Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Associates degree in computer science or related field and 2 years of experience in a relevant information technology role.
- Additional experience may be substituted for a degree requirement on a two-for-one-year basis.
- Working knowledge of Unix-based and Windows based operating systems.
- Ability to work with SQL (PL/SQL, T-SQL, SQL PL, PostgreSQL).
- Ability to work with modern tools such as PowerBI or Tableau.
- Ability to work with databases such as DB2, Oracle and MS SQL.
- Ability to work with non-relational databases such as Amazon RDBS, MongoDB, Hadoop.
- Ability to work with various scripting and/or programming languages such as PowerShell, JavaScript, Node. js, Ruby, Python, Java, PHP, C#, C++, .Net, R, Erlang.
- Must possess excellent oral, written and analytical skills.
- Ability to provide technical presentations and training as needed.
- Ability to establish and maintain positive working relationships with co-workers, customers, and other personnel.
- Ability to work effectively in a team-oriented, collaborative environment.
- Ability to multi-task, working under minimal supervision, and adapt quickly to changing priorities and deadlines.
- Ability to travel to and from various sites within the City of Burlington.
- Ability to work beyond the normal forty (40) hours work week as needed consistent with provisions of the BED/IBEW Collective Bargaining Agreement

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

☒	seeing	☒	ability to move
☒	color perception		distances within and
	(red, green, amber)		between warehouses/offices
☒	hearing/listening	☒	climbing
☒	clear speech	☒	ability to mount and dismount
☒	touching		forklift/truck
	☒ dexterity	☒	pushing/pulling
	☒ hand	☐	math skills – basic
	☒ finger	☒	math skills –
☐	reading - basic		complex
☒	reading - complex	☒	clerical
☐	writing - basic	☒	outside
☒	writing - complex	☒	extreme heat
☐	shift work	☒	extreme cold
☒	works alone	☒	noise
☒	works with others	☒	mechanical equipment
☒	verbal contact		
	w/others		
☒	face-to-face contact		
☒	inside		

Supervision:

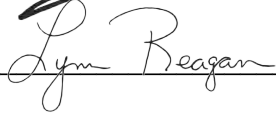
Directly Supervises: 0

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: <u>03/23/2021</u>
Human Resources:		Date: <u>03/23/2021</u>

Created for Tiering 02/2021

City of Burlington
Job Description

Position Title: Enterprise Database and Integration Specialist II

Department: Burlington Electric Department

Reports to: Director of Information Technology

Pay Grade: A4 **Job Code:** 806

Exempt/Non-Exempt: Exempt **Union:** IBEW

General Purpose:

This position provides database management and application integration services across a variety of enterprise business systems. The individual will support data-driven business excellence by mastering a deep understanding of the organization's critical business and operational data. Responsibilities will range from standard reporting and data analytics to complex database management and systems integrations using ETL, batch, and real-time tools.

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.)

- Design, implement, and manage reports, database applications and business intelligence/analytics.
- Perform system queries, analyze, and evaluate complex data set
- Develop programmatic automation routines, Extract-Transform-Load (ETL) jobs, real-time and other data integrations to facilitate communication and data transfer between systems.
- Work with data stewards to ensure that logical and physical data models support the reporting and analytic needs of the business.
- Install, configure, and maintain databases and database software on both Linux and Windows systems.
- Coordinate with other IS staff on systems implementations requiring database access or support.
- Support the development and adherence to policies, standards, and procedures to ensure the performance, availability, integrity, and security of enterprise data.

- Support the development and adherence to policies, procedures and standards for the development and implementation of streamlined integration services.
- Support the development and adherence to policies, standards, and procedures for data governance and data management.
- Work with employees in various departments to facilitate the effective use of information technology, provide timely resolutions to problems, document new information technology needs, compile budgetary proposals, support purchasing and implementation.
- Build knowledge of business processes and workflows to support optimal use of business technology.
- Work with hardware and software vendors to document product roadmaps and ensure alignment with long range business priorities.
- Coordinate and install updates, patches, new releases and/or perform any preventive maintenance necessary to ensure the reliable and secure operation of hardware and software in area of responsibility.
- Create and maintain backup and disaster recovery procedures in area of responsibility.
- Maintain up-to-date knowledge and comply with internal policies and procedures, applicable regulatory standards, and industry best practices.
- Create and maintain complete documentation including where applicable, end user documentation, systems and network diagrams, operational and process flow diagrams, troubleshooting and maintenance reports.
- Collaborate as a member of the IS team sharing information, mentoring, cross-training, and providing coverage as directed by the supervisor.

Non-Essential Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in computer science or related field with 5 years of experience in enterprise database management, application integration architecture, or software engineering.
- Additional experience may be substituted for a degree requirement on a two-for-one-year basis.
- Direct experience with Unix-based and Windows based operating systems.
- Direct experience working with SQL (PL/SQL, T-SQL, SQL PL, PostgreSQL).
- Direct experience with modern tools such as PowerBI or Tableau.
- Direct experience working with databases such as DB2, Oracle and MS SQL.

- Direct experience working with an ETL such as SSIS.
- Direct experience working with non-relational databases such as Amazon RDBS, MongoDB, Hadoop.
- Direct experience working with various scripting and/or programming languages such as PowerShell, JavaScript, Node.js, Ruby, Python, Java, PHP, C#, C++, .Net, R, Erlang.
- Direct experience working with messaging services, including sending and receiving JDBC, XML, JMS, JSON messages.
- Direct experience working with REST, SOAP, and other proprietary APIs, and preferably MultiSpeak.
- Must possess excellent oral, written and analytical skills.
- Ability to provide technical presentations and training as needed.
- Ability to establish and maintain positive working relationships with co-workers, customers, and other personnel.
- Ability to work effectively in a team-oriented, collaborative environment.
- Ability to multi-task, working under minimal supervision, and adapt quickly to changing priorities and deadlines.
- Ability to travel to and from various sites within the City of Burlington.
- Ability to work beyond the normal forty (40) hours work week as needed consistent with provisions of the BED/IBEW Collective Bargaining Agreement
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

☒ seeing	(red, green, amber)
☒ color perception	☒ hearing/listening
	☒ clear speech

☒ touching	☒ ability to move
☒ dexterity	distances within and
☒ hand	between warehouses/offices
☒ finger	☒ climbing
☐ reading - basic	☒ ability to mount and dismount
☒ reading - complex	forklift/truck
☐ writing - basic	☒ pushing/pulling
☒ writing - complex	☐ math skills – basic
☐ shift work	☒ math skills –
☒ works alone	complex
☒ works with others	☒ clerical
☒ verbal contact	☒ outside
w/others	☒ extreme heat
☒ face-to-face contact	☒ extreme cold
☒ inside	☒ noise
	☒ mechanical equipment

Supervision:

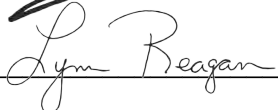
Directly Supervises: 0

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: <u>03/23/2021</u>
Human Resources:		Date: <u>03/23/2021</u>

Created for Tiering 02/2021

City of Burlington
Job Description

Position Title: Enterprise Database and Integration Specialist III

Department: Burlington Electric Department

Reports to: Director of Information Technology

Pay Grade: A6 **Job Code:** 806

Exempt/Non-Exempt: Exempt **Union:** IBEW

General Purpose:

This position provides database management and application integration services across a variety of enterprise business systems. The individual will support data-driven business excellence by mastering a deep understanding of the organization's critical business and operational data. Responsibilities will range from standard reporting and data analytics to complex database management and systems integrations using ETL, batch, and real-time tools.

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.)

- Design, implement, and manage reports, database applications and business intelligence/analytics.
- Perform system queries, analyze, and evaluate complex data sets.
- Develop programmatic automation routines, Extract-Transform-Load (ETL) jobs, real-time and other data integrations to facilitate communication and data transfer between systems.
- Work with data stewards to ensure that logical and physical data models support the reporting and analytic needs of the business.
- Install, configure, and maintain databases and database software on both Linux and Windows systems.
- Coordinate with other IS staff on systems implementations requiring database access or support.
- Develop, implement, and oversee policies, standards, and procedures to ensure the performance, availability, integrity, and security of enterprise data.
- Develop, implement, and oversee policies, procedures and standards for the development and

implementation of streamlined integration services.

- Develop, implement, and oversee policies, standards, and procedures for data governance and data management.
- Design, implement and oversee advanced data analytics and data science environments, including the design and implementation of complex data marts, data warehouses and or data lakes.
- Design and implement in-house programs and applications, including but not limited to gathering software requirements, writing custom program code, testing, documenting, training, and maintaining new and existing internally developed software.
- Work with employees in various departments to facilitate the effective use of information technology, provide timely resolutions to problems, document new information technology needs, compile budgetary proposals, support purchasing and implementation.
- Build knowledge of business processes and workflows to support optimal use of business technology.
- Work with hardware and software vendors to document product roadmaps and ensure alignment with long range business priorities.
- Coordinate and install updates, patches, new releases and/or perform any preventive maintenance necessary to ensure the reliable and secure operation of hardware and software in area of responsibility.
- Create and maintain backup and disaster recovery procedures in area of responsibility.
- Maintain up-to-date knowledge and comply with internal policies and procedures, applicable regulatory standards, and industry best practices.
- Create and maintain complete documentation including where applicable, end user documentation, systems and network diagrams, operational and process flow diagrams, troubleshooting and maintenance reports.
- Collaborate as a member of the IS team sharing information, mentoring, cross-training, and providing coverage as directed by the supervisor.

Non-Essential Functions:

- Performs other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor's degree in computer science or related field with 10 years of experience in enterprise database management, application integration architecture, or software engineering. Five of the ten years of experience must be in a position equivalent to Burlington Electric Department Enterprise Database and Integration Specialist II position.
- Additional experience may be substituted for a degree requirement on a two-for-one-year

basis.

- One of the following two additional required educational paths:
 - o Without Bachelor's Degree or more advanced degree: satisfactory completion of Undergraduate Certificate in field of computer science, IT, computer networking, or related field with approval from supervisor. Additional years of experience will not be substituted for the Undergraduate Certificate.
 - o With Bachelor's Degree in Computer Science, IT, or related field: Satisfactory completion of at least two (2) undergraduate or graduate-level in-person or online courses totaling at least six (6) credits in the fields of Computer Sciences, IT, Computer Networking, Cybersecurity, Communications, Project Management, or related field with approval from supervisor.
- Attend a minimum of 16 hours of supervisor approved training every three (3) to five (5) years.
- Direct experience with Unix-based and Windows based operating systems.
- Direct experience working with SQL (PL/SQL, T-SQL, SQL PL, PostgreSQL).
- Direct experience with modern tools such as PowerBI or Tableau.
- Direct experience working with databases such as DB2, Oracle and MS SQL.
- Direct experience working with an ETL such as SSIS.
- Direct experience working with non-relational databases such as Amazon RDBS, MongoDB, Hadoop.
- Direct experience working with various scripting and/or programming languages such as PowerShell, JavaScript, Node.js, Ruby, Python, Java, PHP, C#, C++, .Net, R, Erlang.
- Direct experience working with messaging services, including sending and receiving JDBC, XML, JMS, JSON messages.
- Direct experience working with REST, SOAP, and other proprietary APIs, and preferably MultiSpeak.
- Must possess excellent oral, written and analytical skills.
- Ability to provide technical presentations and training as needed.
- Ability to establish and maintain positive working relationships with co-workers, customers, and other personnel.
- Ability to work effectively in a team-oriented, collaborative environment.
- Ability to multi-task, working under minimal supervision, and adapt quickly to changing priorities and deadlines.
- Ability to travel to and from various sites within the City of Burlington.
- Ability to work beyond the normal forty (40) hours work week as needed consistent with provisions of the BED/IBEW Collective Bargaining Agreement

- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing trainings and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

☒	seeing	☒	ability to move
☒	color perception (red, green, amber)		distances within and between warehouses/offices
☒	hearing/listening	☒	climbing
☒	clear speech	☒	ability to mount and dismount forklift/truck
☒	touching	☒	pushing/pulling
☒	dexterity		math skills – basic
☒	hand	☒	math skills – complex
☒	finger	☒	clerical
	reading - basic	☒	outside
☒	reading - complex	☒	extreme heat
	writing - basic	☒	extreme cold
☒	writing - complex	☒	noise
	shift work	☒	mechanical equipment
☒	works alone		
☒	works with others		
☒	verbal contact w/others		
☒	face-to-face contact		
☒	inside		

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: 03/23/2021

Human Resources:  Date: 03/23/2021

Created for Tiering 02/2021

Appendix E

City of Burlington Job Description

Position Title:	Cybersecurity Engineer		
Department:	Burlington Electric Department		
Reports to:	Director of Information Technology		
Pay Grade:	A4	Job Code:	806
Exempt/Non-Exempt:	Exempt	Union:	IBEW

General Purpose:

This position is responsible for implementing, supporting, and managing Burlington Electric Department's cybersecurity initiatives and policies. Responsibilities include design and review of security controls, monitoring of internal/external access controls, and implementing security safeguards to protect the confidentiality, integrity, and availability of information technology (IT) and operational technology (OT) assets. This role will be focused on protecting system boundaries; keeping computer systems, applications and network devices hardened against attacks; as well as monitoring and responding to significant security events ensuring the stability, integrity, and secure operation of critical in-house and cloud-based systems and networks.

Essential Job Functions:

- Plan, implement, manage, monitor, and upgrade security measures for the protection of the organization's data, systems, networks, and security tools (IDS, IPS, Firewall, VPN, IDP, WAF, DLP, SIEM, Web Proxies, and Vulnerability Scanners) for the advanced metering infrastructure (AMI), supervisory control and data acquisition (SCADA)/advanced distribution system (ADMS), DMZ, and business computing environments.
- Work closely and collaborates with the Security Operations Center team to analyze, investigate, and respond to security incidents, sharing expertise and insights to enhance the organization's cyber defense strategy.
- Lead the design and deployment of group policy to harden endpoints and infrastructure.
- Provide consultation to the IT and OT teams in preparation and implementation of patch management and firmware management.
- Support other IT staff in managing backup infrastructure, including testing and preparation of disaster recovery plans and policies.
- Detect, investigate, and perform recovery from security incidents, and assist with incident response plans.
- Conduct threat and vulnerability risk assessments to determine security requirements and proactively fix security flaws and vulnerabilities.
- Conduct analysis of security requirements and controls to identify gaps and provide recommendations of industry best practices, trends, and technology products.

- Support the development of and adherence to policies, standards, and procedures for data governance and data management.
- Assist in the identification, evaluation, deployment, and optimization of security technologies.
- Design and present annual cybersecurity training to BED staff members.
- Lead BED's Cybersecurity Working Group
- Work closely with other BED teams including IT/Systems, Engineering, System Operations, Generation, and Finance to ensure adequate security solutions are in place for all IT and OT systems and platforms to sufficiently mitigate identified risks and meet business objectives.
- Ensure that the organization's data and infrastructure are protected by enabling the appropriate security controls.
- Provide security design, consultancy, and assessment services and introduce improvements in technical security standards and security implementation patterns and designs.
- Maintain awareness of latest security risks, analyze potential impact of new threats and exploits, and communicate risks to relevant business units.
- Create reports on security incidents and overall enterprise security status.
- Develop security-related procedures and related metrics; review and contribute to the improvement and standardization of security systems across all IT and OT.
- Create and implement cybersecurity best practices in accordance with BED's access control, disaster recovery, business continuity, and risk management policies, plans, and procedures.
- Perform daily administrative tasks, reporting, and communication with relevant departments in the organization.
- Collaborate as a member of the IT team sharing information, mentoring, cross-training, and providing coverage as directed by the supervisor.

Non-Essential Functions:

- Perform other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor of Science degree in Computer Science, IT, or related field with 3 years of experience in an information technology role responsible for servers and networks, including 2 years of experience implementing cybersecurity best practices and initiatives, incident detection, incident response.
- Additional experience may be substituted for a degree requirement on a two-for-one-year basis.
- Direct experience with Firewalls (functionality and maintenance), Office 365 Security, VMWare security, and Endpoint Security required.
- Direct experience securing and managing Windows server operating systems and Microsoft Active Directory domains required.
- Direct experience securing and managing Linux server operating systems, i.e., Red Hat Enterprise Linux (RHEL), Debian, or Ubuntu required.
- Experience with setup, configuration, and maintenance of IPV4/IPV6, DHCP, DNS, RADIUS, VPN, 802.11, VoIP, VLANs, SSL, MFA using best security practices required.

- Familiarity with setup, configuration, and maintenance of switches, routers, firewalls, and wireless technology, i.e., Cisco, HP/Aruba, Dell, RuggedCom, FortiGate preferred.
- Direct experience with scripting, i.e., batch files, Python, and PowerShell required.
- Familiarity with security-related aspects of database systems, i.e., Oracle, MS SQL, MySQL, PostgreSQL preferred.
- Familiarity with network, server, storage virtualization, i.e., MDS switching infrastructure, VSAN, VRF, VPN, and VMWare vSphere required.
- Must possess excellent oral, written, and analytical skills.
- Ability to provide technical presentations and training as needed.
- Ability to establish and maintain positive working relationships with co-workers, customers, and other personnel.
- Ability to work effectively in a team-oriented, collaborative environment.
- Ability to multi-task, work under minimal supervision, and adapt quickly to changing priorities and deadlines.
- Ability to travel to and from various sites within the City of Burlington.
- Ability to work beyond the normal forty (40)-hour work week as needed consistent with provisions of the BED/IBEW Collective Bargaining Agreement.
- Ability to actively support City diversity, equity, and cultural competency efforts within stated job responsibilities and work effectively across diverse cultures and constituencies.
- Demonstrated commitment to diversity, equity and inclusion as evidenced by ongoing training and professional development.
- Regular attendance is necessary and is essential to meeting the expectations of the job functions.
- Ability to understand and comply with City standards, safety rules and personnel policies.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

☒ seeing	☒ ability to move distances	☒ lifting (specify)
☐ color perception	within and between	☐ 30 pounds
☐ (red, green, amber)	warehouses/offices	☒ carrying (specify)
☒ hearing/listening	☐ climbing	☐ 50 pounds
☒ clear speech	☐ ability to mount and	☐ driving (local/over
☒ touching	dismount forklift/truck	the road)
☒ dexterity	☐ pushing/pulling	
☐ hand		
☐ finger		
☐ reading - basic	☐ math skills - basic	☒ analysis/comprehension
☒ reading - complex	☒ math skills - complex	☒ judgment/decision
☐ writing - basic	☒ clerical	making

☒ writing - complex	☐ outside	☐ pressurized equipment
☐ shift work	☐ extreme heat	☐ moving objects
☒ works alone	☐ extreme cold	☐ high places
☒ works with others	☐ noise	☐ fumes/odors
☒ verbal contact w/others	☐ mechanical equipment	☐ hazardous materials
☒ face-to-face contact	☐ electrical equipment	☐ dirt/dust
☒ inside		

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

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Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Position Title:	Senior Cybersecurity Engineer		
Department:	Burlington Electric Department		
Reports to:	Director of Information Technology		
Pay Grade:	A6	Job Code:	806
Exempt/Non-Exempt:	Exempt	Union:	IBEW

This position is responsible for implementing, supporting, and managing Burlington Electric Department's cybersecurity initiatives and policies. Responsibilities include design and review of security controls, monitoring of internal/external access controls, and implementing security safeguards to protect the confidentiality, integrity and availability, of information technology (IT) and operational technology (OT) assets. This role will be focused on protecting system boundaries; keeping computer systems, applications, and network devices hardened against attacks; as well as monitoring and responding to significant security events ensuring the stability, integrity, and secure operation of critical in-house and cloud-based systems and networks.

Essential Job Functions:

- Architect, implementate, manage, monitor, and upgrade security measures for the protection of the organization's data, systems, networks and security tools (IDS, IPS, Firewall, VPN, IDP, WAF, DLP, SIEM, Web Proxies, and Vulnerability Scanners) for the advanced metering infrastructure (AMI), supervisory control and data acquisition (SCADA)/advanced distribution system (ADMS), DMZ, and business computing environments.
- Works closely and collaborates with the Security Operations Center team to analyze, investigate, and respond to security incidents, sharing expertise and insights to enhance the organization's cyber defense strategy.
- Lead the design and deployment of group policy to harden endpoints and infrastructure.
- Provide consultation to the IT and OT teams in preparation and implementation of patch management and firmware management.
- Support other IT staff in managing backup infrastructure, including testing and preparation of disaster recovery plans and policies.
- Detect, investigate, and perform recovery from security incidents, and develop incident response plans.
- Plan and execute threat and vulnerability risk assessments to determine security requirements and proactively fix security flaws and vulnerabilities.
- Conduct proactive analysis of security requirements and controls to identify gaps and provide recommendations of industry best practices, trends, and technology products.
- Support the development of and adherence to policies, standards, and procedures for data governance and data management.
- Lead the identification, evaluation, deployment, and optimization of security technologies.

- Design and present annual cybersecurity training to BED staff members.
- Lead BED's Cybersecurity Working Group
- Works closely with other BED teams including IT/Systems, Engineering, System Operations, Generation, and Finance to ensure adequate security solutions are in place for all IT and OT systems and platforms to sufficiently mitigate identified risks and meet business objectives.
- Ensure that the organization's data and infrastructure are protected by enabling the appropriate security controls.
- Provide security design, consultancy, and assessment services and introduce improvements in technical security standards and security implementation patterns and designs.
- Maintain awareness of latest security risks, analyze potential impact of new threats and exploits, and communicate risks to relevant business units.
- Create reports on security incidents and overall enterprise security status.
- Develop security related procedures and related metrics; reviews and contributes to the improvement and standardization of security systems across all IT and OT.
- Create and implement cybersecurity best practices in accordance with BED's access control, disaster recovery, business continuity, and risk management policies, plans, and procedures.
- Perform daily administrative tasks, reporting, and communication with the relevant departments in the organization.
- Collaborate as a member of the IT team sharing information, mentoring, cross-training, and providing coverage as directed by the supervisor.
- Represent BED's cybersecurity team at Vermont Department of Public Service or Vermont Public Utility Commission cybersecurity meetings.
- Implement and maintain adherence to selected cybersecurity frameworks.
- Develop and manage a comprehensive cybersecurity risk register, identifying, assessing, and documenting potential threats, vulnerabilities, and associated risks within BED's operational landscape.

Non-Essential Functions:

- Perform other duties as required.

Qualifications/Basic Job Requirements:

- Bachelor of Science degree in Computer Science, IT, or related field with 8 years of experience in an information technology role responsible for servers and networks, including 3 years in a role equivalent to Cybersecurity Engineer.
- Additional experience may be substituted for a degree requirement on a two-for-one-year basis.
- One of the following two additional required educational paths:
 - Without Bachelor's Degree or more advanced degree: satisfactory completion of Undergraduate Certificate in field of computer science, IT, or related field with approval from supervisor. Additional years of experience will not be substituted for the Undergraduate Certificate.

- With Bachelor's or more advanced degree: Certified Information Systems Security Professional (CISSP), Certified Information Security Manager (CISM), or Global Industrial Cyber Security Professional (GICSP) certification or satisfactory completion of at least two (2) college-level in-person or online courses totaling at least six (6) credits in the field of Cybersecurity or related field with approval from supervisor. Additional years of experience will not be substituted for the CISSP/CISM/GICSP certification or college-level courses.
- Attend a minimum of 16 hours of supervisor approved training every three (3) to five (5) years.
- Direct experience with Firewalls (functionality and maintenance), Office 365 Security, VMWare security, and Endpoint Security required.
- Direct experience securing and managing Windows server operating systems and Microsoft Active Directory domains required.
- Direct experience securing and managing Linux server operating systems, i.e., Red Hat Enterprise Linux (RHEL), Debian, or Ubuntu required.
- Experience with setup, configuration, and maintenance of IPV4/IPV6, DHCP, DNS, RADIUS, VPN, 802.11, VoIP, VLANs, SSL, MFA using best security practices required.
- Familiarity with setup, configuration, and maintenance of switches, routers, firewalls, and wireless technology, i.e., Cisco, HP/Aruba, Dell, RuggedCom, FortiGate preferred.
- Direct experience with scripting, i.e., batch files, Python, and PowerShell required.
- Familiarity with security-related aspects of database systems, i.e., Oracle, MS SQL, MySQL, PostgreSQL preferred.
- Familiarity with network, server, storage virtualization, i.e., MDS switching infrastructure, VSAN, VRF, VPN, and VMWare vSphere required.
- Must possess excellent oral, written, and analytical skills.
- Ability to provide technical presentations and training as needed.
- Ability to establish and maintain positive working relationships with co-workers, customers, and other personnel.
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☒ clear speech	☐ ability to mount and	☐ driving (local/over
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☒ dexterity	☐ pushing/pulling	
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☐ reading - basic	☐ math skills - basic	☒ analysis/comprehension
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☒ inside	☐ electrical equipment	☐ dirt/dust

Supervision:

Directly Supervises: 0

Indirectly Supervises: 0

Disclaimer:

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Approvals:

Department Head: _____

Date: _____

Human Resources: _____

Date: _____

Board of Finance and City Council Submission Checklist

Department: BED Submitter: Darren Springer, Emily Stebbins-Wheelock, Erica Ferland, Tim Clancy

Title/Subject: BED IT Position Elimination & Creation

	Approval:	Meeting Date:
☒	Board of Finance	1/8/2024
☒	City Council	1/16/2024
☐	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	12/22/2023	Darren Springer
Mayor's Office informed and approved memo	Yes	1/3/2024	Jordan Redell
Board/Commission, if required	N/A		
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	1/3/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	1/3/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	12/21/2023	Tim Clancy
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	Motions in Memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 10, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter (via Zoom)
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant (via Zoom, then in-person)
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Samantha Sheehan
Lori Olberg
Brian Labarge
Mike Belliveau
Phil Tremblay
Michael LaChance
Kyle Blake
Brian Pine
Sarah Russell

1. CALL TO ORDER and AGENDA

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

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

- **add to the consent agenda item 5.19: Communication: Vehicle for Hire Licensing Board, re: Vehicle for Hire Modernization;**

- add to the consent agenda item 5.20. Communication: Dana Poverman, re: Resolution on tomorrow's agenda;
- add to the consent agenda item 5.21, Communication: Ed Baker, re: Comments: Agenda item 6.2;
- note proposed amendments for agenda item 6.2 (per Councilor Magee).

VOTING: unanimous; motion carries.

MOTION TO RECONSIDER by Councilor Bergman, SECOND by Councilor Magee.

VOTING: 10-1; motion carries (Councilor Shannon dissenting).

Councilor Grant requested a discussion of a plan of action regarding the City's NPAs, given a recent incident of discrimination at one of the NPAs. Deputy City Attorney Pellerin said that his team is working on a response, and that Councilor Grant could provide an update during the City Council General Affairs item. He said that a further substantive discussion will occur at an upcoming City Council meeting.

MOTION by Councilor Bergman, SECOND by Councilor Dieng, to adopt the agenda as amended.

VOTING: unanimous; motion carries.

2. COMMUNICATION: MAYOR MIRO WEINBERGER RE: PRIVILEGED UPDATE ON MEMORIAL AUDITORIUM AS WELL AS A DISCUSSION REGARDING NEGOTIATION OF AN AGREEMENT WITH VTANG PERTAINING TO CAPITAL INVESTMENTS (VERBAL) **EXPECTED EXECUTIVE SESSION**

2.1. Communication: Mayor Miro Weinberger, re: Privileged Update on Memorial Auditorium and Discussion re: Negotiation of an Agreement with VTANG Pertaining to Capital Investments (verbal) ** Expected Executive Session **

Mayor Weinberger spoke briefly about this. He said that the Council last discussed Memorial Auditorium in the spring, and that the City has been exploring a new RFP, and that they have an update for the Council that could potentially involve real estate agreements. He noted that they do not expect action coming out of executive session for either executive session items.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to find that premature general public knowledge of contract negotiations related to the Patrick Leahy International Airport and also Memorial Auditorium would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating strategy if discussing the proposed contract terms or negotiations in public.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that, based on that finding, the City Council enter into executive session to discuss contract negotiations related to real estate purchase or lease options pursuant to 1 V.S.A 313(1)(A) and (2).

VOTING: unanimous; motion carries.

The City Council entered into executive session at 5:57 P.M.

The City Council exited executive session at 7:17 P.M.

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

3.1 Verbal Comments

Forum opened at 7:22 PM.

COMMENTS:

Burlington residents (in person):

- Steven Whittaker spoke about a shortage of facilities on the waterfront for community events and concerts, particularly restroom facilities.
- Kegan Lafferty spoke on behalf of Big Heavy World, which recently developed an online licensing platform that would ensure fair compensation for musicians. She also spoke about a plan for a youth-led and youth-run music venue to give young people meaningful experiences in the community.
- Andre Clark spoke about Vermont's homelessness crisis, saying that the City's proposed warming shelter is not enough to address the problem for the City. He proposed the City develop a policy for sanctioned encampments, such as at North Beach.
- David Maher drug use and that harm reduction does not decrease demand for those drugs. He proposed implementing involuntary commitment for drug users to help decrease demand.
- Romeo Van Hermann expressed support for Israelis and Palestinian during this current conflict. He also expressed support for agenda items 6.2 and 6.4.
- David Call expressed support for these proposals to tackle difficult public issues.
- Jana Qualey spoke about her experience as a resident and business-owner on College Street, expressing concern for the erosion of public safety in downtown Burlington.
- Meghan Meunier expressed concern about public safety in downtown Burlington, particularly for families. She expressed support for item 6.2. She said she wants people to be excited to visit downtown and that people need to be safe in the community.
- Michael Nedell spoke about the Elmwood Avenue shelter pods, saying that it is a good idea but that it has attracted a lot of drug users.
- Andrew Vota thanked the Public Safety Committee for its proposed resolution and urged the Council to pass the resolution. He said that the community is tired of the crime, violence, drug use, and general lack of safety in the City. He said that the community wants more data and transparency about what is and isn't happening in response to crimes, and that they also want action.
- Andrew Juarez spoke about his lived experience with drug use and addiction and his work to help others recover from addiction. He expressed concern about the deterioration of the environment downtown. He expressed support for agenda item 6.2.
- Eric Krank spoke with support of the resolution related to addressing the opioid crisis and the homelessness crisis in downtown. He also spoke about the lack of public safety in downtown.
- Todd Lacroix spoke about his experience being harassed by the Police Department. He also spoke about apathy.
- Ryan Nick spoke in support of the resolutions related to public safety and urged the City Council to act swiftly.
- Morgan Hillebrand spoke about how the public safety crises in town are being framed in a way that is limiting thinking, and that the two solutions are harm reduction and law enforcement (which are perceived as diametrically opposed). She said that the crises can be solved by implementing humanitarian aid (through harm reduction) while also holding people accountable (through law enforcement and rule of law).
- Chad Mengan spoke about how services need to be provided that discourage drug issues and that downtown does not feel safe for him or his family.

- Anne Tewksbury spoke about her nonprofit (JUMP) that serves the populations of concern in downtown, noting that it provides referrals for services for these populations, noting that it has served around 2,000 individuals since its inception several decades ago. She said that she would love to be connected to City Council and the City's efforts around these populations and services.
- Brian Boardman spoke about a disturbing experience in downtown which made him feel unsafe in the community. He said that the resolution on the table will help provide solutions to these problems.
- Lee Morrigan spoke about their lived experience as a drug user, noting that their recovery was aided by a complicated intersection of harm reduction and law enforcement.
- Isabella Fern asked for support for harm reduction over law enforcement to tackle the opioid epidemic, and advocated for solutions such as safe injection sites.
- Christopher Aaron Felker spoke about the dearth of inpatient psychiatric and drug treatment beds since the previous governor dedicated his State of the State address to the heroin crisis a decade ago. He said that safe injection sites will not address the entirety of the problem.

Burlington residents (via Zoom):

- Kyle Dodson spoke about the importance of moving forward collaboratively in order to solve the numerous crises facing the community today.
- Mary Cox spoke in favor of item 6.2, speaking about innovative approaches being used by communities around the country to solve these problems.
- Jo Bottolato spoke in support of item 6.2.
- Clare Wool expressed appreciation for the resolution related to item 6.2, urging the Council to pass it without amendments, saying that this is a critical time for the City.
- Tony Finnigan spoke about their concern with public safety in the City, expressing support for item 6.2.
- Sharon Bushor spoke in support of the resolution related to public safety, as well as the proposal for the overdose response team pilot through the Fire Department, and further spoke about the warming shelter proposal. She asked whether the warming shelter could be opened earlier than December and whether it could also offer breakfast in addition to dinner, given the food insecurity in the community.

Non-Burlington residents (in person):

- Kelly Devine asked the Council to act swiftly on the public safety resolution and said that more immediate action is needed to relieve pressure for the downtown. She said that downtown is a very concentrated 19-block area and that if it loses its vibrancy, it will be difficult to reclaim. She corrected a statement made by an article that said that the Burlington Business Association is not supportive of warming shelters (which it is), but expressed concern about the effects of that type of organization on the downtown area.

Non-Burlington residents (via Zoom):

- Mariah Flynn spoke as the director of the Burlington Partnership for a Health Community, which focuses on addressing the causes and consequences of substance misuse in Burlington and expressed support for items 6.2. She pointed out a gap in the resolution in terms of prevention, saying that protective factors, such as community-level prevention strategies, should also be focused on.
- Andy Blanchett spoke in support of item 6.2. They asked whether the business owners and City want people to be able to live, or whether they want them to disappear out of sight. They asked whether business owners should continue to dictate public policy or whether evidence-based practices should be implemented. They said that actionable steps need to be taken to reduce death, which will lead to a better community.

- Peter Duval spoke about the McNeil station and the District Energy Plan to run steam energy from McNeil to the hospital. He spoke about the continued risks to operating the plant, and against the District Energy Plan.

Forum closed at 8:31 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Climate Emergency Reports

Councilor Bergman noted a carbon fee ordinance before the Council and also spoke about thermal energy networks and how they could potentially be made exempt from the fee.

5. CONSENT AGENDA

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

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

5.3 Communication: C/T Office, re: Regular City Council Meeting Minutes, July 24, 2023, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.4 Communication: C/T Office, re: Local Cannabis Control Commission Meeting Minutes, July 24, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.5 Communication: C/T Office, re: Local Control Commission Meeting Minutes, July 24, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.6 Communication: C/T Office, re: Regular City Council Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.7 Communication: C/T Office, re: City Council With Mayor Presiding Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.8 Communication: C/T Office, re: Local Control Commission Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.9 Communication: C/T Office, re: Regular City Council Meeting Minutes, September 11, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.10 Communication: C/T Office, re: Regular City Council Meeting Minutes, September 18, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the October 23, 2023 Regular City Council Meeting.

5.11 Amendment to Indoor Entertainment Permit: Vermont Comedy Club – approve the amendment to the Vermont Comedy Club’s Indoor Entertainment Permit: add karaoke night, 9 pm – 12 am, Tuesdays only.

5.12 Fire Station Two Dormitory Renovation – BPRW - approve and recommend authorization to affect all necessary budget amendments to create a project budget of \$358,414 for the Fire Station 2 project; and to approve and recommend that City Council approve and authorize the execution of a contract with Farrington Construction, for a price not to exceed \$326,414, to provide services related to the renovation of the dormitory in Fire Station Two, plus a project contingency of \$32,000 (total request including contingency not to exceed \$358,414), and to authorize Cindi Wight, Director of Parks, Recreation & Waterfront, to execute the contract and any related documents needed to carry out the project, subject to review by the City Attorney’s Office.

5.13 Summary of Proposal for Myers Trash Hauling Services – C/T Office – approve and authorize the Chief Administrative Officer to execute a 2-year agreement, with retroactive approval to June 1, 2023, including an option to also renew year 3 and 4 with Myers Trash Hauling, for the purposes of monthly trash hauling within the City of Burlington, at a rate of \$14,932.93 a month and an additional on-call charge of \$155 per haul and \$150 per ton for trash compactor pick up, upon final review and approval of the City Attorney’s Office.

5.14 Request for Approval of Contracts for Emergency Winooski River Siphon Repair Work – DPW – Water Resources - authorize the Director of Public Works' execution of a contract with Engineers Construction, Inc. for emergency inverted siphon repair, for a Maximum Limiting Amount of \$793,500.00 with an authorization for contingency funding of an additional \$40,000.00, for a total authorized expenditure not to exceed \$833,500.00, subject to the review and approval of the City Attorney's Office.

5.15 Balanced and Restorative Justice Amendment (Contract #45100) Approval – CEDO/CJC - approve and authorize Director Pine to accept the DCR State Grant amendment #45100 in the amount of \$311,061.40 for the period of January 1, 2023-June 30, 2024, upon final review and approval of the City Attorney's Office.

5.16 FEMA Hazard Mitigation Grant Project, 389 Riverside Avenue – DPI - 1. Approve a budget neutral amendment to the FY24 Department of Permitting & Inspections budget to include the FEMA Hazard Mitigation Grant Program monies in the amount of \$457,430 as described in the affiliated memorandum; and 2. To authorize the Zoning Manager to execute a grant from the FEMA Hazard Mitigation Grant Program in an amount of \$457,530, subject to review and approval of the City Attorney's Office.

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

5.18 FIO Documents – for information only.

5.19 Communication: Vehicle for Hire Licensing Board, re: Vehicle for Hire Modernization – waive the reading, place it on file and refer this communication to the Transportation, Energy & Utilities Committee.

5.20 Communication: Dana Poverman, re: Resolution on tomorrow's agenda – waive the reading and place the communication on file.

5.21 Communication: Ed Baker, re: Comments: Agenda item 6.2 – waive the reading and place the communication on file.

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.21.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 Communication: Lt. Mike Belliveau and Deputy Chief Brian Labarge, Burlington Police Department, re: Presentation regarding Drug Unit Mayor Weinberger spoke briefly about how the downtown got into its current state and the actions being taken to address that. He said that the three main changes since 2020 are the increased prevalence of fentanyl, the significant increase in homelessness in Burlington, and that the Police Department's capacity to respond to crises and crimes since 2020 has been decreased (due to its decrease in size). He spoke about solutions to address each of these. He noted that the City has been working to build back public safety capacity in both sworn officer counts and non-sworn, community service positions. He spoke about local efforts to combat the opioid crisis, such as the monthly CommStat meetings, the resolutions being brought forth tonight, and trying to garner more support for modern criminal justice reform, added social workers at the Police Department, a needle exchange program, and funding that has begun flowing into the City from opioid lawsuit settlements. He spoke further about the opioid lawsuit funding, noting the City's involvement in providing recommendations for how funding at the State level could be put toward tackling the crisis. He then spoke about the City's response to homelessness, noting that it has been exacerbated dramatically due to the pandemic, the number of people moving to Vermont and Burlington, and the extreme housing shortage being faced by the community. He said that Burlington cannot fix these problems alone, given that they are not problems that are faced by Burlington alone. He said that to confront the entirety of this crisis, the City needs both harm reduction and law enforcement actions.

Deputy Chief Labarge provided an overview of the Police Department's Drug Unit operations. He began by sharing statistics from the Police Department about the annual number of overdoses in the City. He then shared statistics about average overdose deaths by county in Vermont, compared to the overall statewide rate, noting that while Chittenden County has a rate that is slightly higher than the Vermont average, other counties in Vermont have rates that are much higher. He then spoke about resources in the Police Department to respond to drug trafficking, noting that its Drug Unit responds to higher-level (not necessarily street-level) enforcement at this juncture, given its reduced capacity.

Officer Tremblay spoke about what the City currently has for dealing with crime, what it needs to have, and proposed activities to fill that gap. He spoke about the Police Department's Street Crimes Unit, which was active from 2015-2020, to address emerging crime trends and needs on a week-to-week basis. He noted that the SCU has been added as a voluntary overtime assignment in 2023. He spoke about the resources the Police Department currently has to address drug issues, which currently comprises the Drug Unit (which investigates organization-level drug crimes, rather than street-level activity). He spoke about a handful of recent ongoing investigations around drug trafficking in the community. Deputy Chief Labarge spoke briefly about drug tips, how to make them, and the number of drug tips made over the last several years. He then spoke about next steps related to the Rebuilding Plan for the Police Department, noting that its first priority is to reinstate the Street Crimes Unit, in order to restore the level of public safety that Burlingtonians expect and deserve. He then outlined new initiatives in the City beyond just the Police Department, including creating new low-barrier shelter resources, using opioid settlement funds for VCJR and the Recovery Center downtown, the creation of the Community Response Team pilot in the Fire Department, and expanding efforts for needle exchange resources through the Howard Center.

Councilor Grant advocated for more engagement with the community in terms of the drug tip line and expressed appreciation for working through the backlog in responses for both the drug tips and the incident logs. She asked if more information can be provided to the public about when autopsy reports (for example) come back. She also spoke in support of a drug checking program, and asked that this kind of program be looked into.

Councilor Doherty asked whether the BPD is still seeing the dynamic where drug traffickers and sellers are generally not using their own product and are also generally disdainful of the drug users they are selling to. Officer Tremblay replied that overall, that is still the dynamic.

Councilor Traverse asked if there are efforts between now and 2025 to restaff the Street Crimes Unit. Deputy Chief Labarge replied that they intend to staff the unit when possible. He said that once the unit is built up, officers will serve on it for a one-year assignment. Councilor Traverse asked about successes and challenges in recruiting. Deputy Chief Labarge replied that they have had good turnouts with class size, despite national struggles to train and recruit police officers.

Councilor Bergman asked what plans or ideas the City can have in the near-term to deal with the impunity at City Hall Park and increase the safety of the park. Deputy Chief Labarge replied that the levels of addiction in the community right now are so much higher than they had been in the past, but that the BPD is responding the best it can with its current resources, including the non-sworn community officer resources that have been added over the last several years. He said that when the BPD is built back further and has enough officers, it will be able to do more proactive policing and conduct more patrols.

Councilor Dieng asked about BPD's collaborative work with surrounding municipalities. He asked if individuals who are hospitalized due to overdoses have follow-up from the police in terms of trying to determine where the drugs came from. Deputy Chief Labarge noted that surrounding municipalities are also struggling with similar issues, but that municipalities work together if multiple towns are involved or affected by issues. Officer Tremblay added that there are collaborative efforts around drug-related investigations with neighboring

municipalities and that there are monthly meetings with the State Attorney's Office that all municipalities in Chittenden County have a law enforcement presence in. Councilor Dieng asked whether the 6 new officers will be slated to join the Street Crimes Unit, and Deputy Chief Labarge replied that the Street Crimes Unit will be filled by more seasoned officers.

Councilor Shannon asked about the large number of unmarked cars (without license plates) in the City. Deputy Chief Labarge noted that the DMV has had a backlog at the State level with issuing license plates since the pandemic. Councilor Shannon expressed concern that drug dealers are taking advantage of this and utilizing unmarked or stolen cars. Deputy Chief Labarge noted that proactive policing is an important tool in any City police department's toolbox and that the BPD will begin to conduct more proactive exercises once the department has more capacity. Councilor Shannon asked about the decrease in the number of drug tips submitted to the BPD and asked whether the public may not be calling in more tips because they don't feel like they're being heard or the tips are useful. Deputy Chief Labarge replied that the BPD will continue its efforts to handle drug tips in a timely way and communicate back with individuals about what they can expect in terms of follow-up once they submit drug tips.

Councilor Grant asked if the drug tip information can be used to inform heat maps about drug use in the City. Deputy Chief Labarge replied that they have not used those data points to date.

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to suspend the rules and complete the remainder of the agenda.

VOTING: unanimous; motion carries.

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

City Council President passed the gavel to Councilor Traverse in order to participate in this discussion.

Councilor Paul spoke about the gravity of this resolution and that the City Council needs to act with one voice and pass the resolution unanimously. She said that the community needs to hear that the City is committed to addressing its public safety and drug issues. She said that this resolution approaches the issue through harm reduction (which the City Council has championed as a mechanism through a number of resolutions), and through law enforcement. She said that the resolution creates two public forums for harm reduction solutions, and hopes that the vision created by these forums will subsequently create solutions. She said that by approving and supporting this resolution, the City Council is supporting the law enforcement and public safety professionals who are tantamount to keeping the community safe.

MOTION by Councilor Paul, SECOND by Councilor Doherty, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Doherty said that the resolution contains several important components, which include the creation of a standing agenda item at City Council meetings to maintain the sense of urgency on this issue, a reaffirmation of the City's commitment to harm reduction strategies in the context of the opioid epidemic as a public health crisis, a call to State leaders to implement a commensurate and fair response to this crisis, and a series of public forums with stakeholders and community members to share data and policy ideas. He thanked the Public Safety Committee for their efforts on this resolution.**

MOTION TO AMEND by Councilor Magee, **SECOND** by Councilor Bergman, to amend the resolution to reflect the changes in "JM_AltProposed_Amendment_RESOLUTION..." per CivicClerk"

DISCUSSION OF AMENDMENT:

- Councilor Magee noted that this set of amendments clarifies language, modifies language to reduce stigma around drug use (given that not all of the crimes being committed in the City are related to drug use), strikes language around recruiting additional Deputy State's Attorneys and addressing recruitment/retention challenges (given that there are not currently issues with recruiting and retaining prosecutorial resources in Chittenden County), and modifies language around data that can be shared by the State Attorney's Office, since there are issues with the feasibility of the data asks in the resolution of the State Attorney's Office.
- Councilor Grant said that this set of proposed amendments seeks to correct some of the errors in the original resolution around the data.
- Councilor Bergman said that these seem to be technical amendments that seek to correct several errors and asked whether they would be friendly amendments to the maker (Councilor Paul replied that she would not be amenable to these amendments as presented).
- Councilor Paul spoke about the Public Safety Committee's process to develop this resolution as collaboratively as possible. She pointed out that the language around data doesn't obligate the State Attorney's Office to provide data outright, but "where possible", acknowledging that there may be certain components that are not feasible for provision.

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

DISCUSSION (CONT'D):

- Councilor Grant spoke about how some of the intent of the resolution has been lost, saying that the forums, for example, should be used to hear the voices of Burlingtonians (similarly to how public forum at City Council occurs).
- Councilor Magee spoke about statements made tonight that there is too much of a focus on harm reduction and not enough on law enforcement in this conversation, and disagreed wholeheartedly. He said that he worries that this resolution focuses too much on law enforcement and not enough on harm reduction, which is status quo. He said that the emphasis in this country has always been on enforcement (citing the war on drugs), and that things would be radically different if, instead, resources had been put into a robust system of well-resourced support services. He said that if true health-focused solutions are implemented, it will greatly improve the community. He said he disagrees with parts of the process that got the resolution to this stage, as well as the stigmatizing language around drug users.
- Councilor Bergman said that though he would like the inclusion of Councilor Magee's amendments, he believes that this resolution presents a balance approach to developing solutions to this massive crisis and problem. He said that it calls for new innovations in both the harm reduction and enforcement realms.
- Mayor Weinberger expressed support for this resolution and spoke further to some of the City's efforts to move forward.
- Councilor Shannon said that this resolution should be viewed as an intervention, since current practices are not working. She said that the City needs to offer people help, but that the State and federal government and partners also need to help the City in this.

- Councilor Dieng said that the Council should send a message of hope to the community and unite behind this resolution, though he acknowledged that he does not believe this goes far enough in having more prevention-focused initiatives or resources for the Police Department or staff to work on these issues.
- Councilor Paul said that the point of the public forums in the resolution are to solicit feedback and recommendations for solutions from the community.

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 Paul – aye, Acting City Council President Traverse – aye (10 ayes, 1 nay, 1 absent); motion carries.

6.3 Burlington Fire Department Community Response Team (CRT) – Fire

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

DISCUSSION:

- Chief LaChance said that the Fire Department has been brainstorming how to help with the opioid epidemic. He said that they developed this proposal for a pilot where firefighters will work voluntary overtime to run overdose responses. He noted that they have been in contact with the Howard Center’s Street Outreach Team, Turning Point, and the CSOs and others in the Police Department on how to coordinate with them in terms of providing resources to individuals. He provided a summary of current data on overdose responses in 2023, noting that the average number of overdose responses has risen month-over-month.
- Firefighters Association President Blake said that this is the first time that a triage model is being used for these types of calls, since it has gotten to the point that the volume of overdose calls has stretched resources too thinly. He said that when these calls are received, they will be triaged on-scene, meaning that a fire truck or ambulance won’t be sent to every single incident, regardless of the level of care needed, but that needs will be assessed and triaged on-scene. He said that they will have advanced life support available on-hand for every incident, if they turn out to be truly life-threatening overdose situations. He emphasized that this is a heavy lift for the department and that it is being run for 12 hours a day, 7 days a week, purely through voluntary overtime. He asked that this continue to be framed as a pilot, because he is concerned about backlash if the BFD becomes overwhelmed by this scope of work in its current state. He said that BFD is very open to trying this out and evaluating it to determine if it can become a sustainable model.
- Councilor Dieng asked whether it would be a higher level of cost to hire additional staff, and Chief LaChance replied that it would be, and that they are hoping to use the data from this pilot to determine what kind of a lift in terms of additional staffing and hours is needed, based on demand.
- Mayor Weinberger thanked the Fire Department and union for their collaborative work together to bring this forward.
- Councilor Grant thanked the Fire Department for their creative thinking and willingness to come together and collaborative, as well as their willingness to share data and engage.

VOTING: unanimous; motion carries.

6.4 City of Burlington Seasonal Warming Shelter Project: Creation of (1) FTE position within CEDO; AHS; Grant Agreements; Contracts; Lease – CEDO

MOTION by Councilor King, SECOND by Councilor Magee, to move and authorize/approve the following: 1. The creation of (1) FTE position within the Community Economic Development Office; the Homelessness Initiatives Manager, a non-union, limited service, grade 18 position; 2. Approve the acceptance of SFY 2024 grant funds in the amount of \$590,023 from the State of Vermont Housing and Opportunities Program for the operations of the seasonal overnight shelter and authorize the Director of CEDO to execute all contracts and documents necessary to accept the funding through the period of June 30th, 2024 including the retroactive approval for the period of November 1, 2023 through June 30, 2024, subject to the final review and approval of the City Attorney's Office; Approve and authorize the Director of CEDO or their designee to create a project budget not to exceed \$590,023 for the development of a seasonal overnight shelter and to execute all contracts in furtherance of this initiative upon review and approval of the Chief Administrative Officer and City Attorney's Office; Approve and authorize the Director of CEDO to execute Maxim Healthcare Staffing contract and related documents with maximum limiting amount of \$340,990 for the time period of December 1, 2023 through March 31, 2024, subject to the final review and approval of the City Attorney's Office; and approve and authorize the Director of CEDO to execute VFW lease and related documents with maximum limiting amount of \$10,000 over a five month period (November 1, 2023 – March 31, 2024), subject to the final review and approval of the City Attorney's Office.

DISCUSSION:

- Special Assistant Russell began by noting that the unsheltered population in Burlington and Chittenden County has increased more than 175% in the last year, as a result of the end of the pandemic-era motel voucher program. She noted that outreach teams from Champlain Housing Trust, the Champlain Valley Office of Economic Opportunity, the Committee on Temporary Shelter, and the Burlington Police Department have collaborated to enroll as many newly-unsheltered households as possible into Coordinated Entry. She said that Coordinated Entry is a system to streamline access and create equity to housing supports and resources in the Chittenden County region. She noted that between January and August, Coordinated Entry has supported 176 households exiting homelessness into permanent housing. She noted the new shelter capacity in Burlington since 2020, which includes Champlain Inn, the Community Resource Center, the Elmwood Emergency Shelter Community, and the new Winter Warming Shelter at the VFW (this agenda item). She noted that the new winter warming shelter at the VFW would operate using a low-barrier model, would be in operation between December 15 and March 15th, and would create overnight capacity for an additional 30 beds. She noted that the City has used a winter warming shelter since 2014, which prevent exposure deaths, reduce disorder in the downtown, provide services and stability to those seeking permanent housing, and improve public health and safety. She emphasized that a parallel effort to urgently address the drug crisis and expand and reform the state's treatment system is also needed. Mayor Weinberger also said that the current public safety concerns downtown are not being driven by too many homeless shelters and resources but too few.
- Councilor Bergman noted public comments asking whether opening earlier than December 15 would be feasible. Special Assistant Russell replied that it is not feasible to open it any earlier, given staffing and timeline limitations. She said that in terms of public comments asking about providing breakfast, she said that she will look into it.
- Councilor Dieng expressed concern about the warming shelter in the downtown area given the public safety concerns and other problems downtown.
- Councilor Barlow said that given the challenges being faced by downtown and that this shelter would be a block away from the Church Street Marketplace, he has real concerns about further negative impacts to downtown. He noted the

increase of drug use and criminal activity at the Elmwood Emergency Shelter pods. He said he liked one suggestion at public forum of potentially utilizing North Beach or other areas that are not located downtown.

- Councilor Grant said that one of the safety concerns about downtown in the winter is people sheltering in alcoves of businesses and residential entryways, because it is sheltered from the elements, and said that it would be better to shelter them in a warming shelter rather than on the street.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – absent, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (10 ayes, 1 nay, 1 absent); motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

None.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Grant spoke about an extreme act of discrimination that occurred at one of the Neighborhood Planning Assemblies (NPAs). She said that people who serve or volunteer in a public group have a responsibility to make those groups welcoming to all. She said that the Council will be working with CEDO and the City Attorney's Office to develop language to be included in the NPA bylaws about discrimination.

Councilor Dieng said that he is glad that this issue with these individuals are being looked into, because they are very serious allegations that are putting the City's democracy at risk. He said that the City Council needs to uphold its policies declaring racism a public health crisis. He said that the City needs to operate with respect and acceptance. He spoke about how he has had issues in the past with the same NPA.

Councilor Bergman said that the Parks, Arts & Culture Committee will look into the issue about the closing of public bathrooms at the Harbor Marina that was raised during tonight's public forum.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

City Council President Paul said that in anticipation of the passage of item 6.4, work on coordinating the public forums has already begun and there should be an update at the next City Council meeting. She also noted that per that resolution, there will be a new agenda item at the next Council meeting as well.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

None.

11. ADJOURNMENT

11.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 12:12 AM.

RScty: AACoonrad

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 10, 2022
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jared Pellerin
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 8:34 PM.

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

VOTING: unanimous; motion carries.

2.0 CANNABIS APPLICATION

2.1 Verdant Wisdom LLC, 80 Archibald Street
The Applicant spoke about their business briefly.

MOTION by Commissioner Shannon, SECOND by Commissioner Traverse, to approve and authorize transmission of local approval for Verdant Wisdom, LLC to the State Cannabis Control Board.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 8:37 PM.

**BURLINGTON LOCAL CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 10, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jared Pellerin
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 8:37 PM.

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

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.2 Expansion of Hours of Operation to Include Outside Consumption Permit Hours: May Day, 258 North Winooski Avenue – approve the expansion of hours of operation to include outside consumption permit hours for May Day, 9 am – 10 pm, every day except for Tuesdays (closed).

2.3 First Class Liquor License Renewal and Outside Consumption Permit Renewal (2023-2024): Masala Elaichi Indian Restaurant & Bar, 207 Colchester Avenue – approve the 2023-2024 First Class Liquor License Renewal and Outside Consumption Permit Renewal for Masala Elaichi Indian Restaurant & Bar, 207 Colchester Avenue, with all standard conditions.

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

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 8:38 PM.

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 23, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Samantha Sheehan
Lori Olberg
Darren Springer
Neale Lunderville
Stephen Leffler
Michael Ahern
Zach Williamson
Joe Turner
Charles Dillard
Gregory Knight
Michael LaChance
Nic Longo

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:06 PM.

MOTION by Councilor Carpenter, SECOND by Councilor King, to divide the question with the first motion to be to adopt the agenda ending with 7.30 (Communication: John Patterson), and the second motion to adopt the amendment to item 8.8.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 3 nays); motion carries.

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

- **Add to the consent agenda item 7.28. Communication Jaeger Nedde, re: Lease Extension for the Vermont Air National Guard;**
- **Add to the consent agenda item 7.29. Communication: Josh Gerry, Member, Board of Health, re: Resignation;**
- **Add to the consent agenda item 7.30. Communication: John Patterson, re: Extension of the airport lease to VTANG;**

VOTING: unanimous; motion carries.

MOTION by Councilor Bergman, SECOND by Councilor Hightower, to amend the agenda as follows:

- **On deliberative item 8.8, the National Guard airport lease, (1) add a motion requesting the VT congressional delegation request the Sec. of the Air Force to replace the F-35 mission with another mission, flying or non-flying, that is less harmful to the communities affected, (2) switch the order of the motions to take up the mission motion first, the MOU second, and the lease motion third, and (3) to eliminate the time limitation of 45 minutes to allow for as much time as we need (per Councilor Bergman).**

DISCUSSION:

- **Councilor Bergman said that this is an essential discussion where the City's transparency and openness have been called into question. He said that the Council needs to be able to debate these questions openly and strive for some unity around this issue. Councilor Grant concurred with this.**

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

MOTION by Councilor Dieng, SECOND by Councilor Traverse, to adopt the agenda as amended.

VOTING: unanimous; motion carries.

2. WORK SESSION: BURLINGTON DISTRICT ENERGY PROJECT

2.1. Work Session Regarding Burlington District Energy Project: Participants: Darren Springer, General Manager, Burlington Electric Department, Neale Lunderville, CEO VGS, Stephen Leffler, MD, President, University of Vermont Medical Center, and Michael Ahern, VP, Ever-Green Energy (joining by Zoom)

Councilors Traverse and Doherty recused themselves from this item due to professional conflicts.

Mayor Weinberger noted that this is a working session to discuss the District Energy Project, the purpose of which is to determine whether it is feasible to capture waste heat from the McNeil Plant and put it to use at the University of Vermont Medical Center (UVMCC). He said that

the benefits of moving forward with this are that this would reduce commercial sector emissions by 16%, support a key partner (UVMCMC) in their growth in Burlington, and would increase efficiency at the McNeil Plant. He noted he is aware of concerns in the community about the environmental benefit of this system, and said that the City has listened to these concerns and will speak to them during the presentation.

BED General Manager Springer began by outlining the Burlington Net Zero Energy road map, one of the reduction pathways is to create a district energy system. He noted that the commercial sector's natural gas use has been increasing and that a district energy plan would curb this. He provided a definition of district energy, which for Burlington would be an efficient underground distribution system to connect multiple renewable thermal sources to customer buildings.

Neale Lunderville, the CEO of Vermont Gas, then spoke about why district energy would be beneficial to Burlington. He noted that it would improve McNeil's efficiency by 10%, would use local renewable thermal resources instead of fossil fuels, would reduce the amount of natural gas used every year, and would cut the commercial sector's natural gas use by 16% in Burlington. He said that there are very few projects that would reduce natural gas use this significantly like district energy would. He noted that a steam-based system is a feasible decarbonization solution for UVMCMC, though geothermal, solar, and wind were looked at but are not feasible. Dr. Leffler noted that UVMCMC supports this project moving forward.

General Manager Springer noted that the current District Energy Project's collaborators include the City, UVMCMC, VGS, and Ever-Green Energy, that it started in 2018 and had three phases of feasibility work conducted, has had \$5.16 million secured by Senator Leahy in appropriations (which have been approved by the Council in June of 2022), and that Ever-Green was created as a 501(c)(3) to finance and operate the project.

General Manager Springer then walked through a diagram of the Medical Center's energy systems and uses, which includes inputs from wind, hydro, biomass, natural gas, and renewable natural gas, how they are used and stored, and their end uses (including sterilization, kitchen energy, hot water, and space heating and cooling). He noted that there would be no expansion of McNeil's energy generation capacity or change to how it is dispatched or its wood procurement needs, and it would not impact rate-payers. Michael Ahern of Ever-Green Energy spoke about how the waste heat would be captured and created into steam to use at UVMCMC. He showed a map of where the steam would travel underground to transfer it from McNeil to UVMCMC. Mr. Lunderville spoke about how the McNeil Plant's district energy would reduce greenhouse gas emissions over 95% compared to fossil gas.

General Manager Springer then spoke about the items for City Council's review, which include a draft term sheet for provision of steam and use of the McNeil site, a term sheet for incentives for the project, an easement at 99 Intervale Avenue, and a franchise agreement for the Burlington District Energy non-profit.

Councilor Hightower asked whether more wood would be burned to accommodate the district energy plan, and General Manager Springer replied that no, BED does not anticipate burning more wood to accommodate this project. Councilor Hightower asked about the timeline for this, given that there is a large capital investment that needs to occur. General Manager Springer replied that there is a 20-year commitment built into the term sheet. Councilor Hightower noted that this project includes federal funding from taxpayers and asked why this project was prioritized over other more residential projects for use of that funding. General Manager Springer replied that BED is around 75% commercial and 25% residential and that they already have many incentives for residential rate-payers already, and wanted to be able to offer carbon reduction programming for its commercial rate-payers.

Councilor Bergman asked how the City can get legally-binding commitment that the McNeil Plant will not increase its burning of biomass as a result of this project. General Manager Springer said that they could lock into a resolution that BED is not looking to run more based on this project, and that BED is striving for more efficiency. Councilor Bergman said it would be important to understand the commitments between ISO and BED and their implications for BED's commitments to rate payers and the City. Councilor Bergman asked whether BED will commit to chip dryer that would increase efficiency. General Manager Springer replied that BED could commit to producing an RFI or RFP for a wood chip dryer, to further explore feasibility. Councilor Bergman noted that the district energy proposal would make it more difficult for McNeil to move away from biomass burning at the end of the 20-year period of this project. General Manager Springer replied that the term sheet does not prevent the McNeil Plant from moving to another source of energy or technologies, since the infrastructure with the district energy plan is related to transmission, not creation of energy. General Manager Springer said that switching away from biomass burning is not feasible in the short-term, but wants to facilitate the transition to wind and solar sources of energy in the medium-to-long term.

Councilor Barlow asked whether the district energy plan would influence UVMC's growth plans within the community. Dr. Leffler replied that the term sheet would help UVMC grow within the community in a sustainable and cost-effective way. Councilor Barlow asked how the \$665,000 in Tier 3 credits factors into this, and General Manager Springer replied that it is commensurate to the reduction of fossil fuel emissions and meets the State's goals.

Councilor Carpenter asked about the carbon intensity scores for fossil fuels and wood burning, and how those would change if the McNeil Plant steam is unbundled, and General Manager Springer replied with technical detail but summarized by saying that using wood chips has a favorable carbon profile. He noted that there are no offsets associated with the project. Councilor Carpenter asked for more specificity about other energy sources that were pursued but not deemed as feasible for this project, and the project managers said they would provide more specifics to Councilor Carpenter offline.

Councilor Dieng asked about the assumption that McNeil would be operational for 20 years for this project. General Manager Springer replied that this estimate is based on the resources that are available right now as renewable, and that McNeil's current state is in line with this availability and goals, as no other more cost-effective or viable sources of renewable energy are not in place to replace biomass at McNeil. He said that this may change in the future and BED assesses this as new technologies come online. Councilor Dieng asked what commitment the hospital can make to meet its net zero energy goals. Dr. Leffler spoke about the hospitals' net zero energy goals and commitments.

Councilor Grant asked about the draft term sheets and how final they are. General Manager Springer said that these are the parameters of the term sheets that BED would commit to, in order to inform term sheets between BED and other partners on this project. Councilor Grant asked for more information on other cities or regions that have implemented district energy plans similar to this. General Manager Springer spoke about other systems that use steam, noting that they are all contextual.

3. PRESENTATION REGARDING SOLAR ECLIPSE BUDGET AND PROGRAM – BCA

3.1 Presentation Regarding Solar Eclipse Budget and Program – BCA

Mayor Weinberger said that this relates to the solar eclipse that would occur on April 8, 2024, and this item is to ensure that the City is prepared in its public health and safety systems to host this event.

Festival and Event Director Williamson began by speaking briefly about the eclipse itself, and then spoke briefly about what other cities have experienced when they have been in the direct path of a full solar eclipse. He spoke about health and safety planning, including ensuring the availability of amenities such as bathrooms, trash and recycling, parking and shuttle buses, eclipse safety glasses, emergency services,

additional RV parking, traffic control, as well as potential modifications to the Burlington School District schedule. He also spoke about planning to have an enhanced event that includes much more than just the observation of the eclipse.

Mayor Weinberger broke down the budget into the public health, safety, and basic amenity portion (\$235,195) and the event and tourism investment budget (\$204,140), for a total projected budget of \$439,335. He said that tonight's resolution would ask for commitment from the Council for the public health, safety, and basic amenities budget of approximately \$235,000. He noted that the City has been seeking partnerships and commitments for funding from private businesses in town to help fund the event and tourism investment portion of the projected budget.

Councilor Grant asked for clarification on what parts of the budget are being committed to by the City Council, which Mayor Weinberger provided. Mayor Weinberger noted that the authorization is for the full \$439,000, but that the City is obligated to spend at least the \$235,000 on the basic amenity portion of the budget.

Councilor Shannon spoke about her experience traveling to another part of the country to experience the full solar eclipse in 2017. She suggested that this is a great opportunity to rent out rooms, and suggested that the City has conduct an analysis on the meals & rooms tax revenue that would come in as a result of the lodging around this event.

Councilor Carpenter noted that this event is occurring whether the City approves funding or not, and said that the City should at least secure funding and planning for ensuring the public safety and health of visitors.

Councilor Bergman said he would like corrective action to adjust the motion on the consent agenda related to this item, given that he is not comfortable with the motion as it is written. Mayor Weinberger replied that Assistant City Attorney Pellerin is crafting language for the Council's consideration prior to voting on the consent agenda.

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

4.1 Verbal Comments

Forum opened at 7:31 PM.

COMMENTS:

Burlington residents (in person):

- David Maher spoke in support of the F-35 program and extension of the VTANG lease
- Colin Hilliard spoke as a representative of the Burlington Business Association in support of the VTANG lease extension
- Dean Dower Fowler spoke in support of the District Energy Project.
- Ben Fowler spoke as a mechanical engineer in support of the District Energy Project and steam use for decarbonization.
- David Cawly spoke in support of the District Energy Project, saying that it meets the City's energy goals.
- Romeo van Hermann spoke in support of the extension of the VTANG lease, as well as spoke in solidarity with Israel's right to self defense.
- Nick Filchen spoke in support of the District Energy Project, noting his expertise in decarbonizing heating systems for buildings.
- Laura Caputo spoke in support of the VTANG lease extension.
- Sandy Wynne spoke against extending the VTANG lease.
- Richard Price spoke in favor of the extension of the VTANG lease.
- Scott Baldwin spoke in support of the VTANG lease extension, noting that the extension is not connected to the F-35s.

- Dr. Peter Bingham spoke against the VTANG lease extension, noting that the F-35s are a public health crisis for Burlington's children.
- Todd Lacroix spoke about the City's lack of meaningful action in the last 20 years, to the detriment of the nation's children.
- Representative Troy Headrick spoke against the extension of the VTANG lease, saying that locking a City into the lease for another 50 years is inappropriate.
- Nick Persampieri spoke against the District Energy Project, saying that the City should instead be talking about how to shut down the McNeil Plant.
- Jim Currier spoke in support of the District Energy Project and spoke against the extension of the VTANG lease.
- Steve Goodkind spoke about the McNeil Plant.
- Laurie Larson spoke against the extension of the VTANG lease, noting lack of community input.
- Ashley Adams spoke against the VTANG lease extension, citing negative health consequences.
- Jean Kelher spoke against the VTANG lease extension, recommended that the Council review the Emergency Response Plan that is in place in the event of an F-35 crash in the community.
- Aspen Overby spoke against the VTANG lease extension.
- Sara Sciortino spoke against the VTANG lease extension.
- Trav Fryer spoke against the F-35s, saying that they are too loud for the community, and that the City should engage in more robust discussion prior to extending the VTANG lease.
- Paul Ode spoke in support of extending the VTANG lease.
- Jennifer Ealey recommended extending the VTANG lease for 1-2 years while a more permanent solution is explored with surrounding communities and the public.
- Annie Lawson said that the F-35 issue is one of racial, social, and economic justice, saying that the current lease should not be extended with VTANG.
- Antonio Govin spoke against the VTANG lease extension.
- Dan Castrigano spoke against the VTANG lease extension, citing negative health impacts on children.
- Matt Somerville spoke about the opioid crisis, saying that more needs to be done to improve the situation downtown.
- David Schein spoke against the VTANG lease extension, citing negative health impacts.
- Andrew Kranichfeld spoke in support of reforming the NPAs, saying that any governmental committees need to have enough oversight, and that Burlington needs to be a welcoming community.
- Lina Greenburg spoke in support of reforming the NPAs and ensuring community safety, and spoke against the extension of the VTANG lease.
- Lee Morrigan spoke in support of making the NPAs safe and accessible for everyone.
- Christopher Aaron Felker spoke against the resolution regarding maintaining open and accessible NPAs, as the resolution goes against the First Amendment.
- Christopher Haessley spoke with concern about the process around the resolution regarding the NPAs, saying that the discussion should be tabled until input is sought from the NPAs themselves.

Burlington residents (via Zoom):

- Stephen Garter spoke against the lease extension for VTANG.
- Liz Curry encouraged the City Council to think about District Energy as a transitional solution.
- Jonathan Scott spoke against the extension of the VTANG lease.
- Pike Porter spoke against the extension of the VTANG lease in its current state, saying that other options could be included in it to give the public more levers for interaction and accountability.

- Amy Malinowski spoke in support of reforming the NPAs to make them more accessible and safe, and spoke against the lease extension for VTANG.

MOTION by Councilor Bergman, SECOND by Councilor Magee, to suspend the rules and complete public forum for the remainder of participants who have signed up to speak.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 3 nays); motion carries.

Non-Burlington residents (in person):

- Austin Davis spoke in support of the District Energy Project and the extension of the VTANG lease.
- Lisa Ventris spoke in favor of the VTANG lease extension, since it will unlock a significant amount of federal funding.
- Frank Coffee spoke in support of the VTANG lease renewal.
- Kyle Clark spoke in support of the VTANG lease renewal.
- Lisa Gronfeld spoke in support of the VTANG lease renewal, given the importance of the airport for the local economy.
- Elizabeth Lesnikoski spoke as BED's chief forester in support of the District Energy Plan.
- Don Toby spoke as a forester with BED in support of the District Energy Plan.
- Seth Clifford spoke as a forester with BED in support of the District Energy Plan.
- Matt Cota spoke in support of the VTANG lease extension.
- Steven Whittaker spoke about the closure of bathrooms on the waterfront, expressing concern about this.
- Roseanne Greco recommended that the VTANG lease extension be tabled until more public engagement and alternatives can be explored.
- Muhat Abdulahi spoke in support of the VTANG lease extension.
- Rodney Dollar spoke in support of the District Energy Plan.
- Paul Pinkman spoke in support of the District Energy Plan.
- Kiah Sateen spoke against the VTANG lease extension, citing negative health impacts.
- Krystal spoke against the VTANG lease extension, asking whether members in the community even supports this programming.
- James Mark Lease asked that the Council table the motion to extend the VTANG lease.
- Aurora Hurd said that the Council should table the motion to extend the VTANG lease to get more input from local communities, speaking about their experience as a resident of Winooski.
- Daniel Betz Bristol spoke against the VTANG lease extension.

Non-Burlington residents (via Zoom):

- Chris Weinberg spoke in support of the VTANG lease extension.
- Peter Duval spoke against the District Energy Project.
- Bob Atkinson spoke against the VTANG lease extension.

Forum closed at 9:32 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports

None.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates

Councilor Grant recommended that the public watch Public Safety Committee meetings to bring themselves up to speed on what is being done around the opioid crisis, as well as watch the City's presentation from the BPD during its previous meeting. She also spoke briefly about the data and what data is available.

Mayor Weinberger said that the Fire Department's Community Response Team began operation of its pilot last week, which has been well-received. He said that the Opioid Advisory Settlement Committee also met last week, noting that some of the initiatives have been implemented. He said that he continues to advocate for expanded methadone access.

Councilor Hightower noted that the City has a tremendous unhoused population and that it would be a better outcome to house these people rather than deal with more of the downstream effects that come as a result of being unhoused.

City Council President Paul provided an update on the community forums that came out of the resolution passed by the Council at its last meeting, saying that the forums will likely occur in December. She also noted that members of the community have gotten together and has produced a public safety letter.

7. CONSENT AGENDA

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

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

7.3 Communication: C/T Office, re: Regular City Council Meeting Minutes, July 24, 2023, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.4 Communication: C/T Office, re: Local Control Commission Meeting Minutes, July 24, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.5 Communication: C/T Office, re: Local Cannabis Control Commission Meeting Minutes, July 24, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.6 Communication: C/T Office, re: Regular City Council Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.7 Communication: C/T Office, re: City Council With Mayor Presiding Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.8 Communication: C/T Office, re: Local Control Commission Meeting Minutes, August 14, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.9 Communication: C/T Office, re: Regular City Council Meeting Minutes, September 11, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.10 Communication: C/T Office, re: Regular City Council Meeting Minutes, September 18, 2023, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the October 10, 2023 Regular City Council Meeting.

7.11 Request to Execute a Contract Amendment with Jacobs Engineering Group, Inc. for the completion of Design, Permitting, Construction Contractor Coordination and Construction Oversight Services for the North Concourse Replacement Project (Project NEXT) – Airport – approve and authorize the Director of Aviation to execute an amended contract with Jacobs Engineering Group Inc. for an amount up to \$4,525,288.00, with a 15% contingency, totaling up to \$5,204,081, as allowed under a potential FAA grant, for the final design, permitting,

CMAR coordination and construction oversight services of the North Concourse Replacement Project (Project NEXT), subject to the review and approval of the City Attorney's Office.

7.12 Request to Execute a Five Year Contract with Casella Waste Systems, Inc. for Resource Recovery Services – Waste, Recycling, and Compost Removal Services – Airport – approve and authorize the Director of Aviation to execute a five year contract with Casella Waste Systems, Inc. for Resource Recovery Services which includes Receptacle and Container Supply, Training, Waste, Recycling, and Compost Removal Services subject to the review of the City Attorney's Office.

7.13 Approval of ARPA Community Infrastructure Grant agreement with the Burlington City Arts Foundation – BCA – approve an ARPA Community Infrastructure Project Grant paid from the City of Burlington to the Burlington City Arts Foundation in the amount of \$500,000, and authorize the Director of Burlington City Arts to execute a grant agreement memorializing the same, subject to review by the City Attorney's Office.

7.14 Amendment to Ground Lease Agreement between City of Burlington and Champlain Community Sailing Center, Inc. – CEDO – approve and authorize the Mayor to execute "Amendment B" to the Ground Lease Agreement between the City of Burlington and the Lake Champlain Community Sailing Center, Inc., in order to adjust the allowable amount of Community Service Credit and include provisions related to public access, upon final review by the City Attorney's Office.

7.15 March 5th, 2024 Annual City Election Calendar – C/T and City Attorney's Office – waive the reading, accept the communication, and place it on file.

7.16 Annual Report from Winooski Valley Park District – waive the reading, accept the report and place it on file.

7.17 Communication: Andrew Judge, re: Disappointment - waive the reading and place the communication on file.

7.18 Communication: Charlie Cole, Essex Fire Department, Fire Chief, re: VTANG Letter of Support - waive the reading and place the communication on file.

7.19 Communication: R. Marcus West, re: "The Principles We Have Chosen To Attack (The Drug Problem) Have Not Changed" - waive the reading and place the communication on file.

7.20 Communication: Coralyn Guidry, re: War Israel - waive the reading and place the communication on file.

7.21 Communication: Brad Wiltfong, re: Support the UVM Students Demanding Safer Crosswalks on Campus – waive the reading and place the communication on file.

7.22 Special Event Outdoor Entertainment Permit Application (one day only): Switchback Brewery, 160 Flynn Avenue, Lawn on the parking lot, Family friendly Halloween Party, October 23, 2023, 1 pm – 6 pm – approve the one day only special event outdoor entertainment permit application for Switchback Brewery, 160 Flynn Avenue, Family friendly Halloween Party, October 28, 2023, 1 pm – 6 pm.

7.23 Special Event Outdoor Entertainment Permit Application (November 18 – December 23, Fridays, Saturdays, and Sundays) for Burlington City Arts, City Hall Park, BTV Winter Market, various hours on various days – approve the special event outdoor entertainment permit application (November 18 – December 23, Fridays, Saturdays and Sundays) for Burlington City Arts, City Hall Park, BTV Winter Market, various hours on various days.

7.24– Special Event Outdoor Entertainment Permit Application (11:00 am 12/31 to 12:30 am 1/1): Burlington City Arts, Highlight 2023, various locations around the City - approve the special event outdoor entertainment permit application (11:00 am [12/31] to 12:30 am [1/1] for Burlington City Arts, Highlight 2023, various locations around the City.

7.25 Approval of Solar Eclipse Budget and Program – BCA -

7.26 For Information Only – for information only.

7.27 Resolution: Authorization For Reimbursement of Waterfront TIF District and Downtown TIF District Related Costs for FY 2023 (Board of Finance) – waive the reading and adopt the resolution.

7.28 Communication: Jaeger Nedde, re: Lease Extension for the Vermont Air National Guard - waive the reading and place the communication on file.

7.29 Communication: Josh Gerry, Member, Board of Health, re: Resignation – waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Josh Gerry thanking him for his time served as a Member of the Board of Health.

7.30 Communication: John Patterson, re: Extension of the airport lease to VTANG – waive the reading and place the communication on file.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.30, with the exception that the action of item 7.25 is to be amended as follows: “move to create and approve the solar eclipse public health safety amenities and events plan budget as detailed in the chart herein, with City financial contributions not to exceed an amount of \$235,195 and to also approve a budgetary amount from private contributions not to exceed \$204,140, contingent upon such funds being secured by the City and between all sources creating a total project budget not to exceed \$439,335, while providing the Chief Administrative Officer with the authority to make any necessary budget amendments and transfers of funds to carry out this initiative.”

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Appointment of City Assessor – Mayor Miro Weinberger

Mayor Weinberger spoke about Mr. Turner’s experience and qualifications for the position of City Assessor. Mr. Turner spoke briefly about his goals and vision for moving forward.

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to confirm the appointment of Joe Turner as City Assessor, and grant the personal hardship extension of the Department head residency requirement per the City Council rules.

DISCUSSION:

- **Councilor Hightower asked that the Council be notified when department heads leave, as she was not aware of the previous City Assessor’s departure until very recently.**
- **Councilor Grant said that the City Assessor’s Office should be communicating more regularly with the public, to make them aware of reassessments and their implications for residents and businesses in the community.**

VOTING: unanimous; motion carries.

8.2 Appointment: Housing Board of Review (term expires 6/30/26)

MOTION by Councilor Magee to nominate Lisa Gerlach to the Housing Board of Review.

VOTING: unanimous; motion carries.

8.3 Public Hearing Regarding ZA-23-03 Setbacks, ZA-23-04 Temporary Structures, ZA-23-05 168 Archibald Street, and ZA-24-01 Technical Amendments

City Planner Dillard spoke about each of the proposed zoning amendments briefly.

City Council President Paul opened the public hearing.

There were no public comments.

City Council President Paul closed the public hearing.

8.4 Ordinance: CDO—Setbacks ZA-23-03 (Planning, Planning Commission)

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to waive the reading and adopt the ordinance set forth on agenda items 8.4, 8.5, and 8.6.

DISCUSSION:

- **Councilor Traverse noted that these proposed zoning amendments have been endorsed by the Planning Commission.**
- **Councilor Bergman asked about the change in uses for the old synagogue on 168 Archibald Street. City Planner Dillard replied that the zoning would change to include additional uses for the property.**

VOTING: unanimous; motion carries.

8.5 Ordinance: CDO—Structures ZA-23-04 Temporary Structures (Planning, Planning Commission)

See item 8.4 above.

8.6 Ordinance: CDO—Rezoning ZA-23-05 168 Archibald Street (Planning, Planning Commission)

See item 8.4 above.

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

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to postpone this item until the November 6, 2023 City Council Meeting.

VOTING: unanimous; motion carries.

8.8 Approval of Supplemental Agreement to Lease with Vermont Air National Guard

Mayor Weinberger began by noting that Burlington has been a committed steward of the airport for over 100 years, and that this lease is the next important step in continuing this relationship. He said that this extension would provide stability for the partners that rely on VTANG. He spoke about VTANG's activities to support the community in meaningful ways. He said that the Memorandum of Understanding (MOU) that accompanies this lease extension includes new commitments to share emissions efforts and working with the City to access funding for noise mitigation efforts.

Major General Gregory Knight spoke about his experience serving with VTANG. He also spoke about the investments that have been made and noted many more green investments that would result from this lease extension.

Fire Chief LaChance spoke about VTANG's fire response, saying that it plays a prominent mutual aid response as well as services at and around the airport. He noted that a no-vote on the lease extension would have implications for the fire response team at the Airport.

Karl Finnegan, the 158th Air Guard Fighter Wing Commander, spoke briefly about his personal experience with VTANG, saying that this lease extension is about the ability to serve Vermonters and investments to reduce the carbon impact and emissions in the community.

Aviation Director Longo said that this lease extension is critical to the economy of the state and the continuity of airport operations at BTV. He noted that VTANG provides the sole firefighting services at BTV, and that without VTANG, the annual budget at the airport would increase by \$3 million per year to meet federal requirements to have fire response within a certain period of time.

MOTION by Councilor Shannon, SECOND by Councilor Hightower, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

MOTION by Councilor Barlow, SECOND by Councilor Dieng, that the Honorable Mayor Miro Weinberger be and hereby is authorized and directed to execute on behalf of the City of Burlington a certain supplemental lease agreement ("Supplemental Agreement No. 8") by and between the City of Burlington and the United States of America ("the Government"), pursuant to which the Government will continue to lease land situated at the Burlington International Airport for use by the Government and/or the State of Vermont Air National Guard as per the terms and conditions of such Supplemental Lease Agreement as attached hereto; and move to approve and authorize Mayor Miro Weinberger to execute on behalf of the City of Burlington a certain Memorandum of Understanding, by and between the City of Burlington and the Vermont Air National Guard related to the reduction of greenhouse gas emissions and aircraft noise as per the terms and conditions of such Memorandum of Understanding, as attached hereto.

DISCUSSION:

- Councilor Barlow said that renewing or not renewing the lease extension will have no bearing on whether the F-35 mission continues or not. He said that an extension is necessary in order to receive a \$51 million capital investment at the airport.
- Councilor Shannon noted that they have tried to change the mission of the Airport in the past and had been turned down by the Air Force for that request. She expressed appreciation for the noise mitigation that has been implemented, but said that it is not enough.
- Councilor Bergman said that the Council was only notified of this lease extension and MOU approximately 10 days ago.

MOTION by Councilor Bergman, SECOND by Councilor Hightower, to divide the question with the first motion to be to authorize the Mayor to execute the lease and the second motion to be to authorize the Mayor to execute the Memorandum of Understanding.

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

DISCUSSION (CONT'D):

- Councilor Hightower said that she would have liked to obtain more public and community input prior to being asked to decide on whether to execute a lease extension and MOU for VTANG.

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to postpone this item until the November 6, 2023 City Council meeting.

DISCUSSION (ON MOTION TO POSTPONE):

- Councilor Grant said that it would be good to have the opportunity to review the MOU, since there is room for improvement of its deliverables and oversight.
- Councilor Magee said he supports this motion to postpone, since he would like to pursue missions with VTANG that don't include F-35 flights, and would like the space to have conversation around that.

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

DISCUSSION (CONT'D):

- Councilor Bergman said that it is regrettable that the Council isn't taking more time to discuss the lease extension and MOU.
- Councilor Grant spoke about the negative health impacts of the noise related to the F-35 flight mission. She asked about any flexibility around lease length, and whether a shorter lease could be pursued. Commander Finnegan strongly advised against changing the lease term, since the National Guard's standard term for leases is 50 years.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Bergman, to amend the last sentence of the first paragraph of the current motion to read "terms and conditions of such Supplemental Lease Agreement as attached hereto; and amended to extend the current lease no further than 2053 or an additional 5 years."

DISCUSSION OF AMENDMENT:

- Councilor Traverse said that based on advice and input from stakeholders and experts, he said that a lease extension of 25 years does not seem feasible without doing harm to VTANG's mission and opportunities to secure additional investments. He said that motions like this give the community false hope, given that the City does not have the authority to change VTANG's mission.
- Councilor Doherty expressed concern about risking grant funding due to this amendment.
- Councilor Grant asked why the City has only brought this to the City Council now, rather than giving the Council ample time to consider this. Mayor Weinberger replied that there were executive sessions in August related to this topic. Councilor Grant expressed frustration that the Council was not given enough time to consider this.
- Councilor Hightower said that it is the Council's job to escalate issues that the entire community stands behind in order to effect change.

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

DISCUSSION (CONT'D):

- Councilor Dieng spoke about prior attempts to ask the Air Force to change the mission of BTV to not use F-35s. He spoke about active efforts to increase diversity of VTANG. He spoke about the integrity of leaders at VTANG, and said that the City needs to build a better relationship with the Guard so that it is more involved.
- Councilor Doherty asked for more detail on some of the proposed activities that would reduce the amount of noise emitted by the F-35s (such as flight simulator training and other non-flight training activities), including what those alternatives could look like and timeframes for implementing them. Commander Finnegan replied that VTANG is held to certain requirements related to live flights versus simulations, though they have tried to accommodate noise mitigation strategies by having fewer night flights and more simulator trainings for those night flights.
- Councilor Carpenter noted that if VTANG went away, the land couldn't be used for other things such as housing.
- Councilor Grant asked if a space on the Guard's website could be used for more community outreach and communication and information-sharing.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to call the question.

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

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

8.9 Resolution: Maintaining Open And Accessible Neighborhood Planning Assemblies (Councilors Traverse, Barlow, Carpenter, Dieng, Grant, Doherty, Bergman, and King)

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

DISCUSSION:

- Councilor Traverse said that given recent events at one of the NPAs several weeks ago, many of the NPAs are updating their bylaws and governance documents to ensure that they remain open and accessible. He said that this resolution is in support of those efforts. He noted that this resolution has been mischaracterized as infringing upon First Amendment rights, and clarified that this resolution does not compel anyone to engage any kinds of speech. He said that the Council has also received feedback asking for more inclusion and participation on the part of the NPAs, and said that amendments have been included in the draft resolution to accommodate this feedback.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to call the question.

VOTING ON MOTION TO CALL THE QUESTION (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – nay, City Council President Paul – nay (3 ayes, 9 nays); motion fails.

DISCUSSION (CONT'D):

- **Councilor Grant spoke about her own experiences with this particular NPA. She said that when issues like this aren't addressed, it empowers that bad behavior.**

VOTING (ON RESOLUTION): unanimous; motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports
None.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports
None.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 12:05 AM.

RScty: AACoonradt

**BURLINGTON CITY COUNCIL WITH MAYOR PRESIDING
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
October 23, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Katherine Schad
Jared Pellerin
Jordan Redell
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by Mayor Weinberger at 9:42 PM.

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

VOTING: unanimous; motion carries.

2. 2023 BOARD AND COMMISSION APPOINTMENTS

2.1 Design Advisory Board (Alternate, Term expires 6/30/26)

MOTION by City Council President Paul to nominate Joel Banner Baird to the Design Advisory Board.

MOTION by Councilor Shannon to nominate Liisa Reimann to the Design Advisory Board.

VOTING (for Joel Banner Baird): 8 ayes, 4 nays; motion carries.

2.2 Electric Light Commission (term expires 6/30/25)

MOTION by Councilor Traverse to nominate Beth Anderson to the Electric Light Commission

VOTING: unanimous; motion carries.

2.3 Parks and Recreation Commission (term expires 6/30/25)

MOTION by City Council President Paul to nominate Ryan Bergmann to the Parks and Recreation Commission.

VOTING: unanimous; motion carries.

2.4 Police Commission (term expires 6/30/25)

MOTION by City Council President Paul to nominate Carolyn Hanson to the Police Commission.

VOTING: unanimous; motion carries.

2.5 Board of Tax Appeals (term expires 6/30/26)

MOTION by Councilor Traverse to nominate Dorothy M. Commo to the Board of Tax Appeals.

VOTING: unanimous; motion carries.

2.6 Board for Registration of Voters (term expires 6/30/25)

MOTION by Hannah King to nominate Alexandre Stefan Demoly to the Board for Registration of Voters.

VOTING: unanimous; motion carries.

4. ADJOURNMENT

4.1 Motion to adjourn

The City Council meeting adjourned without objection at 9:51 PM.

RScty: AACoonrad

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 6, 2023
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Samantha Sheehan
Lori Olberg
Chapin Spencer
Norman Baldwin
Laura Wheelock
Christopher Damiani
Peggy O'Neill-Vivanco
Brian Pine
Samantha Dunn
Kara Alnasrawi
Samantha McGuinness
Will Clavelle

1. CALL TO ORDER and AGENDA

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

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to amend/adopt the 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).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: UVM MOU AND MAIN STREET GREAT STREETS PROJECT (VERBAL)

****EXPECTED EXECUTIVE SESSION****

2.1. Communication: UVM MOU and Main Street Great Streets Project (verbal) ****expected executive session****

Mayor Weinberger said that with respect to the UVM MOU, he noted that this relates to negotiations that have been ongoing and that the City is making progress and looking forward to discussing the current state of a potential agreement tonight during executive session. He said that with respect to the Main Street Great Streets project, the DPW team has been engaged for many months in discussions with property owners and businesses that abut the six blocks of the project, and that they have gone out to bid for the improvement and want to discuss those bids that were received with the Council in executive session.

Director Spencer and Senior Engineer Wheelock provided an additional brief update on the Great Streets Main Street project. Senior Engineer Wheelock noted that the project's concept was adopted by the Council in 2018 and reimagines the areas used for walking, biking, parking, and modes of transit, while additionally revitalizing the City's underground infrastructure. She provided a summary of the project's timeline, noting that the next large milestone is the commencement of construction on the ravine sewer in January 2024.

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, 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.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, that based on this finding of substantial disadvantage, the City Council enter into executive session to discuss contract negotiations pursuant to 1 V.S.A 313(1)(A), to include the Mayor's staff, Planning Director Meagan Tuttle, CEDO Director Brian Pine, City Attorney Jared Pellerin, and Chief Administrative Officer Katherine Schad for the UVM MOU discussion, and the Mayor's staff, DPW Director Chapin Spencer, Chief Engineer Norm Baldwin, Senior Public Works Engineer Laura Wheelock, the City Attorney, the Chief Administrative Officer, CEDO Director Brian Pine, and Director of Business and Workforce Development Kara Alnasrawi.

VOTING: unanimous; motion carries.

3. DPW COMMISSION REPORT

3.1 DPW Commission Report

The Commission Report was presented by Chair Peggy O'Neill-Vivanco and Vice Chair Christopher Damiani. Chair O'Neill-Vivanco began by providing an overview of DPW's mission, which is to steward the City's public infrastructure and environment by delivering efficient, effective, and equitable public service. Vice Chair Damiani spoke briefly about PlanBTV, which was adopted in 2017 as the City's comprehensive plan for walking, biking, and active mobility. He noted that projects within PlanBTV have included the bikeway network development, safety upgrades for sidewalks, crosswalks, and intersections, and policy changes. He noted that around half of the projects within the plan have been initiated or completed. He spoke about several projects, such as the bike lane that was recently completed on North Winooski Avenue. Chair O'Neill-Vivanco spoke about the Main Street Great Streets project, which is underway. She noted that Burlington is trying to expand youth exposure to its boards and commissions, and noted that the DPW Commission has had attendance from several high schoolers, though it has been challenging to have attendance from students at Commission meetings. She said that to improve exposure to students, they have been working with the BSD's City and Lakes Program. Vice Chair Damiani spoke about how student feedback on the Main Street Great Streets project has helped inform the design of the project.

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

4.1 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

Burlington residents (in person):

- Keegan Lafferty spoke on behalf of Big Heavy World, which advocates for people involved in the music industry, and spoke about wanting to create a cultural space in Burlington for the youth to feel safe, as an alternative to guns, drugs, and violence, and asked for the City's support.
- Farine Paris Meyer spoke about the tragic incident in Bristol where a youth (Hussein Mohamed) accidentally shot and killed his friend in a car and is now facing serious criminal charges, and expressed concern that there is a double standard in how the law is enforced for youth, depending on race.
- Stephen Whittaker expressed frustration that he is raising public safety issues (specifically around the shutting down of bathrooms at the harbor marina) and he is not being heard, noting that he has repeatedly brought this to the attention of the Mayor and of the City Council.
- Karen Sita spoke about how racism is deeply rooted and pervasive in Vermont and that she has been interrupted, silenced, and dismissed when she raises these issues. She said that she will continue to fight for human rights in Vermont and in Burlington.
- Todd Lacroix spoke about apathy and how people in the U.S. are morally bankrupt.
- David Maher said that the City should consider resuming arrests of low level drug offenses, saying that harm reduction doesn't always work and that enforcement does. He proposed offering criminals the choice of imprisonment or rehab, and proposed utilizing the Lyndon State College facilities as a rehab center.
- Lee Morrigan spoke about the agenda item that would allocate \$50,000 of ARPA funding for a marketing campaign and lighting/security project, saying that they are generally supportive of it but that they encouraged the Council to seek more input from downtown workers. They said that downtown workers have felt unheard and that they have a number of good, creative ideas that should be considered.

- Parker Nichols proposed cleaning up taking back some of the public spaces downtown, such as painting over the graffiti on the Memorial Auditorium and former YMCA buildings.
- Joanne Margaret Brown spoke about the current conflict in the Middle East, expressing concern about the humanitarian crisis and saying that economic sanctions should be utilized instead of a military response.

Burlington residents (via Zoom):

- David Cawley spoke about the potential MOU with UVM, urging the Council and Mayor to approach it with transparency and to ensure that the agreement contributes to mitigating the housing problem in Burlington. He asked that the City Council schedule an open forum so that the public can be informed and contribute to the dialogue.
- Devopn Ayers spoke on behalf of Decatur Street residents, raising concerns about a neighbor who is going through a mental health crisis and has been disrupting the neighborhood. She noted that other neighbors have collectively tried to contact the individual's landlord (Champlain Housing Trust), the police, the Howard Center, and that nothing is being done to help.
- Kelly Devine thanked the City for the proposal to invest \$100,000 in downtown businesses, since the public safety issues in the City are greatly affecting downtown. She said that the Council should consider dedicating at least half of the funding to a downtown worker safety program.
- Robin Lloyd spoke about the ongoing crisis in the Middle East and urged the Mayor to speak out and advocate for a cease-fire.
- Sharon Bushor spoke about the potential MOU with UVM, saying that the public should be given the opportunity to learn about the MOU and give feedback prior to the Council taking action on it, so that the Council may consider feedback from residents when it makes its way onto the deliberative agenda. She additionally urged the Council to conduct more due diligence prior to engaging further in the proposal to redevelop the gateway block.

Non-Burlington residents (via Zoom):

- Peter Duval expressed concern about the financial situation at the McNeil plant.

Forum closed at 8:15 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports

Councilor Bergman noted a report that found that if greenhouse gases continue to be emitted at the current rate, then the planet may be unable to remain below the 1.5 degree threshold as soon as 2029. He emphasized being as ambitious as possible with carbon-related ordinances coming through the current process.

Mayor Weinberger noted an announcement of the opening of the UVM Solar Research and Training Facility at the McNeil Plant, which was relocated from another site. He spoke about some of the innovative solar arrays that are being tested at this facility.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates

Mayor Weinberger provided an update on the Overdose Response Team pilot within the Fire Department, noting that it began on October 16 and has made a total of 270 outreach contacts, and have been averaging 20 to 30 medical calls per week. He then spoke about how the current hub and spoke treatment model's functionality is being challenged by the fentanyl crisis and that it needs to evolve to respond. He said that one urgent need is for expanded methadone access and that the City is working with partners in Chittenden County to push for

improved transit access to the County's one methadone clinic on Sam Remo Dr in South Burlington. He finally noted that the agreement for having two officers on Church Street during the week was extended through the end of the year.

Councilor Grant spoke about the cases being submitted to the State Attorney's Office. She noted that Chittenden County has around 3,000 active cases, and she broke them out by the following categories: aggravated assault, pending assault and robbery cases, pending burglary cases, retail theft cases, and vehicle operation without owner consent (car theft) cases. She noted that if an individual has not been contacted by the State Attorney's Office about their case, then their case was not brought to that office. She noted that the response time to incidents is slow due to backlog, and echoed the public's frustration about that. She said that it is important to correct misinformation about cases being brought to the State Attorney's Office, and said that individuals who file cases should reach out to the State Attorney's Office if they have questions.

Councilor Doherty provided more details from the survey currently being fielded by the Burlington Business Association. He noted that over 80% of members of the BBA report that foot traffic is down from this time last year, that over 50% of members report that their sales are down year-over-year, that half of respondents have had staff quit in the past year, citing public safety concerns, and that over half are considering closing or relocating their business to a location outside of downtown Burlington. He emphasized the importance of maintaining a sense of urgency around this, and that law and order need to be restored and public safety needs to be improved downtown.

Councilor Magee spoke about the comment received in public forum regarding the individual in crisis on Decatur Street, noting that this points to every single conversation the City has had about public safety over the past many months, saying that the City's systems of care are broken. He said he would like to get an update on the CARES team, and said that he does not want the City to advocate for putting more people in prison as a short-term solution to making the downtown feel more comfortable, but would like to address the broken system of care.

Councilor Dieng spoke about the public comment related to the child shooting accident in Bristol, noting that the Vermont New American Advisory Council held a meeting on Friday, and that leaders from the Department of Children and Families was invited to attend and speak about issues relating to minority children being held in DCF custody. He noted that the Somali community is very appreciative of the many people trying to support the child, and he emphasized that the child is not alone and is being supported during this time.

Councilor Grant spoke about a balance between law and order and harm reduction/social services. She said that the Council needs to be careful about overpromising on certain resources.

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 Calahan Park Shared-Use Path Design Consultant Contract with Stantec, Inc. – BPRW – 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.

7.4 Creation of one position with CJC – CJC/HR – approve the creation of the Youth Restorative Services Coordinator—BARJ position within CEDO, a Limited Service, Full-time, Union, Grade 16, position.

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

7.6 Request for Approval of Contract Amendment for Emergency Winooski River Siphon Repair Work – DPW – Water Resources - 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.

7.7 Communication: Sandy Wynne, re: 10/23/23 PF Comments – waive the reading and place the communication on file.

7.8 Communication: Selena Kunkel, re: For the Burlington City Council – waive the reading and place the communication on file.

7.9 Communication: Brad Wiltfong, re: Street Safety Around Schools Driving Start Time - waive the reading and place the communication on file.

7.10 Communication: Charlene Wallace, Vice President of the Board of Goethe Community Trust, re: Agreement with VHCB and PTV - waive the reading and place the communication on file.

7.11 Neighborhood Development Area Expansion – Planning - waive the reading, accept the communication, and place it on file.

7.12 Communication: Samuel Lincoln, re: In Support Of The District Energy Project - waive the reading and place the communication on file.

7.13 FIO Documents – for information only.

7.14 Communication: Zach, re: Smoke - waive the reading and place the communication on file.

7.15 Communication: Sharon Bushor, Ward 1 Resident, re: MOU with UVM - waive the reading and place the communication on file.

7.16 Communication: Crystal B., re: Funding for stores impacted by crime - waive the reading and place the communication on file.

7.17 Communication: Sharon Bushor, Ward 1 Resident, re: Gateway Block - waive the reading and place the communication on file.

7.18 Communication: Owiso Makuku, CEO, Main Street Landing, re: BTV City Council Letter 11.6.23 - waive the reading and place the communication on file.

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

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Ordinance: CDO ZA-24-01 Technical Amendments (Planning Commission) **AGENDA ITEM REMOVED**
No discussion at this time.

8.2 Support For The Redevelopment Of The Gateway Block Through Further Due Diligence Of A Public-Private Partnership (Councilor Paul)
Director Pine began a brief presentation on the Gateway Block Redevelopment proposal, noting that it is for the potential redevelopment of the block containing Memorial Auditorium, the public parking lot, the Fire Station, the library, and the church. He said that there is no foregone conclusion that anything is being knocked down or rebuilt, but simply that this is an agreement to explore redevelopment opportunities to advance the community's goals while recognizing resource constraints. He said that approval by the Council would essentially allow the Mayor to pursue a letter of intent to fully explore the different roles, responsibilities, opportunities, and structure of how they could move forward with redevelopment in a way that both protects the public and protects public assets, and ensures that the goals of redevelopment and revitalization are achieved in a cost-effective way.

Assistant Director Dunn began by providing a history of the attempts to redevelop Memorial Auditorium. She noted that it began in the 1990s, when the City was struggling to keep up with repairs on the building and a failed bond vote in 1994, followed by the closure of the building in 2016 for safety reasons. She noted several failed bond bonds and a successful bond vote in 2022 for \$1 million for stabilization and future exploration, and an RFP in 2022 for redevelopment through a public/private partnership (though the apparently successful bidder ultimately withdrew its proposal due to financial feasibility reasons). She noted that following that, over the summer, staff conducted a strategic visioning for the future redevelopment of Memorial. She then spoke about PlanBTV and how it recommended a redevelopment study for this entire block. She noted that action is now required for the block, and said that as they move through this process they are doing so with the 2018 community priorities for the space in mind, which included using the space as an entertainment space, a civic and community meeting space, a farmer's market space, an arts and craft show space, and a youth music/youth-led space. She also spoke about how the block should address key priorities for the City, which include ensuring it is an attractive and welcoming entrance to the downtown, that it provides mixed-income housing, preserves the Veterans Memorial, and includes public spaces. She spoke about barriers to previous projects for the gateway block, and then spoke about the opportunities provided by a public/private partnership. She said that the specific opportunity being discussed tonight involves a partnership with experienced developers Eric Farrell and Joe Larkin, noting that they have a vision for the gateway block that aligns with the City's goals and priorities. She spoke about what the proposed Letter of Intent (LOI) would do, which is define the roles, responsibilities, and capacities of the parties, property valuation, ownership, and redevelopment structures, development program priorities and mutual efforts to overcome potential barriers, and logistics and interrelated details. She then noted proposed next steps, which breaks the project out into an initial due diligence phase from now until March 2024, and then a subsequent comprehensive development feasibility phase from March of 2024 until January of 2025.

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

DISCUSSION:

- **Councilor Bergman said he is supportive of this proposal's intent, but has issues with the language of the vision and the process around Council approval. He said that he would like to have a further discussion as a Council about the goals, rather than feeling like a rubber stamp in the process. He said that he would like to explore the relocation of the Fire Station further, that he does not support the privatization of land under the block, that he agrees with preserving the veteran memorial, that he does not think committing to a hotel at this stage is a good idea, and that he likes the idea of rooftop green space but said that solar arrays should be explored.**
- **Councilor Hightower said that much of the public input was not captured in the goals and vision of this, such as keeping public ownership. She said that she would like the developer to articulate and frame some of those high-level visions from the community.**
- **Councilor Carpenter noted that this isn't a change of ownership but a change of partners, and spoke about how difficult it has been over the past several decades to do anything with this space, and finally spoke about the opportunity for housing within the space.**
- **Councilor Barlow said that if this developers need to include a hotel in the plan to make it economically feasible for them, then the City should allow them to explore that. He also emphasized the importance of community engagement, noting that this resolution commits the City and the developers to a robust public engagement process.**
- **Councilor Shannon agreed about preserving the memorial heritage of the block. She asked that Preservation Burlington be included in this process. She said that this is an opportunity to do something with the block and that the City needs to do something. She expressed concern about the preservation of the Firehouse. She said that the community use language inclusion is crucial. She suggested offering some flexibility on the inclusionary units and that other options be presented to the Council.**

- Councilor Magee noted the proposed date for the execution of a development agreement (March 29, 2024), which is close to the end of the Council term, and asked that any details of a development agreement be provided to the Council well in advance of that so they don't have to make a last-minute decision.
- Councilor Dieng said that the City should not rule out the possibility of the selling of the building.
- Councilor Grant said she would have liked to see more green initiatives included in the goals of the proposal. She said that she has issues with the process not being as open as it could have been. She said that the process around this needs to be as transparent as possible.
- Councilor Traverse spoke about the intensive public process around this topic. He also thanked CEDO for bringing this forward for the Council's consideration, noting that they have the authority to execute this LOI without Council approval.
- Mayor Weinberger said that the big question here for the Council's consideration are whether they are interested in exploring this partnership with these developers, but that this is a very initial step and that the details can be worked out further into the process.

MOTION TO AMEND by Councilor Bergman, **SECOND** by Councilor Magee, to amend line 21 to insert after the second word "intent" and before the phrase "to explore", the words "minus the vision/goals of the redevelopment section" and to ask for staff to come back to the City Council as soon as possible with a revised vision/goals for redevelopment based on the comments of the Council and the public to present to the developers.

DISCUSSION OF AMENDMENT:

- Councilor Shannon asked whether staff could incorporate feedback received by the Council tonight into the vision and goals section of the LOI, and also asked about the implications of signing the LOI tonight without the vision and goals included. Assistant Director Dunn replied that they could move forward with the LOI without the vision and goals articulated at this juncture. She said that she would recommend having staff amend the vision and goals with feedback from tonight without needing to then return to City Council for approval.
- Councilor Carpenter suggested having language in the LOI that staff will return to the Council periodically to obtain feedback to modify/adjust the vision and goals as the process unfolds. Assistant Director Dunn replied that this could be the most straightforward way forward.
- Councilor Hightower proposed a friendly amendment to amend line 21 to add "with the goals and visions amended by City staff given City Council feedback," so that the entire clause (lines 20-22) now reads "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"
- Councilor Traverse said that he would be supportive of the amendment as long as it reflects that there are different viewpoints on the Council in terms of some of the goals/visions (for example, some Councilors are supportive of the pursuit of a hotel on that block, but others are not).

VOTING (ON AMENDMENT): unanimous; motion carries.

DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Grant proposed a friendly amendment to amend line 11 to replace "the primary" with "an important".

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

8.3 Funds For Downtown Support – BWD

Mayor Weinberger said that this relates to the broader conversation about public safety and the health of Burlington's downtown. He noted that last month there was a presentation from BPD on some of their responses to the drug crisis and overdose response, and that tonight's conversation centers around the economic elements of what the downtown is currently facing. He said that it is important for tonight's conversation to keep the economic concerns separate from the public safety concerns, since separate efforts are being made in both areas.

Director Alnasrawi began by providing a verbal update on the current situation downtown. She noted challenges with unemployment (workforce shortage), high inflation, more remote workers and loss of office workers in the downtown, and high rates of retail theft and recidivism. She acknowledged that the downtown has done exceptionally well retaining businesses in the downtown area throughout COVID and the Great Recession. She noted that some of the business closures are part of national chains, which are responding to different factors and not just the local economy or situation in Burlington. She walked through data on foot traffic from 2017-2023, showing that 2023 levels are in line with pre-COVID levels, but are lower than 2021. She also walked through data on sales volume (using the meals, alcohol, and rooms tax data from the State), which is tracking closely to pre-COVID levels, as well as gross sales, which show that May 2023 is around 85% of 2017-2019 average peaks. She noted that the Burlington/South Burlington metropolitan area had some of the lowest unemployment in the country in May of 2023, and said that she believes that while some of the difficulty in retaining employees is related to safety and security concerns, it's also related to the current labor market climate. Director Alnasrawi then spoke about the Office of Business and Workforce Development and its structure and responsibilities. She noted that it is structured in three divisions (Church Street Marketplace, Business Development City-Wide, and the Early Learning Initiative/Workforce Development).

Assistant Director McGuiness spoke in further detail about marketplace management and community events/programming initiatives for the Church Street Marketplace, including street maintenance, securing donations to defray the cost of Common Area Fees, creating and supporting over 100 public events so far in 2023, receiving \$1 million in Congressionally Directed Spending for repairs and upgrades to the Marketplace, and garnering awards such as the #1 Public Square in America in 2022 and designation as a Main Street through Main Street America in 2023. She spoke about marketing campaigns for the Marketplace, and then spoke about upcoming events for the 2023 holiday season.

Director Alnasrawi spoke about the Business Support/Development division and its activities since being formed. Assistant Director Clavelle provided examples of these, which include managing the ARPA and Economic Recovery funds that flowed into the City (approximately \$27 million), engaging in interdepartmental processes to deploy these funds, the creation of two revolving loan funds, designing a \$1 million non-profit ARPA grant program, supporting small businesses through distribution of micro-grants, supporting BIPOC-owned businesses to open downtown, and working with businesses along North Winooski Avenue during the removal of parking. Director Alnasrawi spoke about marketing and outreach and business support and collaboration activities.

Director Alnasrawi then spoke about the Early Learning Initiative (ELI) and Workforce Development division and its activities since being formed. These include activities around workforce development, such as a First Steps Training Program to increase licensed childcare and home-based childcare providers, cultivating relationships with community partners for workforce development, testifying to the legislature about the ELI model, further supporting the First Steps Scholarship Program, implementing a \$103,000 capacity grant to support the ONE Arts School, and further work in ELI accessibility efforts.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries.

Councilor Magee asked whether sales have been down in just the retail space or across the board this year. Director Alnasrawi replied that the numbers are inflation-adjusted and that they are seeing less of a dip in the rooms & meals sales and more of a dip in retail.

Councilor Dieng commended staff for their efforts around the Early Learning Initiative, saying that it has had great success, and that the full Council should be updated on its progress.

Councilor Doherty asked how foot traffic is measured in the downtown marketplace, and also asked what is driving the dip in retail sales, if foot traffic is relatively consistent across recent years. Director Alnasrawi replied that many businesses aren't open 7 days a week now and are opened for fewer hours per day. She also noted that the internet has had impacts on brick-and-mortar store sales. She noted that the foot traffic data is based on cell phone data, though only for American citizens (Canadian cell phones can't be tracked in the same way).

Director Alnasrawi then spoke to the memo, saying that the initial proposal has been for more proactive marketing extending beyond the holidays and to improve lighting for employees that are using the City's free parking program. She said that those ideas were in response to feedback that her office has received. She said that there was a push during Covid to get people to shop more locally but that there is not a similar push at this time. She said that security was not included in this memo, since hiring security may incur costs that these funds may not be enough to cover.

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to authorize the Director of Business & Workforce Development to accept a donation of \$50,000.00 from the Pomerleau Family Foundation and to reallocate \$50,000 in ARPA funds and 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.

DISCUSSION:

- Councilor Dieng asked why something like this hasn't been implemented sooner and also asked how the connection with the Pomerleau Foundation was made. Director Alnasrawi replied that City Council President Paul helped facilitate the connection with the Pomerleau Foundation and approached Director Alnasrawi with the funds and the contingency of a match. She noted that the \$50,000 match in ARPA funding is what is left from several other contingency funds for larger projects that were not spent.
- Councilor Magee asked why this didn't go before the Board of Finance before coming to the Council. Mayor Weinberger replied that it was largely a question of timing and that the opportunity presented itself in the last week. Councilor Magee replied that it would have been better to go to the Board of Finance first and be part of a larger discussion about ARPA funding in general (in the context of what will be a tight budget year), and said that he isn't supportive of this, given those larger budgetary constraints.
- Councilor Barlow said that he appreciates that this should have been brought to the Board of Finance but said he is supportive of it.
- Councilor Shannon said she appreciates the urgency with which this was treated.
- Councilor Hightower said that the \$100,000 could be used to boost some of the more specific challenges that businesses are facing and said she hopes that there is flexibility in how the funds are used.

- Councilor Traverse said that while a marketing campaign can be extremely useful for downtown businesses, the feedback that the Council has gotten is that more resources are put toward public safety initiatives, and that the motion as amended and on the floor addresses some of that feedback. Director Alnasrawi expressed concern that pumping this amount of money out just before the holiday season isn't going to be possible, since ads have already been spent and security has already been purchased. She said that they are actively trying to get responses from local security firms and have been doing that for several days now, and said that she will follow this amendment and engage other community partners and stakeholders. She said that most businesses' main concern continues to be lack of police presence downtown. She said that \$100,000 would get some evening security, but not for long, and said that expectations should be managed in terms of what \$100,000 can buy for security.
- Councilor Grant said that other activities can be implemented to make downtown more welcoming, such as addressing concerns about garbage and needles on the streets. She said that there have also been concerns from businesses about having to clean up human waste, so looking into opening more bathrooms could be worthwhile. Director Alnasrawi said that City staff do conduct patrols of the Marketplace and City Hall Park and pick up garbage, human feces, and needles when they see them.
- Councilor Hightower acknowledged concerns about the size of the police force, but said that more officers doesn't mean more housed people and fewer addicts, saying that it's important to clarify the cause and effects of what people are seeing.

VOTING: 11-1 (Councilor Magee dissenting); motion carries.

Councilor Traverse brought up a parliamentary inquiry for the City Attorney's Office, noting that an alleged open meeting law violation was submitted to the City. He said that while it does not look to him like an open meeting law violation, if the Council takes no action on it within 10 days from submission (which would be tomorrow), then it will be considered as a denial of the violation which would allow the person who filed it to take the matter to court. Acting City Attorney Pellerin replied that his office would advise entering into executive session to discuss this, should Councilors want to better understand the issues and options before them.

MOTION by Councilor Bergman, SECOND by Councilor Traverse, to suspend the rules and amend the agenda to add an executive session for purposes of confidential attorney communications related to possible litigation involving the City.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to find that premature general public knowledge of attorney client communication regarding the City Council response to an item that may result in civil litigation would place the Council at a substantive disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse SECOND by Councilor Dieng that, based on the finding of substantial disadvantage, the Council enter into executive session under 1 V.S.A. Section 313(A)(1) to discuss probable civil litigation to which the City Council may be a party, to include the City Attorney, the Mayor, and the Mayor's staff.

VOTING: unanimous; motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports
None.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports
None.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports
None.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:22 PM.

RScty: AACoonradt

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

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg
Michael LaChance
Stephen Petit
Chapin Spencer
Norm Baldwin
Olivia Darisse
Darren Springer

1. CALL TO ORDER and AGENDA

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

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to amend/adopt the agenda as follows:

- **Add to the consent agenda item 6.16. Communication: Mark Bouchett, Chair, CSM Commission, re: Church Street Marketplace Commission Public Safety Resolution;**
- **Add to the consent agenda item 6.17. Communication: Lina Swislocki, Member, Conservation Board, re: Resignation;**

- **Add to the consent agenda item 6.18. Communication: Connor Wertz, re: 11.17.23 Petition Say No To Dirty Energy;**
- **Add to the consent agenda item 6.19. Communication: Nicholas Persampiere, re: McNeil District Energy – Report;**
- **Add to the consent agenda item 6.20. Communication: Nicholas Persampiere, re: November 20, 2023 City Council Meeting Agenda Item No. 7.6 – McNeil District Energy Resolution;**
- **Add to the consent agenda item 6.21. Communication: Dan Quinian, re: Letter to the City Council;**
- **Add to the consent agenda item 6.22. Communication: Ashley Adams, re: Thermal Energy Ordinance and “District” Energy System votes tonight;**
- **Add to the consent agenda item 6.23. Communication: Gary Scott, Interim Network SVP Facilities Planning and Design, UVM Health Network Corporate Leadership, re: Carbon Fee Ordinance;**
- **Add to the consent agenda item 6.24. Communication: Luce R. Hillman, P.E., Executive Director of Facilities Management, The University of Vermont, re: Carbon Impact Fee Ordinance;**
- **Add to the consent agenda item 6.25. Communication: Solveig Overby, re: Support for McNeil waste heat recovery project to get UHC off gas as it transitions to non-combustion power production;**
- **Add to the consent agenda item 6.26. Communication: Michael Long, re: BED Pipeline Project.**

VOTING: unanimous; motion carries.

2. COMMUNITY SAILING CENTER UPDATE (VERBAL)

2.1. Community Sailing Center Update (verbal)

Owen Milne, the Executive Director of the Community Sailing Center, provided a brief presentation. He noted that the Sailing Center is the recipient of a generous community credit as a result of its lease of property from the City of Burlington. He provided a highlight of the community impact that the Sailing Center is making, which includes providing at-risk youth with leadership programming, adaptive watersports, floating classrooms for STEM education, and a diversity access initiative that provides 100% funded summer camp for BIPOC children. He spoke briefly about a \$4.8 million waterfront accessible boat-launch. He said that they are also collaborating with the UVM Center on Rural Addiction on a sailing adventure therapeutic intervention study for individuals currently in active opioid recovery programs.

Councilor Shannon thanked the Community Sailing Center for being part of the community and teaching valuable skills that are applicable to far more than just sailing.

Councilor Grant expressed support for initiatives that increase the diversity of programming for children, and thanked the Sailing Center for taking equity into account in its programming. She said she would also like to get more information about access to bathrooms at the sailing center, given some public comments and complaints that have been made.

3. PUBLIC FORUM: **TIME CERTAIN – 6:30 PM**

3.1 Verbal Comments

Forum opened at 6:30 PM.

COMMENTS:

Burlington residents (in person):

- Stephen Whittaker said that it is not compliant with Vermont’s Open Meeting Law to limit each public speaker to 2 or 1 minute for speaking during public forum. He said that he is trying to convey urgent public safety matters regarding hygiene and syringes and

public restrooms, and said that he has asked for these issues to be put on the agenda, and he has had no option other than to file an Open Meeting Law violation.

- Andrew Voda spoke as a representative of Burlington and surrounding communities who have signed onto a letter urging a balanced and urgent approach to the public safety and drug crisis being faced by the community. He said that they are calling on leaders to act urgently to address the crisis through continued and expanded harm reduction efforts and increased deterrence, enforcement, and prosecution.
- Hayley Jones spoke as a representative of Slingshot, which combats air pollution and builds community power. She asked the Council to vote no on the resolution related to District Energy, speaking about the negative public health impacts of burning biomass, and urged the Council to pursue more truly clean, renewable energy in its place.
- Robert Inglis encouraged the Council to vote against the McNeil District Energy proposal, saying that it is a partial solution. He said that the science is clear that there is not time to wait for carbon to be reabsorbed once it's burned and that cleaner sources should be pursued. He said that locking Burlington and the hospital (UVMHC) into a partial solution now would prevent them from pursuing truly clean alternative sources of energy.
- Steve Goodkind spoke as an opponent of wood burning at McNeil Plant, and that the steam pipe to UVMHC is a waste of funds and energy. He noted that the District Energy resolution language does measure McNeil's performance on stack emissions rather than theoretical renewable assumptions and will be evaluated in a public process, which is good. He also noted that the resolution does not preclude the closing or changing of operations of the McNeil Plant, and said that for these reasons he is optimistic about the resolution.
- Keren Sita spoke about her passionate fight for her constitutional and federal rights. She recited a self-composed haiku on behalf of the suffering of Black Vermonters.
- Christopher Gutchell spoke about fighting both the COVID and opioid epidemics in the context of the current political landscape, in which progressive politics and correctional politics are pitted against each other. He said that mental health and culpability can coexist and that responses to the current crises need to be balanced.
- Christine Halquist spoke about her long history of working on energy projects in Vermont. She spoke about one wood-burning project in particular, which her company walked away from after learning about the depletion of soils that occurs with wood harvesting and burning, among other negative impacts. She said that the Council, however, should support the District Energy resolution, since the McNeil Plant is already-existing and would displace existing carbon sources.
- Bethany Whittaker spoke in support of the District Energy Plan, noting that the Burlington Electric Commission worked with BED on this project for years and supports it unanimously.
- Dan Quinland spoke about his career working on health care energy projects across the U.S., working with hospitals on the engineering and financing of projects. He said that McNeil/UVMHC project generates carbon and pollution, saying that it needs to be phased out as quickly as possible. He said that expenditures on this project would delay investment in more impactful, cleaner-energy solutions.
- David Rand spoke about the District Energy resolution and its overlap with the ordinance regarding carbon impact fees. He spoke to the health impacts of climate change, saying that it is past the time where the City should be considering spending \$50 million on aging, polluting, and inefficient infrastructure at the McNeil Plant. He said that this plan is 20 years too late.
- Conner Wertz spoke about problematic green-washing of natural gas solutions and biomass solutions being touted as cleaner, renewable energy. He urged the Council to either pass the District Energy resolution with Councilor Bergman's amendments or table the vote.
- Laura Symon said that as long as Vermont commits to biomass it will not pursue and replace them with renewables. She spoke about a study called Up In Smoke, which determined that the McNeil Plant costs Burlington rate payers \$6-\$8 million per year. She noted that BED has agreed to study the transition off of biomass, noting that they are positive steps forward. She asked whether these

steps would be scrapped if the District Energy resolution were voted down, and said that perhaps studying the transition off of biomass should occur before the resolution vote.

- Sarah Sciortino said that trees are a first line of defense to combat climate change, saying that the pursuit of biomass energy is ironic. She said that asking BED to make the McNeil Plant more efficient over the next several decades while sinking \$40 million into it now is not enough. She urged the Council to approve Councilor Bergman's proposed amendments on the resolution.
- Theo C. spoke with concern about intense climate disasters, saying that the McNeil Plant does not move the City toward a sustainable future.
- Lily Smith asked the Council to vote against the McNeil Plant resolution and accept Councilor Bergman's amendments to it. She spoke about Champlain College's science courses about the McNeil Plant and the opportunity to discuss it openly, noting that students came to conclusions that the planet doesn't absorb carbon at the rate that BED claims and that real discussion needs to occur around genuine carbon-neutral alternatives.
- David Maher presented a number of charts plotting the correlation between the rate of homelessness and the percentage of median income required to pay rent by state (weaker correlation) and the rate of homelessness and vacancy rates (weak correlation), in an attempt to show whether there is a relationship between lack of housing and homelessness. He said that stronger correlations are seen between rate of homelessness and political ideology in each state, with conservative states showing less homelessness than liberal states.
- Nick Persampieri spoke as an environmental lawyer on his work to protect public health and the environment. He spoke about his work to prevent a project for a coal-fired energy plant in Kansas. He said that when he moved to Vermont he was shocked to learn that its biggest city burns wood for electricity and touts it as a clean energy alternative. He urged the Council to reject the resolution around District Energy, or to pass it with Councilor Bergman's amendments.
- Tevan Goldberg spoke about the McNeil Plant, saying that it is bolstered by a scientifically-bankrupt theory and that it makes more sense to burn natural gas than trees at this point, since the trees at least sequester carbon. He urged the Council to reject the District Energy plan.
- Jason van Dreitsch said that the District Energy issue isn't about affordable electricity or the short-term use of McNeil, rather it is about whether the City should invest tens of millions of dollars in a form of technology that every climate scientist says should be phased out as soon as possible.
- John Weyman said that the Council should reject the District Energy proposal and resolution.
- Harris Rowan urged the City to support the McNeil Plant and the District Energy plan. He said that he is a forester and talked about some of the sustainable practices around forestry that he has seen or implemented, saying that properly-managed forests are a renewable resource.
- Robert Bristow Johnson said that carbon shouldn't be put back into the atmosphere at all, whether from wood or natural gas or fossil fuel. He also said that the McNeil Plant is old and it may potentially make more sense to tear it down and start over (but he doesn't know for sure). He also said that the McNeil Plant is small and it doesn't seem efficient to have miles of pipe hauling steam between it and the hospital.
- Lena Greenberg spoke about her self-education related to biomass burning, and said that she is convinced that it is detrimental to the climate. She expressed concern about BED's greenwashing of the McNeil Plant, saying that it produces emissions and particulate matter that harm people in the community.
- Steven Chisa urged the Council to vote against the McNeil Plant. He also urged them to exclude McNeil from the carbon impact fee ordinance.
- Julie Micuga spoke on behalf of themselves and Leif Taranta. They spoke about their research at Global Energy Monitoring on creating comprehensive open source data sets on energy,. Which is used by the United Nations, IAEA, and other organizations. They said that biofuels is a mistake, and that they release carbon and methane, and it is even less efficient than burning coal. They also spoke about

using Canadian natural gas from landfills, which exposes rate payers to incredibly volatile fuel markets. They urged the Council to reject the District Energy proposal or accept Councilor Bergman's amendments to it.

- Dan Castrigano spoke about passing the 2 degree Celsius threshold globally several days ago, which should be a cause for emergency. He spoke about the greenwashing of McNeil, saying that it is making climate change worse. He said that the Council should vote no on the McNeil expansion.
- Mary Ann spoke about the trans mob in the community and how the City lets them quash free speech, citing instances at City Council and other examples. She said that this is not inclusive behavior.
- Jody Woos said that the District Energy issue has now moved beyond the science and is in the hands of the politicians, the fossil fuel industry, and the power brokers in the City. She urged the Council to vote against the District Energy plan. She also expressed concern that at a working session she attended with BED, Vermont Gas and UVMHC, the Medical Center seemed to threaten the City Council that if the District Energy plan did not pass and meet the energy needs of the medical center, then it would take all its future expansion outside of the City.
- Louise Brill noted how the Air Quality Index was high all summer due to forest fires, but that also the burning of biomass at McNeil also negatively impacts the AQI. She also spoke about how the McNeil Plant harms the waterfront and threatens that economy. She urged the Council to vote no on the District Energy plan.
- Liz Curry said that the District Energy plan would continue to ensure affordable energy rates for residents, and is critical to a transition to reach electrification goals, as well as allow the medical center to avoid increased use of natural gas. She spoke about the hazards of using fracked gas. She thanked the City for ensuring that Burlington has a just transition to a clean energy future.
- Jack Tiano spoke about the public health issue that is high-speed, large private motor vehicles. He spoke about his experience as a pedestrian and cyclist in the City, saying that it has become increasingly dangerous to use these modes of transportation. He said that the City should stand up for safe infrastructure, particularly through the Great Streets Main Street project.
- Michael Long spoke about past follies in the City, such as the CityPlace plan that has led to a giant pit in the middle of the City, to the detriment of many of its businesses. He said that the McNeil steam pipe plan is also more foolish than bold. He said that McNeil is an inefficient behemoth.
- Karen Long said that the BED pipeline vote should be postponed, given that there are more questions than answers, and that there will be a new City Council and new Mayor in several months, and that climate change should be a focus of these bodies. She said that McNeil loses millions of dollars each year and that BED ran out of money for project design and engineering for the District Energy plan, and said that they have requested diverting \$500,000 that was earmarked for a rate payer equity program. She expressed concern that BED cannot work within its budget.
- Todd Lacroix spoke about loss of democracy and being wrongfully persecuted for not being on the correct side of issues. He said that both major political parties have failed the American people.
- Greg Delante said that there are cleaner options than gas and wood burning, and said that we must start now to stop carbon emissions.
- Ross Predom spoke proudly as an employee of Burlington Electric.

Burlington residents (via Zoom):

- Katherine Bock urged the Council to pass the carbon fee ordinance with Councilor Bergman's amendments and not to support the District Energy resolution.
- Ben Fowler expressed support for the District Energy proposal, saying that alternative solutions would be difficult to implement for a hospital right now, and that this solution would give the City and hospital time to do careful work that makes this a rational decision that takes all aspects of the project into account. He also noted that McNeil already exists. He said that this would allow Burlington to move forward.

- Andy McLeigh spoke about the ongoing blight and graffiti problem occurring in Burlington. He encouraged the City Council to review the letter drafted by Andrew Voda and Jane Knodell, since it raises a number of good points.
- Jennifer Green spoke in support of the District Energy plan, saying that it would reduce commercial fossil fuel consumption in the City by 16%, though she acknowledged it is not a perfect solution. She also noted that when a consultant was hired to develop a roadmap away from fossil fuels, District Energy was identified as one of four key pillars to that success. She noted that this roadmap was approved by the City Council in 2019. She said that solar and geothermal energy are not viable solutions right now.

MOTION by Councilor Magee, SECOND by Councilor Bergman, to extend public forum and allow the 25 remaining people who have signed up for public forum to speak.

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – absent, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 2 nays, 1 absent); motion carries.

- Jack Hanson spoke as a representative of a municipal climate policy nonprofit, noting that all of the good concessions that came out of negotiations around reduced emissions for McNeil can be achieved without the pipeline and said that they should be done without the pipeline. He asked the Council to take more time to consider this issue prior to making a decision. He said that the ordinance as currently written is weaker than what any other City has done around regulating existing buildings and would be a setback nationally, and asked that the Council adopt Councilor Bergman's amendments.
- Chris May said that the two climate issues before the Council tonight are about momentum, and whether to invest now in an aging facility and incentivize polluting energy sources for heating, which will make it more difficult to implement larger, non-polluting changes that are urgently needed. She urged the Council to vote against the District Energy proposal and adopt the ordinance with amendments proposed by Councilor Bergman.
- C. Green urged the Council to reject the District Energy proposal and adopt the carbon impact ordinance with Councilor Bergman's amendments.
- Sharon Bushor spoke about downtown businesses. She said that she asked the Board of Finance to look into expanding the hours of free parking downtown, to encourage more economic activity during the holiday shopping season. She also spoke about safety concerns and said that there needs to be another way to provide security if police presence can't be increased downtown.
- Daniel Jordan said that he has worked to drive down the carbon emissions in the built environment. He acknowledged that biomass burning also causes emissions, but noted that the District Energy proposal would capture waste heat that is currently not being harnessed for anything, and that if that waste heat is captured then it means that there is the chance to offset actual natural gas emissions currently being used by the hospital. He agreed that better sources of renewable energy are needed, but said that we don't currently have the technology to deliver clean energy that meet the hospital's high temperature requirements. He said that approving the District Energy proposal would be the lesser of two evils.
- Merrick Broderick asked the Council to vote no on the District Energy plan and yes on the ordinance with Councilor Bergman's amendments. He said that the City should pursue permanent solutions to energy needs, not band aids.

Non-Burlington residents (in person):

- Zack Porter spoke as the director of Standing Trees, a non-profit that protects forests. He spoke about why burning biomass negatively impacts the environment and why it doesn't make sense from an economic standpoint.
- Daniel Benton urged the Council to vote against the McNeil proposal.

- Joanne Margaret spoke about the flooding impacts in Montpelier, and also about the loss of a congressional office within the Montpelier post office with the retirement of Senator Leahy. She suggested that this be reopened by Senator Welch but moved to White River Junction.
- Jeffrey Wommett spoke as a representative of the International Brotherhood of Electrical Workers, which represents the employees at BED. He asked the Council to support the District Energy plan.
- Bob Atkinson spoke as both an energy coordinator for a municipality and an engineer. He said that the District Energy proposal is an example of greenwashing, and that the \$42 million could also alternatively be used to weatherize 6,500 homes.
- Brian Forrest spoke against the District Energy proposal, saying that the McNeil is inefficient and that the funding for the project could be used for more climate-friendly alternatives.
- Kim Horning Marcy noted that the Unitarian Church in Burlington has solar panels in its parking lots, with fewer funds and fewer parking lots than the medical center has. She said that the medical center has options to transition to better usage available now. She also noted that the excessive rainfall has ruined the logging industry's ability to harvest wood.
- Marcy Cass urged the Council to vote against the expansion of the McNeil Plant, adding that she loves Vermont and would love to be proud of her state.
- Beth Sigmund spoke as a physician at UVMHC, and spoke in opposition to the expansion of the McNeil Plant. She spoke about the negative impacts of burning carbon and other greenhouse gases. She said that if this pipeline is built, it will not incentivize moving to better alternatives in the future.

Non-Burlington residents (via Zoom):

- Erin Ahern spoke as a student at UVM and urged the Council to vote against the McNeil pipeline and adopt the carbon impact fee ordinance with Councilor Bergman's amendments.
- Fergus Marshall spoke about the immediate and urgent action needed to reduce emissions and asked why we are continuing to do business as usual. He said that the McNeil Plant expansion proposal is business as usual.
- Cheryl Joy Lipton spoke about the evidence that shows that continuing to burn wood at McNeil is a bad idea. She said that McNeil should be phased out. She said that the other side of this argument has not backed up their claims with evidence. She urged the Council to vote no on this resolution.
- Peter Duvall spoke about his work on the McNeil Plant. He also spoke about how Vermont rate-payers are subsidizing the McNeil Plant, paying around \$11 million annually to keep it operating. He said that what BED has brought to the Council is nothing like a district energy system. He urged the Council to vote no on the resolution.
- Nolan Rogers urged the Council to vote no on the McNeil Plant, though he appreciates the concept of a district energy system. He said that if McNeil were a plant that is viable to operate for another 25 years, then this would be a better idea, but McNeil is aging and outdated.

Forum closed at 8:46 PM.

4. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

4.1 Public Health and Safety Emergency Updates

Councilor Grant said that anyone who has reported an incident to the Police Department and believes that their case should have been submitted to the State Attorney's Office has the right to verify that their report has been submitted, and if they need help with that, they can reach out to their City Councilor. She said that in terms of arrests related to drug trafficking, there are questions as to why people have been given bail. She noted that there are laws stating how long someone can be held if their arrest isn't related to violence.

Councilor Magee noted that the Opioid Settlement Advisory Committee will be meeting on November 29th and will be discussing funding recommendations for how the settlement money is allocated and preparing to make those recommendations to the legislature. He said that one of the recommendations he is strongly encouraging the committee to consider is \$1 million for overdose prevention centers in Vermont. He encouraged residents to contact members of the committee and ask that they support overdose prevention centers.

Mayor Weinberger noted that he is a member of the Opioid Settlement Advisory Committee and that he will be continuing to advocate for another important strategy, which is the expanded access to methadone, given that there is only one site in Chittenden County that administers methadone. He noted that while there is \$2 million allocated to expand methadone access, it won't be put into action for the next 12 to 18 months. He also provided an update on the vulnerable populations that have continued to be housed in the motel program with access to the coordinated entry system. He said that since June, coordinated entry has referred 140 households to rapid rehousing and permanent supportive housing, and that due to that, the number of households in motels in Chittenden County has decreased from 256 in June to 154 as of the most recent data. He noted that there are still 109 households in coordinated entry awaiting placement (due to lack of available permanent housing). He noted that the City team is working hard to open an additional shelter in December. He also noted that the State is putting out new rules on how the hotel program will operate through the winter.

Councilor Barlow spoke about an item on the consent agenda (6.16) from the chair of the Church Street Marketplace Commission, noting that the CSMC passed a resolution on 11/15 that is a call to action about the crisis that businesses are going through and the decreased quality of life and vibrancy in the City.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports
None.

6. CONSENT AGENDA

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

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

6.3 Approval of budget amendment for contract to prepare for FY23 audit – approve and authorize the Chief Administrative Officer to execute a first contract amendment in the amount of \$50,000 and to extend the maximum limiting amount of the contract to \$100,000 with Berry Dunn for accounting services, upon the review and approval of the City Attorney's Office.

6.4 Communication: Kelly Devine, BBA, Executive Director, re: \$100,000 Investment in support of downtown businesses – waive the reading and place the communication on file.

6.5 Communication: Scott Miller, re: So sad for Burlington – waive the reading and place the communication on file.

6.6 Downtown Vibrancy Grant – BWD – authorize the Director of Business & Workforce Development to enter into an agreement with the State of Vermont, subject to the final review and approval from the City Attorney's Office, to accept a grant award of \$25,000 in Fiscal Year 2024 as part of the State of Vermont's non-competitive Downtown Vibrancy Fund.

6.7 Amendment to Tax Increment Financing (TIF) District consulting services contract with White+Burke – CEDO – 1. Approve and authorize the Director of the Community & Economic Development Office to execute the proposed contract amendment with White+Burke Real Estate Advisors for TIF consulting services regarding the Waterfront and Downtown TIF districts with a maximum limiting amount of \$140,000, to be paid out of TIF related costs, pursuant to final review of the City Attorney's Office; and 2. Approve and authorize the Chief Administrative Officer to make any and all necessary project budget amendments associated with the Waterfront TIF Related Costs Professional and Consultant project budget, up to a maximum amount of \$95,000.000

6.8 Authorization for Contract with Avenu Insights and analytics for Digitization of Land Records and Budget Amendment – C/T – approve and authorize the Chief Administrative Officer, or their designee, to effect the necessary budget amendment to designate \$87,474.00 from the Preservation/Restoration fund (GL 110-04-000.4200) account line to be used for Professional and Consultant Services (account line 110-04-000.6500_118).

6.9 B.E.D.'s Property Boiler and Machinery (B&M) 2023-2024 Insurance renewal – BED – authorize the General Manager of the Burlington Electric Department to execute the Property, Boiler * Machinery insurance coverage renewal contract with AIG/ZURICH/STARR TECH/AEGIS for the policy period 11/20/2023 through 11/20/2024 with a not to exceed premium of \$778,683.70, as outlined in this memo, subject to review and approval of the City Attorney's Office and the Board of Finance.

6.10 Approval to enter into a contract with Cargill, Inc. for FY24 road salt procurement – DPW – authorize the Director of Public Works to enter into a contract with Cargill to supply the City of Burlington with rock salt for winter maintenance of roads and sidewalks at a unit price of \$88.00/ton, for an amount not to exceed \$285,000 plus \$43,000 in contingency for Fiscal Year 2024, which will come from the Public Works Reserve in the assigned fund balance, for a total authorized expenditure of \$328,000, subject to review and approval of the City Attorney's Office.

6.11 Railyard Enterprise Project – Stantec Design Contract Amendment 4 – DPW - authorize the Director of the Department of Public Works to execute a contract amendment with Stantec Consulting Services, Inc. for continued and additional engineering design services for the Railyard Enterprise project increasing the contract amount by \$966,758 with an additional \$193,352 (20% contingency), totaling \$2,661,310 subject to the review and approval by the City Attorney's Office.

6.12 Communication: Nicholas Persampieri, re: Thermal Energy System - waive the reading and place the communication on file.

6.13 44 Shelburne Street Parking Lot – Encumbrance Permit Application – DPW - approve the Encumbrance Application for Burlington Property Management requesting use of the public right-of-way for a private parking lot as detailed in Attachment C, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office.

6.14 FIO Documents – for information only.

6.15 Resolution: Designation of Polling Places for City Elections (Councilor Paul) – waive the reading and adopt the resolution.

6.16 Communication: Mark Bouchett, Chair, CSM Commission, re: Church Street Marketplace Commission Public Safety Resolution - waive the reading and place the communication on file.

6.17 Communication: Lina Swislocki, Member, Conservation Board, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Lina Swislocki thanking her for her time served as a Member of the Conservation Board.

6.18 Communication: Connor Wertz, re: 11.17.23 Petition Say No to Dirty Energy - waive the reading and place the communication on file.

6.19 Communication: Nicholas Persampieri, re: McNeil District Energy – Report - waive the reading and place the communication on file.

6.20 Communication: Nicholas Persampieri, re: November 20, 2023 City Council Meeting Agenda Item No. 7.6 - McNeil District Energy Resolution - waive the reading and place the communication on file.

6.21 Communication: Dan Quinlan, re: Letter to the City Council - waive the reading and place the communication on file.

6.22 Communication: Ashley Adams, re: Thermal Energy Ordinance and "District" Energy System votes tonight - waive the reading and place the communication on file.

6.23 Communication: Gary Scott, Interim Network SVP Facilities Planning and Design, UVM Health Network Corporate Leadership, re: Carbon Fee Ordinance - waive the reading and place the communication on file.

6.24 Communication: Luce R. Hillman, Executive Director of Facilities Management, The University of Vermont, re: Carbon Impact Fee Ordinance – waive the reading and place the communication on file.

6.25 Communication: Solveig Overby, re: Support for McNeil waste heat recovery project to get UHC off gas as transition to non-combustion power production – waive the reading and place the communication on file.

6.26 Communication: Michael Long, re: BED Pipeline Project – waive the reading and place the communication on file.

MOTION by Councilor Dieng, SECOND by Councilor Magee, to adopt the consent agenda as amended and take the actions indicated for items 6.1-6.26.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.1 Tobacco License Application (2023-2024): High Fidelity, 163 Cherry Street

MOTION by Councilor Shannon, SECOND by Councilor Barlow, to approve the 2023-2024 Tobacco License Application for High Fidelity, 163 Cherry Street.

VOTING: unanimous; motion carries.

7.2 Burlington Fire Department – Station Alerting

MOTION by Councilor Magee, SECOND by Councilor Shannon, to approve and authorize the Chief of the Burlington Fire Department to execute a contract with Bryx, Inc. for the installation of a fire station alerting system, with a maximum limiting amount of up to \$430,000.00, which is the contract cost plus a 6.6% contingency, subject to the final review and approval of the City Attorney's Office.

DISCUSSION:

- Deputy Chief Petit noted that station alerting is critical to the Fire Department to getting workers out the door in a timely manner. He noted that the current system is outdated and no longer under warranty. He said that a new system would be a significant improvement. He noted that the alerting system that was selected to replace the current system would use commercially-available equipment that the Fire Department could source itself if it needed to, and that the vendor would cover both software and hardware upgrades. Chief LaChance noted that the new system would also have emergency buttons in all rooms of the Fire Station as well.
- Councilor Grant asked how this system would interface with the current and new dispatch systems. Chief LaChance replied that the system would seamlessly integrate with the current dispatch system as well as any new dispatch system.

VOTING: unanimous; motion carries.

7.3 Memorandum: Ben Traverse and Gene Bergman, Co-Chairs, Joint Committee on Police Oversight, re: Committee Status

MOTION by Councilor Bergman, SECOND by Councilor Dieng, to waive the reading, accept the memorandum, and place it on file.

DISCUSSION:

- Councilor Bergman began by noting that the Joint Committee on Police Oversight is made up of the Charter Change Committee and the Ordinance Committee. He said that they have met a dozen times to meet the goals of the resolution that was adopted in February of this year. He said that the goals are to allow the public to have additional input and

engagement on police oversight and accountability, have the committee review a number of prior proposals on this issue, and to review and make legislative (charter and/or ordinance) changes on the Chief's authority over discipline. He said that the Committee has tried to accomplish these goals, and are working to finalize a draft charter change for the Council's consideration in December. He said that the proposal would increase the size of the Police Commission to 9 members (from 7), add language that the appointment should be for members who represent the diverse nature of the City's constituents, expand the City Council's authority to obtain additional information about the Police Department, specify that the Police Commission has the authority to audit and monitor the functioning of the Department, outline the Chief's and Commission's powers to promulgate regulations and the process for doing so, and make explicit the Commission's authority to receive and review all civilian and internal allegations of misconduct by members of the police. He noted that the Joint Committee is still considering the threshold that the Commission would need to activate its investigative authority (majority or super majority vote). He also spoke about the Committee's consideration of establishing a body to weigh in when the Commission and the Chief disagree on recommendations. He noted that the Committee is meeting next week as well as in December.

- Councilor Dieng thanked the Committee for its work.
- Mayor Weinberger said that in addition to building trust in the Police Department through a strengthened citizen Commission, they have learned about the importance of guardrails or safeguards to ensure that police officers receive procedural justice and ensure that the work of the Commission does not distract and take up too many resources within the Police Department. He said that he would like to be supportive of a charter change and get it on the ballot, but that more work needs to be done to get the proposal in a place where he feels he can support it.
- Councilor Grant said that there continues to be a denial of the situation in Burlington and that the City isn't taking an honest look at how to repair some of the issues around community distrust of the Police Department. She said that because some of the Joint Committee members haven't experienced the issues the City has faced over the last few years, they are having trouble grasping the concepts of oversight and accountability. She said that the City needs balance in how it protects officers and how it protects the community.
- Councilor Shannon agreed with Councilor Grant about the importance of improving the relationship between the Police Department and the community. She said that the Committee has not yet engaged the police on this issue, though they are soliciting feedback from the Police Chief and police union. She said it will be important to determine if this proposed charter change would be harmful to current officers and the City's recruitment efforts.
- Councilor Traverse thanked the Committee for its work and said that members of the Joint Committee are fully understanding of the concepts that are before them, and agreed that the goal is to find a balance between oversight and recruitment and retention efforts in the Police Department. He urged stakeholders to give their input now, so that it can be considered and incorporated into the proposal.

VOTING: unanimous; motion carries.

7.4 Great Streets Main Street Construction Award and Contract Amendments – DPW –

MOTION by Councilor Barlow, SECOND by Councilor Magee, to 1. To authorize the Director of Public Works to execute Amendment #8 to the design contract, subject to City Attorney review and approval, with Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$614,811.00, bringing the total contract value up to \$3,160,488.00, and authorize the use of an additional \$61,481.00 in contingency funds to be available to use toward any necessary future contract amendments needed to accomplish the design work herein contemplated,, and further authorize execution of any such necessary amendments upon

review and approval by the City Attorney's Office, for a total authorized amount of \$3,221,969.00 for the development of the design of the Great Streets Main Street project; 2. To authorize the Director of Public Works to execute Amendment #1 to the resident engineer contract, subject to City Attorney review and approval, with EIV Technical Services in the amount of \$298,974.00, bringing the total contract value up to \$2,098,974.00, and authorize the use of an additional \$209,897.00 in contingency funds to be available to use toward any necessary future contract amendments needed to accomplish the services detailed herein, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of \$2,308,871.00 for resident engineering and outreach consulting services for the Great Streets Main Street project; 3. To authorize the Director of Burlington City Arts to execute contract amendments with the Great Streets Main Street selected Artists from the current total approved amount of \$66,696 to a total authorized Phase I and Phase II project expenditure in the amount of \$474,626, subject to review and approval by the City Attorney's Office, and to further authorize the use of an additional \$25,374 in contingency funds to be available to use toward future amendments for any of the artist contracts, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of \$500,000.00: a. A contract with Lydia Kern in an amount not to exceed \$90,600 for fabrication of artwork; b. A contract with WOWHAUS in an amount not to exceed \$99,000 for fabrication of artwork; c. A contract with Pixel Patch Creative, LLC in an amount not to exceed \$145,000 for fabrication of artwork; and d. A contract with Nancy Winship Milliken Studio, LLC in an amount not to exceed \$140,026 for fabrication of artwork; 4. To authorize the Director of Public Works to execute a Memorandum of Understanding, subject to City Attorney review and approval, with Burlington Electric Department in the amount of \$399,039, for the lighting construction of the Great Streets Main Street project; 5. To authorize the Director of Public Works to execute the following initial construction contract and future necessary contract amendments with S.D. Ireland Brothers Corporation to complete the reduced project scope as described herein for the Great Streets Main Streets project, for a total approved expenditure not to exceed \$25,962,543.26, subject to City Attorney Office review and approval: a. an initial construction contract in an amount not to exceed \$21,700,572.20; and, b. any such future contract amendments necessary to carry out the reduced project scope, in additional amounts not to exceed \$2,596,254.83 in contingency funds and \$4,261,971.06 in bond premium funds, totaling \$28,558,798.09 in additional reserve funds, provided that use of the bond premium funds shall be subject to the Vermont Economic Progress Council's (VEPC) review and approval; 6. To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the above-referenced funding sources as needed to pay the above-referenced project expenses in FY24 and Overall Project Budgets, as further detailed in Attachments C and D, provided that such budget amendment and transfers of funds as detailed in Attachment D involving bond premium funds shall be subject to VEPC's prior review and approval of the use of such funds.

DISCUSSION:

- Director Spencer began by noting that this project is a TIF-funded investment and will add bike lanes and pedestrian facilities to the streets in question, will protect Lake Champlain with robust stormwater facilities, will renew century-old water and wastewater facilities, and will unlock the redevelopment potential of downtown parcels that is currently limited by the ravine sewer.
- Assistant Director Baldwin walked through the bid review process and timeline. He noted that the original proposal was to redevelop 6 blocks of Main Street from Union to Battery Street, and that the original engineer's estimate was \$24,000,000 in cost. He said that the apparently successful bidder's proposal was for \$37,364,229, resulting in a funding gap of almost \$13 million. He said that the contractor has agreed to hold its price until November 20th (today). He said that unfortunately, they have had to reduce the scope of the project from 6 blocks to 3 blocks, from Winooski Avenue to Pine Street.

- Engineer Darisse spoke about the outreach that DPW has conducted with stakeholders along the proposed project site, and acknowledged that it has much more outreach to conduct around the reduced scope of the proposal. She noted that they have worked hard to establish relationships with businesses along the streets and address their concerns, and will maintain communication with the business community as the construction phase begins.
- Councilor Grant asked for more details about the proposed scope and approach of the project, as well as funding. Director Spencer replied that because the lowest bid came in significantly higher than estimated, the project has become a phased project and that this is the first phase and is within the City's funding abilities. He said that for Phase 2 of the project, they will need to seek federal, state, or other funding to complete it.
- Councilor Dieng noted that he voted against this at the Board of Finance, because he is concerned about the lack of engagement with businesses about the reduced scope of this project. He requested that this be postponed and that businesses be engaged more before making a decision.

MOTION by Councilor Dieng, SECOND by Councilor Bergman, to postpone this item until the City Council meeting on December 11 or at a special City Council meeting if called by the Mayor, under the circumstances of engaging the businesses.

DISCUSSION:

- Councilor Bergman asked what the impact of postponement would be. Assistant Director Baldwin replied that the bidder has agreed to hold the price for 60 days (which was yesterday, but they have agreed to hold it until today). He said that if this is postponed past tonight, it may result in the contractor not holding the price and forcing the City to rebid the work. He said that if that occurs, staff believe that it will not result in better circumstances or outcomes, due to the complexity of the work. Assistant Director Baldwin said that staff have not communicated to the public about this until now because they were in active negotiations with the bidder and that they also did not want to communicate information without having a solution, which left them only 6 days once they had a viable solution to have that public engagement that everyone desired. Councilor Bergman asked how DPW will address businesses' concerns, if this proposal moves forward tonight. Director Spencer replied that they have worked with other City departments to secure funding for business support through the life of the project, that they are committed to fully understand and address concerns that are raised by stakeholders. He said that if there are concerns about street closures and other aspects, they have the ability to discuss change orders with the contractor (though this will have financial implications).
- Councilor Shannon expressed concern about the loss of parking for businesses, as well as their concerns about the impact of the construction project itself. She said that the businesses know the reality of these impacts in ways that other constituencies don't, and that the City needs to take the time to heed their concerns. She said that the need for accommodating the businesses is greater now than it ever has been. She asked if there is any part or parts of this that could be postponed or whether this all must be adopted as a package. Director Spencer replied that the construction contract is the one with the 60-day pricing window, and the remaining contracts are in support of that construction contract.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to table this item.

VOTING: unanimous; motion carries.

MOTION by Councilor Shannon, SECOND by Councilor Magee, to take this item off the table.

VOTING: unanimous; motion carries.

DISCUSSION ON MOTION TO POSTPONE (CONT'D):

- Councilor Shannon asked whether it would be possible to separate out some of these contracts, given that the 60-day limit only applies to part of this motion. She asked whether separating them out put the City in a position to better address and understand some of the concerns of the businesses. Director Spencer replied that regrettably, he feels that splitting the construction contract is not a viable solution because all of the costs for the scope items are intertwined. Assistant Director Baldwin said that in his opinion, delaying the decision will not result in a better outcome. He said that DPW is committed to working with the contractor and business community to mitigate construction impacts, and that this contractor has a proven track record of working with the business community to minimize construction impacts.
- Councilor Magee noted that this reduced scope from 6 blocks to 3 blocks will also hopefully reduce the impact on the businesses along the corridor, and the project itself would allow for redevelopment of parcels and hopefully increase the amount of housing through future developments.
- Councilor Traverse asked when the construction work would begin, and Assistant Director Baldwin replied that it is slated to begin in mid-January.
- Councilor Dieng said that the City can do a better job in communicating these changes to the business community and getting feedback prior to making a decision. He also expressed concern that they might find contaminated soil that needs remediation (similarly to what happened with the St. Paul Street project), which would delay the project significantly.
- Councilor Barlow acknowledged the business concerns but also that there are deadlines that the City is up against in terms of the contractor.

VOTING ON POSTPONEMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – absent, Councilor Grant – nay, Councilor Hightower – absent, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (0 ayes, 10 nays, 2 absent); motion fails.

VOTING ON UNDERLYING MOTION (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – absent, Councilor Grant – aye, Councilor Hightower – absent, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 1 nay, 2 absent); motion carries.

7.5. Ordinance: Thermal Energy Systems And The Assessment Of A Carbon Pollution Impact Fee (Ordinance Committee)

MOTION by Councilor Traverse, SECOND by Councilor Carpenter, to waive the second reading and adopt the ordinance as amended by the Ordinance Committee.

DISCUSSION:

- Councilor Traverse began by noting that the City is authorized to regulate the types of thermal energy systems that be utilized by building applicants, both in existing and new buildings. He also noted that on Town Meeting Day 2023, Burlington voters gave the City authority to implement a carbon pollution impact fee up to \$150 per ton of greenhouse gas emissions generated by fossil fuel thermal energy systems in new buildings and large existing buildings. He said that this ordinance addresses both of those, by standing up a carbon pollution impact fee for new buildings and existing large buildings and clarifying the types of thermal energy systems that can be used by new building and large existing

building applicants within the City. He noted that this has gone through the TEUC as well as Ordinance Committee. He said that it also includes detail about how carbon pollution impact fees will be calculated, prioritized how the proceeds from those fees will be spent, and any exceptions to the carbon impact fees. He said that the ordinance has also been strengthened by aligning it with the state's clean heat standard, which allows exceptions for certain renewable combustible fuels, such as wood, renewable gas, hydrogen, and biodiesel, but only if the state's technical advisory group determines that those fuels reduce greenhouse gas emissions as compared to its fossil alternative. He said that the ordinance also prioritizes electric, geothermal, and solar heat over all other sources. He said that the record-keeping and reporting requirements have also been strengthened, in order to ensure proper monitoring.

MOTION TO AMEND by Councilor Bergman, **SECOND** by Councilor Magee, to amend the ordinance with the proposed changes outlined in "Carbon Fee ORD With Councilor Bergman's Proposed Amendments on OC 10-30-23 Clean Version", with the additional technical changes in Line 103 to rename the section 878c instead of 878d and in Line 121 replace the reference to section 878d with a reference to section 878c.

DISCUSSION OF AMENDMENT:

- Councilor Bergman said that the most substantive changes in his amendments to the ordinance are to change the definition of renewable energy (and redefine it as "clean energy") and to strike a number of the problematic fuels from the list of fuel systems that Burlington would be incentivizing with this ordinance.
- Councilor Traverse said that the only way an applicant would be able to use a combustible fuel is if they certify that they are unable to use electric, geothermal, or solar sources, and does not see this amendment as necessary.

MOTION by Councilor Dieng, **SECOND** by Councilor Shannon, to suspend the rules and complete the deliberative agenda, as well as return to item 7.4, which was tabled.

VOTING: unanimous; motion carries.

DISCUSSION OF AMENDMENT (CONT'D):

- Councilor Hightower asked why the primary versus non-primary distinction of thermal energy systems was removed. Councilor Bergman replied that they are looking to focus on the main systems. Councilor Hightower said that if this is focusing only on primary systems, she's worried that this won't have the effect they are hoping for and that having a ban on combustible renewables but not having a ban on fossil fuels will push applicants to use fossil fuels.
- Councilor Bergman said that this would have applicants make the choice between using a clean source of heat energy and using a bad one and paying a fee, and at least the City would be getting some revenue out of it from the applicants who choose to use fossil fuels, and can put that revenue into a Clean Energy Fund to help with weatherization and other emission reduction initiatives.

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

MOTION by Councilor Bergman, **SECOND** by Councilor Magee, to postpone this item until a date certain of December 11, 2023.

DISCUSSION:

- Councilor Shannon said that there have already been many compromises put into this ordinance and said that the work has been done to get it to a place that feels comfortable.
- General Manager Springer noted that postponing this would have implications for the District Energy proposal, and also noted that the Department of Permitting & Inspections is also looking to begin implementing the ordinance on January 1, 2024.
- Councilor Traverse said he believes that this version of the ordinance is the result of a significant amount of compromise already.

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

DISCUSSION (CONT'D):

- Mayor Weinberger spoke about the City's innovative and progressive approach to emission reduction and its net zero energy goals, saying that implementing a carbon impact fee is a huge step forward for the City in meeting its goals. He noted that this policy has been supported twice by voters. He urged the Council to approve this ordinance as proposed.
- Councilor Dieng said that the City's ultimate goal is carbon neutrality. He also said that there is a difference between making progress and being bold, and that bold action is required now. He asked about the correlation between this ordinance and the McNeil Plant. General Manager Springer replied that understanding how this is implemented is important for the Medical Center and the City, since it will change the playing field for energy sources.

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

7.6 Resolution: Supporting District Energy and Continued Efficiency Improvement At McNeil Generating Station (Councilors Barlow, Dieng)

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

DISCUSSION:

- Councilor Barlow noted that this resolution includes requirements for working toward additional efficiencies at the McNeil Plant, assurances that no additional wood will be burned to create the steam use for district energy, limits on future wood usage, plans for reduction of stack emissions, analysis and process for future transition planning, and commitments to work with UVMCMC on their efficiency and electrification efforts. He noted that McNeil is the City's power source for now and that there is no viable replacement available immediately. He said that without McNeil, the City's electricity rates would be higher and the electricity that replaces it would be generated out of state using fossil fuels. He said that this resolution helps chart the course to finding more viable longer-term clean energy alternatives to McNeil.
- Councilor Traverse and Councilor Doherty recused themselves from this discussion and vote due to professional conflicts of interest.
- Councilor Grant said that there is a concern about trust and tracking how impactful this will be, both with the medical center and on the City side. She asked how the City can assure the public that their concerns will be taken seriously.

- Councilor Bergman said that the defeat of this project will not close the McNeil Plant and will not end the burning of wood. He said that he has worked to include provisions in this that would allow for stricter tracking and verifying that this proposal will not increase the wood burning or emissions at McNeil. He said that energy engineers have estimated that it will take 15 years to replace UVMC's current high temperature system with a low emissions alternative, so he looks at this as a real reduction in emissions in the meantime, since it would replace UVMC's use of gas with captured waste steam heat from McNeil (while not increasing emissions at McNeil). He said that most of the opposition is based on lack of trust in industry, institutions, and the Council. He said that this resolution has a number of requirements and deadlines to hold the City accountable.
- Councilor Carpenter said that for her, this is not a wholesale endorsement of biomass but is a unique circumstance with an existing plant asset that the City owns and wants to maximize. She asked BED to clarify some of the concerns around this costing the rate payers more money. General Manager Springer said that there is no taxpayer financing or ratepayer financing and that this is a nonprofit design project that would be debt-financed and repaid through the sale of steam energy. He noted that McNeil's economics are more favorable than was discussed tonight during public forum
- Councilor Hightower said that she struggles with the longevity of the plan, saying that it makes the McNeil plant a longer-term investment and asset.
- Councilor Magee expressed concern with tying the future of McNeil to a single, large, industrial customer.
- Councilor Grant agreed with Councilors Hightower and Magee.
- Councilor Dieng acknowledged that McNeil is not the best solution, but it is what is available now. He spoke about the significant level of compromise and collaboration that led to this iteration of the resolution, and said that it includes a plan for moving forward. He thanked Nick Persampieri and Steve Goodkind for their subject matter expertise.
- Councilor King spoke about her time serving on the TEUC, as well as one of the groups she worked with, the Climate Action Collective. She said that the City owes it to future generations to prioritize clean, renewable energy sources. She said that she will be standing in solidarity with the young population of Burlington and voting no on this resolution. She said that the City's obligation to mitigate climate change must supersede this project.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – [recused], Councilor Grant – nay, Councilor Hightower – nay, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – [recused], City Council President Paul – aye (6 ayes, 4 nays, 2 recusals); motion carries.

8. COMMITTEE REPORTS

8.1. Verbal reports

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee will meet on November 28 at 5:00 PM and will discuss a number of topics, including Bird Bikes, the Winooski River Bridge Replacement, and the North Winooski Avenue corridor survey.

Councilor Magee noted that the Parks, Arts, and Culture Committee will meet next Wednesday, November 29, at 5:00 PM and will receive updates from BCA regarding planning for the solar eclipse event in April and a preview of the highlight programming for New Year's Eve.

Councilor Grant said that the November Public Safety Committee meeting is still pending a firm date, but hopes that it is on the books for next week.

9. CITY COUNCIL – GENERAL AFFAIRS

9.1. Verbal reports

Councilor Grant noted that Kismayo Kitchen has opened after the death of its original owner, and she welcomed them back to the community. She also spoke of a burglary of a business on lower Main Street, noting that they are trying to raise money to reopen.

10. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

10.1. Verbal reports

City Council President Paul provided an update on the two public forums required within the drug crisis resolution that was passed by the City Council on October 10. She noted that these forums will be held on December 14 and December 19, and further information on these forums will be provided after the Thanksgiving holiday.

11. MAYOR – GENERAL AFFAIRS

11.1. Verbal reports

Mayor Weinberger began by noting that today is the trans day of remembrance, saying that all LGBTQIA people are welcome and loved in Burlington. He also wished the community a happy Thanksgiving, noting that the Fletcher Free Library will be open from noon to 4:00 PM on Thanksgiving Day and will be providing free meals to go. He thanked the Farmhouse Group for their generosity in this endeavor, as well as City staff for coordinating the event. He spoke about the BTV Winter Market as an option for weekend holiday shopping in City Hall Park. He also spoke about the annual tree lighting ceremony that will occur on November 24 at the top of Church Street.

12. ADJOURNMENT

12.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:47 PM.

RScty: AACoonrad

**BURLINGTON LOCAL CANNABIS CONTROL COMMISSION
CITY HALL – CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
November 20, 2022
DRAFT**

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jared Pellerin
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 6:17 PM.

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

VOTING: unanimous; motion carries.

2.0 2023 LOCAL CANNABIS CONTROL APPLICATION

2.1 Heybud, 47 Maple Street

MOTION by Commissioner Shannon, SECOND by Commissioner Barlow, to approve and recommend that the Local Cannabis Control Commission authorize transmission of the approval for Heybud to the State Cannabis Control Board.

VOTING: unanimous; motion carries.

2.2 Lucky You, 163 Cherry Street

MOTION by Commissioner Shannon, SECOND by Commissioner Barlow, to approve and recommend that the Local Cannabis Control Commission authorize transmission of the approval for Lucky You to the State Cannabis Control Board.

VOTING: unanimous; motion carries.

2.3 Weedy's Warehouse

MOTION by Commissioner Shannon, SECOND by Commissioner Barlow, to approve and recommend that the Local Cannabis Control Commission authorize transmission of the approval for Weedy's Warehouse, to the State Cannabis Control Board.

VOTING: unanimous; motion carries.

3.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 6:21 PM.

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

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jared Pellerin
Katherine Schad
Jordan Redell
Lori Olberg

1.0 AGENDA

City Council President Paul called the meeting to order at 6:14 PM.

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

VOTING: unanimous; motion carries.

2.0 CONSENT AGENDA

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

2.2 First Class Liquor License Renewal and Third Class Liquor License Renewal (2023-2024): Dim Sum Café (1st) and Spot on the Dock (3rd) – approve the 2023-2024 First Class Liquor License Renewal for Café Dim Sum and the 2023-2024 Third Class Liquor License Renewal for Spot on the Dock with all standard conditions.

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

VOTING: unanimous; motion carries.

3.0 DELIBERATIVE AGENDA

3.1 First and Third Class Liquor License Applications (2023-2024): Djinn LLC, d/b/a Devil Takes A Holiday, 111 St. Paul Street

MOTION by Commissioner Shannon, SECOND by Commissioner Barlow, to approve the 2023-2024 First and Third Class Liquor License Applications for Djinn LLC, d/b/a Devil Takes A Holiday, 111 St. Paul Street with all standard conditions.

VOTING: unanimous; motion carries.

3.2 Outside Consumption Permit Application (2023-2024): Djinn LLC, d/b/a Devil Takes A Holiday, 111 St. Paul Street

MOTION by Commissioner Shannon, SECOND by Commissioner Barlow, to approve the 2023-2024 Outside Consumption Permit Application for Djinn LLC, d/b/a Devil Takes A Holiday, 111 St. Paul Street.

VOTING: unanimous; motion carries.

4.0 ADJOURNMENT

3.1 Motion to adjourn

The meeting adjourned without objection at 6:17 PM.

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

MEMBERS PRESENT:

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

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg
Brian Pine
Samantha Dunn
Charlie Baker
Andy Montroll
Darren Springer

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:08 PM.

MOTION by Councilor Carpenter, SECOND by Councilor Traverse, to amend/adopt the agenda as follows:

- **Add to the consent agenda item 7.22. Communication: Selena Kunkel, re: Ceasefire Resolution;**
- **Add to the consent agenda item 7.23. Communication: Jay Strauss, re: wood stoves in Burlington Vermont;**
- **Add to the consent agenda item 7.24. FY2023 Annual Report – Burlington – CCRPC;**
- **Add to the consent agenda item 7.25. Communication: Natalie Talbott, re: I DEMAND A CEASEFIRE;**

- **Add to the consent agenda item 7.26. Communication: Mark Leopold, re: Burlington City Council Meeting December 11, 2023;**
- **Add to the Deliberative Agenda Item 7.28. Resolution: A Community Statement Of Solidarity In Response To The Shooting Of November 25, 2023 (Councilor Traverse);**
- **Note proposed amendments for agenda item 8.5 (per Councilor Barlow).**

VOTING: unanimous; motion carries.

2. COMMUNICATION: CEDO, RE: CITY PLACE, POST APARTMENTS, AND CAMBRIAN RISE UPDATE (EXPECTED EXECUTIVE SESSION)

2.1. Communication: CEDO, re: City Place, Post Apartments, and Cambrian Rise Update (expected executive session) 5:00 pm – 6:00 pm
Mayor Weinberger said that this pertains to three projects, that there will be no public update or action taken tonight on them, though there will be a public update and action taken on these items in the weeks to come.

MOTION by Councilor Doherty, SECOND by Councilor Traverse, to find that premature general public knowledge of real estate negotiations pertaining to the CityPlace project, The Post Apartments, and the Cambrian Rise development would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating strategy if it discusses the proposed contract terms or negotiations in public.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor Dieng, that based on the finding of substantial disadvantage, the Council enter into executive session to discuss real estate negotiations under the provisions of 1 V.S.A. Section 313(1)(1)(A) and (2), to include the Mayor's staff, Director Pine, Acting City Attorney Pellerin, Chief Administrative Officer Schad, David White, Tim Sampson, and Assistant Director Dunn.

VOTING: unanimous; motion carries.

3. FY 2023 ANNUAL REPORT – BURLINGTON – CCRPC

3.1 FY2023 Annual Report – Burlington – CCRPC

Director Baker provided an overview of the FY2023 CCRPC annual report for Burlington. He noted that it included background on the CCRPC, how the CCRPC leverages Burlington's local funds to bring state and federal dollars into the region, information about Burlington's representatives on CCRPC's boards and committees, current projects being worked on with the City, information about CCRPC's transportation improvement program, projects the CCRPC is going to be working on in the next year with the City, and broader initiatives in the county around housing, economic development, energy, emergency management, and transportation. Mr. Montroll, Burlington's representative on the CCRPC, spoke in more depth about the Shelburne Rotary project, which included collaboration with the CCRPC.

4. PUBLIC FORUM: **TIME CERTAIN – 6:30 PM**

4.1 Verbal Comments

Forum opened at 6:17 PM.

COMMENTS:

Burlington residents (in person):

- Ashley Smith spoke about Israel committing genocide in Gaza, saying that the City must pass a ceasefire resolution. He noted that the majority of humanity agrees and supports a ceasefire. He noted that a racist shot three Palestinians
- Haim Losch said that the City must focus on collaboration and healing in the community. He said that it is contradictory to bring forth a resolution that aims to bring the community together while simultaneously excluding a large proportion of the Jewish community. He said that the resolution against Israel is a distraction from the more local issues that need work.
- Valerie Losch spoke about how harmful the item 8.1 ceasefire resolution is, saying that it and similar resolutions will be divisive and cause harm to the 90% of American Jews who stand with Israel. She spoke in support of item 8.2
- Greg Needle encouraged support of resolution 8.2, as it addresses the horrors and atrocities that have occurred over the last several weeks related to the shooting.
- Leah Sule spoke in support of the resolution related to a ceasefire in Gaza, as it is the peoples' duty to do everything in their power to stop the genocide that is occurring. She said that the U.S. should divest from Israel until the genocide stops. She said that the three young Palestinian men who were shot here would not have been shot if Israel were not shooting Palestinians with American support.
- Sara Sarnoff spoke about the experiences of Palestinian children and the trauma they are facing. She said that when we support a government that creates trauma for children and families, we become hypocrites, liars, and killers.
- Austin Allen spoke about the horrific events occurring in Palestine, urging the Council to support item 8.1.
- Maggie Chadwell spoke about the humanity of the leadership of the Palestinian and Jewish community in Burlington, who are leading the community through its grief. She urged the Council to support a ceasefire, as well as end apartheid in the City and ground the F-35s.
- Kimberly Chadwell spoke about the gifting of Israel to the Jews, noting that the Palestinians were not given a choice when their land became occupied by them. She noted that the Israeli army has no respect for human life or dignity. She said that the City must speak up and pass the resolution calling for a ceasefire, as well as supporting the constituent-led ballot initiative to declare Burlington an anti-apartheid City.
- Taylor O'Connor spoke about working to try and get her elected officials to do something both about the situation in Gaza as well as the shooting that occurred in Burlington several weeks ago, expressing her frustration that nothing has been done.
- David Massell spoke in horror about the shooting of Palestinians in Burlington and the unrestrained bombing occurring in Gaza, especially as they are supported by his tax dollars and are in the name of Jewish people and Jewish safety. He said he is ashamed of Israel's two-tiered citizenship system. He said that as a Jew, he supports a ceasefire.
- Abby Massell read an excerpt from an essay by one of the Palestinian men who was shot on North Prospect Street. She said that this resolution (8.1) and the ceasefire are the bare minimum of what should be occurring.
- Annabelle Lee spoke about how Israel is motivated by anger, noting that Israel's safety is not dependent on a settler colonial state. She urged the Council to pass the resolution on a ceasefire.
- Wafik Faoud spoke as a Palestinian resident of the City, saying that the resolution is the least that the Council can do as residents and citizens to make its voice heard in the midst of the genocide against Palestinians in Gaza. He noted the City, State, and federal support of ending apartheid in South Africa, saying that they should also support the end of this apartheid in Palestine.
- Logan Roots spoke in graphic detail about the horrors experienced in Gaza's hospitals dealing with injuries and casualties from Israel's bombing of Gaza. He said that this resolution is a bare minimum first step, saying that the elected officials need to use their political capital to do the right thing.
- Adam Franz said that the most insidious excuse to not support the ceasefire is anti-Semitism, and this excuse should be rejected as a farce. He said that the City should pass the resolution calling for a ceasefire.

- Michelle Sekalczic said that a ceasefire is a bare minimum first step in the Israeli/Palestinian situation, saying that it is within the City's power to do.
- Romeo von Hermann spoke briefly about the City's democratic caucus, saying that it is a great example of local democracy. He then spoke about the resolution calling for a ceasefire, saying that while it is important, he believes the City should be focusing on matters that directly impact the City. He expressed support for item 8.2.
- Sarah Brooks noted the resolution regarding Israel and Palestine the City debated in September of 2021, noting that support for Palestinians has grown since then. She said that the status quo is untenable and that Zionism cannot be separated from imperialism and colonialism, and that it is not about religion but about power.
- Colin Parkton said that there is no justification for a violent occupation of a people's land. He noted that the vast majority of support for Zionism comes from supporters of apartheid in South Africa and Rhodesia. He said that this resolution is the bare minimum for supporting a ceasefire.
- Will Keaton spoke about how Israel is seeking to annihilate Palestinian self-determination but its constant targeting of civilians and civilian institutions.
- Colin Palmer said that the violence perpetrated by the Israeli Defense Force (IDF) is identical to that of Nazi torture employed during the Holocaust and war crimes committed in Abu Ghraib. He said that Vermont's taxes, weapons, and F-35s are being sent to the apartheid state of Israel, which has already murdered tens of thousands of Palestinians in the last two months. He urged the Council to support a ceasefire.
- Paul Fleckenstein spoke about how Vermont officials at the State and City level have attended pro-Israeli rallies, which were preludes to the genocide being carried out in Gaza. He said that there needs to be a permanent ceasefire, as well as a stop to funding for Israel.
- Henry Bartok said that it is because of silence and complicity on the part of white Vermonters that genocide, racism, and oppressive values can continue to occur, as well as causing harm to the community. He said that the City must pass a ceasefire resolution and work on an apartheid referendum.
- Dylan Pilcher spoke in support of the ceasefire, also noting that this issue is indicative of the zeitgeist of our times and larger questions on whether collective activism can help influence and shape outcomes. He said that this is a question of right and wrong and of life and death, noting the displacement of millions of people as a result of this series of events.
- Dalia Debella said that the Council should pass a ceasefire resolution tonight on behalf of the immigrants of the community. She expressed dismay that the Council remained silent while three Palestinians were shot in what is considered the safest state in the country. She urged the Council to support a permanent ceasefire, divestment and sanctions against Israeli commerce, and the end of genocide and ethnic cleansing.
- Crystal C spoke about prior efforts to divest in order to end apartheid in South Africa, saying that the same need for divestment and comprehensive change are still needed. She urged the City to pass a resolution calling for the permanent ceasefire in Gaza.
- Nick Rudderman said that Israel was built by the United Nations, not by Jews, and was built to make sure that Jews are killed off by Muslims. He called for an end to violence. He said that most Jews do not live in Israel and do not support it.
- Leonardo Barber spoke on behalf of his family as Jews, calling for a ceasefire and saying that it is the least that can be done.
- Mark Leopold spoke about how most of the time, the Council is focused on the City's urgent needs and problems. He asked the Council to demonstrate that focus again tonight, saying that item 8.1 is outside the purview of this Council and will only be divisive. He said that item 8.2 as amended by Councilor Traverse should be passed.
- Rabbi Aaron Filmiss spoke about the effects of the shooting of the three Palestinian youths several weeks ago. He spoke about collaboration between the synagogue and the Islamic Society of Vermont to end both Islamophobia and anti-Semitism. He urged the Council not to pass item 8.1, saying that item 8.2 focuses more on the real issues in the community.

- April Fisher read an excerpt from an essay by one of the Palestinian men who was shot in Burlington. She said that this resolution (8.1) and the ceasefire are the bare minimum of what should be occurring, and is not a resolution that is out of context for the City.
- Carmen Darling urged the Council to pass a resolution for a ceasefire, saying that it is the bare minimum that the City can do.
- Antonio Golan spoke in support of the resolution calling for a ceasefire, saying that Israel is committing a genocide and that we have the responsibility to stand against it. He noted that other municipalities are passing similar resolutions, and that it would send a powerful message.
- Lina Greenberg spoke about the resolution relating to expanding the carbon impact fee, expressing support for it. She further urged the Council to pass the resolution calling for a ceasefire in Palestine.
- Grace Palmer urged the Council to pass the ceasefire resolution.
- Alex Cobb said that the Council can choose to be courageous and stand with the majority of Americans who are calling for a ceasefire in Gaza. She said that the Council can also go further than this by ceasing to send aid to Israel.
- Hannah Lawrence said that it is the Council's moral responsibility to pass a ceasefire resolution, saying that institutional silence has dehumanized Palestinians in this room, in the City, and around the State. She noted that Muslims in the community do not feel safe.
- Milzak Karajic spoke as a Bosnian who has experienced genocide, and said that he has never felt more ashamed to be a Burlington resident, a Vermonter, or a U.S. citizen, due to the silence of the Council regarding Palestine. He urged the Council to pass resolution 8.1 regarding a ceasefire.
- Andy Simon spoke in support of the decarbonization resolution and the ceasefire resolution.
- Catherine Bock said that too many lives have been lost and that the community needs nuanced, civil conversations about the current conflict between Hamas and Israel. She asked whether this resolution will impact the war or whether the dialogue around it will only cause harm in the Burlington community.
- Jennifer Forest urged the Council to sign onto this resolution as a beginning to demand a ceasefire and stop the genocide in Palestine. She said that climate justice depends on the liberation of Palestine.
- Steven Margolin said that the number of people who have died in Gaza is greater than the student population of Burlington.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to suspend the rules and complete public forum for the Burlington residents in-person in Contois Auditorium.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Magee, to additionally allow all non-Burlington in-person, as well as all online members of the public who have signed up, to speak public forum but to limit their time to one minute per person.

VOTING ON AMENDMENT (by roll call): Councilor Barlow – nay, Councilor Bergman – nay, Councilor Carpenter – nay, Councilor Dieng – nay, Councilor Doherty – nay, Councilor Grant – nay, Councilor Hightower – aye, Councilor King – nay, Councilor Magee – nay, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – nay (2 ayes, 10 nays); motion fails.

MOTION TO AMEND by Councilor Bergman, SECOND by Councilor Magee, to allow all individuals who have signed up for public forum to speak for the full two minutes, regardless of residence and whether they are in-person or online.

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

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

Burlington residents (in person, cont'd):

- Emma Redden said that this issue is about the liberation of people, which cannot occur under apartheid. She challenged the idea that proximity is required for caring about genocide. She said that it is racist to frame Jewish security as antithetical to Palestinian liberation, when Israel has colonized and stolen and killed for decades. She urged the Council to support a ceasefire and apartheid-free Burlington.
- Rory Cronin urged the Council to pass the ceasefire resolution despite several shortcomings, each of which she spoke about briefly. She said that the resolution does not name Israel's actions as genocide, which it is. She said that it fails to name the occupation of the West Bank.
- Damien Taylor said that the crisis in Palestine is a moral crisis and demands immediate action. He said that a ceasefire resolution is the absolute bare minimum that the City can do.
- George Howard said that it is impossible to reconcile the political and financial enabling of this genocide with any hope that the country's elected officials have the humanity necessary for this moment. She said that support should be withheld for any elected official who does not demand a ceasefire. She spoke about continued violence against Black members of the community and how it is linked to the inaction on the part of the Council related to the Israel/Gaza conflict.
- Zane Baker spoke in support of the ceasefire, saying that we must keep humanity in our hearts.
- Allison Adams spoke about the emergency crises in Palestine, saying that a ceasefire is the bare minimum that needs to occur to stop the horrific acts of violence currently being perpetrated. She spoke about her research on the lasting effects of genocide on indigenous cultural well-being. She said that Palestinians deserve to thrive.
- C. Green spoke on behalf of another Burlington resident, who is Palestinian. She spoke about how she had not felt unsafe as a Palestinian in Burlington until now. She urged the Council to call for an immediate ceasefire in Gaza.
- Trey Cook spoke about the two years that have passed since the last Israeli/Palestinian resolution on the City Council's agenda, and asked how much more research needs to be done before the Council actually does something to stand up to an apartheid state.
- Sue Getty spoke about her experience living in war-torn Colombia, saying that many officials do not understand the atrocities that are occurring because they have not experienced them. She said that officials need to take the time to see what is happening and to stop seeing these humans as just numbers.
- Dee Graham said that Councilors should think about the thousands of Palestinians murdered and those who are dying of lack of food and water and medical supplies as they consider passing this resolution. She said that the U.S. cannot turn away from Palestine and the Council should vote to support item 8.1.
- Peter Lackowski spoke about the U.N. resolution calling for a ceasefire in Gaza, and that the U.S. was the only country out of 15 that voted against a ceasefire.
- Theo spoke about other cities in the country that have passed their own ceasefire resolutions for Gaza, saying that the Council should unanimously pass the resolution under item 8.1. He noted that 68% of workers want a ceasefire.
- Ferene Paris spoke in solidarity with the Palestinian community, and spoke about the similar plight of Black people in the community. She said that the 2-minute limitation isn't working for the community and that these limitations are part of white supremacy culture.
- Charlotte Dennett spoke about the broader Middle Eastern conflict, noting that one of the primary drivers is oil and oil companies. She said that Israel protects the trans-Arabian pipeline and that this is one of the hidden contexts of the conflict.

- Jack Hanson urged the Council to support a ceasefire resolution. He also urged the Council to take action on climate-related topics and support Councilor Bergman's resolution to continue the City's progress on decarbonizing buildings. He said that the Council should go back to the voters and ask for a broader scope for this initiative.
- Eric Girschmann spoke in opposition to items 8.1 and 8.2, saying that they are divisive. He said a full ceasefire that leaves Hamas in power would be a mistake.
- David Kerman spoke about item 8.1, saying that providing financial support for the families of the victims of the shooting is laudable, but said he opposed the item, because some of it is not objective and that sentiments are presented as fact in some instances. He said that a resolution including inflammatory language is not productive. He said he supports the alternative resolution proposed by Councilor Traverse (item 8.2).
- Andrew Schoenbeck spoke as a descendent of Holocaust survivors. He asked why sentiments similar to tonight's were not voiced when the Assad regime in Syria murdered hundreds of thousands of its own people. He said he condemns the shooting of the Palestinian men, but does not support the resolution, as it seeks to link a divisive international issue to a very relevant local matter on which there is near complete unanimity.
- Joe Kane expressed support of the resolution related to 8.1. He said he would like a parallel resolution condemning Zionism in the community.
- Nick Persampieri urged the Council to support the ceasefire resolution. He also asked the City to improve its climate policy by passing Councilor Bergman's proposed resolution.
- Britta Fisher spoke about holding Israel accountable for genocide, saying that proximity should not preclude holding Israel accountable. She urged the Council to support a ceasefire resolution, saying that it is significantly past due.
- Elisa Chen spoke about the inextricable connection between Zionism and violence, and said that calling for a ceasefire is not divisive, nor is calling for an end to apartheid anti-Semitic. She urged the Council to support the ceasefire resolution.
- Todd Lacroix said that anti-Zionism is not anti-Semitism. He also spoke about being personally persecuted for Occupy Wall Street as well as his views on Israel, Palestine, and the climate.
- Mohamed Syam spoke as a Palestinian from Gaza, and spoke about the devastation occurring in Gaza right now. He said that they are demanding a ceasefire.
- Faried Wynasha spoke about how Ben and Jerry divested from Israel and how significant it was. He said that we must divest from Israel and not use our tax dollars this way. He thanked the Jewish people for their collaboration for social justice. He also spoke about overthrowing the corrupt Saudi regime.
- Bill Ogen said that he believed that Hamas and Hezbollah were social movements, but has since learned that their agendas include annihilating Israel. He said that the ceasefire resolution is not the right one.
- Christopher Aaron Felker said that this resolution is unnecessarily divisive and that the language is deeply ideological. He urged the Council to support the alternative resolution proposed in item 8.2. He also noted that increasing taxes impacts affordability, and that the City should not increase taxes.
- Sharon Bayhar said that the resolution related to item 8.1 seems like a first draft, and said that she agrees with parts of it but that other parts of it are problematic. She said that there should be two separate resolutions that deal with the local and international issues separately. She also expressed concern about the divisiveness of the resolution.
- Rabbi Eliyahu spoke about how the four synagogues in the area oppose this resolution (item 8.1), saying that it contains factual errors, biased perspectives, and that it goes beyond this body's mandate. He said that this resolution creates a bigger divide in this community.
- Jeff Schulman spoke about the resolution, which diverts attention from where it should be, which should be on supporting the three students who were shot and how they community came together to support them. He said that this resolution uses biased, inflammatory language to further divide the community.

- David Gettys spoke in opposition to the ceasefire resolution and expressed support for the amended resolution offered by Councilor Traverse.
- Rachel Jolly expressed support for the sentiments in the ceasefire resolution (8.1) around supporting the three Palestinian students who were shot in the community, as well as expressed support for a ceasefire. She said that this resolution does not capture the complexity of the situation, and seems to place the blame solely on the side of Israel.
- Joanne Just said that a ceasefire resolution should also demand the release of hostages, also saying that she would rather see efforts put into cracking down in illegal handgun use that made the shooting of the Palestinian students possible.
- Sarah Kliansky expressed concern about this resolution sowing anti-Jewish sentiments in the community and expressed worry for herself and other Jews in the community on a personal level.
- ____ spoke about the suffering due to the ongoing conflict in Gaza, and said that a permanent ceasefire needs to be implemented, as it will break the cycle of violence and provide an opportunity to engage in meaningful conversations and negotiations.

Forum closed at 9:20 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports

None.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates

Councilor Grant spoke about the public safety community forums that will occur this Thursday evening and next Tuesday evening. She noted that members of the public can submit questions ahead of the event online. She said that one topic she hopes will be discussed will be information on how victims of crime can determine if their case has been submitted to the State's attorney's office.

7. CONSENT AGENDA

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

7.2 Authorization for Contract with Matrix Consulting Group for City of Burlington Operational Efficiency Study and Approval for Budget Amendment to Affect Contract – Mayor/CAO - approve and authorize the Chief Administrative Officer to reassign \$100,000 within the Assigned Fund Balance from the Jobs & People Study to Opportunities to Increase Revenues or Efficiencies.

7.3 VT Center for Crime Victim Services "Victims of Crime Act" (VOCA) grant (Grant #02100-FY24/25-CN) – CEDO – CJC – approve the acceptance of Grant #02100-FY24/25-CN, in the amount of \$140,164 for FY24 and to authorize CEDO Director Pine or his designee to sign and grant acceptance and any necessary related documents after review and approval by the City Attorney's Office.

7.4 Request to Execute a Contract with Studio RENZ+OEI for the design and construction of the kiosk at City Hall Park – CEDO - approve and authorize the Director of the Community & Economic Development Office to enter into a contract with Studio RENZ+OEI for the purposes of designing and constructing the kiosk at City Hall Park, with a cost of up to \$213,000 and a 15% contingency, for a total authorization and maximum limiting amount of \$244,950 subject to the final review and approval of the City Attorney's Office.

7.5 Community Partnership for Neighborhood Development Grant Acceptance – CEDO – approve and authorize the Director of the Community & Economic Development Office to execute the Grant Award Conditions and Acknowledgements Form from the Agency of Commerce and Community Development (ACCD) for the conceptual design of the public realm elements of the South End Coordinated Redevelopment area and to accept and execute a reimbursable grant with ACCD, in an amount up to \$133,000 and further authorize the upfront expenditure of

such grant funds on the condition that such grant funds are reimbursed pursuant to the grant terms, subject to final review and approval by the City Attorney's Office.

7.6 Request for Approval of Contract for the Long-Term Climate Resilient Evaluation for North Plant Sewer Siphon – DPW – Water Resources – Approve and authorize the Director of Public Works' execution of a contract with Stantec Consulting Services, Inc. for the long term climate resilient siphon repair, for a Maximum Limiting Amount of \$182,793.62 with authorization for contingency funding of an additional \$8,000.00, for a total authorized expenditure not to exceed \$190,793.62, subject to the review and approval of the City Attorney's Office.

7.7 Request for Acceptance of American Rescue Plan Act (ARPA) 2023 Pretreatment Grant Funds for Businesses and Municipalities – DPW – Water Resources - 1. Authorize the Director of Public Works to execute a grant agreement for \$342,125 with the Vermont Department of Conservation for ARPA Pretreatment Grant pass-through funds to be used for pretreatment equipment replacement at the Edlund facility located at 319 Queen City Park Road, subject to the prior approval of the City Attorney's Office; and 2. Authorize the Director of Public Works to execute a sub-award agreement with Edlund Company, LLC for ARPA Pretreatment Grant pass-through funds in amount not to exceed \$342,125 to be used for pretreatment equipment replacement at the Edlund facility located at 319 Queen City Park Road, subject to the prior review and approval of the City Attorney's Office.

7.8 Authorization to Execute Contracts with On-Call Water Resources Sewer Collection System Filming and Cleaning Contractors – DPW – Water Resources - authorize the Director of Public Works to execute Main On-Call Agreements with two (2) water resources CCTV contractors (BP Wastewater Services LLC and P&P Septic), each with a maximum limiting amount of \$150,000, for a total authorized expenditure not to exceed \$300,000, subject to review and approval by the City Attorney.

7.9 Re-classification/retitling of one position – BPRW/HR - approve the retitling and reclassification of the Land Steward, a regular, full-time, exempt, non-union, Grade 18 position to the City Land Steward, a regular, full-time, exempt, non-union, Grade 20 position in the Department of Parks, Recreation & Waterfront, and further authorize back pay in the amount of \$6,807.82 to the incumbent retroactive to 7/1/22.

7.10 Update to the 2019 Investment Policy Statement – Retirement Board – approve and ratify the attached Investment Policy Statement for the Burlington Employees' Retirement System.

7.11 Communication: Kim Hornung-Mercy, re: 11/20/23 CC PF – waive the reading and place it on file.

7.12 Communication: Nora Thomas, re: City Council Meeting Agenda – waive the reading and place it on file.

7.13 Communication: County Assistant Judges, re: Pre-Budget Meeting – waive the reading, accept the communication, and place it on file.

7.14 Communication: John Day, re: Downtown is becoming more like Portland; it should be becoming more like Milwaukee – waive the reading and place it on file.

7.15 Communication: Ian Drury, re: Genderless bathroom option – waive the reading and place it on file.

7.16 Communication: Anthony Sini, re: the use of hard drugs on the streets of Burlington – waive the reading and place it on file.

7.17 FIO Documents – for information only.

7.18 Resolution: Authorization For Up To \$95,000 Step 1 Loan From Vermont Clean Water State Revolving Fund For Preliminary Engineering Of Stormwater Outfalls (TO-0104 and TO-0022) Repair (Board of Finance) – waive the reading and adopt the resolution.

7.19 Resolution: Authorization For Up To \$105,000 Step 1 Loan From Vermont Clean Water State Revolving Fund For Preliminary Engineering Of Stormwater Outfalls (TO-0097) Repair (Board of Finance) – waive the reading and adopt the resolution.

7.20 Resolution: Authorization For Up To \$315,000 Step 1 Loan From Vermont Water State Revolving Fund For Planning Of Future Stormwater Outfall Repairs (Board of Finance) – waive the reading and adopt the resolution.

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

7.22 Communication: Selena Kunkel, re: Ceasefire Resolution - waive the reading and place the communication on file.

7.23 Communication: Jay Strauss, re: wood stoves in Burlington Vermont - waive the reading and place the communication on file.

7.24 Communication: FY2023 Annual Report – Burlington – CCRPC – waive the reading, accept the report, and place it on file.

7.25 Communication: Natalie Talbott, re: I DEMAND A CEASEFIRE - waive the reading and place the communication on file.

7.26 Communication: Mark Leopold, re: Burlington City Council Meeting December 11, 2023 – waive the reading and place the communication on file.

MOTION by Councilor Shannon, SECOND by Councilor Doherty, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.26.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 Resolution: Support Of The Three Young Men Of Palestinian Descent Victimized By A Senseless Act Of Hate And Honoring The Burlingtonians Who Helped Them – And Calling For A Permanent Ceasefire Between Israel And Palestine (Councilors Dieng, Magee, Bergman)

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

DISCUSSION:

- Councilor Dieng began by noting that the resolution calls out the October 7, 2023 attack and subsequent killing and hostage-taking perpetrated by Hamas against Israel. He then noted that since then, Israel has engaged in a war against Hamas, which has resulted in the collective punishment of Palestinians in Gaza and the West Bank. He then spoke about the shooting on November 20, 2023 of three Palestinian students in Burlington. He said that the City must stand together to ensure that it is a safe and welcoming place for those of all faiths. He said that Burlington has the right to advocate for a ceasefire because it is one of the first municipalities to have sister cities in Palestine and Israel (Bethlehem and Arad).
- Councilor Magee said that it is imperative to stand for human rights unequivocally, and that is why he stands with those in Gaza and the West Bank. He also spoke about the horror of the local shooting of Palestinians. He said that they City cannot stand by while tax dollars are used to fund Israel brutality in Palestine. He said that this resolution should not be controversial, and that it calls on Vermont's congressional delegation to also support a ceasefire. He then read a quote from one of the victims of the local shooting.
- Councilor Bergman spoke about the difficulty of taking a stance in this current Israel/Palestine conflict. He said that he feels the weight caused by anti-Semitism, colonialism, pogroms, the Nakba and the Holocaust. He spoke about his Jewish heritage, saying that Hannukah is not incongruous with this resolution. He said that he supports this resolution because it stands against violence and Islamophobia, kidnapping, bombing of civilians, harassment of people due to their religion or nationality, the use of violence in the name of the Jewish people, and finally, that it stands against retaliation for the sake of retaliation. He noted that the statistics and statements within the resolution are factual and accurate.
- Councilor Traverse said he understands the reasoning for bringing this resolution forward, and agrees with many of its points. He said he does not agree with some of the language, which some feel maligns the Israeli people, as well as language that may not accurately characterize the positions of Vermont's congressional delegation. He said it seems to run against the grain of unity. He said that the Council should make a strong statement for peace and a ceasefire and against the local shooting that occurred, but not through this resolution.
- Councilor Hightower noted two important points in this resolution that are not included in the resolution for item 8.2, which include joining Senator Sanders and calling for the end to U.S. military aid to Israel, and calling for a ceasefire. She acknowledged that the resolution did not condemn the actions of Hamas as much as it could have.

- **Councilor Hightower made a friendly amendment to lines 24-25 to add “terrorist” between “an” and “attack” and to add “largely civilians” between “people” and “with.”**
- **Councilor Grant said that though there was a terrorist attack on October 7, Hamas did not start the war. She said that as Vermont’s Queen City, Burlington must make a stand and say no to violence and no to the funding of violence.**
- **Councilor Doherty said that resolutions need to capture consensus for Burlingtonians as much as possible. He said that in public forum, the nuance and complexity being grappled with are not captured in this resolution.**
- **Mayor Weinberger spoke about the collaboration between Muslim and Jewish community members against hate and discrimination and violence in the community. He said that the shooting of Palestinian students in this community was appalling and unacceptable, though it was been heartwarming to see so many Burlingtonians come together to support the victims and their families. He said that though he agrees that humanitarian aid must get to Gaza and that the violence being experienced is horrific, he does not believe that a ceasefire is the path to secure lasting peace in the region, though the U.S. can exert pressure to get the parties to pursue a two-state solution. He said he believes that the alternative resolution under item 8.2 is more in line with what the City can support.**
- **Councilor Dieng said that the war cannot be stopped without a ceasefire first, and said that he does not think that calling for a ceasefire is divisive.**

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

8.2 Resolution: A Community Statement Of Solidarity In Response To The Shooting Of November 25, 2023 (Councilor Traverse)

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

DISCUSSION:

- **Councilor Traverse includes statements of solidarity for victims of the shooting from several weeks ago, as well as statements with respect to the ongoing conflict in Gaza. He spoke about the local shooting and about how local law enforcement and federal partners worked to apprehend the alleged shooter, and how local first responders and medical personnel provided care for the victims. He said that the resolution allows the City to extend its outrage for the shooting, support for the victims, and condemnation of Islamophobia, anti-Semitism, and other acts of hate.**
- **Councilor Bergman said that this resolution is not the unifier that the sponsor of the resolution desires it to be, and does not feel that it is less divisive than the now defeated prior resolution.**
- **Councilor Grant said that this Council operates out of fear, and that this resolution is significantly watered down and does not do what it purports to do.**
- **Councilor Dieng said that the shooting several weeks ago was an urgent matter and should have been addressed by a special meeting. He further noted that this resolution does not call for a ceasefire, which is needed.**
- **Councilor Hightower noted that this resolution asks Burlington’s congressional delegation to call for peace, but noted that all three of them have done something more specific than that, and asked why that wasn’t included in the resolution. Councilor Traverse replied that the wording of the resolution is not as strong as many would like to see, and that there is significant sensitivity among the Congressional delegation around whether to call for a ceasefire or a humanitarian pause. Councilor Hightower said that calling for peace without defining what that looks like is meaningless.**

- **Councilor Hightower made a friendly amendment to insert after “innocent civilians” on line 32, “the vast majority of whom are Palestinians killed by Israeli military action.”**

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to suspend the rules and complete the agenda through item 8.5.

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- Councilor Magee said that he is troubled by the Council’s failure to take a stand or action on this and a number of other items.
- Councilor Dieng noted that the BDS resolution from September 2021 was not killed but can still be taken up by committee, and he believes the time is right to do so.

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

8.3 Resolution: March 5, 2024 Annual City Meeting—Proposed Charter Change Re: Policing (Joint Charter and Ordinance Committee)

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to adopt the resolution and warn the proposed charter change for 2 public hearings pursuant to 17. V.S.A. Sec. 2645.

DISCUSSION:

- Councilor Traverse began by noting that the joint committee that drafted this resolution was formed after voters elected against standing up a community control board of policing last March. He noted that they have held 14 meetings since being formed. He said that he believes that formally articulating the relationship between the Police Department and Police Commission in a comprehensive way and through a charter change will be valuable for future oversight activities. He said that it provides paths for conflict resolution between the Police Commission and the Police Department. He noted that they are still waiting to obtain certain feedback from the Police Department and union prior to determining whether the item should be placed on the ballot for a Town Meeting Day vote.
- Councilor Bergman thanked members of the joint committee for their diligence and hard work.
- Councilor Shannon expressed concern that this will have a detrimental effect on hiring lateral police officers, as it will add to the length of time of an investigation of officer conduct. She said she looks forward to hearing feedback from the Police Department and union.
- Acting City Attorney Pellerin outlined the process moving forward, saying that the Council can warn the language as proposed for two public hearings, at which it can gather feedback from the public and other parts of City government and make further amendments accordingly. He noted that the Council will need to take action to place it on the ballot by January 29, 2024.
- Councilor Hightower agreed with Councilor Shannon that this adds a layer of bureaucracy, and said that the ultimate outcome with this new layer will likely be the same.
- Councilor Grant expressed frustration during this process about the lack of baseline education of some individuals regarding police oversight and accountability. She noted that Article 7 appeared on the ballot last year because many residents felt that their concerns weren’t being heard, and they acted accordingly. She emphasized the importance of

focusing on what types of officers the City wants to attract, not lower the standards. She noted that feedback provided by certain people, including former commissioners, was ignored.

- Mayor Weinberger said that this improves the system that the City currently has and that he is supportive of moving this forward.

VOTING: 9 ayes, 3 nays; motion carries (Councilors Grant, Hightower, Magee dissenting).

8.4 Resolution: March 5, 2024 Annual City Meeting Charter Change Re: Electric Department (Board of Finance)

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

VOTING: unanimous; motion carries.

8.5 Resolution: Implementation Of A Carbon Pollution Impact Fee For New Construction And Large Existing Commercial And Industrial Buildings 25,000 Square Feet Or Larger (Councilor Bergman)

MOTION by Councilor Bergman, SECOND by Councilor King, to refer the resolution to the Transportation, Energy, and Utilities Committee (TEUC) in time for the TEUC to report back to the full Council so that the proposal can be considered and placed on the March 2024 Town Meeting Day ballot.

DISCUSSION:

- Councilor Bergman noted that CO2 levels are at their highest level in 14 million years. He said that they must act like this is an emergency. He said that this item seeks to obtain the authority to raise the carbon impact fee in line with the trend in other cities and raise a significant amount of money for weatherization and clean energy installations. He said that the ballot item does not adopt any fee, ordinance, or regulations, but would ask voters to give the Council the authority to do.
- Councilor Barlow said that he supports building on the carbon impact fee language that was previously passed. He said that he has concerns about this resolution, which include a lack of public process and stakeholder engagement, and said that they should allow the recently passed carbon impact fee ordinance be in effect for some period of time prior to reviewing its effectiveness, rather than extending this ordinance to buildings between 25,000 and 49,999 square feet.

MOTION TO AMEND by Councilor Barlow, SECOND by Councilor Traverse, to amend the resolution with "Proposed Amendments Per Councilor Barlow Agenda Item 8.4" as posted on CivicClerk.

DISCUSSION ON AMENDMENT:

- Councilor Barlow that his amendments would put a potential item on the ballot in November 2024 rather than March 2024, and would allow for time to study the current (recently implemented) ordinance as well as solicit stakeholder input.
- Councilor Traverse said that this amendment would give the Council enough time to study the proposal prior to sending it to the TEUC, and that voters will have ample opportunity to vote on this as a ballot item in 2024.
- Councilor Bergman said that his resolution would seek the authority to take action, rather than take any specific action.

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

DISCUSSION ON RESOLUTION (CONT'D):

- **General Manager Springer spoke about several concerns with the proposed language for the resolution. He noted that the carbon impact fee is at the level used in New York City and is not consistent with the State of Vermont Climate Council's social cost of carbon, which is between \$126-\$148. He also said that for some of the buildings between 25,000 and 49,999 square feet in Burlington, this may not be the right tool in the toolbox to incentivize cleaner energy. He also expressed concern that they just finished a process for implementing a carbon fee for large buildings and new construction very recently.**
- **Councilor Traverse said that because this would simply send this to the TEUC, he is supportive of it.**
- **Councilor Carpenter said that to get this on the ballot for March, this needs to be explained to the voters thoroughly. She expressed concern that this education cannot take place prior to March.**

VOTING ON RESOLUTION (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (9 ayes, 3 nays); motion carries.

9. COMMITTEE REPORTS

9.1. Verbal reports

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee will meet on Tuesday, December 19 at the Fletcher Free Library at 4:30.

Councilor Bergman noted that the Tax Abatement Committee has an appeal that has been filed, and that the committee must schedule a meeting to take up that appeal.

Councilor Magee said that the Parks, Arts, and Culture Committee will meet on December 13 and will be discussing the final report from the Dog Task Force, as well as a report on data related to the recreation programming in the City. He noted that at the last meeting, the Committee heard updates for the New Year's Eve Highlight event.

Councilor Traverse noted that the Ordinance Committee has met six times with the Planning Commission to jointly review the Neighborhood Code proposal, which would expand housing development opportunities across the City if passed. He noted that they will be meeting jointly tomorrow and December 19th.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee will be meeting on Tuesday, December 19 at 5:30 to discuss a report from the Vermont New American Advisory Council around gun violence affecting new Americans in the City of Burlington as well as the Reparations Task Force.

City Council President Paul noted that the Public Safety Committee will meet tomorrow at 5:30 to discuss the community forums that will occur on December 14 and December 19.

Councilor Grant noted that the next regular Public Safety Committee meeting is December 21.

10. CITY COUNCIL – GENERAL AFFAIRS

10.1. Verbal reports

None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

11.1. Verbal reports

City Council President Paul spoke about the public safety-related community forums that will occur on December 14th and 19th.

12. MAYOR – GENERAL AFFAIRS

12.1. Verbal reports

Mayor Weinberger noted that there is another Opioid Settlement Advisory Committee meeting in December. He noted his concern about the pace and focus of these funds, which are available to the State to impact the suffering in the drug crisis that they are currently experiencing and to improve conditions on the streets. He said he will continue to advocate for more vigorous and urgent action from the State.

Mayor Weinberger noted that the 45th annual Parks, Recreation, and Waterfront holiday party will occur at the Hilton this weekend, saying that it is open to the public.

13. ADJOURNMENT

13.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:43 PM.

RScty: AACoonrad

**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 given 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

Lori Olberg

FOR INFORMATION ONLY

From: VLCT Events & Training <info+vlct.org@ccsend.com>
Sent: Tuesday, January 9, 2024 11:06 AM
To: Lori Olberg
Subject: Flood Recovery Check-in: Public Assistance Subgrant Agreements 101

For complete information!
Additional info, please
contact the City Clerk's Office

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

[View as Webpage](#)



Flood Recovery: Public Assistance Subgrant Agreements 101

The work to recover from disasters like the two major flood events last summer can take a long time to complete, and the funding needed to pay for it can be challenging to manage. VLCT is holding a series of monthly meetings to support the municipal officials who are dealing with this recovery.

This month you'll learn how to meet the terms and conditions that will be contained in your forthcoming subgrant agreement with the Department of Public Safety.

REGISTER

**Tuesday, January 16
1:00 PM**

Cost to Attend
FREE

Registration Deadline
Tuesday, January 16

At each check-in attendees will

- Hear important updates about FEMA's Public Assistance Program.
- Get information directly from FEMA and state officials.
- Learn details about other programs and opportunities that could benefit your town relative to flood recovery, mitigation, and resilience.
- Discover tips, best practices, and resources that can help you navigate projects involving FEMA funding.

Recurring Speakers

- Eric Forand, Director, VEM
- Ben Rose, Recovery and Mitigation Section Chief, VEM
- Will Roy, Federal Coordinating Officer, Field Leadership Cadre, FEMA Region 1

Lori Olberg

From: Lani Ravin <Lani.Ravin@uvm.edu>
Sent: Monday, January 8, 2024 4:30 PM
To: Lisa Kingsbury (she/her); NRB - Act250 Essex; kaitlin.hayes@vermont.gov; Lisa McNaney; burlingtontownclerk; Lori Olberg; Andrew Montroll; permitting@ccrpcvt.org; ANR - Act 250; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; agr.act250@vermont.gov; Dillon, Scott; Duggan, James; ACCD - Project Review; Karen Paul
Cc: Scott Gustin
Subject: E-CoS Regarding Monthly Information for LUP 4C1043-1A for December 2023
Attachments: CoS UVM LUP 4C1043-1A 2023.12.pdf; Dec_23_ACT250_count.pdf

You don't often get email from lani.ravin@uvm.edu. [Learn why this is important](#)

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

I hereby certify that I, Lani Ravin, Associate Planner, at the University of Vermont & State Agricultural College, sent a copy of documents, dated November 21, 2023, for the University of Vermont, regarding LUP# 4C1043-1A, regarding temporary suspension of a 200 space off-campus parking lot for November 2023, by electronic mail to those with email addresses as indicated above.

Thank you.

Lani Ravin, AICP
Planning, Design and Construction
University of Vermont
31 Spear Street, Marsh Hall Suite 10
Burlington, VT 05405
Ph: (802) 656-3217
Fax: (802) 656-8895
Lani.Ravin@uvm.edu

FOR INFORMATION ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Thursday, January 4, 2024 2:04 PM
To: kkimball@diovermont.org; lsmith@bsdvt.org; sarah.a.p.cowan@gmail.com; dmarshall@cea-vt.com; randy@colinlindberg.com; kkimball@diovermont.org; chris@lclt.org; matt@lclt.org; kkimball@diovermont.org; nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg; joe.buford@usda.gov; info@winooskinrcd.org; ethan.tapper@vermont.gov; john.gobeille@vermont.gov; andrew.wood@vermont.gov; josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com; pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; kaitlin.hayes@vermont.gov
Subject: Act 250 Minor Notice and Proposed Permit 4C0419-5
Attachments: Minor_Notice 4C0419-5.pdf; Permit_Draft 4C0419-5.pdf

Some people who received this message don't often get email from nrb.act250essex@vermont.gov. [Learn why this is important](#)

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

Hello,

Attached is a proposed permit and minor notice for Act 250 application 4C0419-5.

Thank you,
Madeline

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Madeline Cotter *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

FOR INFO ONLY - 104 ONLY

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Wednesday, January 3, 2024 3:31 PM
To: FVonTurkovich@fvtlaw.com; Abby.Dery@tcevt.com; andrea.dotolo@tcevt.com; ed.vonturkovich@gmail.com; Jeremy.matosky@tcevt.com; skelley@sanbornhead.com; eric.lichto@tcevt.com; y.house@myfairpoint.net; benjamin.dejong@vermont.gov; christopher.clow@vermont.gov; scott.dillon@vermont.gov; elizabeth.peebles@vermont.gov; laura.trieschmann@vermont.gov; justdmet@gmail.com; brenda.owre@gmail.com; robert.butani@gmail.com; Ted.von@geocompanies.com; andres@watershedca.com; pbierman@uvm.edu; trilefbvre@comcast.net; krbygrl17@yahoo.com; sfbushor@gmail.com; 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; Aaron.Brondyke@vermont.gov
Subject: 4C1320 Groundwater Report Response Deadline Extension
Attachments: 4C1320 cos 11 1-3-24.pdf

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

On behalf of the State Coordinator Aaron Brondyke, the District 4 Commission acknowledges receipt of Eric Licho's January 2, 2024, email submission, cover letter, and Groundwater Monitoring Report, which have been uploaded to the Act 250 database online here (<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=4C1320>). Notice of the applicant's submission of the Groundwater Monitoring Report now appears to be complete. Therefore, the Commission hereby extends the deadline to submit written responses to the Commission in accordance with item IV.3. of the Hearing Recess Order dated October 6, 2022, to Thursday February 1, 2024, for all parties.

Please contact State Coordinator Aaron Brondyke (aaron.brondyke@vermont.gov) if you have any questions.

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street
Essex Junction, VT 05452

Adriene Katz NRB Technician

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

From: Brackin, Stephanie <Stephanie.Brackin@vermont.gov>
Sent: Thursday, January 4, 2024 8:59 AM
Subject: DEC Press Release - Lake Raponda and Lake Morey Achieve Gold Lake Wise Award Status

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

PRESS RELEASE

For Immediate Release – January 4, 2024

Media Contact:

Alison Marchione, Lake Shoreland Coordinator
Department of Environmental Conservation
802-490-6128, Alison.Marchione@Vermont.gov

Lake Raponda and Lake Morey Achieve Gold Lake Wise Award Status

Montpelier, Vt. – The Department of Environmental Conservation (DEC) is pleased to announce that a fourth and fifth lake have achieved the Gold Lake Wise Award. Lake Raponda in Wilmington and Lake Morey in Fairlee join Echo Lake, Seymour Lake, and Lake Iroquois in reaching this accomplishment. The Gold Lake Wise Award is granted to lake associations when 15% of the properties surrounding a lake have received an individual Lake Wise Award.

“The Gold Lake Wise Award is an impressive achievement,” said DEC Commissioner Jason Batchelder. “It is clear that the Lake Raponda and Lake Morey communities are committed to preserving lake health and promoting best shoreland management practices.”

A Lake Wise Award is given to individual lakeshore property owners who participate in the voluntary Lake Wise Program to improve stormwater management and prevent erosion. Their properties must meet a series of criteria that indicate it is well managed, uses Shoreland Best Management Practices, and is maintained to care for the lake.

“The Lake Morey community has been alarmed by a variety of threats to lake quality, including invasive species and algae blooms. Our association has promoted good stewardship of the watershed – leading to a growing number of lakeshore owners taking part in the Lake Wise Program,” said Bill Minard, Lake Morey Protective Association Treasurer. “Owners were excited to achieve the award and make changes to protect the lake from runoff. We look forward to continued improvements to our watershed.”

At Lake Morey, the Gold Lake Wise Award would not have been possible without committed landowners or Lisa Niccolai from the White River Natural Resource Conservation District. Over the course of two years, Lisa helped complete 30 Lake Wise assessments as part of the Lake Watershed Action Plan.

“The Lake Raponda Association is pleased to hear that Lake Raponda is one of five lakes to ever receive the Gold Lake Wise Award,” said Carol de Groot Bois, a Lake Wise Champion at Lake Raponda. “Our Association and lake community have been working over the years with DEC to educate and help lake property owners improve and protect our lake's quality and habitat. We hope to continue this excellent work.”

Learn how to become a Gold Lake awardee. View the map to find other Lake Wise properties and lakes. If Alison Marchione is not available at 802-490-6128 or Alison.Marchione@Vermont.gov, contact Laura Dlugolecki at 802-490-6133 or Laura.Dlugolecki@Vermont.gov.

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Wednesday, January 3, 2024 10:43 AM
To: epomerleau@vermontrealestate.com; kmerrimanshapiro@getahome.org;
epomerleau@vermontrealestate.com; kmerrimanshapiro@getahome.org;
clare@watershedca.com; andres@watershedca.com; Chapin Spencer;
nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org;
NRB.Act250Essex@vermont.gov; Sarah Montgomery; burlingtontownclerk; Lori Olberg;
joe.buford@usda.gov; info@winooskinrcd.org; ethan.tapper@vermont.gov;
john.gobeille@vermont.gov; andrew.wood@vermont.gov;
josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com;
pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov;
PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov;
ACCD.ProjectReview@vermont.gov; Kevin.Anderson@vermont.gov
Subject: Act 250 Minor Notice and Proposed Permit 4C0125-6,4C0652-7,4C0438-18
Attachments: Minor Notice 4C0125-6 4C0652-7 4C0438-18.pdf; Proposed Permit 4C0125-6 et al.pdf

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Hello,

Attached is a proposed permit and minor notice for 4C0125-6,4C0652-7,4C0438-18.

Thank you.

Act 250 District Office - Essex (District 4 Environmental Commission)

111 West Street

Essex Junction, VT 05452

Madeline Cotter *NRB Technician*

Tel.802-879-5614 | NRB.Act250Essex@vermont.gov

<https://nrb.vermont.gov>

Lori Olberg

From: VLCT News <info+vlct.org@ccsend.com>
Sent: Tuesday, January 2, 2024 3:44 PM
To: Lori Olberg
Subject: FEMA Subgrants, 2024 Trainings Schedule, ARPA Local Funds, and more

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



Are You Ready for Your DPS/FEMA Subgrant Agreement?

Our next Flood Recovery Check-In will be on 1/16 (rescheduled from 1/9). Attend it to learn how your municipality can be best prepared to meet the terms & conditions of your forthcoming FEMA subgrant agreement with the Department of Public Safety. Bring your questions, and we'll do our best to ensure you get answers!

New Resource Clarifies Elected and Appointed Offices

Published for your Town Meeting preparations, the latest information from our Municipal Assistance Center summarizes elected town officer positions as either required or optional and explains the various factors involved.

Apply for a 2024 John Lawe Scholarship Any Time Now

Members can start using the 2024 rules and application for this popular program of PACIF Loss Control.

Anticipate Our 2024 Trainings & Events!

This new schedule page lists all of VLCT's anticipated trainings and events for 2024. You might want to bookmark and revisit it because we will update it as the year progresses.

VLCT's Latest Recommendations RE: Local ARPA Funds

Please be sure to read our article about how to *keep every penny* of your local ARPA funds.

The Latest VLCT News

Advocacy Chat

Mon 1/8, 11 AM – 12 PM

Plan to join Ted Brady, Josh Hanford, and your interested counterparts to discuss the issues the Vermont General Assembly is likely to – or you think should – take on in the second half of this biennium.

Flood Recovery Check-In

Tue 1/16, 1 – 2 PM *NOTE NEW DATE!*

Members still handling 2023's major flood events can learn the terms and conditions that will be in

Town Meeting Warning and Model Articles

Tue 1/10, 10 – 11 AM

This training explores the basic legal requirements of the Town Meeting Warning and explains how to use VLCT's model articles.

Town Meeting Australian Ballot Voting: Legal Requirements Overview

Lori Olberg

From: NRB.Act250Essex@vermont.gov
Sent: Monday, December 18, 2023 10:52 AM
To: Nathan.Pion@champlainwater.org; joe.duncan@champlainwater.org; Karen Paul; Andrew Montroll; burlingtontownclerk; nrb.act250agenda@vermont.gov; hriehle@sburl.com; jlouisos@sburl.com; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; hrees@southburlingtonvt.gov; joe.buford@usda.gov; info@winooskinrcd.org; ethan.tapper@vermont.gov; john.gobeille@vermont.gov; andrew.wood@vermont.gov; josh.castonguay@greenmountainpower.com; efficiency@vermontgas.com; pics@veic.org; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; Stephanie.Monaghan@vermont.gov
Subject: Act 250 Minor Notice and Proposed Permit 300033-16A - Champlain Water District
Attachments: Minor_Notice 300033-16A.pdf; Permit_Draft 300033-16A.pdf

Some people who received this message don't often get email from nrb.act250essex@vermont.gov. [Learn why this is important](#)

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

Hello,

Attached is a Minor Notice and Proposed Permit for Act 250 Application 300033-16A - Champlain Water District.

Thank you,
Madeline

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Madeline Cotter *NRB Technician*
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

Received 12/27/23

9:19 AM

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, December 26, 2023 10:44 AM
To: fvonturkovich@fvtlaw.com; nrb.act250agenda@vermont.gov; Karen Paul; Andrew Montroll; permitting@ccrpcvt.org; NRB.Act250Essex@vermont.gov; Sarah Montgomery; anr.act250@vermont.gov; barry.murphy@vermont.gov; PSD.VTDPS@vermont.gov; AOT.Act250@vermont.gov; AGR.Act250@vermont.gov; ACCD.ProjectReview@vermont.gov; fvonturkovich@fvtlaw.com; ed.vonturkovich@gmail.com; abby.dery@tcevt.com; Jeremy.matosky@tcevt.com; skelley@sanbornhead.com; Karen Paul; Andrew Montroll; burlingtontownclerk; Lori Olberg; permitting@ccrpcvt.org; anr.act250@vermont.gov; benjamin.dejong@vermont.gov; barry.murphy@vermont.gov; psd.vtdps@vermont.gov; aot.act250@vermont.gov; christopher.clow@vermont.gov; AGR.Act250@vermont.gov; scott.dillon@vermont.gov; elizabeth.peebles@vermont.gov; laura.trieschmann@vermont.gov; accd.projectreview@vermont.gov; justdmet@gmail.com; brenda.owre@gmail.com; robert.butani@gmail.com; Ted.von@geocompanies.com; andres@watershedca.com; pbierman@uvm.edu; trlefebvre@comcast.net; krbygrl17@yahoo.com; sfbushor@gmail.com; y.house@myfairpoint.net; Aaron.Brondyke@vermont.gov
Subject: Act 250 Application 4C1320 current Certificate of Service
Attachments: 2023-12-26 4C1320 COS-10.pdf

You don't often get email from nrb.act250essex@vermont.gov. [Learn why this is important](#)

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

Hello,

Attached, and copied on this email, is the current Certificate of Service for Act 250 application 4C1320. When submitting supplemental evidence or correspondence, please use the attached COS. Additionally, a copy of this COS is on the public database titled "2023-12-26 4C1320 COS-10."

Thank you,
Madeline

Act 250 District Office - Essex (District 4 Environmental Commission)
111 West Street
Essex Junction, VT 05452

Madeline Cotter NRB Technician
Tel.802-879-5614 | NRB.Act250Essex@vermont.gov
<https://nrb.vermont.gov>

Lori Olberg

Received on 1/2/24 @ 4:16pm
Go

From: Eric Licho <Eric.Licho@tcevt.com>
Sent: Tuesday, January 2, 2024 4:04 PM
To: ANR - Act 250
Cc: andym@montrolllaw.com; Regina Mahony; cbaker@ccrpcvt.org; abovee@burlingtonvt.gov; Von Turkovich, Frank; ed.vonturkovich@gmail.com; Jeremy Matosky, P.E.; Abby A. Dery, PE; Karen Paul; burlingtontownclerk; Murphy, Barry; PSD - VTDPs; AOT - Act 250; AGR - Act 250; Tapper, Ethan; Gobeille, John; Mikula, Toni; pbierman@uvm.edu; tlefebvre@comcast.net; robert.butani; sfbushor@gmail.com; Dillon, Scott; Peebles, Elizabeth; ACCD - Project Review; brenda.owre@gmail.com; krbygrl17@yahoo.com; y.house@myfairpoint.net; justdmet@gmail.com; Andres Torizzo; NRB - Act250 Essex; Brondyke, Aaron; benjamin.dejong@vermont.gov; jwimett@geocompanies.com; ted.von@geocompanies.com; permitting@ccrpcvt.org
Subject: Act 250 4C1320 Supplemental Materials
Attachments: 20231222 Groundwater Monitoring Report.pdf; DC Letter re Recess Order 12-22-23.pdf; COS.pdf

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

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

District 4 Commission and Parties to Act 250 #4C1320,

Please disregard my prior email as it contained a spelling error in the email list.

Attached, please find the DC Letter re Recess Order 12-22-23, Groundwater Monitoring Report completed by Sanborn Head, and revised certificate of service.

Let me know if you have any questions.

Thanks,



tcevt.com

Eric Licho
Environmental Engineer II
e. Eric.Licho@tcevt.com
p. 802.613.7066

Civil
Engineering

Environmental
Services

Landscape
Architecture

Waterground
Utilities

Land
Surveying



Resolution Relating to

SELECTION OF NEWSPAPERS FOR PUBLICATION OF
2024 ELECTION WARNINGS AND NOTICES

RESOLUTION _____

Sponsor: Councilor Paul
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Twenty-Four.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, Vermont state statute (17 V.S.A. 2641) requires the legislative body of the municipality
to annually designate a newspaper for the publication of required election warnings and notices; and
NOW, THEREFORE, BE IT RESOLVED that the City Council designates *Seven Days* to be the
newspaper in which all required election warnings and notices for the elections held in 2024 are published;
and
BE IT FURTHER RESOLVED that the City Council designated *The Burlington Free Press* to be the
newspaper to publish required election notices and warnings for the elections held in 2024 in emergency
situations where time is of the essence and it is not possible to use *Seven Days*.

Resolution Relating to

SELECTION OF NEWSPAPERS FOR PUBLICATION OF
2024 ELECTION WARNINGS AND NOTICES

RESOLUTION 7.20
Sponsor: Councilor Paul
Introduced: 01/16/24
Referred to: _____
Action: adopted
Date: 01/16/24
Signed by Mayor: 01/22/24

CITY OF BURLINGTON

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

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

That WHEREAS, Vermont state statute (17 V.S.A. 2641) requires the legislative body of the municipality to annually designate a newspaper for the publication of required election warnings and notices; and
NOW, THEREFORE, BE IT RESOLVED that the City Council designates *Seven Days* to be the newspaper in which all required election warnings and notices for the elections held in 2024 are published; and
BE IT FURTHER RESOLVED that the City Council designated *The Burlington Free Press* to be the newspaper to publish required election notices and warnings for the elections held in 2024 in emergency situations where time is of the essence and it is not possible to use *Seven Days*.

* * * * *

DISTRIBUTION:

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

ORIGINAL

RESOLUTION RELATING TO

Selection Of Newspapers For Publication Of 2024 Election Warnings And Notices

.....

.....

Adopted by the City Council

.....January 16....., 20 24.....

.......... Clerk

Approved.....Jan. 22....., 20 24.....

.......... Mayor

Vol. Page

* * * * *



MEMORANDUM

To: Burlington Board of Finance
Burlington City Council

From: Darren Springer, General Manager
Munir Kasti, Manager of Utility Services & Engineering
Emily Stebbins-Wheelock, Manager of Strategy & Innovation

Date: January 8, 2024

Subject: BED Advanced Distribution Management System Project

Burlington Electric Department (BED) seeks the City Council's authorization to execute a series of agreements with BED's chosen vendor for Advanced Distribution Management System (ADMS) software, Survalent Technology Inc. ("Survalent"), to purchase and implement this system over the next several fiscal years, subject to the inclusion of the planned purchases in BED's approved budget for each relevant fiscal year. In seeking this recommendation, BED culminates a rigorous procurement process for replacement of its supervisory control and data acquisition (SCADA) system.

The Burlington Board of Electric Commissioners voted at its December 13, 2023 meeting to recommend that the Council approve this item.

This memo describes the business need for this purchase, the vendor selection process BED followed, negotiated pricing, and the agreements BED would execute if so authorized by the City Council. As noted below, the expenditures for FY24 were already included in BED's approved FY24 budget, and expenditures in FY25 and FY26 will be subject to annual appropriations.

Background

BED's current SCADA system provides real-time monitoring and control of the electric distribution system for BED System Operators. Many devices on the BED system are SCADA-controlled (e.g., switches). This allows our System Operators to control the electrical distribution system remotely without the need to dispatch line crews. BED's current SCADA system is 10+ years old and is considered past "end of life." Vendor support for the current system is limited and will end March 31, 2024.

Burlington Electric Department
585 Pine Street Burlington, VT 05401
burlingtonelectric.com

Phone 802.658.0300

The new ADMS will have many of the same SCADA functions as the legacy system along with new enhancements of an Outage Management System (OMS) and a Distribution Management System (DMS). The implementation of the ADMS will improve system reliability and outage communications with BED customers. The ADMS project will greatly increase infrastructure utilization, leveraging the existing 200+ SCADA-controlled distribution system devices and bringing together information from those field devices with data collected from the 21,000+ AMI meters throughout the city, Customer Information System, and Interactive Voice Response system to automatically locate and isolate outages and communicate proactively with customers. BED's customers affected by outages will be notified via e-mail, phone, and/or text-based alerts and a new online outage map will provide customers with outage locations and estimated restoration times. The ADMS project will also represent a significant investment in BED's workforce by providing our power system coordinators with a state-of-the art system that provides new capabilities and new opportunities for learning, training, and professional development.

BED issued a Request for Proposals (RFP) in April 2023. More than 15 BED employees from different organizational areas and disciplines, including Engineering, Grid Services, IT, Operations, Policy & Planning, and Customer Care engaged in the procurement process, which included vendor software demonstrations based on scenarios specific to BED's needs, reference checks with other utilities, and technical reviews.

On October 6, 2023, a cross-departmental team of BED Engineering, Grid Services, Operations, and IT staff recommended Survalent as the preferred vendor for the ADMS project, based on the following criteria:

- 10-year cost of ownership and value to our customers
- Ease of minor and major system upgrades
- Compatibility with BED's IT/OT staff skills
- Technical requirements
- Reference checks

Per the BED team's recommendation, BED notified Survalent of its tentative selection as our preferred vendor on October 12, 2023, subject to satisfactory negotiation on scope and price as well as needed approvals for this multi-year contract by the Electric Commission and City Council. BED began negotiating the Statement of Work (SOW), pricing, and contract language. The contract negotiation process has:

- Involved executive sponsorship, with the Manager of Utility Services & Engineering and Manager of Strategy & Innovation articulating the vision and mission of the project, leading pricing negotiations, and reviewing and editing the SOW and contracts to gain a thorough understanding of the project's objectives, scope, expectations, and requirements.
- Included empowered decision-makers and internal subject matter experts, with business process owners and front-line staff engaged in reviewing the SOWs.
- Involved a dedicated project manager from BED's IT team.
- Resulted in competitive pricing that is reduced overall from the RFP proposal and is in line with or below other bids received.

- Ensured that payments for implementation services will be based on completion of work, per milestones defined in the SOW.

Agreements & Pricing

BED proposes to execute three agreements with Survalent that will govern the purchase, implementation, and support of the ADMS software as shown in the table below:

Agreement	Purpose	Term	Payment Provisions
License	Grants option to purchase and the right to use the software	Perpetual unless terminated	Upon execution of PO and completion of implementation milestones.
Services	Engage Survalent to perform services to install, configure, and train BED end-users on the software, as specified in the SOW	Expires upon completion of services per SOW.	Upon execution of PO and completion of implementation milestones.
Maintenance & Support	Engage Survalent to provide software support and maintenance (updates and upgrades), effective the date of software "go-live"	Auto-renews annually	Support and Maintenance services will be provided from go-live of the Software, and thereafter on an annual basis (unless terminated).

BED's Public Utility Commission counsel, Bill Ellis, will review all the above contracts, and all agreements will also be subject to review and approval by the City Attorney's Office.

Per the terms of the agreements, BED will purchase the software license and implementation services for each phase over the next several fiscal years at the prices shown in this document, subject to annual appropriation of sufficient funds in BED's approved budget for commitment under contract each fiscal year. BED would license and implement each phase by issuing to Survalent a purchase order at the fixed prices negotiated for each phase. All payments for implementation services will be based on completion of work, per milestones defined in the SOW.

License fees (capital expense)

Solution	License Fees
SCADA/ADMS Platform	\$127,190
GIS	\$16,773
DMS	\$144,950
OMS	\$102,150
	\$391,063

Implementation & integration services fees and travel (capital expense)

Solution	Implementation & Integration
SCADA/ADMS Platform	\$108,774
GIS	\$53,596
DMS	\$182,961
OMS	\$102,048
	\$447,379

Maintenance & Support, and other annual fees (operating expense)

Solution	Maintenance & Support
SCADA/ADMS Platform	\$31,066
GIS	\$3,204
DMS	\$16,789
OMS	\$10,499
	\$61,558

Support and Maintenance services will be provided at go-live of each Software, and thereafter on an annual basis with an annual escalation no greater than the actual Consumer Price Index, Northeast Region, Urban Consumers, all-items.

Provisional Timeline

The preliminary schedule (which is subject to change by BED and contingent on Survalent performance acceptable to BED) for implementation start dates of the BED ADMS is as follows:

- FY24-FY25: Phase 1, SCADA
- FY25-FY26: Phases 2 and 3, OMS & DMS

BED has already included the applicable FY24 items above in its approved FY24 budget, and each subsequent fiscal year's implementation would be subject to annual appropriations.

Motions

Board of Finance:

To approve and recommend that the City Council approve and authorize the General Manager of BED to execute with Survalent a Software License Agreement, an Implementation Services Agreement, and a Support & Maintenance Agreement to purchase and receive associated implementation, support, and maintenance services for an Advanced Distribution Management System at fixed, not-to-exceed prices, subject to review and approval of the City Attorney's Office and subject to appropriations for each relevant fiscal year.

City Council:

To approve and authorize the General Manager of Burlington Electric Department to execute with Survalent a Software License Agreement, an Implementation Services Agreement, and a Support & Maintenance Agreement to purchase and receive associated implementation, support, and maintenance services for an Advanced Distribution Management System at fixed, not-to-exceed prices, subject to review and approval of the City Attorney's Office and subject to appropriations for each relevant fiscal year.

Board of Finance and City Council Submission Checklist

Darren Springer, Munir Kasti, Emily

Department: Burlington Electric Department Submitter: Stebbins-Wheelock

Title/Subject: BED Advanced Distribution Management System

	Approval:	Meeting Date:
☒	Board of Finance	1/8/2024
☒	City Council	1/16/2024
☐	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	12/21/2023	Darren Springer
Mayor's Office informed and approved memo	Yes	1/3/2024	Jordan Redell
Board/Commission, if required	Yes	12/13/2023	Board of Electric Commissioners
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	N/A	Click or tap to enter a date.	City Attorney's Office to review contracts prior to execution
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/3/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	Yes	1/3/2024	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?	No	City Attorney's Office to review contracts prior to execution
Additional Materials, if necessary	N/A	Click or tap here to enter text.
Draft Resolution or Motion?	Yes	Motions included in memo
If for submission to Council, are sponsors identified?	Yes	Board of Finance

Lori Olberg

From: Jake Twarog <jakeptwarog@gmail.com>
Sent: Monday, January 15, 2024 9:52 PM
To: burlingtowntownclerk
Subject: Winooski Bridge Project - Pedestrian & Bike Safety

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

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

Dear Office of The Clerk/Treasurer,

My name is Jake Twarog, and I am a lifelong resident of Chittenden County. I am emailing because I wanted to express ahead of tomorrow's City Council meeting that I believe the Burlington-Winooski Bridge Project under the currently proposed design is regressive, unsafe, and cements car dependency for many years to come. We should not be adding lane width for cars on top of what already exists based on the misguided assumption that car traffic will increase forever, when we should be aiming to reduce car traffic for environmental and social reasons. Forcing pedestrians and cyclists to use narrow mixed-use paths rather than designing proper separated and protected sidewalks and bike lanes treats people outside of a car like second-class citizens. Considering that Interstate 89 bypasses this bridge entirely, yet it is the **only** way to travel between Burlington and Winooski by foot or bike, we should really be putting pedestrians and cyclists first. Rather than rushing through a rebuild of an important connection between the two densest cities in this state, we should be getting it right; lives depend on it.

Best,
Jake Twarog

"I move the proposed Charter change to the Police Commission for further consideration and a request that the Commission provide a proposal to the Council by June 3, 2024."

NOTICE OF FIRST AND SECOND PUBLIC HEARINGS
ON PROPOSED CHARTER AMENDMENTS
FOR MARCH 5, 2024 ANNUAL CITY MEETING

Pursuant to the requirements of 17 V.S.A. Sec. 2645, the first public hearing concerning proposed amendments to the Burlington City Charter will be held on Tuesday, January 16th, 2024 during a City Council meeting that begins at 6:00 p.m. The meeting will be held in Contois Auditorium, 2nd Floor, City Hall, Burlington, Vermont and will also be streamed via Zoom.

You are invited to a Zoom webinar.
When: Jan 16, 2024 06:00 PM Eastern Time (US and Canada)
Topic: Regular City Council Meeting

Please click the link below to join the webinar:
<https://zoom.us/j/95467806511>
Or Telephone: +1 929 205 6099 US (New York)
Webinar ID: 954 6780 6511

Pursuant to the requirements of 17 V.S.A. Sec. 2645, the second public hearing concerning proposed amendments to the Burlington City Charter will be held on Monday, January 22nd, 2024 at 6:00 p.m. The meeting will be held in the Contois Auditorium, 2nd Floor, City Hall, Burlington, Vermont and will also be streamed via Zoom.

You are invited to a Zoom webinar.
When: Jan 22, 2024 05:30 PM Eastern Time (US and Canada)
Topic: Board of Finance Meeting and Public Hearing for Charter Changes

Please click the link below to join the webinar:
<https://zoom.us/j/92246026234>
Or Telephone: +1 309 205 3325 US
Webinar ID: 922 4602 6234

These charter amendments are proposed to be voted on at the Tuesday, March 5, 2024 Annual City Meeting.

1. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:*

ARTICLE 62. POLICE DEPARTMENT

183 Board of Police commissioners; composition; terms.

The Board of Police Commissioners shall consist of seven legal voters and should represent the diverse nature of said City’s constituents, including those from historically marginalized

communities, to be appointed by the City Council with Mayor presiding to serve for three years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The City Council shall make rules and regulations for the government of the entire ~~p~~Police ~~for~~ Department and shall fix the qualifications of applicants for positions and service on said ~~for~~ Department and, to the extent permitted by applicable law, the Chief of Police shall furnish the City Council with any information they may require concerning ~~the finances of the Police~~ Department. The Chief of Police shall be responsible for all expenditures made by the Police Department and no expenditures shall be made by the Department except in conformity with the standards promulgated by the City Council.

(b) The Board of Police Commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the Police Department, its services, and facilities as may be delegated from time to time by ~~resolution~~ the ordinances and orders of the City Council. Said Board shall notify the Mayor and the Chief Administrative Officer, in writing, of any and all changes, modifications, or additions to the rules and regulations of the Department.

(c) Without limitation to the foregoing, the Board of Police Commissioners and the Chief of Police may propose rules and regulations for the government of the entire Police Department in a manner not inconsistent with those established by the City Council. Adoption of such proposed rules and regulations requires joint approval by the Board of Police Commissioners and the Chief of Police. In the event joint approval is not provided by the Board of Police Commissioners and the Chief of Police, either party may bring forward to the City Council the proposed rule or regulation for the City Council's consideration.

(d) The Board of Police Commissioners shall have the authority to receive and review all civilian and internal allegations of misconduct by members of the Police Department. To the greatest extent permitted by law, the Chief of Police shall provide the Board of Police Commissioners timely updates of any review, investigation, or disposition of alleged misconduct, and the Board of Police Commissioners shall have the ability to request additional information from the Chief of Police and access to all documents or other evidence relied upon by the Chief of Police in reviewing allegations of misconduct. For higher level complaints of alleged misconduct, the complaint may not be disposed until the Board of Police Commissioners is notified of the proposed disposition.

After receiving notice from the Chief of Police of the recommended or actual disposition relating to the review of alleged misconduct, the Board of Police Commissioners shall have the authority to:

- (i) recommend an alternative disposition to the Chief of Police within a time established by ordinance; or
- (ii) independently investigate any allegation of misconduct by members of the Police Department upon a 2/3 majority vote. Such investigation or review shall be conducted by an independent investigator hired by the Board of Police Commissioners, and approved by the City Attorney's Office, and completed within a time established by ordinance.

Upon the conclusion of such an investigation, the Board of Police Commissioners may make a recommendation per subsection (i). The Board of Police Commissioners shall not have the authority to investigate or impose discipline upon the Chief of Police. Matters regarding the alleged misconduct of the Chief of Police shall be addressed in conformity with section 190(b) of this Charter.

(e) Upon receiving a recommendation by the Board of Police Commissioners in subsection (d), the Chief of Police may accept the recommendation subject to the notice and hearing provisions in Article 62, section 190(a) or reject the recommendation. In the event the Chief of Police rejects the recommendation, the Chief of Police shall immediately the notify Board of Police Commissioners. Upon receiving notice of the rejection, the Board of Police Commissions may, upon a 2/3 majority vote, request that an independent panel decide the disposition of the matter, subject to the notice and hearing provisions set forth in in Article 62, section 190(a).

This independent panel shall consist of three (3) persons appointed on a case by case basis by the Mayor. Members of the independent panel shall include at least two persons with experience in law enforcement, human resources or labor and employment law, or other similar experience, and one member from the general public.

ARTICLE 63. CHIEF OF POLICE AND CAPTAIN

185 Officers of ~~p~~Police ~~for~~ Department designated.

(a) The direction and control of the entire ~~p~~Police ~~for~~ Department, except as herein otherwise provided, shall be vested in a police officer who shall be called the Chief of Police, and such other ranking police officers as the City Council shall authorize, subject to the authority of the mayor as chief executive officer and the ordinances and orders of the City Council. The order of rank and succession within the Police Department shall be as designated by the City Council by regulation.

(b) Except as herein otherwise provided, such officers shall have the powers and duties granted to police officers by Vermont law and assigned to them by regulations adopted under section 184 of this Charter.

ARTICLE 65. REMOVAL OR SUSPENSION

190 Chief of Police may remove member for cause; hearing.

(a) Whenever it shall appear to the Chief of Police that any member of said ~~for~~ Police Department has become incompetent, inefficient or incapable from any cause, or is or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Chief of Police by a responsible person against such member, the Chief of Police may investigate and, after appropriate notice and hearing, dismiss such member from the ~~for~~ Police Department, order a demotion in rank, or suspend the member without pay for a specified time period in excess of 14 days. In connection with any possible dismissal, demotion, or suspension for more than 14 days, the Chief of Police's notice to the member shall be given at

least 48 hours prior to any hearing and shall include a description of the charges being considered. In connection therewith, the Chief of Police shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b. ~~The Board of Police Commissioners shall hear any appeal filed in a timely manner with respect to such actions of the Police Chief. The time of filing an appeal and the nature of the appellate process shall be as determined by such Board of Regulation. Following its consideration of any such appeal, the Board may affirm, modify, or vacate the decision made by the Chief of Police.~~

(b) Whenever it shall appear to the Mayor that the Chief has become incompetent, inefficient, or incapable from any cause, or has been negligent or derelict in his or her official duty, or is guilty of any misconduct in his or her private or official life, or whenever any well-grounded complaints or charges to such effect are made in writing to the Mayor by a responsible person, the Mayor may suspend the Chief of Police from duty pending a hearing thereon by the City Council. The City Council shall forthwith notify the Chief of Police of the charges preferred by them, or of the complaints or charges presented by such responsible person in writing, and shall thereupon proceed to consider and investigate the same. It shall appoint a time and place for the hearing of such complaints and charges so made, shall give the Chief of Police reasonable notice of the same, not less than 48 hours, and the City Council shall have the power to subpoena documents and witnesses and to administer the oath to such witnesses. Such a subpoena will be subject to enforcement or modification in conformity with the procedures set forth in 3 V.S.A. §§ 809a and 809b.

(c) If, upon hearing, the City Council shall find such complaints or charges to be well founded, it may dismiss the Chief of Police from the ~~foree~~ Police Department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this charter as pertains to the removal of the Chief of Police.

(d) The Chief of Police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the Police Department that may seem to the Chief of Police sufficient, suspend from duty without pay any member of the Police ~~foree~~ Department for a period not to exceed 14 days.”

2. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298, as amended, in Title III, Article 24, Bonding the City, Section 62(a), be further amended as follows:*

(a) Except as otherwise provided, the credit of the city, except by temporary loans not exceeding during any quarter of any fiscal year twenty-five (25) percent of the taxes assessed upon the entire grand list for such fiscal year, and except by emergency loans as hereinafter provided, shall not be pledged by the city council, or by any officer of said city, unless by vote of the legal voters of said city, at a meeting thereof duly called for that purpose; provided, however, that the chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by a temporary loan in anticipation of the receipt of revenue from the airport department, or the traffic division or the wastewater or water divisions of the public

works department for their ordinary running expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the airport department or the above-mentioned divisions for the payment of such bills and accounts, or sufficient unappropriated funds in the city treasury from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such bills and accounts; and provided further, that the chief administrative officer, when authorized by the city council, may pledge the credit of the city by temporary borrowing in anticipation of the receipt of revenue from the electric department not to exceed ~~**five**~~ *ten* million dollars outstanding at any time to provide working capital and liquidity for the electric department *, with the electric department to repay such borrowing from available revenues*. Temporary notes issued hereunder in anticipation of the receipt of the revenue from the electric department shall mature within two years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. Except as above provided, all temporary loans, except loans for the payment of bills and accounts of the water division of the public works department and the electric department and except emergency loans, shall be paid by the chief administrative officer from and out of the receipts from the collection of the installment of property taxes or other taxes next falling due after the making of the loan, and all moneys received from such temporary loans, other than for the water division of the public works department and the electric department and other than from emergency loans, shall be used to pay the current and ordinary expenses of the city, pending the collection of taxes. All such temporary loans made to pay the accounts and bills of the water division of the public works department pending the receipt of revenue shall be paid during said fiscal year from the revenues received by that division. Temporary loans under this paragraph for the water division and electric departments shall be general obligations of the city notwithstanding that they are primarily payable from the revenues or receipts of the respective division and departments.”

* Material underlined added

** Material struck out deleted

The official copy of the proposed charter amendments will be posted for public viewing by January 6th, 2024. Should any revisions be made to the proposed charter change amendments, they will be posted by February 14th, 2024.

OFFICIAL COPY OF PROPOSED CHARTER CHANGES

These charter amendments are proposed to be voted on at the Tuesday, March 5, 2024 Annual City Meeting.

The following changes (deleted matter in strikeout and new matter underlined) are being proposed by the City Council:

1. *"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 62, Police Department; Article 63, Chief of Police and Captain; and Article 65, Removal or Suspension, thereto to read as follows:*

ARTICLE 62. POLICE DEPARTMENT

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The Board of Police Commissioners shall consist of seven legal voters and should represent the diverse nature of said City's constituents, including those from historically marginalized communities, to be appointed by the City Council with Mayor presiding to serve for three years and until their successors are appointed and qualified.

184 Same-powers and duties.

(a) The City Council shall make rules and regulations for the government of the entire ~~p~~Police ~~for~~ Department and shall fix the qualifications of applicants for positions and service on said ~~for~~ Department and, to the extent permitted by applicable law, the Chief of Police shall furnish the City Council with any information they may require concerning ~~the finances of the Police Department~~. The Chief of Police shall be responsible for all expenditures made by the Police Department and no expenditures shall be made by the Department except in conformity with the standards promulgated by the City Council.

(b) The Board of Police Commissioners shall have such authority and responsibility relating to the management, auditing, or monitoring of the Police Department, its services, and facilities as may be delegated from time to time by ~~resolution~~ the ordinances and orders of the City Council. Said Board shall notify the Mayor and the Chief Administrative Officer, in writing, of any and all changes, modifications, or additions to the rules and regulations of the Department.

(c) Without limitation to the foregoing, the Board of Police Commissioners and the Chief of Police may propose rules and regulations for the government of the entire Police Department in a manner not inconsistent with those established by the City Council. Adoption of such proposed rules and regulations requires joint approval by the Board of Police Commissioners and the Chief of Police. In the event joint approval is not provided by the Board of Police Commissioners and the Chief of Police, either party may bring forward to the City Council the proposed rule or regulation for the City Council's consideration.

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(i) recommend an alternative disposition to the Chief of Police within a time established by ordinance; or

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(c) If, upon hearing, the City Council shall find such complaints or charges to be well founded, it may dismiss the Chief of Police from the ~~foree~~ Police Department, demote him or her in rank, or suspend him or her without pay for a period not to exceed 60 days. The procedures outlined in this section shall control in the event of any conflict with section 129 of this charter as pertains to the removal of the Chief of Police.

(d) The Chief of Police may, without notice or hearing for any infraction, violation, or disobedience of any of the rules and regulations of the Police Department that may seem to the Chief of Police sufficient, suspend from duty without pay any member of the ~~Police foree~~ Department for a period not to exceed 14 days.”

2. *“Shall the Charter of the City of Burlington, Acts of 1949, No. 298, as amended, in Title III, Article 24, Bonding the City, Section 62(a), be further amended as follows:*

(a) Except as otherwise provided, the credit of the city, except by temporary loans not exceeding during any quarter of any fiscal year twenty-five (25) percent of the taxes assessed upon the entire grand list for such fiscal year, and except by emergency loans as hereinafter provided, shall not be pledged by the city council, or by any officer of said city, unless by vote of the legal voters of said city, at a meeting thereof duly called for that purpose; provided, however, that the chief administrative officer, when authorized and directed by resolution of the city council, may pledge the credit of the city by a temporary loan in anticipation of the receipt of revenue from the airport department, or the traffic division or the wastewater or water divisions of the public works department for their ordinary running expenses during times in any fiscal year when there are not sufficient funds on hand to the credit of the airport department or the above-mentioned divisions for the payment of such bills and accounts, or sufficient unappropriated funds in the city treasury from which such accounts may be paid pending the receipt of revenues of the division sufficient to pay such bills and accounts; and provided further, that the chief administrative officer, when authorized by the city council, may pledge the credit of the city by temporary borrowing in anticipation of the receipt of revenue from the electric department not to exceed ~~**five**~~ ~~*ten*~~ million dollars outstanding at any time to provide working capital and liquidity for the electric department ~~*, with the electric department to repay such borrowing from available revenues*~~. Temporary notes issued hereunder in anticipation of the receipt of the revenue from the electric department shall mature within two years from the date of issue, and may be renewed or refunded by the issue of other notes maturing within a similar period whenever such action is deemed expedient. Except as above provided, all temporary loans, except loans for the payment of bills and accounts of the water division of the public works department and the electric department and except emergency loans, shall be paid by the chief administrative officer from and out of the receipts from the collection of the installment of property taxes or other taxes next falling due after the making of the loan, and all moneys received from such temporary loans, other than for the water division of the public works department and the electric department and other than from emergency loans, shall be used to pay the current and ordinary expenses of the city, pending the collection of taxes. All such temporary loans made to pay the accounts and bills of the water division of the public works department pending the receipt of revenue shall be paid during said fiscal year from the revenues received by that division. Temporary loans under this paragraph for the water division and

electric departments shall be general obligations of the city notwithstanding that they are primarily payable from the revenues or receipts of the respective division and departments.”

* Material underlined added

** Material struck out deleted

This “Official Copy of Proposed Charter Changes” is posted this 21st day of Dec. 2023. If revisions are made to this proposed language, based on feedback received at the scheduled public hearings, a revised official copy of proposed charter changes will be posted no later than February 14th, 2024.

By: _____

Katherine Schad,

Chief Administrative Officer

Lori Olberg

From: Scott Richards <scott.richards@hotmail.com>
Sent: Tuesday, January 16, 2024 8:43 AM
To: Lori Olberg
Subject: Comments for public hearing on police oversight

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

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

Dear Lori,

I am writing to you with an urgent plea to not move forward with the charter change regarding oversight of the Burlington Police Department. After reading the details of this plan I can only imagine we would be continuing on the unfortunate path of discouraging new police officers from joining the force. Our collective immediate concern in Burlington is this drug crisis, the violence, graffiti and fear that is now pervasive in our city. Police officers, current and potential future officers, could only feel totally unsupported and under a microscope of micromanagement and uncertainty with this plan. How is it even an option to come up with a plan that will most definitely discourage growth of our police department. It is hard to imagine our city leaders have thought this through. Please reconsider this charter change and come up with a more thoughtful plan.

Scott Richards
96 Henry St

Get [Outlook for iOS](#)



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

To: Board of Finance
City Council

From: Brian Pine, Director, Community & Economic Development Office
Sarah Russell, Special Assistant to End Homelessness
Samantha Dunn, Asst. Director of Community Works

CC: Kara Alnasrawi, Director, Business & Workforce Development

Date: December 4, 2023

Subject: ARPA Funding Dedicated to Housing and Homelessness

This memo requests that the Board of Finance approve the resolutions included below and recommend that the City Council approve the same. The requests below seek authorization for allocating ARPA funding that was previously set aside to address housing and homelessness as follows:

- Increase the amount of ARPA funds to address the acute homelessness crisis from \$2,975,000 to \$3,050,000; and
- Dedicate \$1,000,000 of approved ARPA funds to the Post Apartments project; and
- Dedicate \$950,000 of approved ARPA funds to CHT for use in the next phase of housing development at Cambrian Rise.

This request does not involve increasing ARPA funding for these activities/projects but instead makes a formal commitment of ARPA funds.

Background

In early 2021 the Mayor previously instructed the Economic Recovery Director and her team to actively engage the public so as to best understand their desires for the investment of American Rescue Plan Act (ARPA) funds. The team launched an unprecedented outreach campaign to encourage Burlingtonians to take a city survey on this topic. The overwhelming survey results indicated that the Burlington community supported the expenditure of funds to address chronic homelessness and to implement solutions to find humane housing for all. The US Treasury's final rule for the COVID-19 Recovery funds also clearly specifies that an eligible use of the funds includes providing "services for unhoused persons".

In December 2021, the Mayor released the 10-point Action Plan to Fulfill the Promise of Housing as a Human Right in Burlington, which outlined a plan to dedicate, "At least \$5 million of ARPA funds, with at least \$1 million designated for initiatives to better serve the chronically homeless and \$4 million to build new permanently affordable housing."

In February 2022, the City Council approved the use of \$2.975 Million of ARPA funds to address the acute homeless crisis, including the creation of the new, "Special Assistant to End Homelessness" position within CEDO. These funds were originally budgeted for the following uses:

Administration (Personnel)	\$235,000
Special Assistant to End Homelessness	\$325,000
Coordinated Entry	\$250,000
Shelter Community Capital Budget (Development)	\$1,109,000
Shelter Community Operations	\$580,000

Community Resource Center Operations	<u>\$476,000</u>
	\$2,975,000

In February 2023, the City Council approved a budget-neutral Budget Adjustment that reallocated funds within these categories to address the need for additional capital development funds. The budget amendment included the following:

Administration (Personnel)	\$235,000
Special Assistant to End Homelessness	\$325,000
Coordinated Entry	\$250,000
Shelter Community Capital Budget (Development)	\$1,618,787
Shelter Community Operations	\$326,213
Community Resource Center Operations	<u>\$220,000</u>
	\$2,975,000

Ongoing activities to address homelessness

The \$2.975MM of ARPA funding approved in February 2022 to address the acute homeless crisis was dedicated to the construction of the Elmwood Emergency Shelter Community, and three years of investment in City staff time, the Coordinated Entry system and operations of the Elmwood Emergency Shelter Community and the Community Resource Center. At the time this funding was approved, the City had a goal to end chronic homelessness and render these investments obsolete at the end of the three years – it is clear that these activities will require funding past that three-year mark.

- **Special Assistant to End Homelessness**
This position was created in March 2022 and is 100% funded with ARPA. We currently anticipate a gap of \$83,000 to fully fund this position through the three years originally identified (May 2022-June 2025). It is clear that this position is vitally important to continued progress towards the goal of Housing as a Human Right in the City of Burlington and the need will continue past the three-year period for which ARPA funds were originally allocated. We recommend filling this anticipated gap of \$83,000 with General Fund dollars (or other sustainable funding) as this position is transitioned from ARPA funding while the need is expected to continue.
- **The previously-approved ARPA investments in the regional Coordinated Entry System, the Community Resource Center and Administration (staff time to manage these activities) only cover operations through June 30, 2025.** We anticipate that the needs being addressed by Coordinated Entry and the CRC will continue beyond this date, and recommend that the City begin planning for resourcing the City's continued investments into these services and the City staff time required to implement them.
- **Shelter Operations –** The annual budget for operating the Elmwood Emergency Shelter Community is approximately \$1.4M. The large majority of this funding has come from the State's HOP grant, however HOP does not provide full funding and we anticipate needing to spend approximately \$300,000 over the next two years of Shelter Operations. There is \$236,000 of this amount already identified leaving a gap of \$75K. We propose filling the anticipated gap of \$75K with ARPA funds, re-allocating the total ARPA spent on homelessness initiatives to \$3.050M. With the zoning permit for the Elmwood Shelter set to expire in July 2025, CEDO has begun initial planning for new permanently affordable housing on the site.

Proposed ARPA funds for development of new affordable housing units

In addition to funding initiatives to address acute homelessness, there is a desire by the community and administration to dedicate ARPA funds to the creation of new permanently affordable housing units. CEDO has identified two potential projects for this investment that are in the development pipeline and have funding gaps:

- \$1,000,000 of ARPA in support of the Post Apartments (former VFW): 38 units of permanently affordable housing with 25% (9 units) dedicated to households experiencing, or at risk of, homelessness. This project is anticipated to start in April 2024 and come online in late 2025.
- \$950,000 of ARPA in support of a second phase of construction by Champlain Housing Trust at Cambrian Rise which will include approximately 40 units of permanently affordable rental housing with 30% of the units dedicated to households experiencing, or at risk of, homelessness and an additional 30 units of Shared Equity homeownership.

REQUESTS:

Board of Finance:

Move to approve and recommend that the City Council approve and authorize the allocation and spending of \$2,025,000 of City ARPA funds, by the Chief Administrative Officer pursuant to the City's spending policies, to continue to address housing and homelessness throughout the City as outlined in the above memo and in the following way:

- Increase the amount of ARPA funds allocated to address the acute homelessness crisis by \$75,000 from \$2,975,000 to \$3,050,000; and
- Dedicate \$1,000,000 of ARPA funds to the Post Apartments project at 176 S. Winooski Avenue to aid in the creation of permanently affordable housing units; and
- Dedicate \$950,000 of ARPA funds to Champlain Housing Trust for use towards the creation of permanently affordable housing units in the next phase of their development at Cambrian Rise.

City Council:

Move to approve and authorize the allocation and spending of \$2,025,000 of City ARPA funds, by the Chief Administrative Officer pursuant to the City's spending policies, to continue to address housing and homelessness throughout the City as outlined in the above memo and in the following way:

- Increase the amount of ARPA funds allocated to address the acute homelessness crisis by \$75,000 from \$2,975,000 to \$3,050,000; and
- Dedicate \$1,000,000 of ARPA funds to the Post Apartments project at 176 S. Winooski Avenue to aid in the creation of permanently affordable housing units; and
- Dedicate \$950,000 of ARPA funds to Champlain Housing Trust for use towards the creation of permanently affordable housing units in the next phase of their development at Cambrian Rise.

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Brian Pine

Title/Subject: ARPA Funding Dedicated to Housing and Homelessness

	Approval:	Meeting Date:
☒	Board of Finance	12/4/2023
☒	City Council	12/11/2023
☐	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	11/27/2023	Brian Pine
Mayor's Office informed and approved memo	Yes	Click or tap to enter a date.	Approval by Jordan Redell pending
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	11/27/2023	Jared Pellerin approved
CAO has reviewed budget, financing, and memo	Yes	11/29/2023	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?	No	N/A
Additional Materials, if necessary	Yes	N/A
Draft Resolution or Motion?	Yes	Motion included in memo
If for submission to Council, are sponsors identified?	Choose an item.	Click or tap here to enter text.

Burlington City Council Meeting

Burlington-Winooski BF RAIZ(2)
Burlington STP 5000(29)

January 16, 2024



**BURLINGTON
WINOOSKI
BRIDGE**



**THE CITY
OF BURLINGTON**



Introductions

- **Bob Klinefelter** – VTrans Structures Project Manager
- **Mike LaCroix** – VTrans Traffic Project Manager
- **Josh Olund** – HNTB Structures Project Manager
- **Steve Spear** – HNTB Roadway Project Manager

Agenda



Project Location



Past Efforts



Current Efforts



Future Efforts

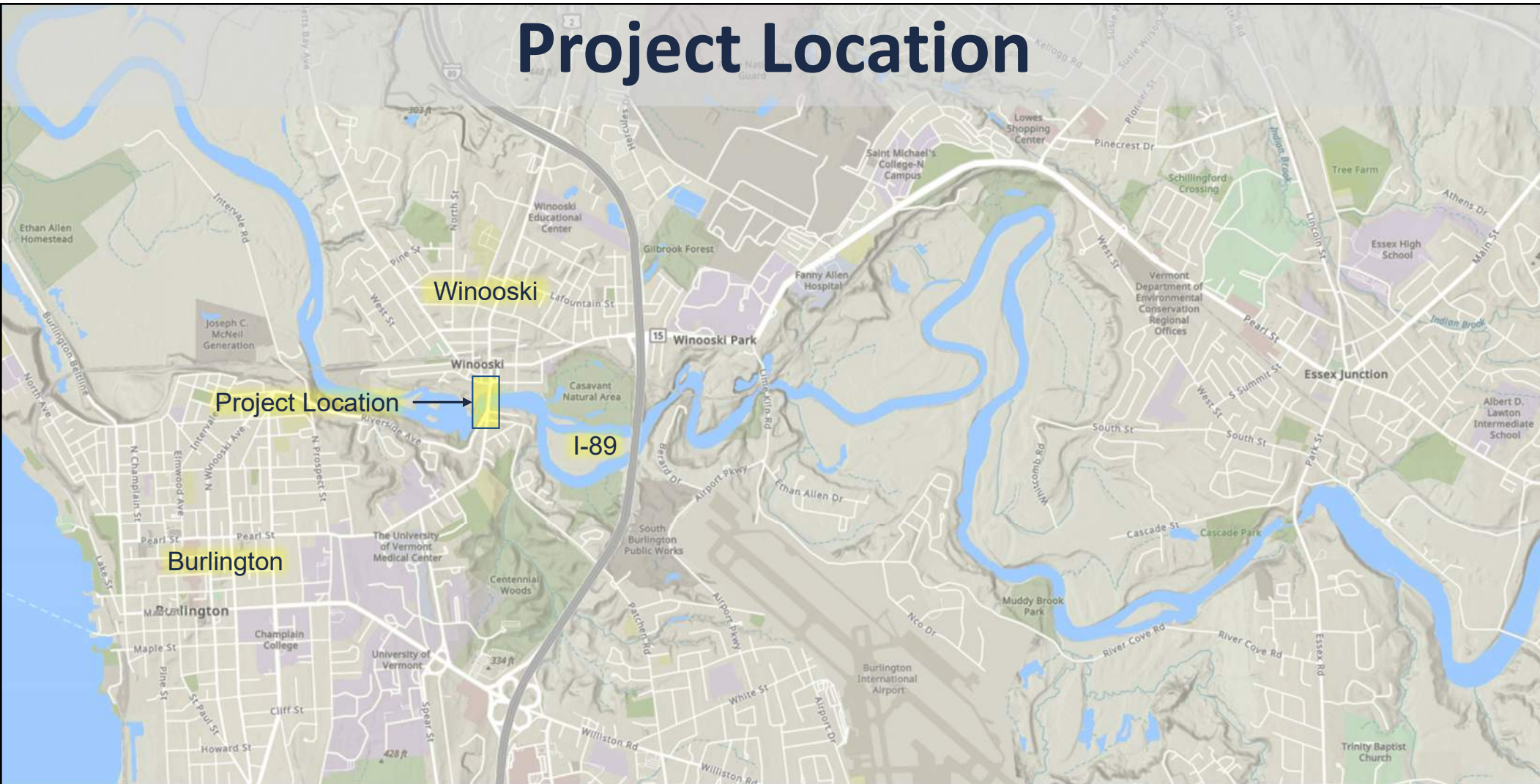


Project Delivery

Project Location



Project Location



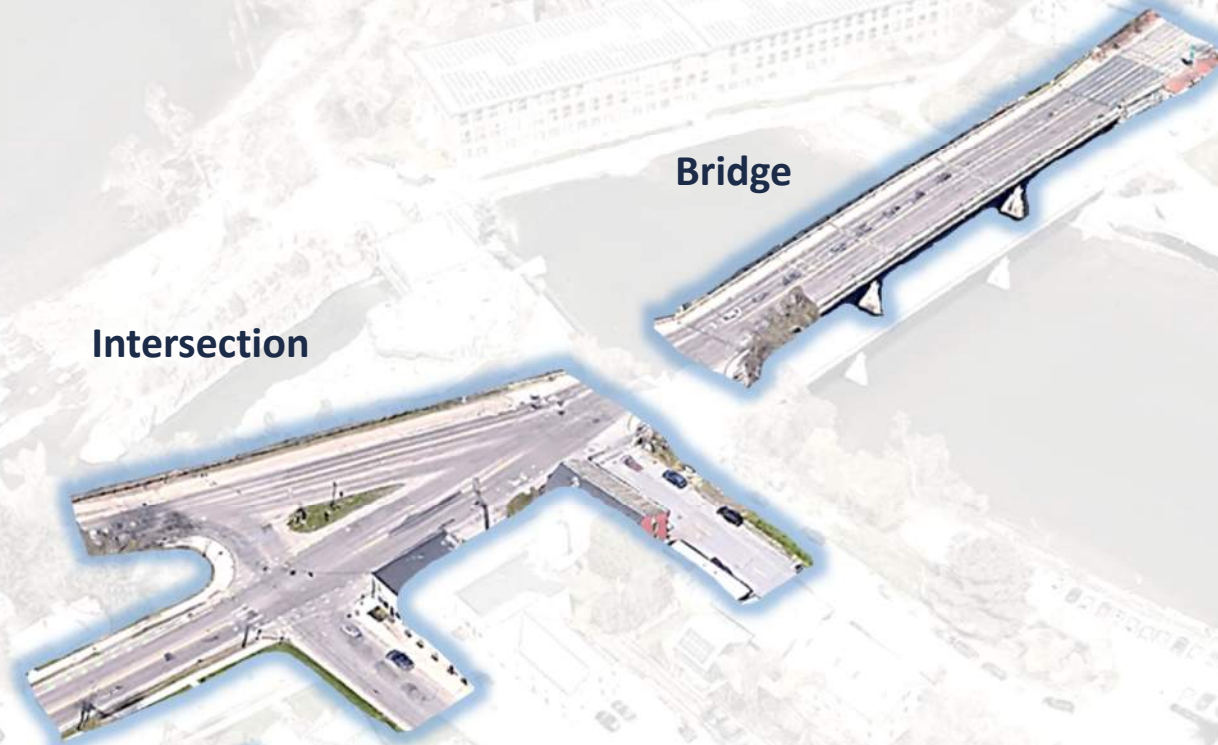
Project Site



Project Area



Project Focal Points



Intersection

Bridge

Past Efforts



Project Definition

April 2017 – May 2019

- Purpose and Need Established
- Public Meetings
- Project Advisory Committee Meetings
- City Council Meetings
- Traffic Study
- Alternatives Evaluation
- Preferred Alternative Defined

Project Reports

- Bridge Scoping Report
- Intersection Scoping Report
- Bridge Grant Application



CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

SCOPING REPORT

FOR

MAIN STREET BRIDGE (US ROUTES 2 & 7) OVER THE
WINOOSKI RIVER

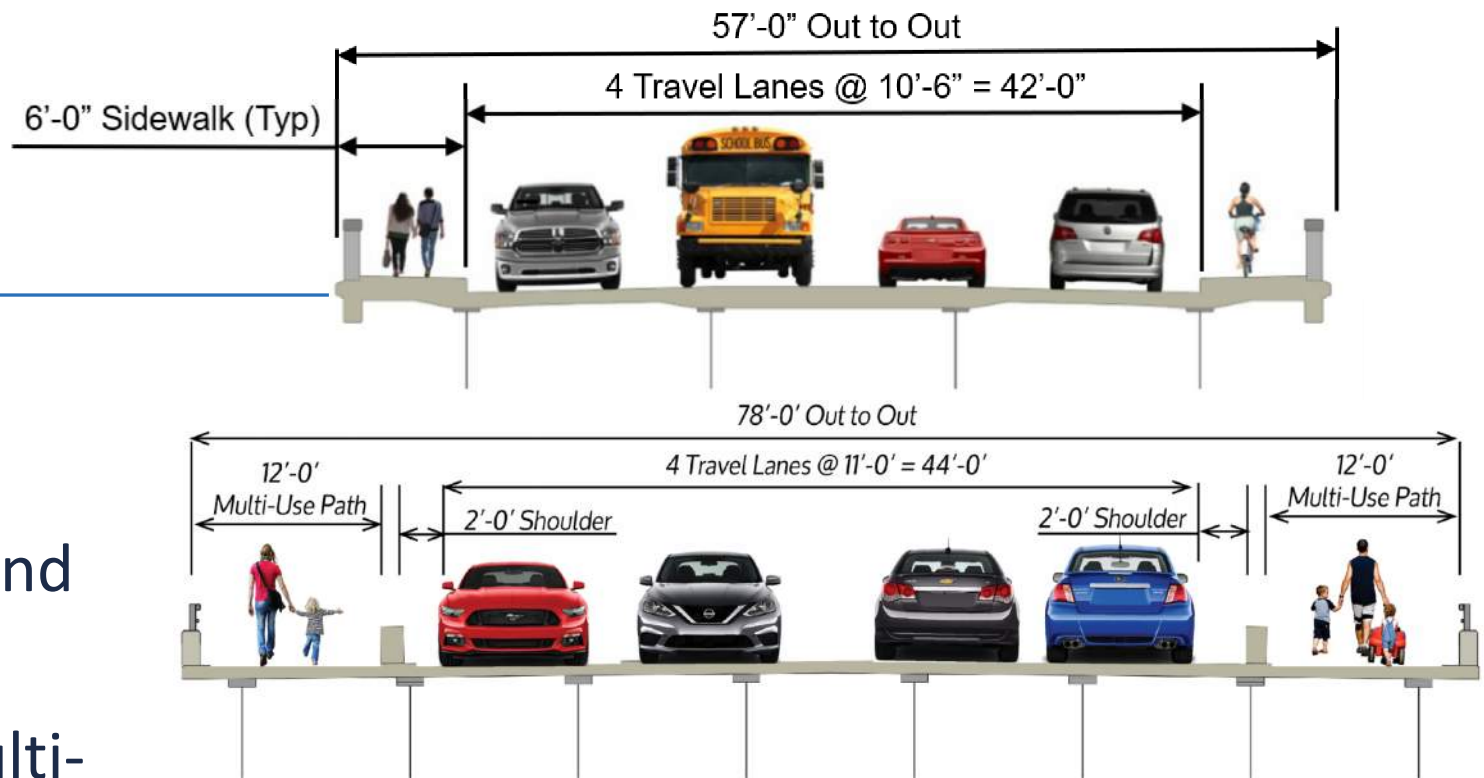
Bridge Scoping Report (2019)

- Recommended replacement
- Focus on bike/pedestrian accommodations
- Conceptual construction methods



Bridge Features

- Complete replacement
- Wider lanes and shoulders
- Separated multi-use paths



Intersection Scoping Report (2019)

- Recommended 4-Way intersection
- Focus on bike/pedestrian accommodations, mobility, and safety

COLCHESTER AVENUE/RIVERSIDE AVENUE
Burlington, Vermont

Final Scoping Report



Prepared by:

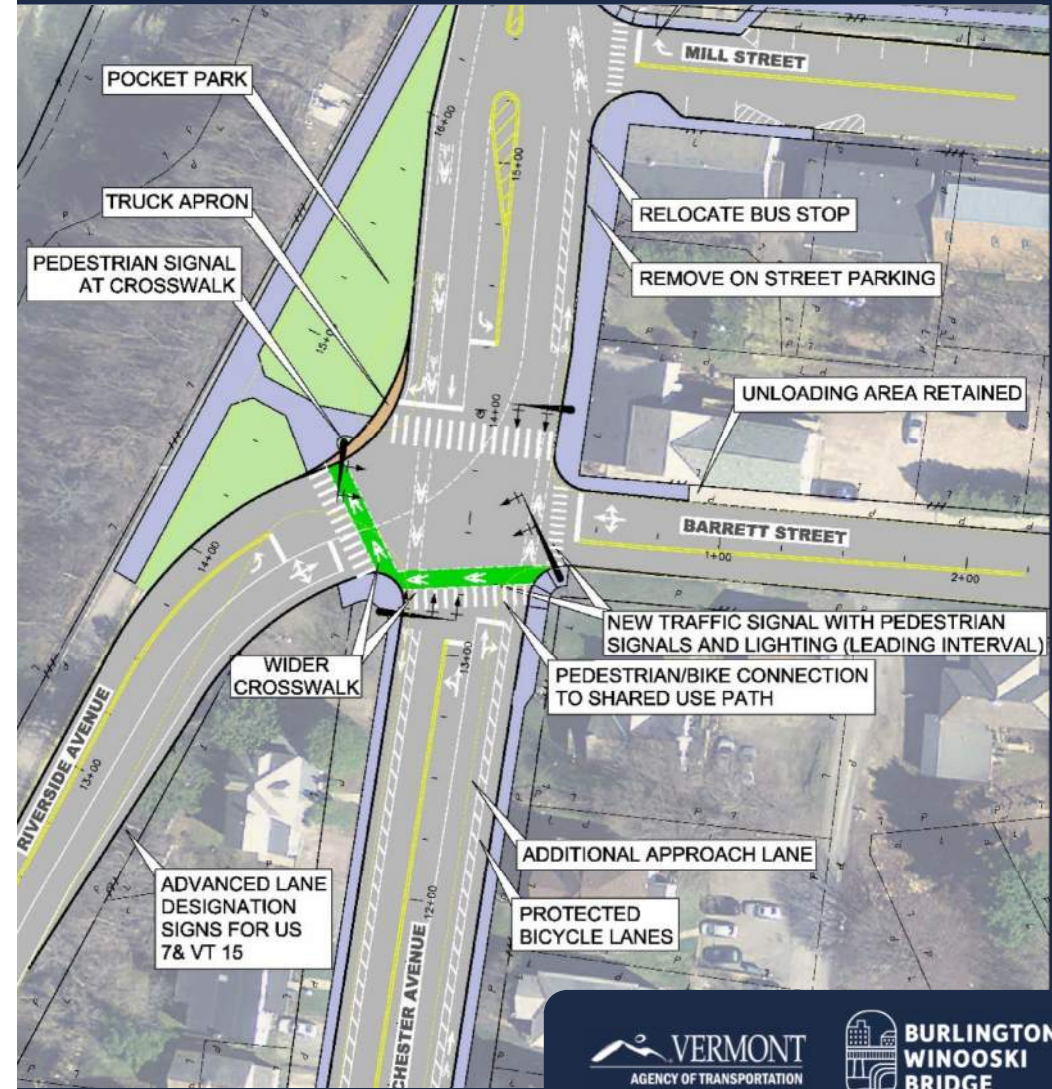


Prepared for:



Intersection Features

- Consolidated intersection
→ Improved safety and mobility
- Emphasis on Bike/Pedestrian improvements



Bridge Grant Application (2022)

- Obligated to:
 - Improve safety
 - Address bike/pedestrian accommodations
 - Complement the natural and cultural environment
 - Provide appealing bridge



WINOOSKI RIVER BRIDGE REPLACEMENT

Enhancing the Economic and
Social Connections Between Communities

CHITTENDEN COUNTY
CITIES OF BURLINGTON AND WINOOSKI, VERMONT



Current Efforts



Project Compilation

- Concept Plans complete
- Need to combine recommendations of intersection and bridge project



Project Design

Feb 2023 – June 2026 *(est)*

- Selected Alternative Refinement
- Preliminary Design
- Traffic Control
- ROW Process
- Utility Relocation
- Environmental Permitting
- RFQ and RFP Development
(Design-Build Contracting)

Project Design

Feb 2023 – June 2026 *(est)*

- Selected Alternative Refinement
- Preliminary Design
- Traffic Control
- ROW Process
- Utility Relocation
- Environmental Permitting
- RFQ and RFP Development
(Design-Build Contracting)

Selected Alternative Refinement

- Public Outreach
- Stakeholder Engagement
- Property Owner Meetings
- Initial Utility Coordination
- Initial Environmental Coordination

Traffic Calming

Aesthetics

Construction Congestion

Bike/Ped Safety

Mobility

Construction Costs

Business Impacts

Contaminated Soils

Historic Significance



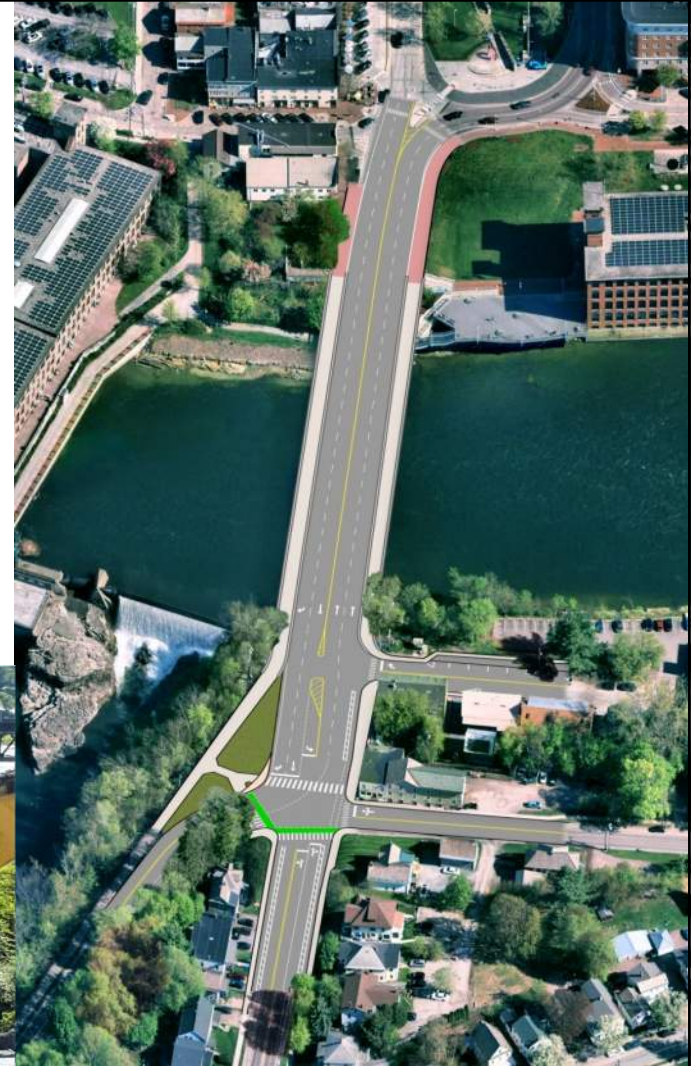
Targeted Public Outreach

- Equity Dashboard to track outreach to date and target outreach to ensure thorough representation
- Emergency Services and Transit Coordination
- Travel Survey to capture regional data
- LEP outreach with CCRPC and AALV, translation of project materials



Preliminary Design

- Ground Survey
- Combining Bridge and Intersection
- Reviewing Constructability



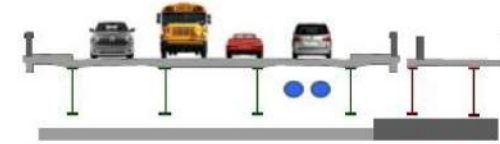
Alignments

- Multiple Variations Explored
- Different Phasing, Traffic Control



Bridge Phasing

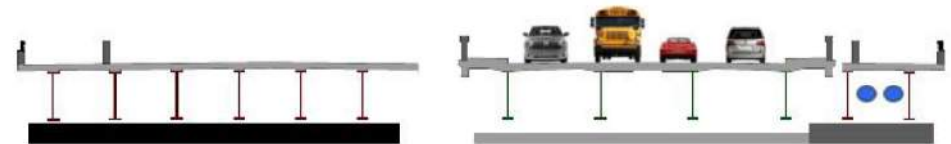
- Build new bridge, next to existing bridge
- Transfer Pedestrians and utilities
- Temporary 4 to 6 week closure for demolition and sliding new bridge together



Phase 1 – Widened Portion of Substructure Units and Superstructure Constructed



Phase 1a – Utilities Relocated



Phase 2 – New Bridge Superstructure Built Adjacent to Existing Bridge on Temporary Supports



Phase 3 – Bridge Closed to Traffic, Existing Bridge Superstructure Removed, and New Bridge Superstructure Slid to Final Location



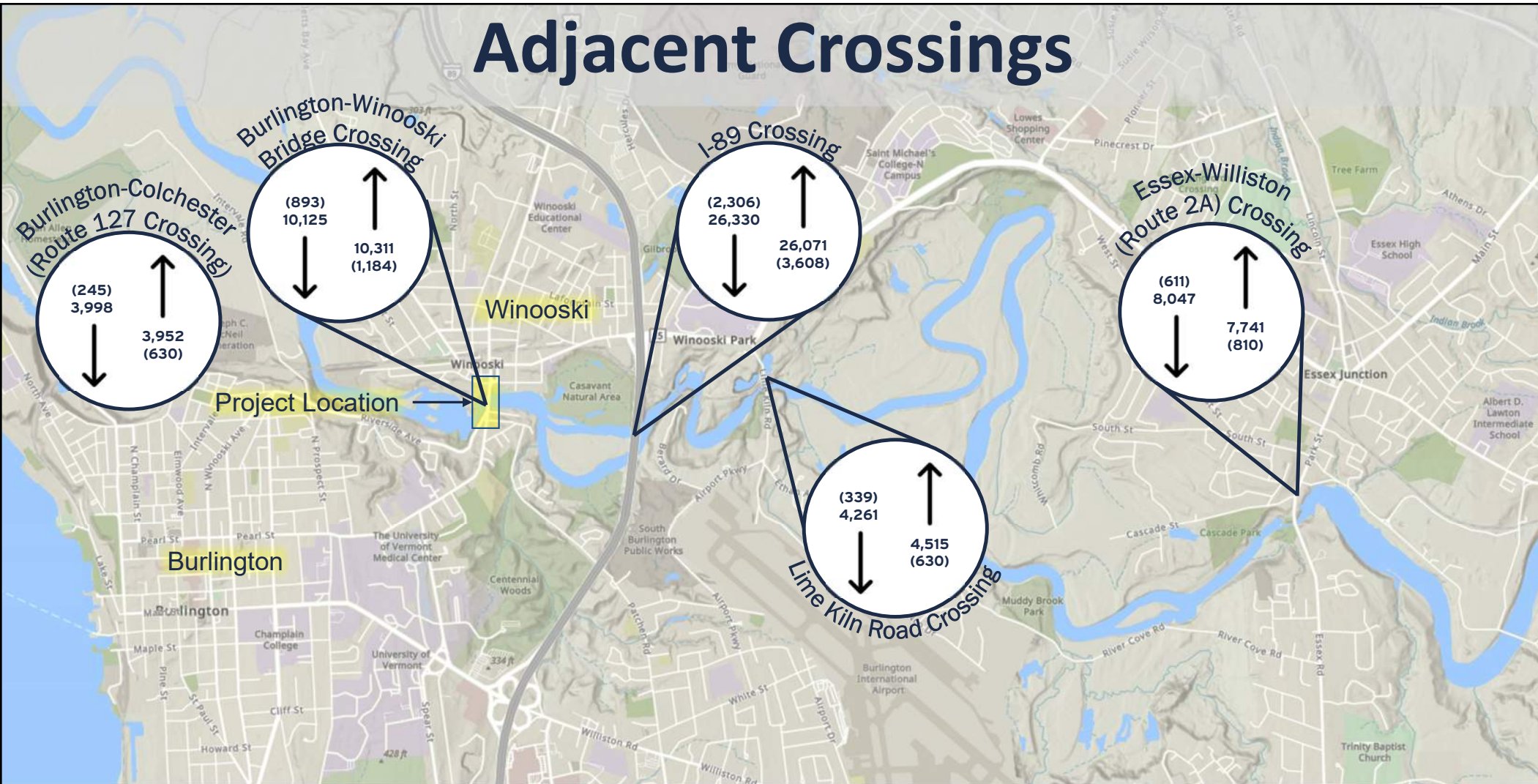
Phase 4 - New Bridge Opened to Traffic

Maintenance of Traffic

- 25,000 Vehicles & 300 Pedestrians per day
- Need to balance:
 - Minimize impact to traveling public, and
 - Safe, sufficient construction site
- Utilize combination of:
 - Temporary lane closures
 - Temporary bridge closure



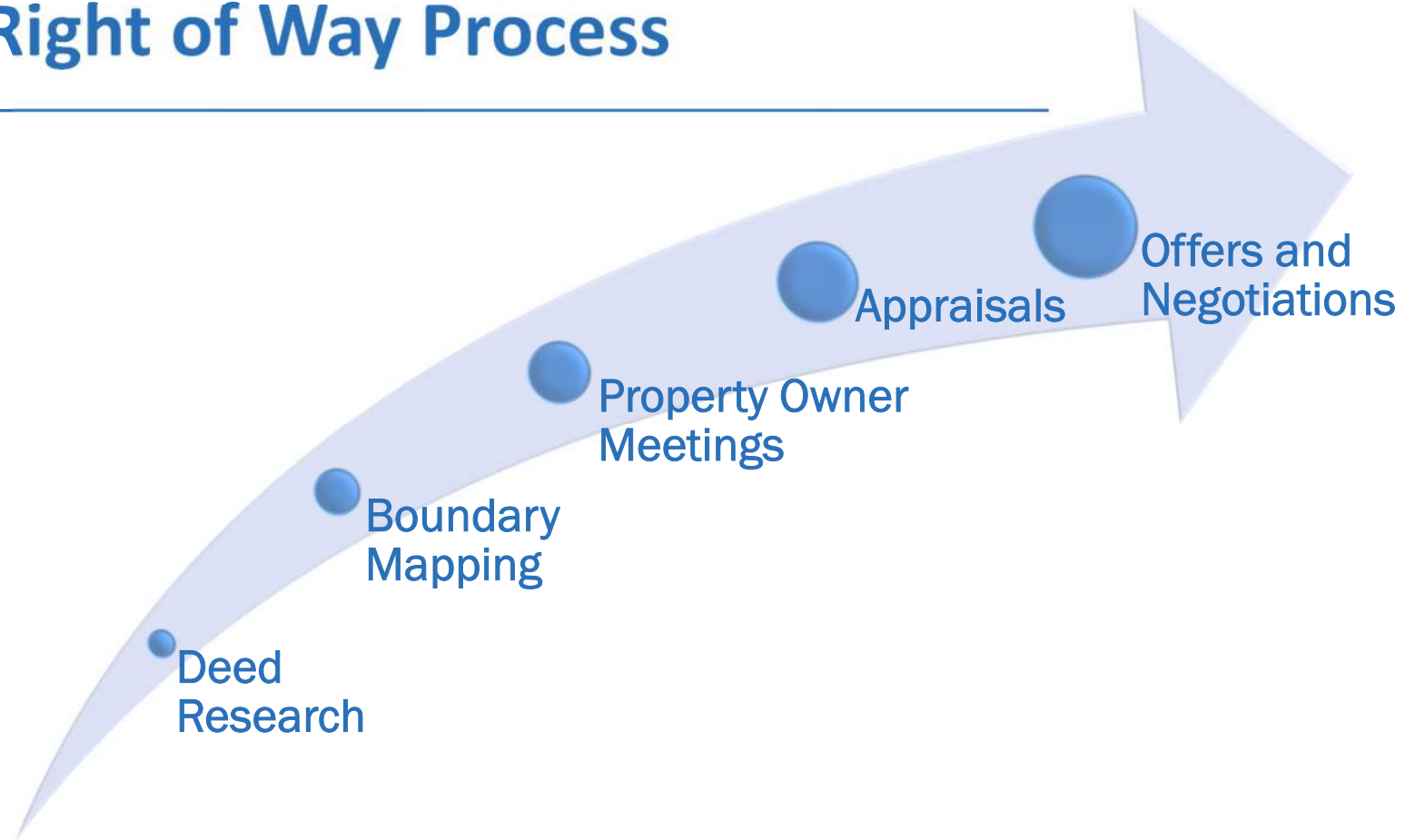
Adjacent Crossings



Temporary Detour

- Shortest vehicular detour
- Effects on adjacent roads and intersections
- **All Pedestrians Maintained On Site!**

Right of Way Process



Future Efforts



Project Design

Feb 2023 – June 2026 *(est)*

- Preferred Alternative Refinement
- Preliminary Design
- Traffic Control
- ROW Process
- Utility Relocation
- Environmental Permitting
- RFQ and RFP Development
(Design-Build Contracting)

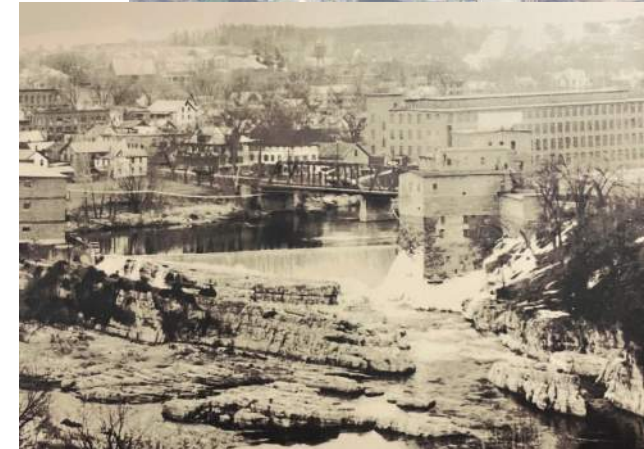
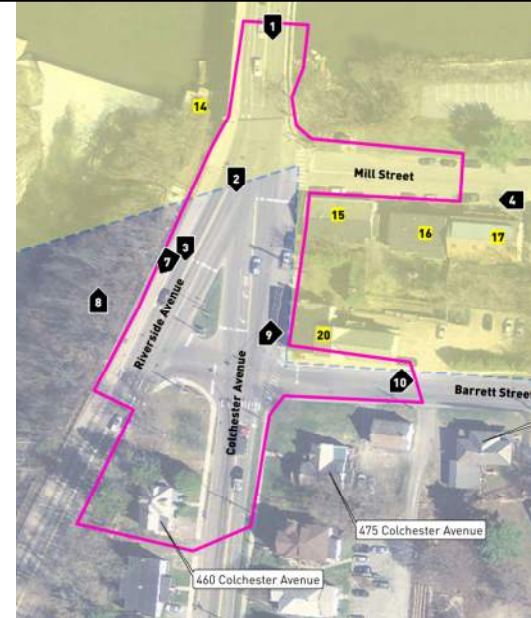
Utility Relocation

- Test Pits
- Relocation Plans and Construction Sequencing
- Utility Agreements
- *Municipal Utility Relocations are Project Reimbursable*



Environmental Permitting

- Permitting Restriction Commitments
- Historic Process (Section 106)
 - Bridge is listed on National Historic Register
 - Replacement will be an Adverse Effect
 - Consultation process for mitigation
 - Winooski Falls Historic District
 - Multiple Historic Properties



What is Design-Build Contracting?

Project delivery method that:

- Incorporates final design and construction into a single contract.
- Places increased responsibilities on the Contractor in an attempt to reduce risks and costs to the State.

Why Use Design-Build Contracting?



Promotes Innovation



Improves Design/Construction Efficiencies



Reduces Construction Costs



Reduces Construction Schedule

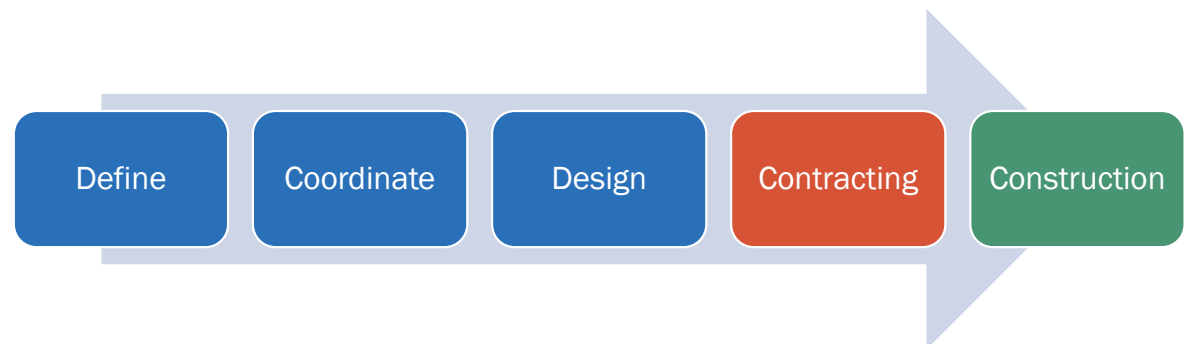
Design-Bid-Build (Traditional) Contracting

VTrans

- Preliminary Design
- Environmental Coordination
- Final Design
- Right of Way Process
- Permitting
- Utility Relocation
- Construction Contracting
- Public Outreach
- Construction Inspection
- Construction Oversight

Contractor

- Construction



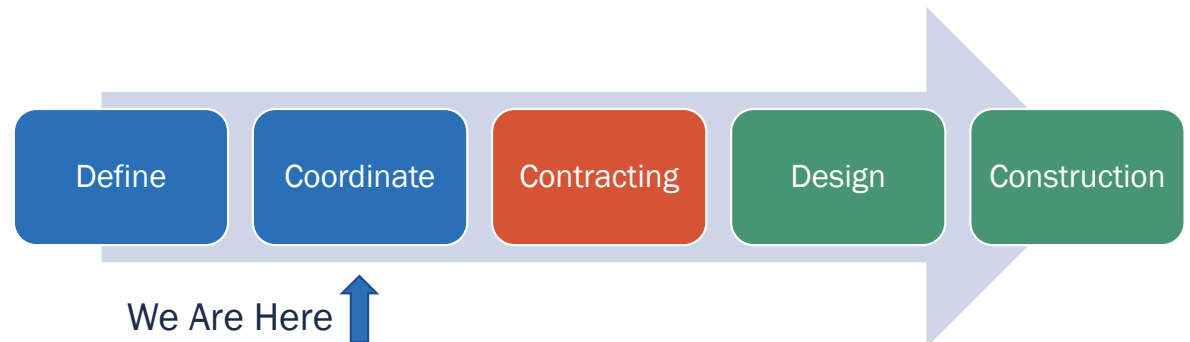
Design-Build Contracting

VTrans

- Preliminary Design
- Environmental Coordination
- ~~Final Design~~
- Right of Way Process
- ~~Permitting~~
- Utility Coordination
- Construction Contracting
- Public Outreach
- Construction Inspection
- Construction Oversight

Contractor

- Final Design
- Utility Relocation
- Permitting
- Public Outreach
- Construction



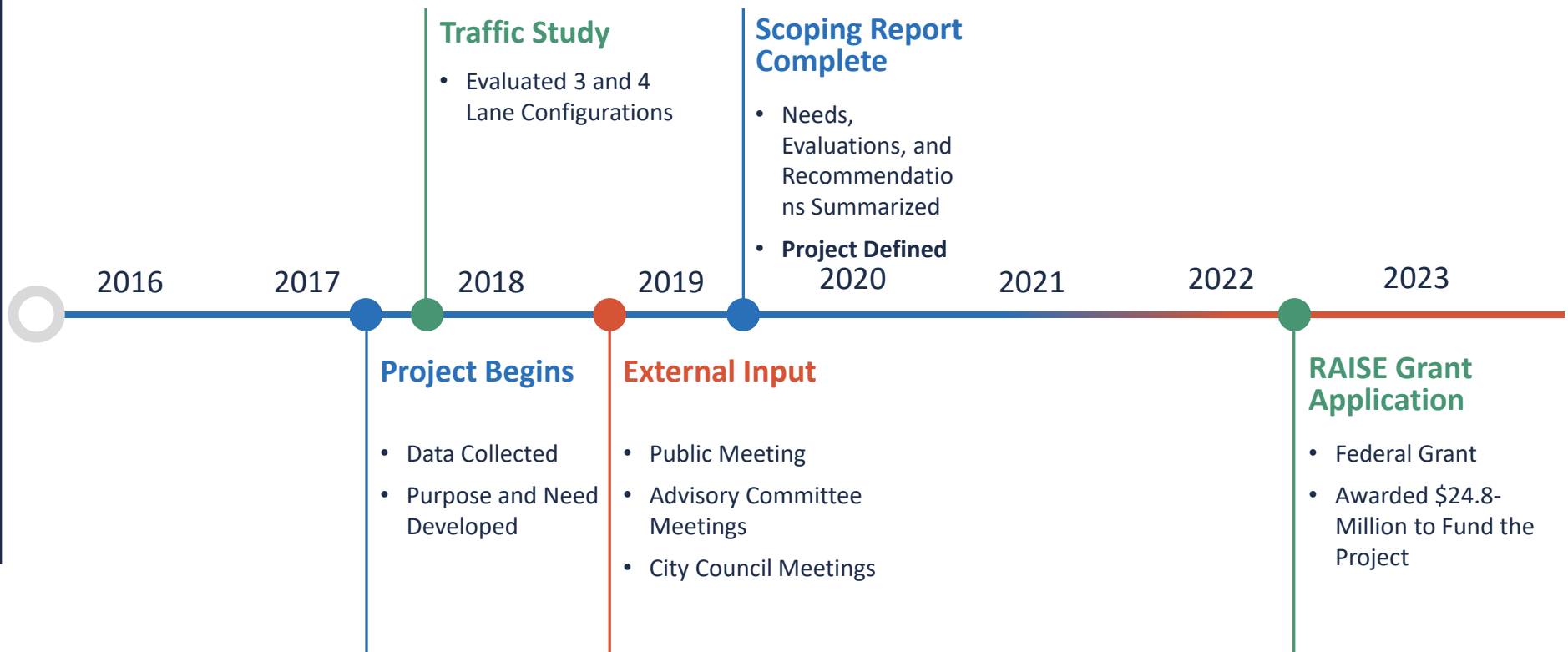
What Does This Mean?

- VTrans will develop design and construction guidelines – need to provide leeway for innovation to occur
- Final features (number of bridge girders, site restoration, etc) may be the decision of the Contractor
- Checks and balances with VTrans maintained

Project Delivery



Schedule – Past

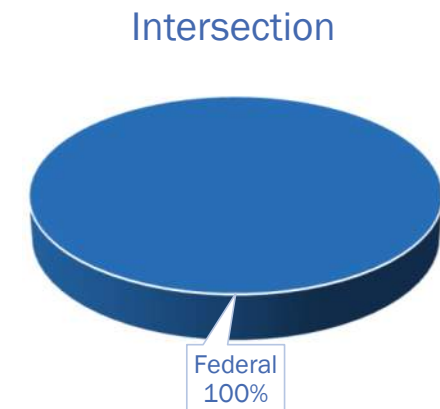
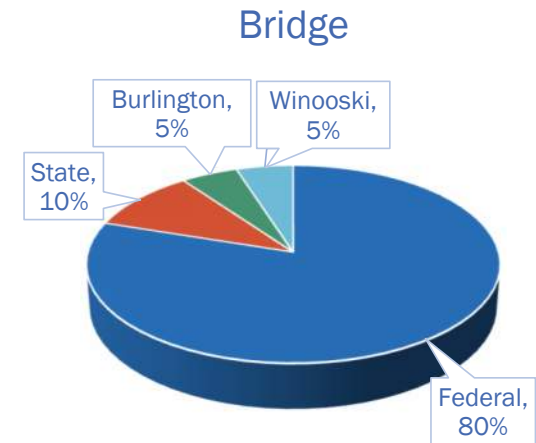


Schedule – Current and Future



Project Costs and Funding

- Project Received a Federal RAISE Grant worth approximately \$24.8-million
- Total Project costs are *conceptually* estimated to be approximately \$60-\$80-million



Questions?



<https://burlingtonwinooskibridge.vtransprojects.vermont.gov/>

