City Council Meeting

Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM

5:15 pm, Contois Auditorium OR Remotely via ZOOM:

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1. Agenda

Subject	**1.1. Motion to amend/adopt agenda**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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: note removal of item 2 (per Chief of Staff Redell)

2. Communication: Mayor Miro Weinberger, re: South End Coordinated Redevelopment Predevelopment Agreement (verbal) **expected executive session** *5:15 pm - 6:00 pm* AGENDA ITEM REMOVED

Subject	**2.1. Communication: Mayor Miro Weinberger, re: South End Coordinated Redevelopment Predevelopment Agreement (verbal) **expected executive session** (45 mins.) AGENDA ITEM REMOVED**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	2. Communication: Mayor Miro Weinberger, re: South End Coordinated Redevelopment Predevelopment Agreement (verbal) **expected executive session** *5:15 pm - 6:00 pm* AGENDA ITEM REMOVED
Department	Planning
Type	Action Procedural
Recommended Action	Move to enter into executive session for the Council to communicate with legal counsel and the City Administration regarding negotiations related to the South End Coordinated Redevelopment Predevelopment Agreement, pursuant to 1 V.S.A 313(a)(2).

3. Work Session Regarding Cambrian Rise *6:00 pm - 6:45 pm*

Subject	**3.1. Work Session Regarding Cambrian Rise (45 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	3. Work Session Regarding Cambrian Rise *6:00 pm - 6:45 pm*
Department	Community & Economic Development Office (CEDO)
Type	Information Presentation

4. Public Forum: Time Certain: 7:00 pm **See above for signup instructions**

Subject	**4.1. Verbal Comments**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	4. Public Forum: Time Certain: 7:00 pm **See above for signup instructions**
Department	Council and Board
Type	Action Procedural
Recommended Action	open Public Forum close Public Forum

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

Subject	**5.1. Verbal reports**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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. Creation of Wastewater Operator position - DPW-Water Resources/HR**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department - Water Resources
Type	Action (Consent)

Recommended Action	To approve the: 1. Creation of Wastewater Plant Operator, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Public Works
Subject	**7.4. Request for Approval of a $331,500 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport - Airport**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to approve a budget neutral amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget in the amount of $331,500 by increasing the accounts as described in the affiliated memorandum
Subject	**7.5. Request to Execute a Ten Year Lease Extension with HG Burlington JV (Hudson News) - Airport**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to approve and authorize Mayor Miro Weinberger to execute a ten year lease amendment with HG Hudson JV
Subject	**7.6. Request to purchase MB 4 Rotary Plow (snow blower) through Passenger Facility Charge (PFC) funding - Airport**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to authorize a purchase from M-B Companies, Inc. for a MB4 rotary plow in the amount of $826,579
Subject	**7.7. Communication: Kyle Berkshire, re: Thank You**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.8. Communication: Submitted as Part of Public Comment by Ashley Smith, re; Documenting Israeli Apartheid**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.9. Communication: Romeo von Hermann, re: Public Forums**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.10. Communication: Kevin Walters, re: Police Oversight proposals**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.11. Communication: Amy Mellencamp, Chair, Fletcher Free Library Commission, re: Letter from the Fletcher Free Library Commission**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office

Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.12. Communication: Bradley Wiltfong, re: Protect the Bike Infrastructure on Pine St**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.13. Communication: Steven Toth, re: Charter vote 1/21/24**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.14. Communication: Jak Tiano, re: Crtique and Analysis of Burlington-Winooski Bridge**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication
Recommended Action	waive the reading and place the communication on file
Subject	**7.15. Communication: C/T Office, re: October 10, 2023 Regular City Council Meeting Minutes, Corrected Version, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda

Department	Clerk/Treasurer's Office
Type	Action (Consent) Information Minutes Communication
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as corrected and received at the January 16, 2024 Regular City Council Meeting
Subject	**7.16. Communication: C/T Office, re: October 10, 2023, Burlington Local Cannabis Control Commission Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.17. Communication: C/T Office, re: October 10, 2023 Local Control Commission Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.18. Communication: C/T Office, re: October 23, 2023 Regular City Council Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.19. Communication: C/T Office, re: October 23, 2023 City Council With Mayor Presiding Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.20. Communication: C/T Office, re: November 6, 2023 Regular City Council Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.21. Communication: C/T Office, re: November 20, 2023 Regular City Council Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting

Subject	**7.22. Communication: C/T Office, re: November 20, 2023 Local Cannabis Control Commission Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Communication Minutes Information
Recommended Action	waive the reading, accept the communication, place it on file and adopt the minutes as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.23. Communication: C/T Office, re: November 20, 2023 Local Control Commission Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.24. Communication: C/T Office, re: December 11, 2023 Regular City Council Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.25. Communication: C/T Office, re: December 18, 2023 Regular City Council Meeting Minutes, Draft**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 as received at the January 16, 2024 Regular City Council Meeting
Subject	**7.26. FIO Document**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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	**7.27. Ordinance: ELECTIONS--Rank Choice Voting Implementation BCO Sec. 2-9 (Councilor Traverse)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	to waive the reading, suspend the rules and place the ordinance in all stages of passage

8. Deliberative Agenda

Subject	**8.1. Ordinance: ZA-24-02 Neighborhood Code (Office of City Planning, Planning Commission, Council Ordinance Committee (45 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Planning
Type	Action

Recommended Action	waive the reading, suspend the rules, and warn for a public hearing
Subject	**8.2. Resolution: Cambrian Rise - Development Agreement Second Amendment (Councilors Carpenter, Barlow, Dieng)(20 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Community & Economic Development Office (CEDO)
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**8.3. Resolution: Town Meeting Day 2024 Carbon Pollution Impact Fee Ballot Question (TEUC(Councilors Bergman and King)(20 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**8.4. Resolution: Implementation Of A Carbon Pollution Impact Fee (TEUC(Councilors Bergman and King)(20 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Council and Board
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**8.5. Resolution: Climate Policy Review And Next Steps For Existing Commercial And Industrial Buildings Less Than 50,000 Square Feet Councilors Traverse and Barlow)(20 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Council and Board

Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	**8.6. Resolution: March 5, 2024 Annual City Meeting -- Increase In Public Safety Tax Rate For Fire And Police Purposes Authorized (Board of Finance)(30 mins.)**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution

9. Committee Reports

Subject	**9.1. Verbal reports**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 - Council President Updates (up to 5 mins.)

Subject	**11.1. Verbal reports**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	11. City Council - Council President 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 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 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 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	13. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

14. Informational and Non-Discrimination Statements

Subject	**14.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.**
Meeting	January 29, 2024 - Regular City Council Meeting - Monday, January 29, 2024, 5:15 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	14. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information

Resolution Relating to

CAMBRIAN RISE – DEVELOPMENT AGREEMENT SECOND AMENDMENT

RESOLUTION_____

Sponsor(s): Councilors Carpenter, Barlow, Dieng
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, the CITY OF BURLINGTON (the "City"), VERMONT LAND TRUST, INC. ("VLT"), CHAMPLAIN HOUSING TRUST, INC. ("CHT"), and BC COMMUNITY HOUSING, LLC ("BCCH") are parties to a Development Agreement fully executed on January 7th, 2016 (the "Development Agreement") related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington, as more particularly described therein ("the Property"), in connection with the project known as "Cambrian Rise;" and

WHEREAS, Cambrian Rise is a permitted multiphase development of a new neighborhood across approximately 21.65 acres within the City of Burlington; and

WHEREAS, this property falls within the Neighborhood Activity Center (NAC) – Cambrian Rise (CR) District designated as a center for mixed use development; and

WHEREAS, in June of 2020, the City of Burlington executed the First Amendment to the Development Agreement to increase the permitted residential density from a maximum of 770 residential units to a maximum of 950; and

WHEREAS, as market conditions continue to evolve and place pressure on the City's need for new housing, BCCH has requested a second amendment to the development agreement in order to remove the cap on the number of housing units permitted on the site per the agreement and to rather let the City's Comprehensive Development Ordinance, along with all state and municipal land use permits control the number of permissible units on the site; and

WHEREAS, the City and BCCH have drafted a second amendment to the Development Agreement the "Second Amendment to Development Agreement") to accomplish the foregoing;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the covenants, considerations and mutual benefits set forth in the Development Agreement and in the First and Second Amendment to the Development Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City Council authorizes the Mayor to execute a Second Amendment to the

Development Agreement in substantial conformance with the documents attached hereto, subject to final review and approval of the Office of the City Attorney.

SD/JP/Resolutions 2024/Cambrian Rise – Second Amendment to Development Agreement (311, 329 North Avenue)
1/24/2024

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

Date: January 29, 2024

To: Burlington City Council

From: Brian Pine, Director, CEDO
Samantha, Assistant Director, CEDO

CC: Chapin Spencer, Director, Burlington Department of Public Works;
Cindi Wight, Director, Burlington Parks, Recreation & Waterfront;

Re: **Cambrian Rise – Second Amendment to Development Agreement**

Request

This memorandum requests that the Burlington City Council adopt the attached resolution which authorizes the Mayor to execute the second amendment to the Cambrian Rise Development Agreement in substantial conformance with the documents attached hereto, subject to the review and approval of the City Attorney. This Second Amendment to the Development Agreement relates to BC Community Housing, LLC's (BCCH) request of the City to remove the cap imposed by the Development Agreement on the number of housing units at Cambrian Rise, and ensures completion of the paved path connection to the Burlington Greenway and the agreed-upon North Avenue Upgrades by certain dates.

Background

On December 21, 2015, Burlington City Council adopted a resolution authorizing the Mayor to execute a Development Agreement between the City of Burlington, Vermont Land Trust, Inc., (VLT), Champlain Housing Trust, Inc., (CHT), and BCCH, related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington. This Development Agreement was fully executed on January 7, 2016. The property in connection with the project is now known as Cambrian Rise.

Cambrian Rise is a permitted multiphase development of a new neighborhood across approximately 21.65 acres. The project is in an area long targeted in the city's Municipal Development Plan for intensified development and is consistent with the Neighborhood Activity Center (NAC) – Cambrian Rise (CR) District, a zoning designation for mixed use development that allows for a range of housing types and tenures, and accommodates a diverse range of complimentary general office, institutional and neighborhood-oriented, small-scale retail service uses. Cambrian Rise, when fully built out, aims to create a dynamic new mixed-income, mixed-use, inclusive, pet-friendly neighborhood where residents can live, work, grow and play on the shores of Lake Champlain.

In June of 2020, the City of Burlington executed the First Amendment to the Development Agreement with BCCH to increase the residential density to a maximum of 950 units to respond to market conditions.

The Cambrian Rise site is currently permitted for 950 units of housing in 14 buildings. Of these, 316 units have been completed (including 128 inclusionary housing units) and 251 units are under construction. Full build out of the site is anticipated for 2029.

BCCH's Request to eliminate the cap on number of units

As market conditions continue to evolve and the City faces an unprecedented need for new housing units, BCCH President Eric Farrell, has requested the elimination of the cap on the number of housing units on the site, allowing density to be regulated solely by the Comprehensive Development Ordinance and Act 250.

Current zoning does not limit residential density in terms of units per acre, but rather total buildable area using Floor Area Ratio (FAR). FAR is the measurement of a building's floor area in relation to the size of the parcel upon which the building is located. For example, if a lot has a floor area ratio of 3.0 and the lot is 1,000 square feet, a developer could construct a building of 3,000 square feet. The FAR for the Zoning District where Cambrian Rise is located is 2.0. Unlike the traditional units per acre standard, FAR regulates the allowable square footage but offers flexibility in the number of units.

BCCH is partway through the phased, multi-year a build-out of Cambrian Rise. Any change to the number of units permitted on the site will require amending existing permits and will be governed by the FAR.

Impact Considerations

The City will have the responsibility and opportunity to thoroughly review all potential impacts, including but not limited to, traffic, sewer, water, wastewater and stormwater, associated with an increase in the number of housing units at Cambrian Rise through the zoning and permitting processes.

North Avenue Improvements

Throughout the permitting process BCCH and the Department of Public Works have worked together to identify a series of improvements to North Avenue (including, but not limited to, boundary line adjustment at the ROW, traffic signalization, and ADA accessible ramps at sidewalks) at the development site. In this Second Amendment, BCCH is committing to completing these upgrades no later than October 31, 2025.

Connection to Burlington Greenway from North Avenue

In the Development Agreement between the City and BCCH, BCCH was the responsible party for constructing a public and ADA accessible connection path between Cambrian Rise and the Burlington Greenway. In August of 2020, the City negotiated a Memorandum of Understanding and Agreement, to clearly obligate BCCH to build the path based on the City's 30% conceptual design drawings. BCCH and the Burlington Parks, Recreation and Waterfront have continued to collaborate on the design of the Greenway connection and in this Second Amendment, BCCH is committing to completing the construction of this important connection by the end of this year.

Conclusion

Cambrian Rise will be the single largest housing development in Burlington, once completed and plays an important role in addressing the City's goal to significantly increase Burlington's housing supply and ensuring housing as a human right in Burlington.

Burlington City Council's passage of this Second Amendment to the Development Agreement between the City of Burlington, Vermont Land Trust, Inc., (VLT), Champlain Housing Trust, Inc., (CHT), and BCCH, clears the way for BCCH to continue implementation of the phased development plan while responding to evolving market conditions. With this amendment, BCCH has the ability to move forward with the process to amend their permitting which will entail a thorough review and compliance with the City of Burlington Comprehensive Development Ordinance and with all state and municipal land use permits and approvals, as well as the requirements of the City of Burlington Department of Public Works.

Attached Documents:

1. Cambrian Rise - Second Amendment to the Development Agreement
2. Resolution – Cambrian Rise – Second Amendment to the Development Agreement

Second Amendment to Development Agreement

This Second Amendment to Development Agreement ("Amendment") is entered into as of the __ day of _____, 202___, by and between the **CITY OF BURLINGTON**, a Vermont municipal corporation (the "City"), and **BC COMMUNITY HOUSING, LLC**, a Vermont limited liability company ("BCCH"). Hereafter, the City and BCCH may each be referred to individually as a "Party" and collectively as the "Parties."

WHEREAS, the City, BCCH, Vermont Land Trust, Inc., a Vermont non-profit corporation, and Champlain Housing Trust, Inc., a Vermont non-profit corporation, are parties to a Development Agreement fully executed on January 7, 2016, as amended by First Amendment to Development Agreement dated as of June 26, 2020 (the "First Amendment") (collectively, the "Agreement") related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington, as more particularly described therein (the "Property").

WHEREAS, to account for changing market conditions and to meet housing demands, BCCH has asked the City to release the cap imposed by the Agreement on the number of residential units permitted on the Property and the City has agreed to release the cap and to amend the Agreement in the manner set forth in this Amendment.

NOW THEREFORE, in consideration of the covenants, considerations and mutual benefits set forth herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Background Information. The information set forth in the background section of this Amendment is incorporated herein by reference.

2. Maximum Number of Residential Units. The opening paragraph of Section 3 of the First Amendment is hereby deleted and replaced with the following: "Article II, Section 5 of the Agreement is hereby deleted and replaced with the following: "Subject to the terms and conditions set forth below in this Amendment, the Agreement and exhibits do not limit the number of residential units in the Projects. The City's agreement to eliminate the maximum number of residential units is conditioned upon compliance with the terms of the Comprehensive Development Ordinance and the terms set forth below by BCCH and its successors and assigns."

3. Section 3(b) of the First Amendment is modified by deleting "180" from the first sentence.

4. Impact Considerations. Section 4 of the First Amendment is hereby deleted and replaced with the following: "The City reserves the right to thoroughly review all of the impacts associated with an increase in the number of housing units on the Property through the zoning and permitting processes, including but not limited to traffic, sewer, water, stormwater, and to impose additional conditions in the ordinary course of conducting such review."

5. BCCH agrees to complete the Bike Path Connection (so-called) on Lot 11 by December 31, 2024, as more or less depicted on the attached plan entitled "Kieslich Park", prepared by TJ Boyle Associates, last dated May 11, 2022, attached hereto as Exhibit ___; which plan is subject to final design and the approval of the Department of Parks and Recreation.

DRAFT

6. BCCH agrees to complete the North Avenue Improvements (so-called), by October 31, 25, as more or less depicted on the attached plan entitled "Cambrian Rise, North Avenue Progress", prepared by TJ Boyle Associates, dated 1/11/2024, attached hereto as Exhibit ___; which plan is subject to final design and the approval of the Department of Public Works. Any request for extension to the completion date of the improvements by BCCH are subject to review and approval by the Director of Public Works which would not be unreasonably withheld.

7. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.

8. Except as modified hereby, the Agreement remains unmodified and in full force and effect.

Two Signature Pages to Follow

DRAFT

IN WITNESS WHEREOF, this Amendment is executed by the duly authorized officers or representatives of the parties hereto.

CITY OF BURLINGTON

By: _____
Miro Weinberger, Mayor

STATE OF VERMONT
CHITTENDEN COUNTY, SS

At Burlington, in said County and State, this ____ day of _____, 202____, personally appeared Miro Weinberger, Mayor of the City of Burlington and he acknowledged the within instrument by him subscribed, to be his free act and deed and the free act and deed of the City of Burlington.

Before me, _____
Notary Public
Print Name: _____
My Commission expires: 1.31.25
My Commission number: _____

DRAFT

BC COMMUNITY HOUSING, LLC

By: EF Farrell, LLC, its General Member

By: _____
Eric F. Farrell, Sole Member

STATE OF VERMONT
CHITTENDEN COUNTY, SS

At Burlington, in said County and State, this ____ day of _____, 202____, personally appeared Eric F. Farrell, Sole Member of EF Farrell, LLC, being the General Member of BC COMMUNITY HOUSING, LLC, and he acknowledged the within instrument by him subscribed, to be his free act and deed and the free act and deed of the entities on behalf of which he acted.

Before me, _____
Notary Public
Print Name: _____
My Commission expires: 1.31.25
My Commission number: _____

DRAFT

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Samantha Dunn

Title/Subject: Second Amendment to the Cambrian Rise Development Agreement

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	1/29/2024
☐	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	1/24/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	1/24/2024	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	1/24/2024	Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/24/2024	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	1/24/2024	Jordan Redell for 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?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Second Amendment
Draft Resolution or Motion?	Yes	Attached
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

This list is a working document. It

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

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

25-Jan-24

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 resoluition, 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 languate 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.	Referrred 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.

To:	Board of Finance City Council
From:	Megan Moir, Division Director - Water Resources
Cc:	Chapin Spencer, DPW Director Kerin Durfee, Director of Human Resources Tony Berry, Human Resources Manager
Date:	January 22, 2024/January 29, 2024
Subject:	Creation of Wastewater Operator position

EXECUTIVE SUMMARY

The Water Resources Division (WRD) of the Department of Public Works (DPW) requests Board of Finance and City Council approval for:

1. Creation of a Wastewater Plant Operator, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Public Works.

Funds for the addition of this FTE to the Wastewater Plant Operations team were included as part of the approved FY24 budget.

BACKGROUND

Addition of this position to the Wastewater Plant Operations group was one of the recommendations of the Water Resources Raftelis Staffing Recommendation Study completed in May 2023 (see https://bit.ly/2023WRStaffing) and presented to the City Council as part of the FY24 Budget Approval process (https://bit.ly/WRFY24BudgetPres).

Need for the Addition of Wastewater Plant Operator position

The Raftelis report cites a number of drivers behind the need to add this additional FTE (full time equivalent) to the Wastewater Plant Operations team at the Main Wastewater Treatment Plant (WWTP), the City's largest and most complicated plant. Raftelis confirmed, based on their experience having toured many WWTPs across the country, that Main Plant is a "high touch" plant requiring significant hands-on operation, particularly given the age of the infrastructure.

The consultants noted that the current approved number of wastewater operators does not account for the true labor yield of one FTE. For example, while there are currently 4 operators working at Main Plant, on a frequent basis there are less than this minimum staffing number on-site due to time off, training (two of the four operators are newer) or due to the fact that staff have had to work overnight to oversee plant operations during a storm event. Main Plant used to operate during storm events with staff only on standby, but given the equipment's age

and unreliability, we now need staff onsite during all significant wet weather events such as climate change driven thunderstorms with their intense rainfall. This additional staffing need cannot be met with existing staff numbers without impacts to other operations.

This can result in:

- Preventative maintenance tasks end up being delayed, contributing to the reactive maintenance cycle.
- Less than ideal safety conditions when staff have to work very extended hours, often alone, because there are not enough personnel to manage both day and night operations.
- Burnout of personnel due to increased overtime and lack of organizational resiliency when staff retire or leave (one of our most senior staff members on the mechanic side is retiring within the next year).

Moreover, given the infrastructure is at or beyond end of life, Main Plant is headed towards a much-needed comprehensive upgrade that will take multiple years to complete. During this upgrade, the operations team must keep various components of the existing plant operating while also adapting to new equipment and processes. It is imperative that the City have a full bench of trained operators ready to see the Plant through this critical transition.

Please see the proposed organizational chart (Attachment A) for these proposed changes.

Additional Raftelis Staffing Report Position

The Raftelis staffing report identified one last remaining new position, the creation of a Water Resources Project Manager position to add additional project delivery capacity to the Water Resources Technical Team. This was also included in the FY24 approved Water Resources budgets and WRD anticipates bringing this forward for approval later in FY24 when other new staff have been on-boarded.

BUDGET IMPACT

The Wastewater Plant Operator role is an existing AFSCME position, graded at AFSCME Grade 17 (See Attachment B for the current existing job description). The pay scale for a new employee entering this role is:

Position	Grade	Salary Impact
Wastewater Plant Operator	AFSCME, Grade 17	$63,710 - 71,031[1]

Notes

1) Salary shown is Step 1-7 within the grade.

Funds for the creation of these positions (including benefits) were included as part of the approved FY24 Wastewater budget. (https://bit.ly/WRFY24BudgetPres)

Motions

Board of Finance Motion:

To recommend that City Council approve the:

1. Creation of Wastewater Plant Operator, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Public Works.

City Council Motion:

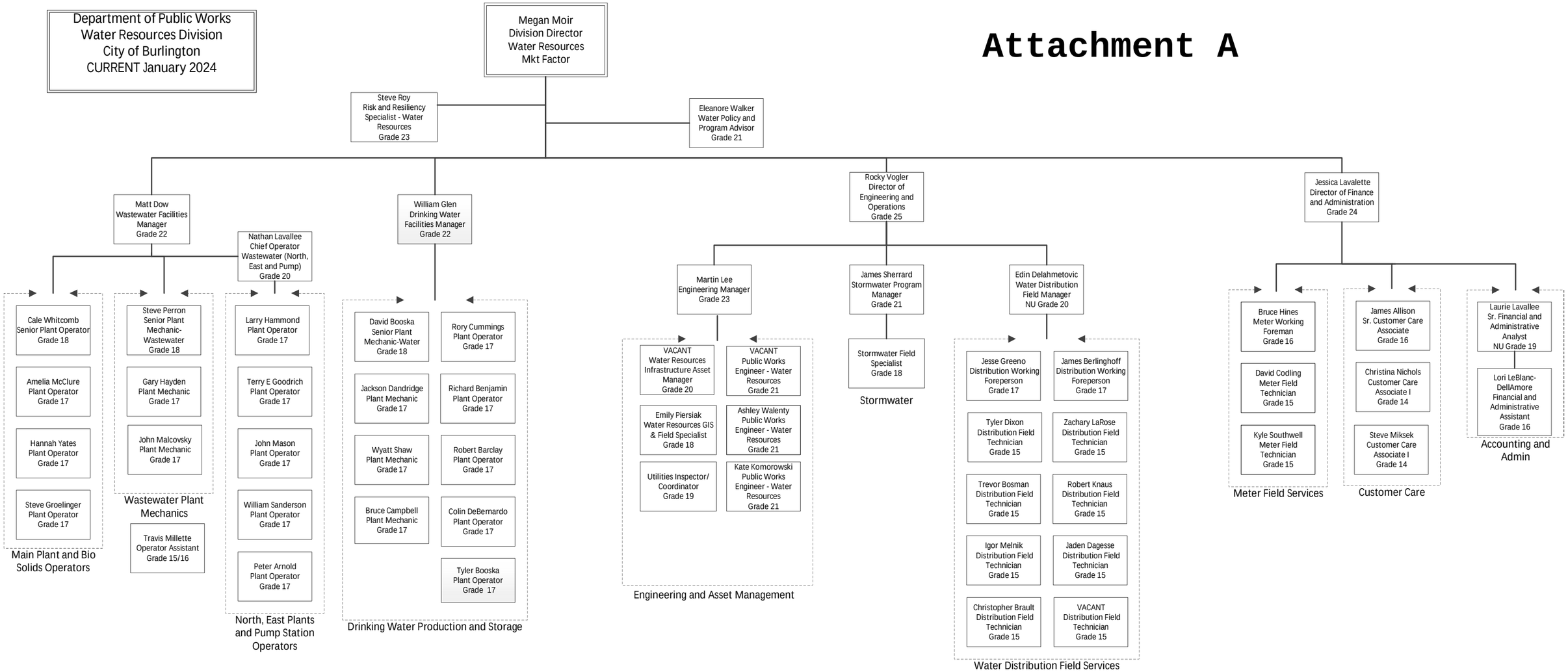
To approve the:

1. Creation of Wastewater Plant Operator, Regular, Full-time, Non-Exempt, AFSCME, Grade 17, role in the Department of Public Works.

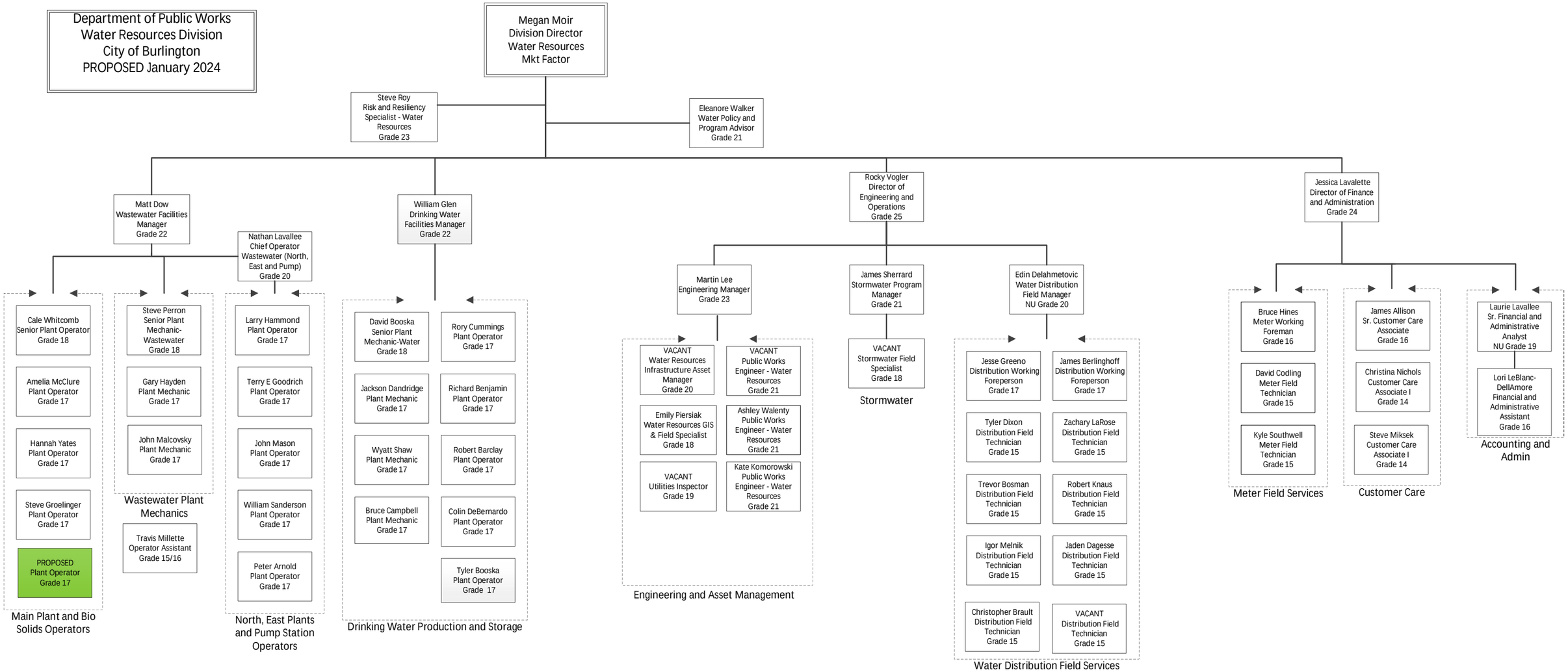
Attachments:

A. Organizational Chart
B. Job Description

Attachment A



Department of Public Works
Water Resources Division
City of Burlington
PROPOSED January 2024



Attachment B

City of Burlington
Job Description

Position Title: Plant Operator - Wastewater

Department: Department of Public Works

Reports to: Chief Plant Operator

Pay Grade: 17 **Job Code:** 418

Exempt/Non-Exempt: Non-Exempt **Union:** AFSCME

General Purpose: This position is responsible for daily plant operations and maintenance duties at various wastewater facilities.

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.)

- Perform process control testing involved with; including but not limited to; pretreatment, primary clarification, activated sludge aeration, final settling, return and waste activated sludge control, chemical precipitation, chlorine disinfections and anaerobic digestion.
- Operate sludge thickening and dewatering systems by controlling quantity and quality of solids processing through the use of lab testing, flow measuring devices, control instrumentation and chemical dosage.
- Perform wet-weather operations as necessary and maintain on site storm water treatment facility using suggested Operations & Maintenance Manual Procedures.
- Record data and interpret results of testing; prepare recommendations for Chief Operator's review and execution of process changes.
- Sample wastewater and solids processing streams and perform laboratory analysis.
- Operate and maintain laboratory testing equipment.
- Monitor and record meter data from wastewater flows, methane gas, chlorine feed, return and waste activated sludge, and other meters as required.
- Operate sludge tanker truck as applicable (North and East Plants).
- Operate and perform preventative and corrective maintenance on all plant equipment and 25 pump stations, including, but not limited to pump rebuilding, motor maintenance, lubrication, use of inspection equipment and cleaning.
- Fill out proper reports, including, but not limited too; daily operating sheets, safety and training logs, and inspection logs.
- Perform building and grounds custodial duties.
- Assist Chief Operator in preparation of Federal and State regulatory agency permit monitoring reports.

- May be required to participate in “On-Call Coverage”.

Non-Essential Job Functions:

- Perform other duties as required.

Qualifications/Basic Job Requirements:

- High School diploma or equivalent required.
- One (1) year of water/wastewater treatment plant operating experience preferred. Equivalent education, training and experience which provides the requisite knowledge, skills and abilities for the position is required.
- Current Vermont state operator certification at a minimum grade for the facility where position is located is preferred. (Main = grade 5, North = grade 4, East = grade 3). Ability to obtain and maintain a Vermont State Operator Certification (Grade 1 minimum) within one (1) year of hire is required.
- A Grade 3 Vermont State operator certification must be obtained within 4 years from the date of hire. Higher grade certifications are strongly encouraged.
- Ability to obtain and maintain a valid Vermont State Driver’s License required.
- For positions located at North and East Wastewater Treatment Plants, a Commercial Driver’s License Class B with tanker endorsement at the time of application is preferred. Candidates without a CDL B with tanker endorsement at the time of application must obtain a CDL Class B permit within the probationary period (90 days) and must obtain a CDL Class B with tanker endorsement license within one (1) year.
- Must be a flexible team player that takes direction well, is safety conscious, and willing and able to learn to operate all equipment and perform all tasks as assigned.
- Ability to perform minor mechanical and electrical maintenance.
- Ability to comprehend and carry out written, oral, and diagrammatic instructions required.
- Ability to learn and maintain VOSHA safety rules and regulations as they pertain to the Department of Public Works.
- Ability to work with a diverse population with a strong commitment to equity and inclusion, among City staff and the general public.
- Ability to create and maintain an environment that appropriately embraces the 6 operating principles; Customer Service, Fiscal Responsibility, Good Labor Relations, Employee Empowerment, Cooperation and Constant Improvement.
- Ability to work nights and weekends required.
- 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.

_x_ seeing
_x_ color perception (red, green, amber)
_x_ hearing/listening
_x_ clear speech
_x_ touching
_x__ dexterity
_x_ hand
_x_ finger

_x_ ability to move distances within and between warehouses/offices
_x_ climbing
_x_ ability to mount and dismount forklift/truck
_x_ pushing/pulling

_x_ lifting (specify) 50-75 pounds
_x_ carrying (specify) 50-75 pounds
_x_ driving (local/over the road)

___ reading - basic
_x_ reading - complex
___ writing - basic
_x_ writing - complex

___ math skills - basic
_x_ math skills - complex
___ clerical

_x_ analysis/comprehension
_x_ judgment/decision making

_x_ shift work
_x_ works alone
_x_ works with others
_x_ verbal contact w/others
_x_ face-to-face contact
_x_ inside

_x_ outside
_x_ extreme heat
_x_ extreme cold
_x_ noise
_x_ mechanical equipment
_x_ electrical equipment

_x_ pressurized equipment
_x_ moving objects
_x_ high places
_x_ fumes/odors
_x_ hazardous materials
_x_ dirt/dust

Supervision:

Directly Supervises: 0 Indirectly Supervises: 0

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

Revised 9/12/05, sent to union 9/13/05, final 9/23/05,re - sent to Union 03/16/06 final: March 2006). Revised 8/11/2014; Revised Aug 2016; Revised Sept 2016; Revised and approved by AFSCME on 7/7/2023.

Board of Finance and City Council Submission Checklist

Department: DPW Water Resources Division Submitter: Megan Moir/Matt Dow/Tony Berry

Title/Subject: Creation of Wastewater Plant Operator Position

	Approval:	Meeting Date:
☒	Board of Finance	1/22/2024
☒	City Council	1/29/2024
☐	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	1/16/2024	Chapin Spencer
Mayor's Office informed and approved memo	Yes	1/17/2024	Jordan Redell
Board/Commission, if required	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/17/2024	Hayley McClenahan
CAO has reviewed budget, financing, and memo	Yes	1/17/2024	Katherine Schad
Human Resources, if personnel action -Identify HR Manager in note	Yes	1/16/2024	Tony Berry
CIO, if an IT-related investment/purchase	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

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

From: Marie Friedman, CPA, Director of Finance
Nicolas Longo C.M., Director of Aviation

Date: January 22, 2024 (UPDATED 1/29/2024)

Subject: Request for Approval of a $331,500 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport

Request

The Patrick Leahy Burlington International Airport (Airport) seeks approval and authorization for a Budget neutral amendment in the amount of $331,500 to the Fiscal Year 2024 BTV budget.

Summary

Background:

Airport Expenditures

The Airport is seeking to amend the following expenditure accounts. During the fiscal year, there is periodically the need to adjust the approved budget. These changes are described below:

Other Personnel Services – Allowance Taxable & On call and Staffing: The airport has seen an increase in expenses for allowance taxable services and needs to adjust several budget line items. The City The airport utilizes "on-call" pay for many of our employees who need to be available and called in for critical work outside of normally scheduled hours. Such example is inclement winter weather. These employees provide tremendous service to the airport to keep the runway and terminal safe and open. The airport under budgeted for this expense and now seeks to amend this budget expense line. *Increase request is $32,000.*

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

Airport Security to Police: For the first half of fiscal year 2024, the Police department has provided a reduced staffing (due to their staffing issues). *UPDATED 1/29/2024: This increase in budget will not be to increase number of staffing at the Airport until there is an increase in overall officers within the department, this budget amendment is for the possibility of this increase in staffing this Fiscal year OR a contracted service provider to assist with overnight security at the airport. Increase request is $165,000 (this budget amendment amount ahs not been changed from previous versions)*

Property Repairs: The Airport incurred higher property repairs such as paving projects, replacement of fencing, installation of automated gates, dead tree removal, soil remediation, and landscaping projects required by permits. Therefore, an increase is requested. *Increase request is $60,000*

Repairs & Maintenance – Buildings: The airport needs to add additional budget funds to the QTA cost center repairs and maintenance buildings expense account. The QTA experienced a lightning strike in September which damaged some equipment. The damage was below the insurance threshold so these repairs needed to be covered within the QTA cost center. Therefore, an increase is requested. *Increase request for this item is $25,000.*

Computer and Radio maintenance accounts: The airport needs additional budget funds for several computer related accounts as well as radio maintenance expense. Actual year-to-date expenditures are running slightly higher than originally forecasted. *Increase request for this item is $16,000.*

Custodial Supplies: Due to the increases in passengers, price increases to supplies and an increase in total terminal space the custodial supplies account will need additional budgeted funds for this fiscal year. *Increase request for this item is $11,500.*

Utilities: These two utilities accounts need additional budgeted funds. *Increase request for this item is $14,000.*

Special Supplies: This request is for the airport's Quick Turnaround (QTA) cost center. FY 2024 is the first full year of car rental operations in the QTA and actual year-to-date expenditures are higher then estimated. *Increase request for this item is $8,000.*

Expenditure budgets to reduce and offset increases: The airport seeks to provide a budget neutral amendment. Therefore, the following account budgets can be reduced:

1) Repairs and Maintenance – Buildings (Garage cost center) are being reduced to reallocate to other areas. The garage lighting and fire alarm replacement is contract work which stopped work during the winter and will continue into Fiscal year 2025. Therefore, total project cost is expected to be lower this year. *Decrease expense item request is $119,500.*

2) Salaries and Wages Full time – multiple cost centers are being reduced to reallocate budgeted funds to other expense line items. The Airport had multiple positions vacant at the start of the year. Over the course of six months most of these positions have been filled. These partial year openings are providing cost savings that can be reallocated. *Decrease combined salary expense accounts by $87,000.*

3) Energy Efficiency expense line – The Airport is making significant investments in energy efficiency purchases and upgrades during fiscal year 2024. These expenditures are being charged to other budget line items (not energy efficiency expense). For example the Airport just purchased three new fully electric vehicles using the capital budget line items. Additionally, the airport is replacing all the lighting in the garage with energy efficient fixtures. This multi-year $2 Million project is being charged to repairs and maintenance budget account. Therefore, the energy efficiency expense line item needs to be modified to better reflect actual spending at the airport. The airport is requesting to reallocate budgeted funds from this account. *Decrease expense account request is $125,000.*

Budget Amendment

The Summary on the following pages show all expenditure accounts in this proposed airport budget amendment.

Org Set	GL Account	Account Name	Increase / (Decrease)
Expense - Increases			
400-35-430	5200_130	Other Personnel Services Allowance Taxable	$ 14,000
400-35-431	5200_130	Other Personnel Services Allowance Taxable	$ 6,000
400-35-433-602	5200_110	Other Personnel Services On-Call	$ 12,000
		Sub-total Other Personnel Services	**$ 32,000**
400-35-430	8135	Airport Security to Police	$ 156,750
400-35-433-600	8135	Airport Security to Police	$ 8,250
		Sub-total Airport Security to Police	**$ 165,000**
400-35-430	6615	Property Repairs	$ 20,000
400-35-432	6615	Property Repairs	$ 32,000
400-35-433-602	6615	Property Repairs	$ 8,000
		Sub-total Property, Repairs and Maintenance	**$ 60,000**
400-35-433-602	6300_170	Repair and Maintenance-Buildings	**$ 25,000**
400-35-431	6017	Computer Licensing & Maintenance	$ 4,000
400-35-430	6015	Computer Software	$ 6,000
400-35-431	6605	Radio Maintenance	$ 6,000
		Sub-total Computer and radio related accounts	**$ 16,000**
400-35-430	6206	Custodian Supplies	$ 10,000
400-35-431	6206	Custodian Supplies	$ 1,500
		Sub-total Custodial Supplies	**$ 11,500**
400-35-432	6400_105	Utilities - Gas	$ 10,000
400-35-433-602	6400_115	Utilites Water/Wastewater	$ 4,000
		Sub-total Utilities	**$ 14,000**
400-35-433-602	6208	**Special Supplies**	**$ 8,000**
		Increases to Expenses	**$ 331,500**

Expense - decreases			
400-35-433-600	6300_170	Garage: Repairs & Maintenance Buildings	$ (119,500)
400-35-000	5000_100	Salaries and Wages - Full time	$ (16,000)
400-35-430	5000_100	Salaries and Wages - Full time	$ (47,000)
400-35-433-600	5000_100	Salaries and Wages - Full time	$ (24,000)
		Sub-total Salaries and Wages	**$ (87,000)**
400-35-430	6247	Energy Efficiency	$ (125,000)
		Decreases to Expenses	**$ (331,500)**

Motions

The Airport respectfully request the Board of Finance to approve the following motion:

Board of Finance:

1. "To approve and recommend that the City Council approve a budget neutral amendment in the amount of $331,500 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum."

City Council:

1. "To approve a budget neutral amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget in the amount of $331,500 by increasing the accounts as described in the affiliated memorandum."

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

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

From: Marie Friedman, CPA, Director of Finance
Nicolas Longo C.M., Director of Aviation

Date: January 22, 2024

Subject: Request for Approval of a $331,500 Budget Neutral Amendment to the FY 2024 Patrick Leahy Burlington International Airport

Request

The Patrick Leahy Burlington International Airport (Airport) seeks approval and authorization for a Budget neutral amendment in the amount of $331,500 to the Fiscal Year 2024 BTV budget.

Summary

Background:

Airport Expenditures

The Airport is seeking to amend the following expenditure accounts. During the fiscal year, there is periodically the need to adjust the approved budget. These changes are described below:

Other Personnel Services – Allowance Taxable & On call and Staffing: The airport has seen an increase in expenses for allowance taxable services and needs to adjust several budget line items. The airport utilizes "on-call" pay for many of our employees who need to be available and called in for critical work outside of normally scheduled hours. Such examples include inclement winter weather. These employees provide tremendous service to the airport to keep the runway and terminal safe and open. The airport under budgeted for this expense and now seeks to amend this budget expense line. *Increase request is $32,000.*

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

Airport Security to Police: For the first half of fiscal year 2024, the Police department has provided a reduced staffing (due to their staffing issues). Beginning in January 2024, the Police department is able to fully staff all eight positions needed at the airport. Therefore, the budget needs to be amended to reflect this. *Increase request is $165,000*

Property Repairs: The Airport incurred higher property repairs such as paving projects, replacement of fencing, installation of automated gates, dead tree removal, soil remediation, and landscaping projects required by permits. Therefore, an increase is requested. *Increase request is $60,000*

Repairs & Maintenance – Buildings: The airport needs to add additional budget funds to the QTA cost center repairs and maintenance buildings expense account. The QTA experienced a lightning strike in September which damaged some equipment. The damage was below the insurance threshold so these repairs needed to be covered within the QTA cost center. Therefore, an increase is requested. *Increase request for this item is $25,000.*

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Custodial Supplies: Due to the increases in passengers, price increases to supplies and an increase in total terminal space the custodial supplies account will need additional budgeted funds for this fiscal year. *Increase request for this item is $11,500.*

Utilities: These two utilities accounts need additional budgeted funds. *Increase request for this item is $14,000.*

Special Supplies: This request is for the airport's Quick Turnaround (QTA) cost center. FY 2024 is the first full year of car rental operations in the QTA and actual year-to-date expenditures are higher then estimated. *Increase request for this item is $8,000.*

Expenditure budgets to reduce and offset increases: The airport seeks to provide a budget neutral amendment. Therefore, the following account budgets can be reduced:

1) Repairs and Maintenance – Buildings (Garage cost center) are being reduced to reallocate to other areas. The garage lighting and fire alarm replacement is contract work which stopped work during the winter and will continue into Fiscal year 2025. Therefore, total project cost is expected to be lower this year. *Decrease expense item request is $119,500*

2) Salaries and Wages Full time – multiple cost centers are being reduced to reallocate budgeted funds to other expense line items. The Airport had multiple positions vacant at the start of the year. Over the course of six months, most of these positions have been filled. These partial year openings are providing cost savings that can be reallocated. *Decrease combined salary expense accounts by $87,000*

3) Energy Efficiency expense line – The Airport is making significant investments in energy efficiency purchases and upgrades during fiscal year 2024. These expenditures are being charged to other budget line items (not energy efficiency expense). For example, the Airport just purchased three new fully electric vehicles using the capital budget line items. Additionally, the airport is replacing all the lighting in the garage with energy efficient fixtures. This multi-year $2 Million project is being charged to repairs and maintenance budget account. Therefore, the energy efficiency expense line item needs to be modified to better reflect actual spending at the airport. The airport is requesting to reallocate budgeted funds from this account. *Decrease expense account request is $125,000.*

Budget Amendment

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Expense - decreases				
400-35-433-600	6300_170	Garage: Repairs & Maintenance Buildings	$	(119,500)
400-35-000	5000_100	Salaries and Wages - Full time	$	(16,000)
400-35-430	5000_100	Salaries and Wages - Full time	$	(47,000)
400-35-433-600	5000_100	Salaries and Wages - Full time	$	(24,000)
		Sub-total Salaries and Wages	**$**	**(87,000)**
400-35-430	6247	Energy Efficiency	$	(125,000)
		Decreases to Expenses	**$**	**(331,500)**

Motions

The Airport respectfully request the Board of Finance and City Council to approve the following motions:

Board of Finance:

1. "To approve and recommend that the City Council approve a budget neutral amendment in the amount of $331,500 to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget by increasing the accounts as described in the affiliated memorandum."

City Council:

1. "To approve a budget neutral amendment to the Fiscal Year 2024 Patrick Leahy Burlington International Airport budget in the amount of $331,500 by increasing the accounts as described in the affiliated memorandum."

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Airport Budget Amendment

	Approval:	Meeting Date:
☒	Board of Finance	1/22/24
☒	City Council	1/29/24
☐	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	1/12/2024	N. Longo
Mayor's Office informed and approved memo	Yes	1/18/2023	J. Redell
Board/Commission, if required	Yes	1/17/2024	
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	1/18/2023	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	1/12/2023	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

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

From: Nic Longo, Director of Aviation

Date: January 22, 2024

Subject: Request to Execute a Ten Year Lease Extension with HG Burlington JV (Hudson News)

REQUEST

The Patrick Leahy Burlington International Airport ("Airport" or "BTV") seeks approval and authorization:

1. For Mayor Miro Weinberger to Execute a Ten year lease extension with HG Burlington JV, to expire on September 30, 2038.

EXECUTIVE SUMMARY

As part of the Airport's North Renovation Project which expanded gate and seating areas in the North Concourse, the Airport asked the retail concessionaire HG Burlingon JV (or herein referred to as "Hudson News") to temporarily relocate to a different corner of the North Concourse during this construction period. Hudson News then proposed to relocate their North Concourse store front to a different area of the newly renovated North Concourse area, located in the old TSA checkpoint. To construct this retail storefront, it will cost $700,000, of which Hudson will pay. This new retail location is a larger footprint and serves passengers flying with American Airlines and United Airlines, making up 60% of the Airport's passengers. Hudson News is also required to upgrade their other two existing locations within the Airport, as stated in their contract. To recover the cost that Hudson News is investing in this space, they are requesting a lease extension. Design on the proposed space has been completed and if the lease extension is approved, construction will begin in the summer of 2024.

The current lease term expires September 30, 2028. The Airport and Hudson News have agreed upon a proposed ten year lease extension with the new terms, and if approved, will expire on

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

September 30, 2038. The current minimum annual guarantee is $221,920.00 with a 2% annual increase or 13% of gross sales. Within the terms of the proposed ten year lease extension, the new minimum annual guarantee would be a 3% annual increase starting on October 1, 2028 at which point the minimum annual guarantee would be $252,000 with 3% annual increase going forward.

PROPOSED MOTIONS: The Airport respectfully request the Board of Finance and City Council to approve the following motions:

Board of Finance

"To approve and authorize Mayor Miro Weinberger to execute a ten year lease amendment with HG Hudson JV."

City Council

"To approve and authorize Mayor Miro Weinberger to execute a ten year lease amendment with HG Hudson JV."

Thank you for your continued support.

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Hudson News Lease Amendment

	Approval:	Meeting Date:
☒	Board of Finance	1/22/24
☒	City Council	1/29/24
☐	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	1/12/2024	N. Longo
Mayor's Office informed and approved memo	Yes	1/18/2023	J. Redell
Board/Commission, if required	Yes	1/17/2024	
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	1/18/2023	K. Sturtevant
CAO has reviewed budget, financing, and memo	Yes	1/16/2023	K. Schad
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

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

PATRICK LEAHY BURLINGTON INTERNATIONAL AIRPORT

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

From: Nicolas Longo C.M.
Director of Aviation

Date: January 22, 2024

Subject: Request to purchase MB 4 Rotary Plow (snow blower) through Passenger Facility Charge (PFC) funding

Request:

The Patrick Leahy Burlington International Airport seeks approval and authorization to purchase a MB4 Rotary Plow in the total amount of $826,579.

Executive Summary:

Background:

The airport sold a decommissioned 1999 Stewart and Stevenson rotary plow. This was a 4,000 ton per hour snow blower equipped with tier 0 emissions rating. The new MB4 is capable of displacing 7,500 tons per hour. The engines equipped in the MB4 have industry leading tier 4F EPA/stage 5 final emissions. This rotary plow will serve as the primary displacement piece in mild to moderate snow conditions. In heavy snow conditions it will be paired with our current MB4. The FAA snow calculations of 1" per hour, on our 3,747,446 sq/ft of priority one surfaces, require 11,151 ton per hour of displacement. This is pivotal to maintain the highest level of efficiency geared toward public safety.

Sourcing:

Leahy BTV published an RFP for competitive pricing for this equipment which meets our FAA snow removal requirements. There were three bid proposals received from Fortbrand, M-B Companies and Larue. Fortbrand's bid was the highest at $1,334,688, therefore they were not considered for

A: 1200 Airport Drive, #1 South Burlington, VT 05403
P: 802.863.2874

the analysis of qualified bidders. Attached is the full bid analysis for the final two bidders. Based on the results from this analysis, the Airport has selected M-B Companies as the most qualified respondent.

Funding:

The airport will utilize Passenger Facility Charges (PFC) revenues to purchase this equipment. The Federal Aviation Administration (FAA) allows airports to apply and collect $4.50 per ticket. The Airlines collect this PFC charge and submit the fees to the airport. The Airport will include this snow equipment on its next PFC application (request to spend PFC funds). This snow equipment is an eligible use of PFC revenues allowed under FAA guidelines.

Motions:

The Airport respectfully requests the following motions:

Board of Finance

"To approve and recommend that the City Council approve and authorize a purchase from M-B Companies, Inc. in the amount of $826,579."

City Council:

"To authorize a purchase from M-B Companies, Inc. for a MB4 rotary plow in the amount of $826,579"

Thank you for your continued support.

BTV Carrier vehicle with Blower

	Larue	MB
Deviations, pg 33	None	None
Addendum Acknowledged, pg 40	Yes	Yes
Appendix C provided	Yes	Yes
Appendix D bid price	$803,320	$826,579
Delivery date: 500 days	650 days	500 days
Requirements:		
Single carrier with 102” wide blower	Yes	Yes
7500 Tons/Hr	Not specified but would be the T95	Yes
25 MPH Working Speed	Yes	Not specified
Turning radius 75’ or less		Yes
Diesel	Yes	Yes
Automatic	Yes	Yes
Four forward speed	Yes	Yes
Transfer case	4x4	Yes
Axel front: 29000# min	22-32,000#	Yes
Axel rear: 23,000# min	22-32,000#	Yes: 27,000#
Fuel: 2 tanks, 250 #	Yes: 340 gallons	Yes: 125+125
2 stage reversible ribbon, hydrostatic	2 speed, hydrostatic	Yes
Blower head: 6 cylinder	CAT C13B, didn’t specify which compatible blower head was included	CAT C18
Blower heard: 4 cycle diesel	Yes	
Blower head: 700 hp@1800 RPM	755 hp	755 hp
Aux carrier: 6 cycle		
Aux carrier: 4 cycle diesel	Yes	
Aux carrier: 496 hp@1800 RPM	496 hp	496 hp
Pan heater	Yes	Yes
Rustproofing	Yes	Yes
Polyurethane Blade	Yes	Yes
1.5 amp trickle charger	Battery charger	Yes
Lighting:		
- Rear facing LED flood	Option – not specified	Yes
- LED flood light at cab light bar	Cab lights	Yes
- LED spot light at light bar	Yes: remote control	Yes
- Remote LED spotlight	Option: not specified	Yes
5 # 2A:10BC fire extinguisher	Not mentioned	Yes
Cab AC	Yes	Yes
Liquid deluge	Yes	Yes
Option: Air fill	Not mentioned	Yes
Option: Collant filters	Not mentioned	Yes

Board of Finance and City Council Submission Checklist

Department: Airport Submitter: H. Dusablon

Title/Subject: Snow Removal Equipment Purchase

	Approval:	Meeting Date:
☒	Board of Finance	1/22/24
☒	City Council	1/29/24
☐	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.

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Materials Included

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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?	N/A	Click or tap here to enter text.
If for submission to Council, are sponsors identified?	N/A	Click or tap here to enter text.

Lori Olberg

From: City of Burlington Vermont
Sent: Wednesday, January 24, 2024 7:32 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

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

Received from: Kyle Berkshire

Reply to e-mail Address: berk7796@gmail.com

Subject: Thank You

Message: I wanted to extend a sincere thank you to the seven racist members who took their extreme views to new heights by denying their constituents duly afforded rights to vote and petition.

It is a great wake up call to everyone in our community that America is and always will be a racist nation, even when its people try to do better.

Submitted on Wednesday, January 24, 2024 - 19:31 from IP address: 69.36.1.202

Check IP address location: https://viewdns.info/iplocation/?ip=69.36.1.202

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

PT
1/22/24

Documenting Israeli Apartheid

Readings for Burlington's Mayor, City Councilors, and Residents
Submitted as Part of Public Comment
Burlington City Council
January 22nd, 2024

"This is Apartheid: A Regime of Jewish Supremacy from the River to the Sea"
B'Tslem, The Israeli Information Center for Human Rights in the Occupied Territories
January 12th, 2021
https://www.btselem.org/apartheid

"A Threshold Has Been Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution"
Human Rights Watch
April 27th, 2021
https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution

"Israel's Apartheid Against Palestinians: A Look Into Decades of Oppression and Domination"
Amnesty International
February 1st, 2022
https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/

South Africa Charges Israel with Genocide
Dossier Filed to the International Court of Justice
https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf

Ten Myths About Israel
By Ilan Pappe
Verso Books, 2017
Free eBook, https://www.versobooks.com/products/370-ten-myths-about-israel

The Hundred Years' War on Palestine: A History of Settler Colonialism and Resistance, 1917-2017
By Rashid Khalidi
Picador, 2020

Justice for Some: Law and the Question of Palestine
By Noura Erakat
Stanford University Press, 2019

Freedom is a Constant Struggle: Ferguson, Palestine, and the Foundations of a Movement
By Angela Davis
Haymarket Books, 2016

To:
City Council and Council President
City Council Meeting 1/29/2024
149 Church St
Burlington, VT
Burlingtonvt.gov

Dear City Council and City Council President Paul,

In the realm of democratic governance, public forums serve as a vital platform for the people or the governed to express their opinions, concerns, and perspectives on matters of civic importance and the government of the day. However, the conventional practice of holding public forums before the city council weighs in on a deliberative item agenda may be ill-advised, potentially compromising the quality of deliberation and decision-making from the public perspective. Here is my thinking.

Firstly, conducting public forums before the city council has thoroughly weighed in on poses several challenges. This means premature public engagement on deliberative item agenda may lack the depth and nuance that arises from item deliberated by elected representatives without public input after the deliberation by the council. Without the council's comprehensive analysis, discussion and public forum input thereafter, public discourse may be based on incomplete information, potentially leading to misguided perspectives.

Secondly, initiating public forums before the council's deliberation may inadvertently polarize public opinion. In the absence of a clear council stance, Burlingtonians may form opinions based on limited information on the city website (BTV Civic Clerk), resulting in a divisive atmosphere that hampers constructive dialogue. This division could impede the council's ability to make decisions that reflect the diverse interests and values of the community.

Here is what I propose to address these challenges: Hold public forums after the city council has thoroughly deliberated on a deliberative item agenda but before the final vote. This strategic timing ensures that Burlingtonians have access to the council's insights and analysis, enabling a more informed and constructive discourse during the forums including four minute speaking time.

By following this method and conducting public forums post-deliberation, Burlingtonians will benefit from the council's expertise and comprehensive understanding of the deliberative subject. This promotes a more informed public discourse, enhancing the quality of input received from everyone.

Thirdly, with the council providing a clear stance after thorough deliberation, public forums becomes an opportunity for Burlingtonians to engage in dialogue based on shared information. This can contribute to a more collaborative and less polarized environment, fostering constructive conversations.

In conclusion, my proposed shift in the sequence of public forum for them to occur after the council's deliberation and before the final vote, presents a pragmatic approach to democratic governance of our beloved city. By doing so, Burlingtonians can contribute meaningfully to the decision-making process, armed with the council's insights and analysis. This collaborative model not only enhances public engagement but also ensures that the city council makes well-informed decisions that reflect the values and aspirations of the community.

Kindly,

Romeo von Hermann
Ward 6 Resident
Church Street Marketplace Commissioner

Lori Olberg

From: 734commish@gmail.com
Sent: Sunday, January 21, 2024 1:56 PM
To: burlingtontownclerk
Cc: Mayor's Office; Jon Murad
Subject: Police Oversight proposals

Some people who received this message don't often get email from 734commish@gmail.com. Learn why this is important

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

City Clerk, Please forward this email to all members of the city council

I read news accounts of Burlington's efforts to add additional authority to an existing Police Commission and I wanted to offer a few suggestions as a former Midwest police chief who created a police commission to hear complaints made against officers. The department was small and we had few complaints but I wanted the additional level between the police and city council. Our commission heard appeals from citizens or officers unsatisfied with my determination and disciplinary action and they had original hearing authority if a complaint was made against me, as chief. In the years since, I have created a training class for elected officials called POLICE OVERSIGHT FOR MUNICIPAL OFFICIALS that has been attended by a dozen cities in several states.

I have read about the duties of the current Police Commission and they appear to perform the various functions of Oversight, including issuance of an annual report to city council on citizen complaints and discipline. If the Commission performs its duties properly, conducting analysis and asking pertinent questions of the police chief, the City should be able to conduct effective Oversight without additional boards, panels or commissions.

I read their 2022 annual report and was troubled by several statements indicating current Acting Police Chief Jon Murad "has not responded" and "has declined" suggestions or requests. For Oversight to work it must have the buy-in from the police chief. There must be cooperation between the two parties, enforced by city leaders, if necessary, or commission members will become disgruntled and efforts will fail. Disputes between any Oversight entity and the police MUST BE RESOLVED WITHOUT DELAY.

A review of citizen complaints filed in 2022 reveals 55 complaints with 20% being sustained and 20% finding officers at fault. The fact that nearly half (47%) of all complaints received were classified as UNFOUNDED would suggest strongly that: (1) Complaints are being incorrectly classified as unfounded and/or complaints are not being thoroughly investigated in order to make a proper finding. Unfounded should indicate only those complaints where proper investigation determined the reported incident did not occur at all. In other words, the complainant lied. This should be a small percentage NOT THE LARGEST.

Internal investigations are not the same as regular investigations and a properly trained person (s) should be selected for this role. Training programs are available across the U.S. starting at $425 for two days from various vendors.

It is also important that the commission members receive training to enable them to understand the role of police, their authority and limitations and why police operate as they do. This training should be conducted by a professional outside of the local police force.

Civilian panels can be very effective as a liaison between the police and community and, with well-meaning and qualified board members, help the police chief develop policies and procedures and determine priorities. But, chiefs are (or should be) well-trained, well-experienced and professionally educated in the field of policing. The Chief's authority should not be compromised. Elected leaders and appointed city managers are the proper officials to manage the chief.

The Police Commission should remain an advisory and review body that reports to the mayor and city council. They should not have parity with or, worse, superior authority over the police chief or his/her decisions.

Thank you for your time.

Kevin Walters

Lori Olberg

From:	Amy Mellencamp
Sent:	Monday, January 22, 2024 11:21 AM
To:	Zoraya Hightower; Gene Bergman; Joseph Magee; Sarah Carpenter; Benjamin Traverse; Karen Paul; Ali Dieng; Hannah King; Melo Grant; Tim Doherty; Mark Barlow; Joan Shannon; Miro Weinberger
Cc:	Mary Danko; Gale Batsimm; Patrick Halladay; Emily Copeland; Lori Olberg
Subject:	Letter from the Fletcher Free Library Commission
Attachments:	Fletcher Free Library Commission Letter 1-22-24.docx
Importance:	Low

Today at our January 22nd meeting, the Fletcher Free Library Commission voted to send this letter to you to communicate current concerns at the library and to request your help.

As a key resource for all Burlington citizens, the library wants to continue to be a vital, trusted, and caring support for all users and patrons. But the last months have been particularly hard.

We would be glad to meet with you at any time to discuss these issues. Thank you.

Amy Mellencamp
Chair, Fletcher Free Library Commission
Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

Fletcher Free Library Commission
January 21, 2024

Mayor Miro Weinberger
City Council Members
City of Burlington, Vermont

Dear Mayor Weinberger and City Councilors,

Recently a scenario occurred that plays out all too frequently at the Fletcher Free Library. A patron was agitated, and a security guard approached him to deescalate the situation. This time, though, the patron headbutted the guard, concussing him and causing him to miss work and school for an extended period of time. The security guard has since returned to work. And, while, in this case, the person harmed was a trained security guard, they could have just as easily been a staff member or another patron.

Burlington's struggles to meet the needs of its unhoused and addicted population is well-documented; however, the *sui generis* reality of the Fletcher Free requires particular attention. The FFL is truly a public space where all are welcome and all interact. As a result, the twin crises manifest here in ways unlike any other building—public or private—in the community, allowing the library and its supporters unique insights into where the gaps in the support network exist. As members of the Fletcher Free Library Commission, we reach out in partnership to ask that further steps be taken immediately to support the staff and patrons of the library and allow the library to serve its stated purpose to provide free access to library services to everyone in our community.

First, let us review the challenge. While the pandemic contributed to these crises, it also brought funding to help address them. But now that the state of emergency has been lifted and Federal relief funding is leaving with it, the need persists. There is a day shelter gap in Burlington. Motels serving the unhoused have closed. Unhoused members of the community have limited indoor options. In inclement weather, the FFL is warm and dry. With limited public restrooms downtown, merchants point citizens to the library. In the absence of safe injection sites, addicted community members opt for the FFL bathrooms. With overburdened support networks, the FFL staff become, in effect, social workers—work they lack the professional training to perform.

The Fletcher Free is proud to open its doors to all who can follow a small number of simple norms. Refraining from the use of drugs on the premises must be one of those rules. The safety issues, as evidenced by the November incident, are real. (Moreover, as many patrons are themselves in recovery, if drugs are being used on site, the library is effectively closed to them.) In 2023 there were more than 175 trespass incidents in the library and a similar number of non-trespass incidents that involved copious amounts of staff time to manage. This diverts resources linked to the mission of the Fletcher Free.

The Library staff has done amazing work with the resources they have. However, they are being faced with unprecedented challenges, and there is much greater need for various kinds of support.

We ask, then, for several forms of additional help. First, we start with a request of 1.5 FTEs for social workers. The investment in security guards is essential and appreciated, but insufficient on its own. The guards have been invaluable in helping to make the library a safer place. A social worker on site, though, would provide a proactive response to community members in crisis. Funding an on-site social worker for the hours the library is open would help those in crisis find resources designed to support them, help those in recovery continue on their journey, and help educate the community on how to support friends and family members facing mental health or addiction challenges.

Secondly, we ask for more cameras to be installed inside and outside the library. Thirdly, we ask for the allocation of more funding for trainings to help the FFL staff handle the emerging situations they are confronted with daily in regards to the challenges facing the city.

Finally, we ask to be invited to the table. As we have discussed, the FFL has a particularly unobstructed view of where there are gaps in support of some of our most troubled community members. As commissioners, we take it as our duty to give voice to those in need while ensuring that the library is a safe gathering place for all in the community who are invested in learning and literacy.

Sincerely,

Members, The Fletcher Free Library Commission

Sally Blanchard-O'Brien, Commissioner
Allie Cashel, Commissioner
Jonathan Chapel-Sokol, Burlington Friends Commissioner
Emily Copeland, Commissioner
Chol Dhor, Commissioner
Patrick Halladay, Commissioner
Vivian Halladay, Student Commissioner
Melissa Hudson, Fletcher Free Library Commissioner
Cate MacLachlan, Commissioner
Grace Maley, Student Commissioner
Amy Mellencamp, Chair, Commissioner
Jessica Nordhaus, Commissioner
Mona Tolba, Commissioner

Lori Olberg

From: City of Burlington Vermont
Sent: Monday, January 22, 2024 3:37 PM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

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

Received from: Bradley Wiltfong

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

Subject: Protect the Bike Infrastructure on Pine St

Message: Hello,

My name is Bradley Wiltfong.

I am writing to the Planning Commission because I was again put in danger by bad infrastructure and reckless drivers on Pine Street.

Today while commuting home from work by bike on the separated path, two individuals in oversized pickup trucks failed to properly navigate their intersection and nearly hit me.

It was a classic, "speed up to the stop sign to turn right without even slowing down or looking right for people using the path." Both individuals were completely oblivious to their dangerous and negligent choices behind the wheel of oversized pickup trucks.

I know "Safety" is the hot button topic in Burlington right now, and I want you to know the number one threat to my safety on a regular basis is the negiglent and reckless decisions people make while driving. There is so much impatience and entitlement and downright maliciousness directed towards people outside of cars by those who think their convenience is worth more than another's safety.

Please help address the safety issues inherent in our "cars as default" transportation planning by actually protecting the bike lanes in Burlington. Pine Street is the perfect place to implement quick-build protected bike lanes. Just put a barrier along the bike lane. This will provide safe space for people outside of cars and narrow the traveling lane for the motor vehicles which is proven to increase safety for all road users by requiring people in cars to drive with more attention and care.

Especially with the new parkway.. There is no reason for Pine Street to not be mad more friendly for people outside of cars. The impact this would have on sense of safety and ability to get around one's own community would be immediately felt by those utilizing this important corridor for work, shopping, and recreation.

We know that this current car dependent paradigm will end. It is not sustainable on so many levels. Making biking/walking/transit more accessible and safer will make Burlington a more resilient, just, and safe place to live.

Do the right thing for the present and future Burlington by protecting bike lanes, expanding connections, and reducing the amount of single occupant commuter vehicles on our roads.

Thank you,
Brad

Submitted on Monday, January 22, 2024 - 15:36 from IP address: 65.183.154.238

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

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

Lori Olberg

From: City of Burlington Vermont
Sent: Tuesday, January 23, 2024 8:10 AM
To: Lori Olberg
Subject: Form submission from: Contact Us [City Council]

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

Received from: Steven toth

Reply to e-mail Address: stevovt@ail.com

Subject: Charter vote 1/21/24

Message: Thank you for your vote against changing charter over a war we have no control over. I feel people of VT, while acting in good faith, often take their " do good" crusades to extremes as evidence in this case. To emphasize my statement, I remind you of the black veteran in Craftsbury a few years ago who appeared on WCAX story stating the BLM painted on the street in the middle of town was not something his family wanted and only caused more harm than good. Keep up your good work.

Submitted on Tuesday, January 23, 2024 - 08:10 from IP address: 2601:187:100:4ed0::4fb

Check IP address location: https://viewdns.info/iplocation/?ip=2601:187:100:4ed0::4fb

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

Lori Olberg

From: Jak Tiano <jaktiano@me.com>
Sent: Tuesday, January 16, 2024 7:49 PM
To: burlingtontownclerk
Subject: Critique and Analysis of Burlington–Winooski Bridge
Attachments: BTV-Winooski Bridge City Council Jan 16 J Tiano.pdf

Some people who received this message don't often get email from jaktiano@me.com. Learn why this is important

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

I would like to submit this written comment for tonight's city council meeting. I submitted it to publicforum@burlingtonvt.gov, but it didn't seem to make it into the consent agenda. If this could get to a place where council could see it, that would be great.

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City Councilors,

On your agenda for January 16th is a presentation on the Burlington–Winooski bridge. This is a critical infrastructure project for the two cities that will hopefully last for another 100 years. The currently proposed design has been met with broad criticism from the active transportation community during the first round of public engagement, but the project team appears to be unwilling to make any concessions at all, only four months into a seven year project.

I've written a detailed analysis of the concerns about the bridge proposal, the inadequacy of the active transportation facilities, the issues with the methodology used to inform its design, and its relationship to VTrans' not-serious Carbon Reduction Strategy. It stands to reason that the decisions driving this project go against our city's stated climate and transportation goals, and take the State of Vermont farther away from its legally binding GHG emission reduction targets outlined in the Global Warming Solutions Act.

I hope you can read through as many of the sections in this document as possible ahead of the meeting. Throughout, there are sets of "pointed questions" that can help you form your own questions for the project team. At the very least, I hope you'll look at the last section, "Proposals", that outlines some of the visions of the infrastructure we may be giving up for the larger, more expensive, and less useful bridge being proposed.

I'm not looking to stop the development of the bridge. There is a lot of critical infrastructure and development that this city and this region needs. I want to see the best version of this bridge get built, and I don't think that what is being proposed is that best version. I'm bringing this to your attention because I believe that city leaders may have to step up and demand more of VTrans and the extended project team for them to take our concerns seriously, and I'm hoping some of you may champion this issue.

My document is attached as a PDF.

Thank you,

Jak Tiano
Ward 5

Burlington–Winooski Bridge

An assessment for the Burlington City Council

The Burlington–Winooski Bridge project aims to replace the structurally sound but aging bridge that connects the two densest cities of Vermont with a new piece of infrastructure to last the rest of the 21st century. The existing bridge is one of the most uncomfortable and inconvenient places to walk or bike in the area, which places a disproportionate burden on people who use those modes of transportation since the bridge is the only way to get between Burlington and Winooski by foot or bike.

The project as it has been proposed so far does not meaningfully address the primary needs of pedestrians or cyclists, while at the same time over-accommodates the secondary wants of motor vehicle traffic. The project team has been wholly unresponsive to the outpouring of concern from those who use the bridge without a car, and have signaled that they have no plans to make meaningful changes based on that feedback. Additionally, the methods used to plan and design the bridge are also not in line with either Burlington's stated climate goals or the State of Vermont's Global Warming Solutions act.

1. VOICES ARE NOT BEING HEARD

The current bridge is a key connector between Burlington and Winooski. While motor vehicle traffic can use I-89 to get between the cities (often within a minute or two of total travel time depending on origin and destination), the Burlington–Winooski bridge is the *only* way to get between the two cities by foot or by bike. While there may be some instances of more uncomfortable or more dangerous places to walk or bike in certain parts of Burlington or Winooski, the fact that the bridge cannot be avoided makes it perhaps the largest barrier to increasing active transportation mode share on trips between the two cities.

The first public meeting for the project filled the O'Brien community center in Winooski, and the overwhelming public sentiment was that the proposed active transportation infrastructure was woefully inadequate by those most familiar with it as part of their daily life. It is now four months later and the team is on to the second round of communications, but they have made no material changes to the plans based on the first round of public feedback.

At the January meeting of the Burlington Walk/Bike Council, the project team made it clear that they're not considering making any real changes to the layout of the bridge to make it more acceptable for active transportation users. It has repeatedly been suggested that the lane configuration can change later, which, to be clear, would be an expensive and disruptive process. Pedestrians and cyclists are saying now, at the very beginning of this project during initial public feedback, that their needs are not met. We shouldn't be building an $80M bridge first, and then figuring out how to pay for redesigning the layout after the fact.

Much of the urgency around moving forward quickly and not introducing any non-cosmetic changes is driven by the timeline for spending the RAISE grant money, but I don't think we should be rushing to build a bridge that our community is saying does not meet their needs. The bridge project received the RAISE grant in 2022, and Burlington received another RAISE grant for connecting Pine St and St Paul St in 2023. This is a yearly grant whose 2024 call is open until March (with more planned for 2025 and 2026), and it stands to reason that we are well positioned to be awarded another grant for a revised bridge if we need to make changes.

Pointed questions to ask the project team:

- What has been the nature of the public feedback you have received at in-person public engagement sessions?
- How have active transportation users and leaders in the walk/bike communities responded to the proposed design?
- How many drivers have, without prompting or leading questions in person or via a survey, offered the feedback that the bridge is unsatisfactory because the travel speeds are too slow?
- How has the design of the bridge changed in this initial design phase based on public feedback?
- How likely would it be that another RAISE grant would be awarded if the project team reapplied with a new design?

2. MULTI-USE PATHS ARE NOT ENOUGH

When talking about cycling infrastructure, the gold standard of safety, comfort, and convenience is dedicated and separated bike lanes. Cycling is safest for all users of the road when there is minimal conflict with both cars and pedestrians.

Something that can be unclear to people who don't cycle as a primary mode of transportation is that multi-use paths are ***not*** dedicated or separated bike-infrastructure. They are certainly more comfortable for cyclists than riding in the road, but multi-use paths effectively just move the contention between cars and bikes to be between bikes and pedestrians, thus shifting the danger of injury from cyclists to pedestrians. Instead of cyclists worrying about getting hit by a car, pedestrians become worried about being clipped by bikes. The amount of danger for people not in cars isn't eliminated, just moved around.

So when both cyclists and pedestrians are saying that this type of infrastructure is inadequate, it's not because they're insatiable or entitled, but because it's still a fundamental compromise with danger built-in, and we feel our voices are not heard or represented and that our physical safety is less important than the maximum comfort of drivers. Burlington has installed several multi-use recreational paths that people speak highly of, because it is a huge improvement over nothing at all. But multi-use paths are not the final goal, and are definitely not acceptable for an active transportation arterial connection like the Burlington–Winooski bridge.

The project proposes 12' multi-use paths on each side of the bridge, which to the untrained ear may sound luxurious. But remember that each path is meant to handle bi-directional pedestrian and cycling traffic, meaning four different classes of direction and speed; this is 3' for each class, without even considering safe passing. The only safe way to accommodate all users of the bridge safely and with dignity is to have separate right of ways for each mode.

In practice, a reasonable implementation for this project would be at least a 6' sidewalk and a 12' bi-directional cycling track. Realistically, this would only need to exist on the west side of the bridge that connects to the Riverside Avenue path, and the proposed 12' multi-use path would suffice for the lower-traffic east side. This would be a total of 30' of right of way for active transportation, only 6' more than is currently planned. To hammer home the priorities of the project team for the redesigned bridge, 6' is exactly how much additional space has been allocated to motor vehicles over the existing bridge design.

Things to think about as a city councilor:

- We described ourselves as having the ambition for being the best small city for walking and biking on the east coast in our PlanBTV Walk/Bike master plan. Is this in line with those goals? Who could you talk to to get a sense of the answer?
- Why do we repeatedly let down our active transportation users by watering down, eliminating, or neglecting their critical infrastructure? Why is it that sidewalks are in constant disrepair, N Winooski Ave had its bike lanes massively cut back, N Union's "protected" bike lane has been out of commission since shortly after it was installed, and Main Street just lost its separated connectivity to the waterfront, yet the Champlain Parkway is ahead of schedule and this bridge has six more feet of space for cars?

3. LANE WIDTH INFLATION

The new bridge design adds an additional 6' of lane width to the cross-section dedicated to motor vehicle traffic. The project team claims that the additional width is necessary for snow clearance, fire trucks, and city buses, yet the existing bridge handles all three of those needs as it is with a 42' width. Of course, it's always nice to have extra room, but when every foot of width impacts the cost of an $80M bridge, and when other users need to be served with that same width, it becomes less about what is "nice to have" and more about deciding priorities. A bridge 6' narrower would cost less to build, and a bridge the same width with an additional 6' dedicated to active transportation would allow it to shift from "bare minimum accommodations" to "seriously good infrastructure (for North America)".

Beyond this, studies continue to show that narrower lanes do not reduce the safety of those lanes for drivers. A recent report by Johns Hopkins concluded that 9 and 10 foot lanes maintain safety of lower speed roadways, and can also reduce collisions. Why then, does the project team insist on using those 6' of width budget on perhaps the least impactful use case of wider motor vehicle travel lanes? Put plainly, it is due to the systemic bias of the traffic planning profession in North America to favor and design for higher motor vehicle traffic speeds above all

else. Wider travel lanes increase average vehicle speeds, and more lanes invite more vehicles via what is known as **Induced Demand**. More on that in the next section.

The biggest issue with additional motor vehicle lane width on the bridge is that lane width is one of the primary drivers of average vehicle speed. It is generally understood that controlling vehicle speed is best accomplished with road design, and not posted speed limits. (The City of Burlington operates under this principle when designing its own roads.) The project team has consistently tried to sell the new design as only having an additional 6 *inches* of width *per lane*, and always tries to gloss over the additional 2' of buffers on each side of the bridge. Even in their graphics showing the new lane configuration compared to the old, they try to hide the additional 4' of roadway buffers by not counting them as part of the roadway, showing the roadway as 44' wide. But in reality that space will be physically contiguous with the roadway, which will be effectively widening from 42' to 48'. This is a wider road that will encourage faster speeds than the existing bridge, even more so in the non-peak hours where only one lane is likely to be used at a time.

In a constrained design space like a bridge, there are always going to be tradeoffs. Even with the stated problems caused by wider lanes, there are still some people who believe *it would be nice* if there was just a little extra room. It should not be wishful thinking, however, that people crossing the bridge on foot and on bike have the safe and dignified ability to do so. If we truly prioritized active transportation as a dignified means of movement, it would be non-negotiable that walking and cycling lanes be given at least the space they need to be safe and convenient, before accommodating the "nice-to-haves" for motor vehicles.

In the current state of the proposal, the wishlist for motor vehicles was satisfied first, and then active transportation was given whatever was left over within the budget. If you don't agree, a thought exercise: if the bid came back too high on the bridge and it needed to shave 6' of width to hit its cost target, does your gut tell you that the project team would propose shrinking the lane widths and eliminating the buffers, or to cut the multi-use paths from 12' to 9 each'?

Pointed questions to ask the project team:

- Do your future traffic projection models account for the effects of Induced Demand and Traffic Evaporation?
- The contiguous roadway is expanding from 42' to 48'. Do you have an idea of how this will affect average vehicle speeds, especially during non-rush hour time blocks? Do you know what the average and peak speeds are during different times of the day today?
- How does the bridge today handle snow clearance, emergency vehicles, and city bus traffic with only a 42' right of way? Have there been major incidents caused by the lane width? How many, what were the damages, and over what period of time? How will the additional 6' of roadway change these incidents, if at all?

4. CLIMATE INACTION

For decades, traffic planners in the United States have been operating on the assumption that traffic demand is inelastic, that roads are like pipes and cars are like a fixed stream of water, and that more space and more lanes will eliminate congestion. But when a lane expansion project finishes, people hear about the additional space and flock to the newly expanded roads until the congestion is back to where it was before the expansion. This is because our road networks are part of a complex dynamic system, where changes to the routes can alter the behavior of travelers in unpredictable, unexpected, and self-reinforcing ways. More lanes on a road invites people to change their routes or take more trips on the expanded road. This phenomenon is known as **Induced Demand**, which more or less shows that demand for transportation is changed by the infrastructure itself. In other words: based on real world observation, traffic demand seems to be *elastic*, not inelastic.

Even more important to understand is that this process works in reverse through a phenomenon known as **Traffic Evaporation**: when roadway capacity is reduced, initial congestion serves as a signal to change travel behaviors and then travel adjusts downward to meet the reduced capacity. This also usually happens without congestion spilling over onto other roads–the traffic just disappears. This goes against traffic planners' natural intuition, but oftentimes complex systems exhibit unexpected behavior. As more case studies are performed around the world, people are starting to realize that car traffic is less like an incompressible liquid and more like a gas that expands to fill the space it is given.

The most alarming thing about these phenomena is that, while widely documented in case studies, they generally don't play a part in the traffic projection models used by traffic planners themselves. This means that the models used by state transportation agencies (like VTrans) to determine what infrastructure gets built is not based on observed reality, but on disproven hunches that more lanes means less congestion and faster travel times, and that traffic needs will always be going up in the future.

When it comes to climate, the science is clear that we need to decarbonize our energy use as rapidly as possible. In Vermont, one of our biggest sectors for GHG emissions is transportation, and we are not on track as a state to meet our legal obligations outlined by the Global Warming Solutions Act. VTrans, as the state's transportation agency, has a Carbon Reduction Strategy (CRS) to tackle the emissions reductions needed in our transportation sector. According to that strategy document, personal "light-duty" vehicles make up the vast majority of our transportation emissions, and their strategy is that Vermont needs to improve its land use, better fund public transit and active transportation infrastructure, and rely on the adoption of Zero-Emission (fully electric) EVs.

However, their projections in the CRS for light-duty Vehicle Miles Traveled (VMT) increase from 6.3 billion miles traveled annually in 2025 to 7.3 billion miles traveled annually in 2050. This means their models clearly don't expect land use or alternative transportation options to help decrease VMT, and in fact they expect light-duty VMT to continue increasing over the next 30

years. In essence, the only plan that VTrans has to mitigate emissions from the single largest source of GHG emissions in Vermont is that EVs will be adopted fast enough to cancel out the emissions.

Unfortunately, the data coming in so far is showing that this will not be the case. As of the last update at the end of July 2023, Vermont has registered a lifetime total of 10,000 EVs in the state, and would need to reach 27,000 by 2025 to hit the goal outlined in the CRS. It would then need another 100k new EVs on the road by 2030 (a total of 127,000) to meet the 2030 CRS goal. Neither of these metrics are on track to be reached, and even worse is that the CRS itself acknowledges that these targets **won't be enough in the first place**. The CRS as written has built-in shortfalls of GHG reductions against the targets set by the Global Warming Solutions Act, and throws out a few ideas on how it might close the gap but reaches no concrete conclusions about how it will do so.

And so this is where VTrans is at in regards to climate:

- Transportation is the source of roughly 40% of GHG emissions in Vermont
- Cars and trucks account for 94% of those transportation emissions
- VTrans expects VMT to continue increasing between now and 2050
- VTrans expects that very aggressive EV adoption will eliminate emissions
- Those aggressive EV adoption goals still fall short of GWSA targets
- EV adoption is not on pace to meet the goals, and sales are currently cooling

The beginning of this section described **Induced Demand** and **Traffic Evaporation** to both illustrate that institutional traffic planning agencies are stuck in a mindset that doesn't represent the urgency of the climate crisis or the reality of how traffic patterns emerge and change, and to showcase an alternative path forward. The undeniable fact of the matter is that expecting to meet our legally binding climate obligations as outlined in the Global Warming Solutions Act while Vehicle Miles Traveled continue to go up is not a viable solution. Even in the CRS report prepared by VTrans with a rosy outlook, it was never enough.

Instead, we should look to the real solution that agencies like VTrans are structurally incapable of considering: we need to reduce VMT. An agency like VTrans is singularly focused on transportation related issues, but a city like Burlington has more levers to pull and can be more holistic in its approach to solving problems. We can tackle land use policy, active transportation investments, and traffic evaporation projects in coordinated packages in a way that VTrans cannot, and as the largest city and economic center of the State of Vermont, it is our moral imperative to do so.

Pointed questions to ask the project team:

- Is VTrans on track to meet the goals laid out in its Carbon Reduction Strategy?
- Does VTrans believe that reducing Vehicle Miles Traveled is a valid approach to meeting its GHG reduction goals?

- Why does VTrans project Light Duty Vehicle Miles Traveled to grow by one billion miles per year between 2025 to 2050, when it is directly in their purview to make plans to change that?
- How much has the expectation of future VMT growth driven the proposed design of the Burlington–Winooski bridge? What could the bridge look like if we chose to intentionally reduce VMT?

Things to think about as a city councilor:

- What are our priorities as a city? Are we willing to lead on the more difficult decisions regarding climate change, like making infrastructure choices to shift modes of transportation?
- Is it worth sacrificing the potential of a world-class active transportation connector and meaningful climate action so that some drivers can save two minutes of travel time instead of taking I-89?

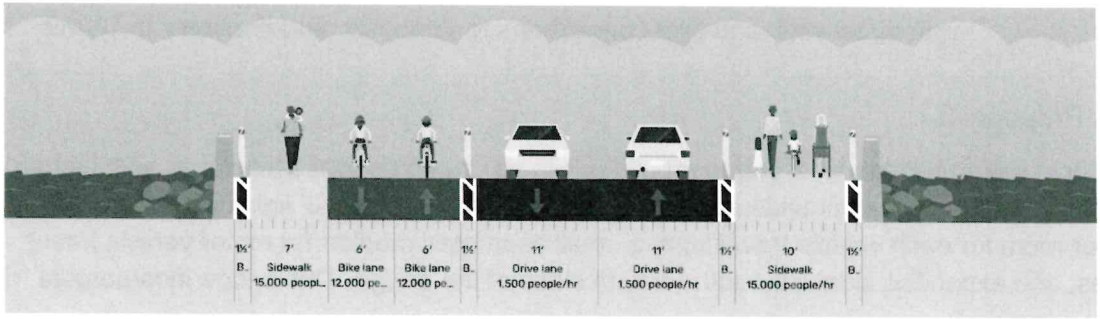
Since most people are desensitized to the catastrophic visions of a future of climate change and have a hard time visualizing how soon or distant in the future that might be, it's worth remembering the the Global Warming Solutions Act has concrete goal metrics and milestone dates in 2025, 2030, and 2050 that will have legal consequences for the state of Vermont if the goals are not met. 2025 is next year, and we are not currently on track to meet either the 2025 or 2030 goals.

5. PROPOSALS

All of this to say: a new bridge that takes the active transportation users and the climate crisis seriously should have only one lane of traffic in each direction in addition to world-class active transportation facilities.

5.1. Proposal 1

In fact, we can even codify our values of reducing VMT and increasing active transportation mode share on a bridge that fits the width profile of the current bridge, without any construction. For example, from west to east you could fit a 7' sidewalk, a 12' bi-directional cycle track, two 11' motor vehicle travel lanes separated from active transportation by 18" barriers, and a 10' multi-use path on the existing 57' bridge.



Proposal 1: Focus on climate and people using the existing bridge width (57'), capable of moving an estimated maximum of 57,000 people per hour

Not only would this be possible to roughly prototype on the existing bridge immediately with Jersey barriers, it also opens up the opportunity to seriously consider a refurbishing project instead of a rebuild project. However, in the event of a replacement it would also be much cheaper to build, as it reduces the overall width by 21' (over 25%), from 78' to 57'. While the project team will insist that design studies have already been done and that the current design is the best candidate, their mandate for increased vehicular traffic flow in the future means that a single lane design would not have been seriously considered.

Pointed questions to ask the project team on this topic:

- How many vehicles currently travel across the bridge per day?
- How many vehicles can a two lane bridge carry per day, if designed well?
- How many trips across the bridge per day could be replaced with I-89 with less than 5 minutes of additional driving?
- How many trips are made across the bridge per day that are less than a mile in total?
- How many trips are made across the bridge per day that can be served via public transit with less than 10 minutes of additional time door-to-door (i.e. keeping parking and walking times in mind)?
- If given safe and dignified infrastructure, how many more active transportation users of the bridge are there projected to be? What is the difference in projections for users of the multi-use path, versus separated pedestrian and cycling right of ways? How did you come to this conclusion?

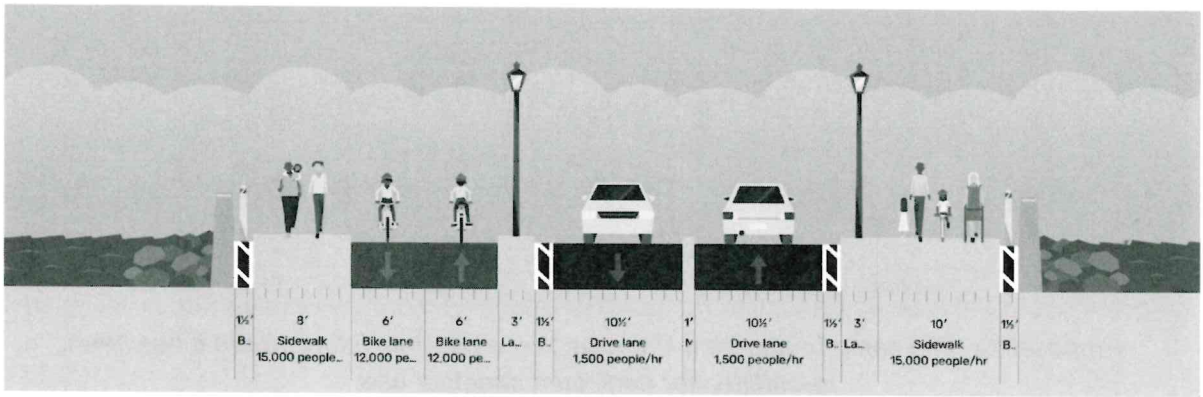
Things to think about as a city councilor:

- How can denser housing policy reduce trips across the bridge by allowing people commuting into Burlington to live closer to where they work?
- How many people using the bridge may be commuting to the hospital or university? How many jobs does UVM provide compared to Downtown? (And, after looking up the answer:) Why are the neighborhoods surrounding UVM zoned for housing that is so much lower density than downtown?
- How much has the historic discomfort and lack of safety of the existing bridge depressed its use by pedestrians and cyclists, and how might the city benefit from revitalizing Riverside avenue as a focus area for mixed use development with direct walk and bike connections to Winooski, and proximity to UVM?

5.2. Proposal 2

In a best case scenario for a bridge rebuild (while still being budget conscious), with just an extra 7' of width we can provide even better traffic separation with 3' lighting medians, 18" of buffer room for each vehicle travel lane, a small separated median for motor vehicle travel lanes, and expanded sidewalk width on both sides of the bridge. This bridge incorporates "nice

to have" buffers for snow clearing and large vehicles, full width sidewalks and bi-directional bike lanes, and wider separation of traffic and people. This would still come in at only 64', which is 14' less than the proposed bridge design.

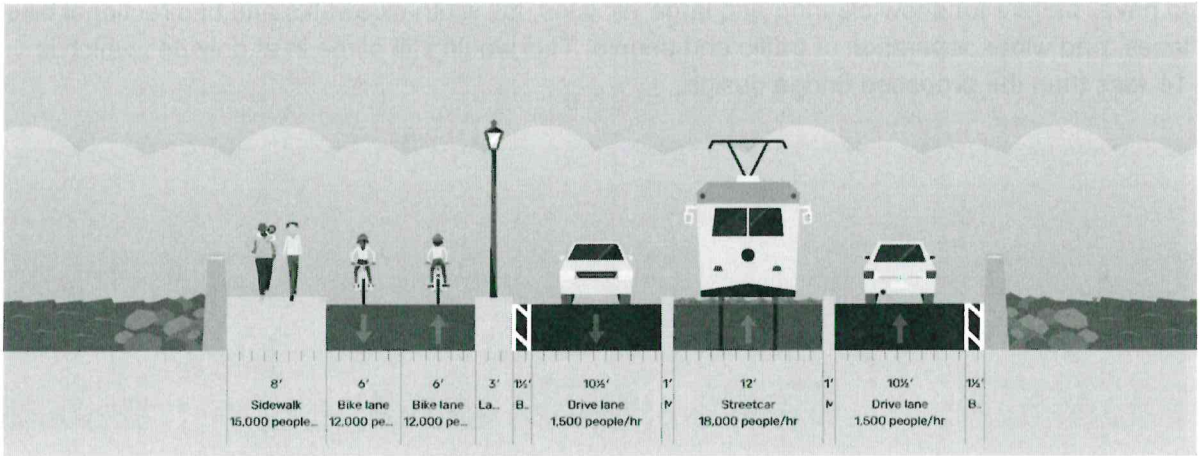


Proposal 2: A best case scenario rebuilt bridge that centers people and climate in 64', but with additional space for all users, also capable of moving an estimated 57,000 people per hour.

Reducing the motor vehicle travel lanes and expanding the active transportation facilities not only makes for a safer and more accessible bridge, but also serves as an aspiration for both Burlington and Winooski to connect into. Winooski in particular has seen its downtown decimated by misguided priorities of State and Federal traffic planning projects, and a bridge like this would be the first step towards healing their downtown by pushing longer distance through-traffic back out to I-89 where it belongs, and eliminating extraneous short distance trips that could be accomplished via walking, biking, or public transit.

The active transportation infrastructure would also serve as a guide for Winooski's downtown and Main street to build from, and also suggests natural improvements to Burlington's Riverside Avenue path. The Riverside to Main Street connection is already one of the most important active transportation routes in Burlington/Winooski, and a redesigned bridge should lean into a future where it's even stronger, not just accommodated as a treat.

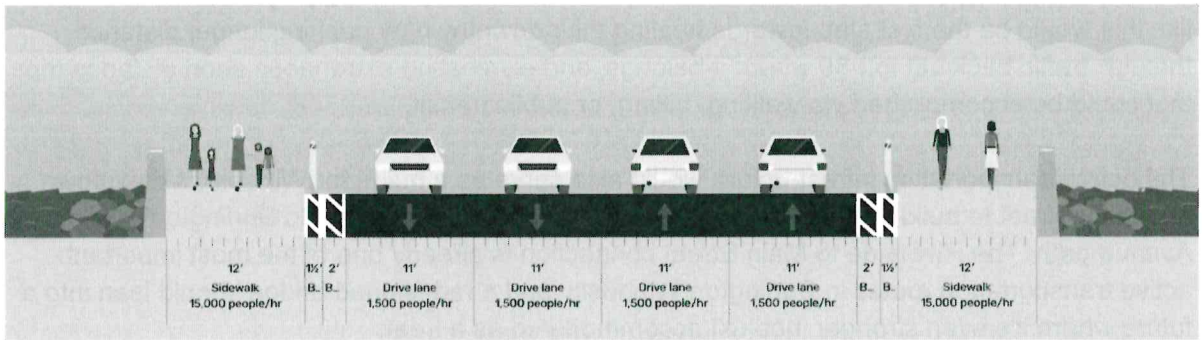
Granted, this option will come with some challenges when it comes to growth in the neighborhoods between Downtown Winooski and Downtown Burlington. We'll need to respond to different pressures on congestion, and probably implement some creative solutions. Maybe a system of bus priority signals that keep traffic flowing as buses arrive, or express buses that bring people to the bridge but let them cross on foot for those visiting downtown. Perhaps in the future we reconfigure the bridge to accommodate street cars again, like the current bridge was originally designed to do. The point is that we can set our priority to be "fewer VMT" and commit to finding solutions in the future that align with that goal.



Proposal 2a: The same bridge from Proposal 2 in a possible future where it has been re-outfitted for dedicated streetcar use.

5.3. VTrans Proposal

Instead of these cheaper and forward thinking scenarios, what we've been offered is a 78' wide structure that dedicates the majority of its width (and cost) to the lowest-throughput form of transportation, and that locks in the idea that Vehicle Miles Traveled will continue to grow over the coming decades.



VTrans Proposal: A 78' bridge that dedicates most of its width to motor vehicle traffic, capable of moving an estimated 36,000 people per hour.

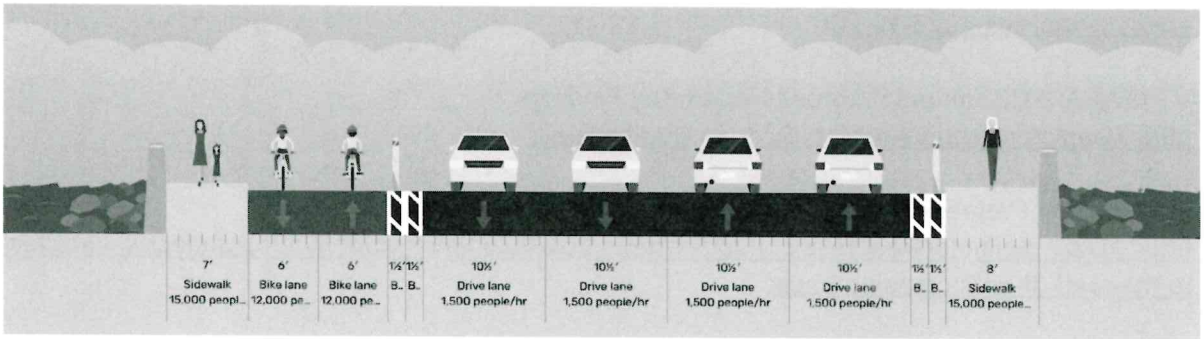
But as outlined above, many cities around the world are coming to understand that shifting mode share from driving to active transportation and public transit means reallocating resources from one to the other *first*. VTrans expects VMT to increase forever, which pushes them to fund and design expanded roadways, which increases VMT… continuing on in a vicious cycle. To break that cycle, we have to take a principled stance with our priorities, fund the alternatives, and see them begin to flourish.

You'll also notice how the maximum throughput of a lane of vehicle traffic is an order of magnitude lower than active transportation facilities: this 78' bridge has a ~40% smaller

maximum carrying capacity than the smaller bridges above if you count humans instead of vehicles.

5.4. VTrans Proposal Alternative

To further showcase how completely unserious the current proposal is, and how many sacrifices the team has made to dedicate as much lane width to cars as possible, below is a mockup of the bridge at the same width as the current proposal, but with slightly altered lane configurations to comfortably fit a bare minimum of acceptable active transportation facilities. It is worth mentioning that the motor vehicle right of way in this mockup is *still 3' wider* than the existing bridge.



VTrans Proposal Alternative: A 78' bridge design that still encourages VMT inflation, but that at least responds to public concerns about active transportation safety; capable of moving an estimated 60,000 people per hour.

Again you can see how adding the separated cycling facilities adds a huge amount of theoretical people moving power with a minimal amount of space. Four lanes of traffic moves 6,000 people per hour, but two separated bike lanes move 24,000 people per hour.

5.5. Final Thoughts

To be clear, if even this bare minimum design won't be considered by the project team based on the outpouring of public concern over the proposed design, then *it should be assumed that the values driving the project are not in line with the goals of the City of Burlington or the needs of its residents*, and that a **No Build Option** should be requested and pursued by the Burlington City Council until VTrans is able to cooperate with the city to work out its operational value misalignment.

Based on how the process has played out so far, it's possible that the only way for a better alternative to get built is for one or both of the cities' leadership to speak up and threaten not to cooperate if concerns are not appropriately dealt with. In order to continue building a livable city and meeting our climate obligations, we need a new vision for transportation in Burlington, and this 100-year piece of flagship infrastructure should be where we make our priorities and our vision clear.

Additional Resources

Narrow Travel Lanes Study
https://narrowlanes.americanhealth.jhu.edu/report/JHU-2023-Narrowing-Travel-Lanes-Report.pdf

Traffic Evaporation study
https://www.sciencedirect.com/science/article/pii/S2213624X22002085

Cooling EV sales
https://www.reuters.com/business/autos-transportation/more-alarm-bells-sound-slowing-demand-electric-vehicles-2023-10-25/

VT GWSA 2023 Annual Progress Report Key Findings
https://eanvt.org/annual-report/2023-apr-key-findings/

EV Adoption Progress in VT
https://www.burlingtonfreepress.com/story/news/2023/09/18/vermont-is-adding-electric-vehicles-to-the-road-at-an-increasing-pace/

Global Warming Solutions Act
https://climatechange.vermont.gov/about

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

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

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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 while these new officers build up their experience.

Councilor Shannon asked about the large number of unmarked cars (without license plates) in the City, noting that it seems like the DMV has stopped issuing temporary license plates, and also noting that constituents have spoken about how many of the drug deals around town have taken place in unmarked cars. Deputy Chief Labarge noted that the DMV has had a backlog at the State level with issuing license plates since the pandemic, and that drivers are instructed to print off their own temporary plates. Councilor Shannon expressed concern that drug dealers are taking advantage of this and utilizing unmarked or stolen cars. Deputy Chief Labarge said he would follow up with the DMV on this. Deputy Chief Labarge noted that proactive policing is an important tool in any City police department's toolbox to prevent crime. He said that BPD has not been engaging in traffic enforcement and traffic stops as frequently as in years past for a number of reasons, as they are prioritizing and triaging their resources. He said that they have had to focus their shifts downtown. Lieutenant Belliveau also noted that BPD is inhibited by certain recent policies surrounding non-public-safety related traffic stops and proactive efforts to interdict beyond traffic stops. He noted that these policies include guidance from the State Attorney's Office, and that BPD is following this guidance. Councilor Shannon noted that South Burlington's Police Department had had a similar response when she called in an unmarked car. 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. He said that calling in drug tips is different than calling 911 in terms of a timeline for response, and that the department is doing its best to provide an overview of the timeline and expectations when they call people back who have left drug tips, to set expectations about what next steps may be. Lieutenant Belliveau emphasized that the most helpful tips are related to recurrent drug use, behavior, locations, and license plates, since they are still actionable after-the-fact rather than real-time.

Councilor Grant asked about the number of cases BPD is working or the number of cases being submitted to the State Attorney's Office. Deputy Chief Labarge replied that as it stands, BPD won't provide that type of intelligent information to individuals, though he acknowledged the need for data and transparency. He said that they could provide summary retrospective information or statistics about the number of cases worked per year, for example. Councilor Grant said that because the number of cases submitted to the State Attorney Office isn't something that Burlington has jurisdiction over or insight into, any additional information that BPD can provide to keep Burlingtonians informed and engaged is crucial. Councilor Grant asked if the drug tip information can be used to inform heat maps about drug use in specific locations in the City. Deputy Chief Labarge replied that they have not used those data points to date to conduct mapping. He said that generally, that activity is occurring in downtown blocks. Councilor Grant noted that one of the reasons that State Attorney's Offices across the country have issued policies around pretextual stops is due to the history of the racial disparities on pretextual stops. She said that if police departments around the country can improve the equity around pretextual stops, those can start being used as proactive tools for policing again.

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: AACoonradt

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

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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: AACoonradt

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
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MEMBERS PRESENT:

Karen Paul
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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

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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 (UVMMC). He said that

the benefits of moving forward with this are that this would reduce commercial sector emissions by 16%, support a key partner (UVMMC) 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 UVMMC, though geothermal, solar, and wind were looked at but are not feasible. Dr. Leffler noted that UVMMC supports this project moving forward.

General Manager Springer noted that the current District Energy Project's collaborators include the City, UVMMC, 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 UVMMC. He showed a map of where the steam would travel underground to transfer it from McNeil to UVMMC. 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 UVMMC's growth plans within the community. Dr. Leffler replied that the term sheet would help UVMMC 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 Zooom)
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

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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.

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

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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

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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 (UVMMC) 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 UVMMC 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/UVMMC 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 UVMMC, 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 that gas and wood burning, and said that we must start now to stop carbon emissions.
- Ross Predom spoke proudly 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 the 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 UVMMC, 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 - wiave 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 Chance 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 UVMMC 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 UVMMC'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 UVMMC'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 programing 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: AACoonradt

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 Rewnal 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

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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 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.**

- **<u>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."</u>**
- **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.
<u>DISCUSSION:</u>

- **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.**

- **<u>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.</u>"**

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to suspend the rules and complete the agenda through item 8.5.

VOTING: unanimous; motion carries.

<u>DISCUSSION (CONT'D):</u>

- **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.

<u>DISCUSSION:</u>

- **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: AACoonradt

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

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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 CJCs 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. Attonrey 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 Groundsmaster 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

From: NRB.Act250Essex@vermont.gov
Sent: Tuesday, January 23, 2024 11:06 AM
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: 4C0419-5 Revised exhibit from applicant
Attachments: 029a - C2.0-Site Improvement Plan.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.

Please see attached revised exhibit 029a. It is at the applicant's request.

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

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: Councilor Traverse
Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ELECTIONS—
Rank Choice Voting Implementation
BCO Sec. 2-9

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

That Chapter 2, Administration, Section 2-9, Implementation of Ranked Choice Voting in City Council Elections, of the Code of Ordinances of the City of Burlington be and hereby is amended to include the Mayor, School Commissioners, and Ward Election Officers to read as follows:

2-9 Implementation of Ranked Choice Voting in ~~City Council~~ Elections for the Mayor, City Council, School Commissioners, and Ward Election Officers.

(a) *Purpose and authority*. The purpose of this section is to implement ranked choice voting for the election of the Mayor, city councilors, school commissioners, and ward election officers. This section is adopted pursuant to the Charter of the City of Burlington, Section 5, Acts of 1949, No. 298, Vermont General Assembly, as amended.

(b) *Definitions*. As written.

(c) *Instant runoff retabulation*. In the election of the Mayor, city councilors, school commissioners, and ward election officers, if no candidate receives a majority of first preference, an instant runoff retabulation shall be conducted in rounds. In each round, each voter's ballot shall count as a single vote for whichever active candidate the voter has ranked highest. The candidate with the fewest votes after each round shall be eliminated until only two (2) candidates remain, with the candidate then receiving the greatest number of votes being elected. If there are two (2) or more candidates tied with the lowest vote totals, the tied candidates will be eliminated in a round so long as the vote total sum for all the tied candidates is less than the vote total for the next active candidate with the fewest votes and the number of active candidates is at least one (1) more than the remaining number of positions to elect.

(d) - (f) As written.

* Material stricken out deleted.
** Material underlined added.

kk/KS/Ordinances 2024/BCO Section 2-9/Elections-Implementation of RCV
January 24, 2024

OFFICE OF THE CLERK/TREASURER

City of Burlington

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

Voice (802) 865-7000
Fax (802) 865-7014
TTY (802) 865-7142

MEMORANDUM

TO: City Council

FROM: Sarah Montgomery, Assistant City Clerk

CC: Katherine Schad, Chief Administrative Officer
Kim Sturtevant, ACA, Director of Litigation

DATE: January 29, 2024

RE: Technical Revision to the Code of Ordinances of the City of Burlington: Chapter 2, Administration, Section 2-9, Implementation of Ranked Choice Voting in City Council Elections

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Summary

The Clerk Treasurer's office, in conjunction with the City Attorney's office, is requesting a technical revision to Chapter 2, Administration, Section 2-9, Implementation of Ranked Choice Voting in City Council Elections, of the Code of Ordinances of the City of Burlington.

This section of ordinance was adopted after 24 V.S.A. Appendix Sec. 3-3 (Burlington Charter, Title II, Section 5), was amended to allow for ranked choice voting in City Council races. Now, with this section of charter again amended to expand ranked choice voting to include the Mayor, city councilors, school commissioners, and ward election officers, the ordinance must be similarly amended to reflect this.

Since this is a technical revision to ensure city ordinance is consistent with city charter, and in order to have the amended ordinance effective for the March 5th, 2024 Annual City Election, we are asking for the Council to suspend the rules and place the ordinance change in all stages of passage.

City Council Motion:

To waive the reading, suspend the rules and place the ordinance in all stages of passage.

CITY OF BURLINGTON

ORDINANCE 7.27.
Sponsor: Councilor Traverse
Public Hearing Dates: _____
_____
First reading: _____
Referred to: _____
Rules suspended and placed in all stages of passage: 01/29/24
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: 02/07/24
Effective: 02/28/24

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ELECTIONS—
Rank Choice Voting Implementation
BCO Sec. 2-9

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

That Chapter 2, Administration, Section 2-9, Implementation of Ranked Choice Voting in City Council Elections, of the Code of Ordinances of the City of Burlington be and hereby is amended to include the Mayor, School Commissioners, and Ward Election Officers to read as follows:

2-9 Implementation of Ranked Choice Voting in ~~City Council~~ Elections for the Mayor, City Council, School Commissioners, and Ward Election Officers.

(a) *Purpose and authority*. The purpose of this section is to implement ranked choice voting for the election of the Mayor, city councilors, school commissioners, and ward election officers. This section is adopted pursuant to the Charter of the City of Burlington, Section 5, Acts of 1949, No. 298, Vermont General Assembly, as amended.

(b) *Definitions*. As written.

(c) *Instant runoff retabulation*. In the election of the Mayor, city councilors, school commissioners, and ward election officers, if no candidate receives a majority of first preference, an instant runoff retabulation shall be conducted in rounds. In each round, each voter's ballot shall count as a single vote for whichever active candidate the voter has ranked highest. The candidate with the fewest votes after each round shall be eliminated until only two (2) candidates remain, with the candidate then receiving the greatest number of votes being elected. If there are two (2) or more candidates tied with the lowest vote totals, the tied candidates will be eliminated in a round so long as the vote total sum for all the tied candidates is less than the vote total for the next active candidate with the fewest votes and the number of active candidates is at least one (1) more than the remaining number of positions to elect.

(d) - (f) As written.

ORIGINAL

AN ORDINANCE
IN RELATION TO

_____

_____

_____

Introduced by

Councilor _____

Read in City Council first time

_____ , 20_____ .

Attest,

_____ , Clerk.

Rules suspended, and ordinance placed in all stages of passage.

_____ , 20_____ .

Attest,

_____ , Clerk.

Read in City Council second time

_____ , 20_____ .

Attest,

_____ , Clerk.

Passed in City Council at meeting held

_____ , 20_____ .

Attest,

_____ , Clerk.

Approved _____ , 20_____

_____ , Mayor.

I, _____ , City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for _____ day, namely the _____ day of _____ , 20 _____ .

Adopted _____ Published _____ Effective _____

_____ , City Clerk

* * * * * * * *

Distribution

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

Attest:

* * * * * * * *

23

24 * Material stricken out deleted.
25 ** Material underlined added.
26
27
28
29 kk/KS/Ordinances 2024/BCO Section 2-9/Elections-Implementation of RCV
30 January 24, 2024

ORIGINAL

AN ORDINANCE

IN RELATION TO

ELECTIONS--Rank Choice Voting Implementation
BCO Sec. 2-9

Introduced by

~~Councilor~~ Councilor Traverse

Read in City Council first time

_____, 20_____.

Attest,

_____, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

January 29, 20 24.

Attest,

_____, Clerk.

Read in City Council second time

_____, 20_____.

Attest,

_____, Clerk.

Passed in City Council at meeting held

_____, 20_____.

Attest,

_____, Clerk.

Approved January 30, 20 24

_____, Mayor.

I, CAO Schad, City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Wednesday day, namely the 7th day of February, 20 24.

Adopted 01/29/24 Published 02/07/24 Effective 02/28/24

CAO Schad, ~~City Clerk~~

* * * * * * * *

Distribution

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

Attest:

* * * * * * * *

CITY OF BURLINGTON

ORDINANCE
Sponsor: Office of City Planning, Planning Commission, Council Ordinance Committee

Public Hearing Dates: _____
_____
First reading: 1/29/24
Referred to: _____
Rules suspended and placed in all stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

COMPREHENSIVE DEVELOPMENT ORDINANCE
ZA-24-02 Neighborhood Code, Part 1

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

That Appendix A, Burlington Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 4.3.1 Base Districts Established; Map 4.3.1-1 Base Zoning Districts; Sec. 4.3.2 Overlay Districts Established; Map 4.4.3-1 Enterprise Districts; replaces the entirety of Sec. 4.4.5 Residential Districts; Map 4.4.5-1 Residential Zoning Districts; replaces Tables 4.4.5-1, 4.4.5-2, 4.4.5-3, 4.4.5-5, 4.4.5-7, and 4.4.5-8 with new Tables 4.4.5-1 through 4.4.5-6; Map 4.4.6-1 Recreation, Conservation and Open Space Districts; Sec. 4.5.1 (b) Design Review Areas Covered; deletes Sec. 4.5.3 RH Density Bonus Overlay District and Map 4.5.3-1; deletes Sec. 4.5.5 RL Larger Lot Overlay District and Map 4.5.5-1; renumbers Sec. 4.5.4 Natural Resource Protection Overlay (NR) District and Map 4.5.4-1 and updates internal references within this and other Sections with new numbering; renumbers Sec. 4.5.6 Mouth of the River Overlay District and Map 4.5.6-1 and updates internal references within this and other Sections with new numbering; renumbers Sec. 4.5.7 Centennial Woods Overlay District and Map 4.5.7-1 and updates internal references within this and other Sections with new numbering; and renumbers Sec. 4.5.8 South End Innovation District and Maps 4.5.8-1 and 4.5.8-2 and updates internal references within this and other Sections with new numbering; deletes standards associated with Sec. 5.2.1 Existing Small Lots, and replaces it with a reserved section header; amends Sec. 5.2.4 (a) Buildable Area Calculation; amends Sec. 5.2.5 (b) 7.; amends internal references to Sec. 4.4.5 and Article 4, Part 5 within Sec. 5.3.4, Sec. 5.4.8, and Sec 5.4.12 to be consistent with new section numbering; amends Sec. 6.2.2 (h) Design Review- Building Location and Orientation; amends Sec. 6.3.2 (a) 1. Architectural Review- Massing, Height and Scale; amends Sec. 11.1.3 and 11.1.4 regarding standards for Planned Unit Development; amends Article 13- Definitions; and amends Appendix A- Use Table thereof to read as follows:

DRAFT

Article 4: Zoning Maps and Districts

PART 3: ZONING DISTRICTS ESTABLISHED

Sec. 4.3.1 Base Districts Established

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

(a) - **(d)** *As Written*.

(e) A series of ~~five (5)~~four (4) **Residential** districts: *(see Sec. 4.4.5)*

- Residential Corridor (RC);
- Residential High ~~Density~~ Intensity ~~Residential~~ (RH);
- Residential Medium ~~Density~~ Intensity ~~Residential~~ (RM); and
- ~~Medium-Density Residential – Waterfront (RM-W);~~
- Residential Low ~~Density~~ Intensity (RL); ~~and,~~
- ~~Residential Low Density – Waterfront (RL-W);~~

(f) - **(g)** *As Written*.

Sec. 4.3.2 Overlay Districts Established

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. Properties within an Overlay District may be used and developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in Part 5 below:

(a) - **(b)** *As Written*.

~~**(c)** An RH Density Bonus Overlay (RHDB) district;~~

(c) ~~(d)~~ A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

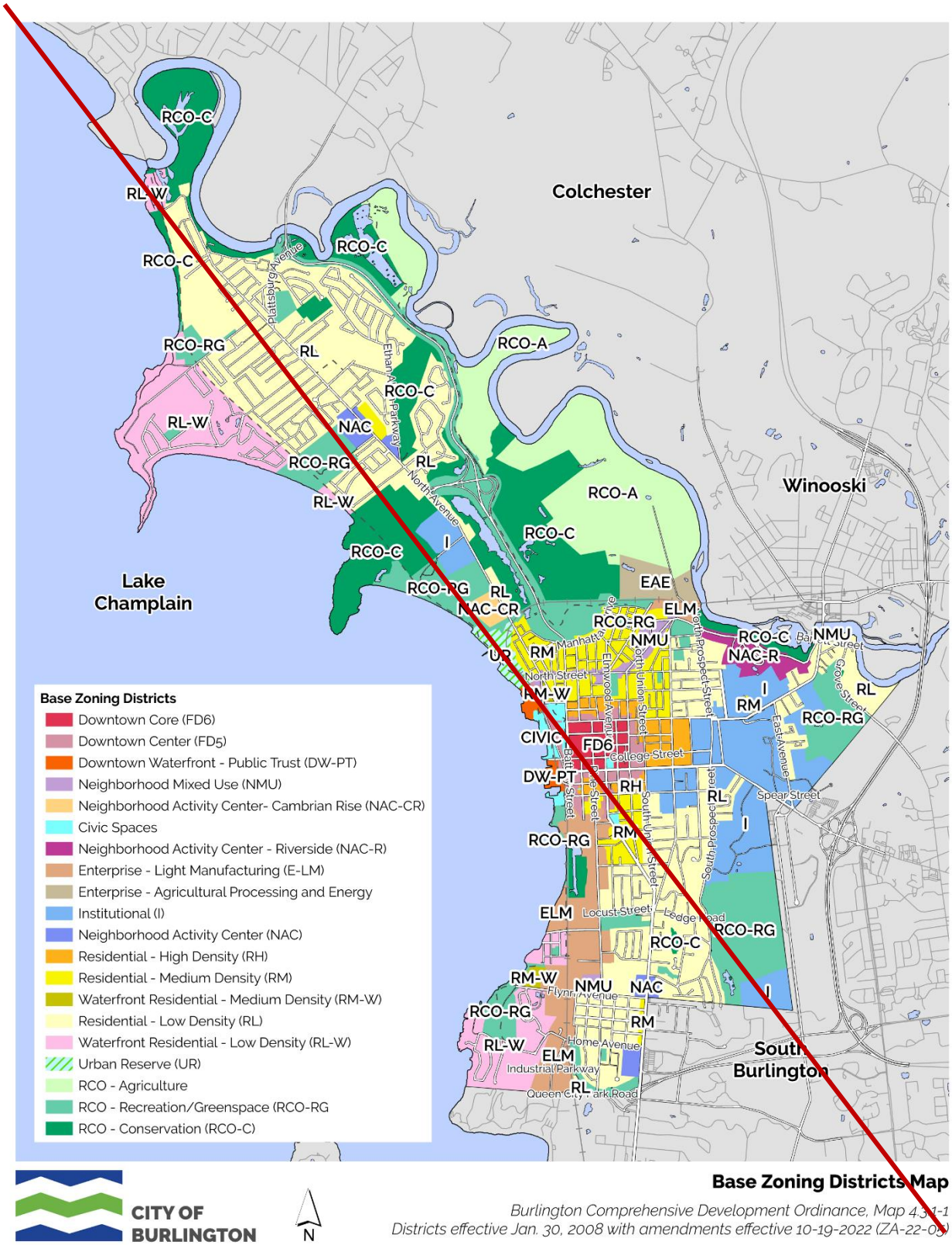
- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and
- Special Flood Hazard Area;

~~(e) A RL-Larger Lot Overlay (RLLL) district;~~

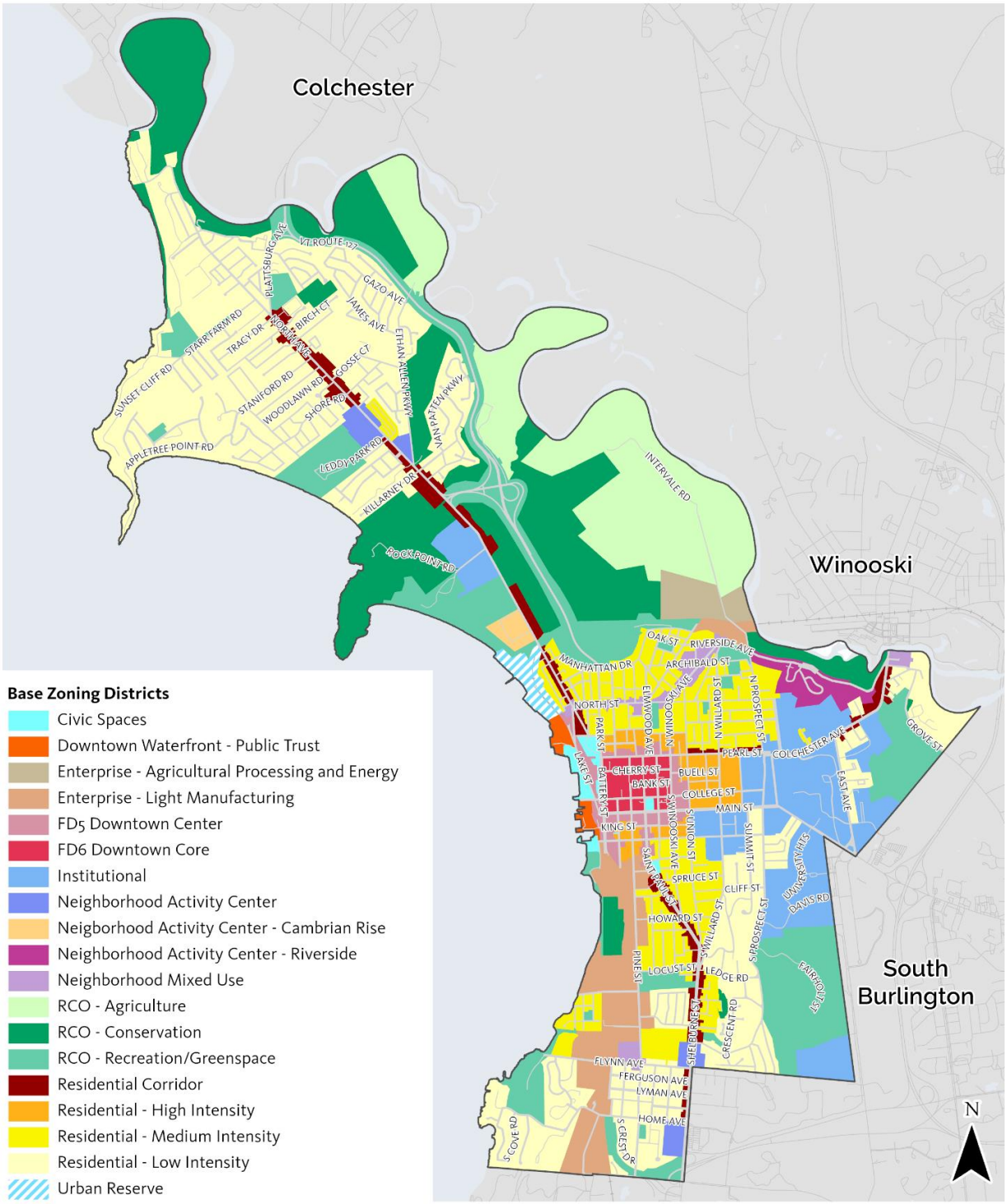
(d) ~~(f)~~ A **Mouth of the River Overlay (MOR)** district; ~~and,~~

(e) ~~(g)~~ A **Centennial Woods Overlay (CWO)** district; and,

(f) A **South End Innovation District Overlay.** ~~.~~


Colchester
Winooski
South Burlington
Lake Champlain
RCO-C
RL-W
RCO-RG
RL
RCO-A
NAC
I
EAE
ELM
NMU
RM
RM-W
CIVIC
FD6
DW-PT
RH
NAC-R
NAC-CR
UR
Base Zoning Districts
Downtown Core (FD6)
Downtown Center (FD5)
Downtown Waterfront - Public Trust (DW-PT)
Neighborhood Mixed Use (NMU)
Neighborhood Activity Center- Cambrian Rise (NAC-CR)
Civic Spaces
Neighborhood Activity Center - Riverside (NAC-R)
Enterprise - Light Manufacturing (E-LM)
Enterprise - Agricultural Processing and Energy
Institutional (I)
Neighborhood Activity Center (NAC)
Residential - High Density (RH)
Residential - Medium Density (RM)
Waterfront Residential - Medium Density (RM-W)
Residential - Low Density (RL)
Waterfront Residential - Low Density (RL-W)
Urban Reserve (UR)
RCO - Agriculture
RCO - Recreation/Greenspace (RCO-RG
RCO - Conservation (RCO-C)
CITY OF BURLINGTON
N
Base Zoning Districts Map
Burlington Comprehensive Development Ordinance, Map 4.3.1-1
Districts effective Jan. 30, 2008 with amendments effective 10-19-2022 (ZA-22-05)

56



CITY OF BURLINGTON

Map 4.3.1-1 Base Zoning Districts

Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008

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Map 4.3.1-1 Base Zoning Districts

***

PART 4: BASE ZONING DISTRICT REGULATIONS

Sec. 4.4.3 Enterprise Districts

(a) *As Written.*

(b) Dimensional Standards and Density *As Written.*

Table 4.4.3 -1 Dimensional Standards and Density

Districts	**Max. Intensity** (floor area ratio[1, 4])	**Max. Lot Coverage**[1, 4]	**Minimum Building Setbacks**[1, 4] (feet) Front	Side	Rear[3]	**Max. Height**[1, 4] (feet)
Light Manufacturing	2.0 FAR	80%	5 min	0[2]	10%[2]	45’
Agricultural Processing and Energy	0.75 FAR	60%	10 min	10 min	10 min	45’

1 – 3 *As written.*
4 – Maximum intensity, lot coverage, setbacks and building height in portions of the E-LM district are modified by provisions of the South End Innovation District overlay (~~E-~~SEID) in Sec. 4.5.6~~8~~.

(c) Permitted and Conditional Uses:

1. - 2. *As Written.*

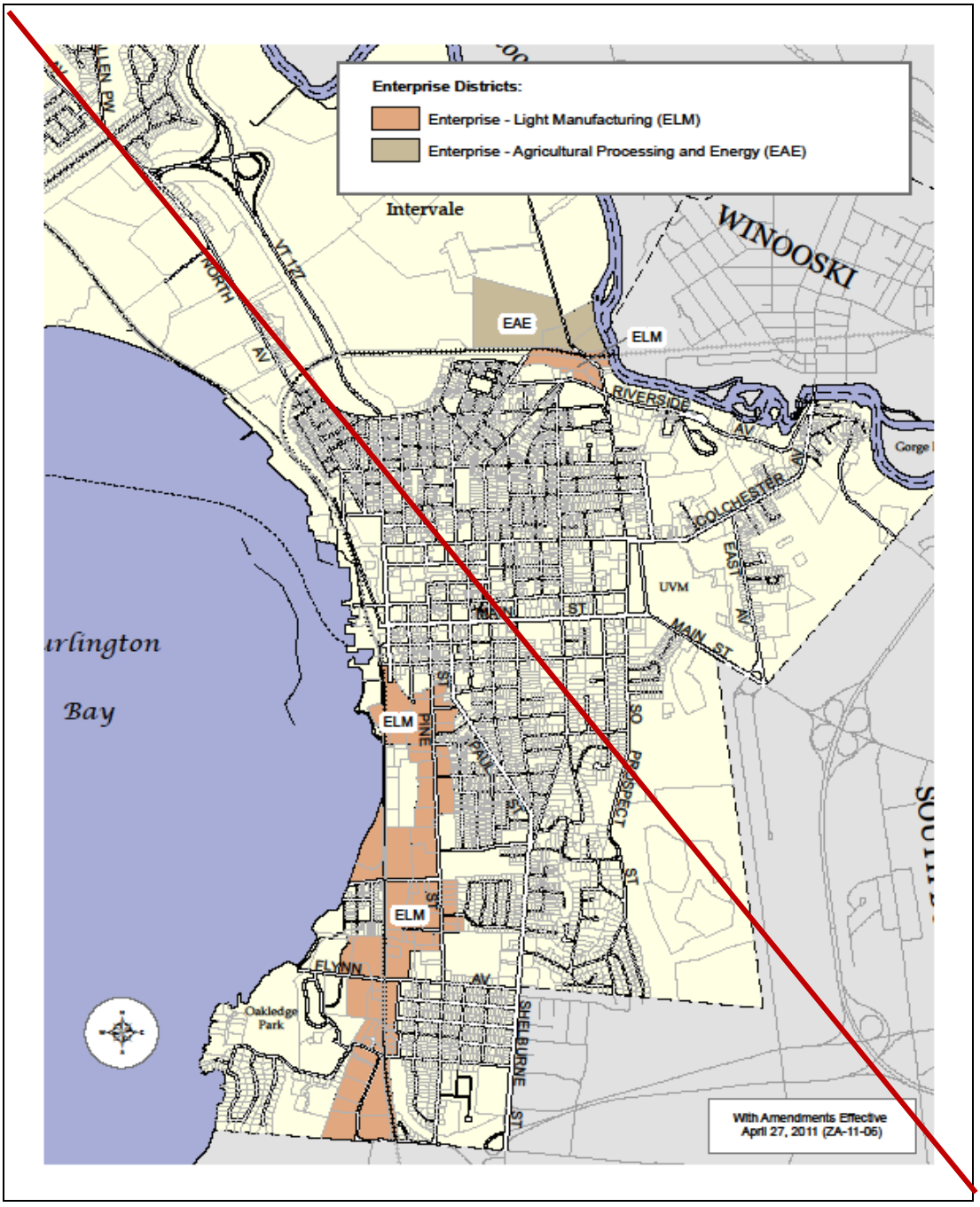
3. Uses that may be permitted, or conditionally permitted within the South End Innovation District overlay (SEID) are identified on Table ~~4.5.8-3~~ 4.5.6-3.

(d) District Specific Regulations

1. Convenience Stores
The following shall apply to the review and approval of convenience stores in the E-LM district, except as regulated in Sec. 4.5.6~~8~~: South End Innovation District, in addition to the provisions for the review of Conditional Uses under Art. 3 and General Regulations for convenience stores under Art 5:

A. - E. *As Written*

2. Drive Thrus are not permitted.


Enterprise Districts:
Enterprise - Light Manufacturing (ELM)
Enterprise - Agricultural Processing and Energy (EAE)
Intervale
WINOOSKI
EAE
ELM
RIVERSIDE
AV
COLCHESTER
EAST
UVM
MAIN ST
urlington
Bay
ELM
PINE
ST
ELM
FLYNN
AV
Oakledge Park
SHELBURNE
ST
With Amendments Effective
April 27, 2011 (ZA-11-06)

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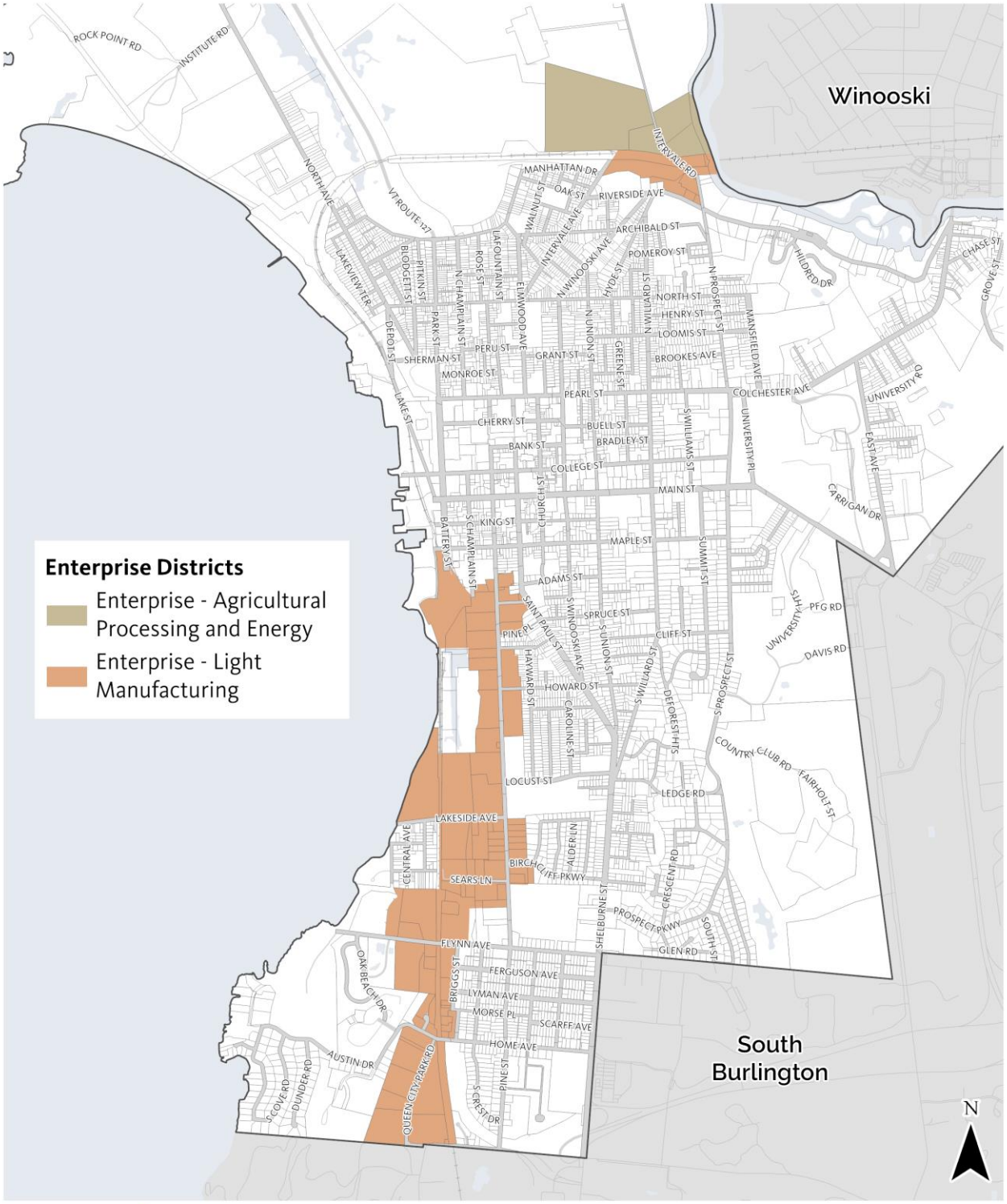


Map 4.4.3-1 Enterprise Districts

Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008

CITY OF BURLINGTON

Map 4.4.3-1 Enterprise Districts

***

Sec. 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment, while enabling neighborhoods to evolve to meet the changing needs of households and the economy, and as a result of the climate emergency. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and new buildings are interspersed within a wide range of historic development patterns ~~are reinforced~~across the city. Parking shall be placed either behind, within, or to the side of structures, ~~as is consistent with the district and/or the neighborhood~~ and b~~. B~~uilding facades designed for parking shall be secondary to the residential aspect of a structure.

The ~~5~~ Residential districts as illustrated in Map 4.4.5-1 are further described as follows:

1. The **Residential Low**~~**Density**~~**Intensity** **(Residential Low, RL)** district is intended primarily for ~~low density~~ residential development that includes a mix of housing types such as ~~in the form of~~ single detached dwellings, with or without accessory dwelling units, ~~and~~ duplexes, triplexes and quadplex~~. This district is typically characterized by a~~ organized in a compact ~~and cohesive~~ neighborhood-scale that complements ~~residential development pattern reflective of the~~ respective neighborhoods' development and open space ~~history~~patterns~~.~~. Building heights typically vary from one to two and half stories, and development generally results in lower lot coverage than in other residential districts. Limited commercial uses take the form of home-based businesses and the adaptive reuse of historic buildings as neighborhood-serving uses.

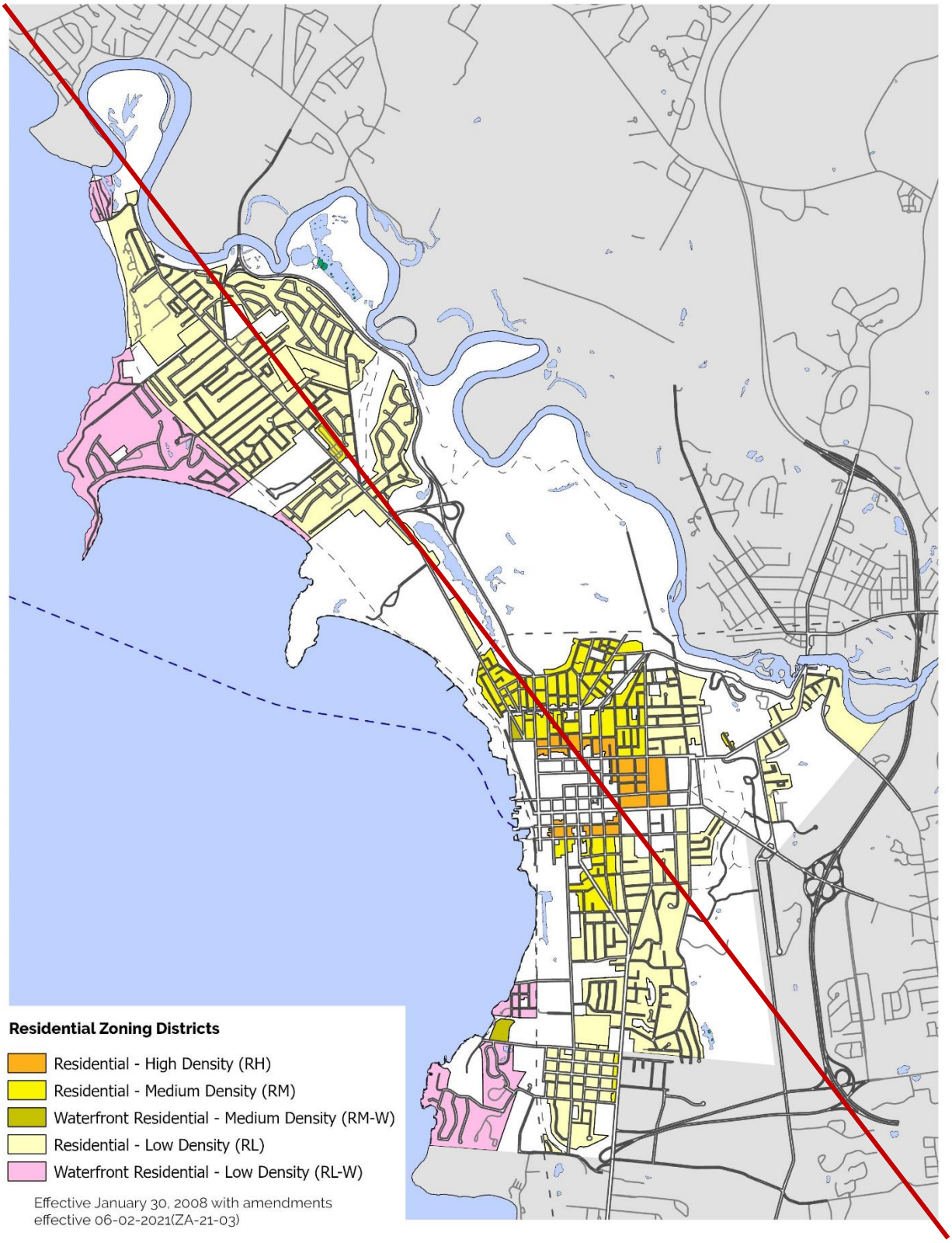
~~2. The **Waterfront Residential Low Density (RL-W)** district is intended primarily for low density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~

~~3.~~2. The **Residential Medium** ~~**Density**~~**Intensity** **(Residential Medium, RM~~**)**~~**)** district is intended ~~primarily~~ for ~~medium density~~ residential development that includes a mix of housing types such as ~~in the form of~~ single-family detached dwellings, with or without accessory dwelling units, duplex, triplex, quadplex, and ~~attached~~ multi-~~family~~ unit ~~apartments~~buildings in compact, walkable neighborhoods. Building heights typically range from two to three stories, and development generally results in moderately higher lot coverage as compared to the RL district. Neighborhoods within this district are typically walkable to downtown or other mixed-use areas of the city, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

~~4. The **Waterfront Residential Medium Density (RM-W)** district is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. This district is distinguished from the Residential Medium Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.~~

3. The **Residential High** ~~**Density**~~**Intensity** **(Residential High, RH)** district is intended ~~primarily~~ for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized and larger ~~high density attached~~ multi-~~family~~ unit buildings~~residential development~~. Single-family detached dwellings are limited to buildings originally built for such purpose. Development is intended to be more intense than other residential areas, with building heights ranging from two to three and a half stories, high lot coverage~~, large buildings,~~ and buildings placed close to the street and each other~~together~~ on small lots. ~~Parking is intended to be hidden either behind or underneath structures.~~Neighborhoods within this district are typically immediately adjacent to downtown and the institutions, and commercial uses within the district take the form of home-based businesses and the adaptive reuse of historic buildings for neighborhood-serving uses.

~~5.~~4. The **Residential Corridor (RC)** district is intended for residential development that includes a mix of housing types such as duplex, triplex, quadplex, townhouse, and mid-sized, multi-unit and mixed-use buildings along major multi-modal transportation corridors that are adjacent to low intensity districts. Single-family detached dwellings are limited to buildings originally built for such purpose. New and infill development may be located closer to the street than historic development patterns, with building heights ranging from two to three and a half stories and high lot coverage. Neighborhood-serving commercial uses may be incorporated in existing or new buildings.


Residential Zoning Districts
Residential - High Density (RH)
Residential - Medium Density (RM)
Waterfront Residential - Medium Density (RM-W)
Residential - Low Density (RL)
Waterfront Residential - Low Density (RL-W)
Effective January 30, 2008 with amendments
effective 06-02-2021(ZA-21-03)

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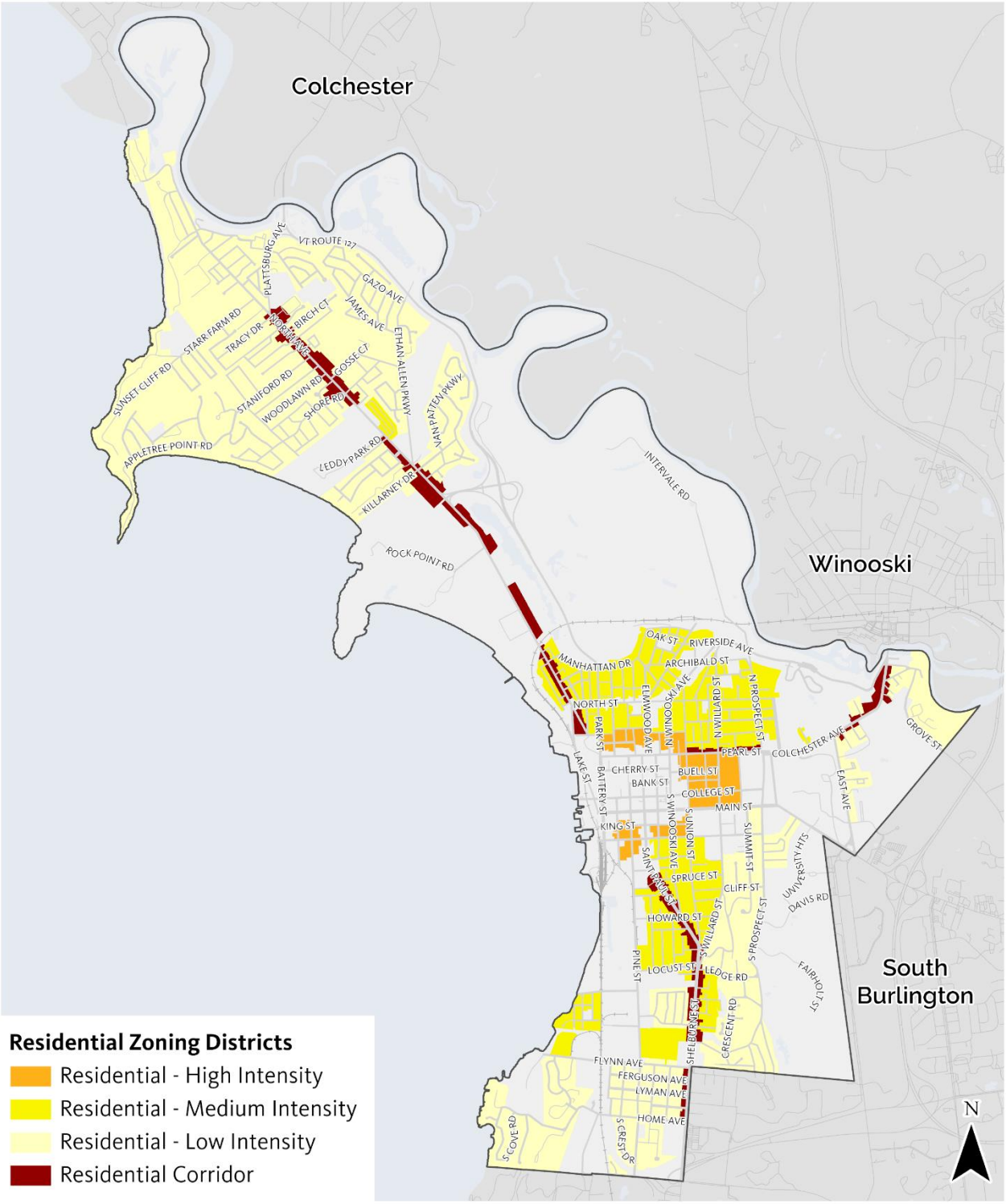


CITY OF BURLINGTON

Map 4.4.5-1 Residential Zoning Districts

Burlington Comprehensive Development Ordinance, Map 4.4.5-1
Districts effective Jan. 30, 2008

Map 4.4.5-1 Residential Zoning Districts

(b) Dimensional Standards ~~and Density~~

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

~~Table 4.4.5-1: Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W[2]~~

	~~**Lot Frontage[1]**~~		~~**Lot Size**~~	
~~**Use**~~	~~*(linear feet)*~~		~~*(square feet)*~~	
	~~**RL,WRL**~~	~~**RM,WRM**~~	~~**RL, WRL[3]**~~	~~**RM, WRM**~~
~~**Single detached dwelling**~~	~~**Min:** 60'~~	~~**Min:** 30'~~	~~**Min:** 6,000~~	~~NA~~
~~**Duplex and above**~~			~~**Min:** 10,000~~	

~~1. The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.~~
~~2. There are no minimum lot size or frontage requirements in the RH District.~~
~~3. Exception: Larger minimum lot size in RL and WRL larger lot overlay district; refer to Section 4.5.5 & Table 5.5-1.~~

~~Table 4.4.5-2: Base Residential Density~~

~~**District**~~	~~**Maximum dwelling units per acre[1]**~~
~~**Low Density: RL, RL-W**~~	~~7 units/acre~~
~~**Medium Density: RM, RM-W**~~	~~20 units/acre~~
~~**High Density: RH**~~	~~40 units/acre~~
~~Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.~~	

~~Table 4.4.5-3: Residential District Dimensional Standards~~

~~**Zoning District**~~	~~**Max. Lot Coverage[1]**~~	~~**Setbacks[1, 3, 4, 5, 6]**~~				~~**Max. Height[1]**~~
		~~**Front[2]**~~	~~**Side[3]**~~	~~**Rear**~~	~~**Waterfront**~~	
~~**RL; WRL**~~	~~35%~~	~~**Min/Max:** Ave. of 2 adjacent lots on both sides +/- 5 feet~~	~~**Min:** 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides **Max required:** 20 feet~~	~~**Min:** 25% of lot depth but in no event less than 20' **Max required:** 75 feet~~	~~**Min:** 75' feet from the ordinary high water mark of Lake Champlain and the Winooski River~~	~~35 feet~~

~~Table 4.4.5-3: Residential District Dimensional Standards~~

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

~~1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.~~
~~2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.~~
~~3. In no event shall the side yard setback be required to exceed 20 feet, or the rear yard setback be required to exceed 75 feet.~~
~~4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.~~
~~5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.~~
~~6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.~~
~~7. For properties in the WRL and WRM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet in any event.~~

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

District	Min. Lot Frontage[2,3,4,5] (linear feet)	Setbacks[1,6,7,8,9]			Lot Coverage[1,10]
		Front	Side	Rear	
Residential Low (RL)	30’	**Min:** Avg. of front setback 2 adjacent lots on both sides +/- 5 feet **Max required:** 25 ft	**Min:** 10% of lot width or avg. of side setback of 2 adjacent lots on both sides **Max required:** 20 ft	20 ft.	45%
Residential Medium (RM)				15 ft.	60%
Residential High (RH)	N/A				80%
Residential Corridor (RC)	N/A	**Min required:** 5 ft **Max permitted:** 20 ft			80%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45’.
5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.

~~1.~~7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.

~~2.~~8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.

9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 3A below.

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max Height & Stories[1,3]	Max Dwelling Units per Structure[2,3,4]	Max. Principal Structure Footprint[3]	Max. Secondary Structure Footprint[3]	Max Building face before providing offset[5]	Min. Distance between Structures on same lot
Residential Low (RL)	35’ 3 stories	4	1,800 sq.ft	1,100 sq.ft.	50’	15’
Residential Medium (RM)	35’ 3 stories	6	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50’ 4 stories	N/A	N/A	N/A		

Residential Corridor (RC)			3,600 sq.ft.	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.
4. Within the RM district, a maximum of six (6) dwelling units are permitted in a Principal structure, and a maximum of four (4) units are permitted in a Secondary structure.
5. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

(c) Permitted and Conditional Uses:
The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table and as may be modified by district specific regulations in Sec. 4.4.5 (d).

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

1. Additional Residential Development -Permitted
In addition to any applicable development permitted according to Article 11- Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.

A. Reserved

Table 4.4.5-3 ***Reserved***

B. Residential Development Bonuses
The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

(i) Senior Housing Bonus
Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB for senior housing provided the following conditions are met:

a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
b) The proposal shall be subject to the design review provisions of Art. 6;
c) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
d) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-4: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RL	44%	20 du/ac
RM	48%	40 du/ac
RH	92%	80 du/ac

(ii) Residential Conversion Bonus

Development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:

a) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Residential Conversion Bonus

District	Maximum Coverage	Maximum Density
RL	50% (62% with inclusionary allowance)	8 du/ac (8.75 with inclusionary allowance)
RM	60% (72% with inclusionary allowance)	30 du/ac (37.5 with inclusionary allowance)
RH	80% (92% with inclusionary allowance)	60 du/ac (69 with inclusionary allowance)

(iii) Limitations on Residential Development Bonuses:

For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet	92%
RM	40 du/ac	35-feet	72%
RL	20 du/ac	35-feet	62%

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways

For purposes of enabling narrow or flag lots to create a driveway to provide a maximum of two tandem parking spaces, or to access a parking area behind a principal structure, driveways may encroach into a required side setback

up to the property line. The maximum waiver from the side setback shall be the minimum necessary for the purposes of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue adverse impact on drainage, safety, light, and air, nor encroachment into a neighboring side yard. With such approval, the lot shall not be considered nonconforming due to the decreased setback.

B. Encroachment into the Waterfront Setback.

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) Replacement of Existing Structure

Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

(ii) Averaging of Setbacks of Existing Structures

If the setback from the waterfront of existing principal structures within one hundred fifty (150) feet on either or both sides of a subject lot is less than the minimum required setback, the setback for the subject lot may be reduced to the average setback of such neighboring structures.

C. Exceptions to Lot Coverage for Accessory Residential Features

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

(i) Decks;

(ii) Patios;

(iii) Porches;

(iv) Terraces;

(v) Tennis or other outdoor game courts;

(vi) Swimming pool aprons;

(vii) Walkways;

(viii) Window Wells; and/or

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

With the exception of the additional lot coverage allowances provided for under Article 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.

3. Exception for Neighborhood Commercial Uses

Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in RL, RM, RH and Institutional districts subject to the following:

(i) This exemption shall only apply to:
  a. Historic buildings that are listed or eligible for listing on the state or national register; or,
  b. A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.

(ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.

(iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.

(iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.

(v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.

(vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.

(vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.

(viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.

(ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.

(x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.

(xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.
(xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.

4. Miscellaneous Standards

A. Additions to Existing Residential Structures.
No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

B. Accessory Residential Structures, Buildings, and Uses
An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses which do not contain residential units, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:

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

(ii) Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;

(iii) Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building; and

(iv) The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

C. Residential Occupancy Limits.
In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.

Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:

(i) If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,

(ii) If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).

(iii) If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).

In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.

~~**1. Setbacks**~~

~~**A. Encroachment for Residential Driveways**~~

~~For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.~~

~~Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, conditional use criteria, and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air. In addition, the lot shall be found to have dimensions that are smaller than the existing standards for lot size or frontage. The maximum relief from the 5' minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot. With such approval by the DRB, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.~~

~~**B. Encroachment into the Waterfront Setback.**~~

~~The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:~~

~~**(i) Replacement of Existing Structure.**~~

~~Replacement of a conforming principle structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.~~

~~**(ii) Averaging of Setbacks of Existing Structures.**~~

~~If the waterfront setback of existing principal structures within a distance of one hundred fifty (150) feet on either or both sides of a lot is less than the required setback, the setback may be reduced to the average alignment of such structures.~~

~~**2. Lot Coverage**~~

~~**A. Exceptions for Accessory Residential Features.**~~

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

~~(i) Decks;~~

~~(ii) Patios;~~

~~(iii) Porches;~~

~~(iv) Terraces;~~

~~(v) Tennis or other outdoor game courts;~~

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

~~(vii) Walkways;~~

~~(viii) Window Wells; and/or~~

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

~~With the exception of the additional lot coverage allowances provided for under Inclusionary ZoningArticle 9: Inclusionary and Replacement Housing, requirements for such additional lot coverage shall not be permitted for any development where other bonus provisions of this ordinance are applicable.~~

~~3. Accessory Residential Structures, Buildings, and Uses~~

~~An accessory structure, building, and/or use as defined in Article 13 and provided under Sec. 5.1.1 and 5.1.2 customarily incidental and subordinate to a principal residential structure, building and/or use, including but not limited to private garages, carriage houses, barns, storage sheds, tennis courts, swimming pools, cabanas for swimming pools and detached fireplaces may be permitted as follows:~~

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

~~B. Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;~~

~~C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building; and~~

~~D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.~~

~~4. Residential Density~~

~~A. Additional Unit to Multi-Family.~~

~~One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007, if approved in advance as a conditional use, by the DRB.~~

~~B. Additions to Existing Residential Structures.~~

~~No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.~~

~~C. Residential Occupancy Limits.~~

~~In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Notwithstanding the following, the minimum square footage requirements shall be reduced by ten (10%) percent in situations where the residential premises are owner occupied.~~

~~Subject to Conditional Use approval by the DRB, a dwelling unit may be occupied by more than four (4) unrelated adults if it contains at least twenty-five hundred (2,500) square feet excluding its attic and basement pursuant to the following:~~

~~If in a RL district, the dwelling unit also contains at least an additional two hundred fifty (250) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4); or,~~

~~If in a RM district, the dwelling unit also contains at least an additional two hundred (200) square feet and two (2) onsite parking spaces, plus one (1) additional parking space per adult occupant in excess of four (4).~~

~~If in a RH district, the dwelling unit also contains at least an additional 150 square feet and two (2) onsite parking spaces, plus 1 additional parking space per adult occupant in excess of four (4).~~

~~In considering a request relating to permitting a greater number of unrelated individuals residing in a dwelling unit within a residential zoning district, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet.~~

~~**5. Uses**~~

~~**A. Exception for Neighborhood Commercial Uses.**~~

~~Neighborhood commercial uses as defined in Article 13 and intended to primarily serve the nearby residential area shall be considered permitted uses in all Residential and Institutional districts subject to the following:~~

~~(i) This exemption shall only apply to:~~
~~1) Historic buildings that are listed or eligible for listing on the state or national register; or,~~
~~2) A street level neighborhood commercial use as defined in Article 13 in lawful existence as of January 1, 2007.~~
~~(ii) Neighborhood commercial uses shall be limited to a single story on the street level of any structure.~~
~~(iii) Neighborhood commercial uses less than 2,000 sqft shall be treated as a permitted use. Neighborhood commercial uses greater than or equal to 2,000 sqft but less than 4,000 sqft shall be treated as a conditional use. Neighborhood commercial uses occupying 4,000 sqft or more shall not be permitted.~~
~~(iv) The neighborhood commercial use shall not be counted against the property's allowable residential density.~~
~~(v) The sale of fuel for motor vehicles, or new or expanded gas station canopies, shall be prohibited.~~
~~(vi) Hours of operation shall be limited to 6:00am to 11:00pm seven days per week. Any expansion in the hours of operation of an existing neighborhood commercial use shall require conditional use review by the DRB.~~
~~(vii) All building height and setback requirements for the underlying residential district shall apply, and the lot coverage shall not exceed 60%.~~
~~(viii) Any exterior changes to the building(s) or changes to the site plan shall be subject to the design review requirements of Article 6.~~
~~(ix) To the extent that additional parking is necessary, the parking standards for Shared-Use Districts shall apply pursuant to Article 8.~~
~~(x) The conversion of a residential use to a neighborhood commercial use within a historic neighborhood commercial building more than 50 years old and originally designed and constructed for such purpose shall be exempt from the housing replacement requirements of Article 9, Part 2.~~
~~(xi) Home occupations as defined and regulated under this article are not restricted by the provisions of this section.~~
~~(xii) Any aspect of a neighborhood commercial use in lawful existence as of January 1, 2007 not in strict conformance with any of the above standards shall be considered non-conforming and be subject to the provisions of Article 5, Part 3.~~

~~**6. Residential Development Bonuses**~~

~~The following exceptions to maximum allowable residential density and dimensional standards in Tables 4.4.5-2 and 4.4.5-3 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-8 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.~~

~~**A. Senior Housing Bonus**~~

~~Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:~~

~~a) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income~~

~~households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);~~

~~b) The proposal shall be subject to the design review provisions of Art. 6;~~

~~c) A maximum of an additional 10 feet of building height may be permitted in the RH District; and,~~

~~d) Lot coverage and residential densities shall not exceed the following:~~

~~Table 4.4.5-5: Senior Housing Bonus~~

~~District~~	~~Maximum Coverage~~	~~Maximum Density~~	
~~RL/RL-W~~	~~44%~~	~~20 du/ac~~	
~~RM~~	~~48%~~	~~40 du/ac~~	
~~RM-W~~	~~72%~~	~~40 du/ac~~	
~~RH~~	~~92%~~	~~80 du/ac~~	

~~B. Residential Conversion Bonus~~

~~Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use to a conforming residential use subject to all of the following conditions:~~

~~(i) Lot coverage and residential density shall not exceed:~~

~~Table 4.4.5-7: Residential Conversion Bonus~~

~~District~~	~~Maximum Lot Coverage~~	~~Maximum Density~~ ~~(dwelling unit/acre)~~
~~RL, RL-W~~	~~50%~~ ~~(62% with inclusionary allowance)~~	~~8 du/ac~~ ~~(8.75 with inclusionary allowance)~~
~~RM, RM-W~~	~~60%~~ ~~(72% with inclusionary allowance)~~	~~30 du/ac~~ ~~(37.5 with inclusionary allowance)~~
~~RH~~	~~80%~~ ~~(92% with inclusionary allowance)~~	~~60 du/ac~~ ~~(69 with inclusionary allowance)~~

~~C. Limitations on Residential Development Bonuses:~~

~~For projects where the conditions of more than one applicable bonus listed above and under Sec.5.4.8 (e) are met, the applicant may use the most permissive exemption to the underlying lot coverage or residential densities applicable.~~

~~In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:~~

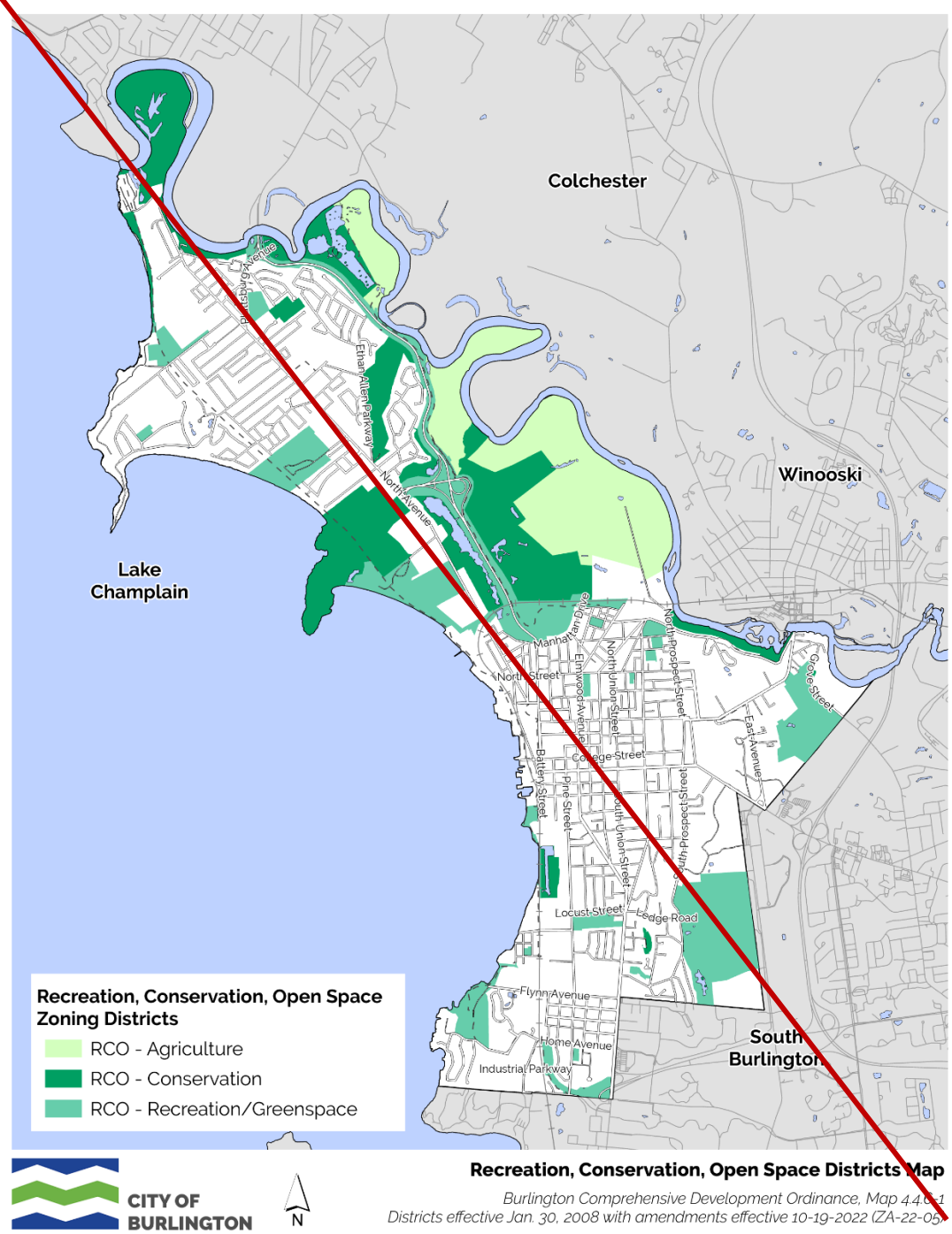
~~Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses~~

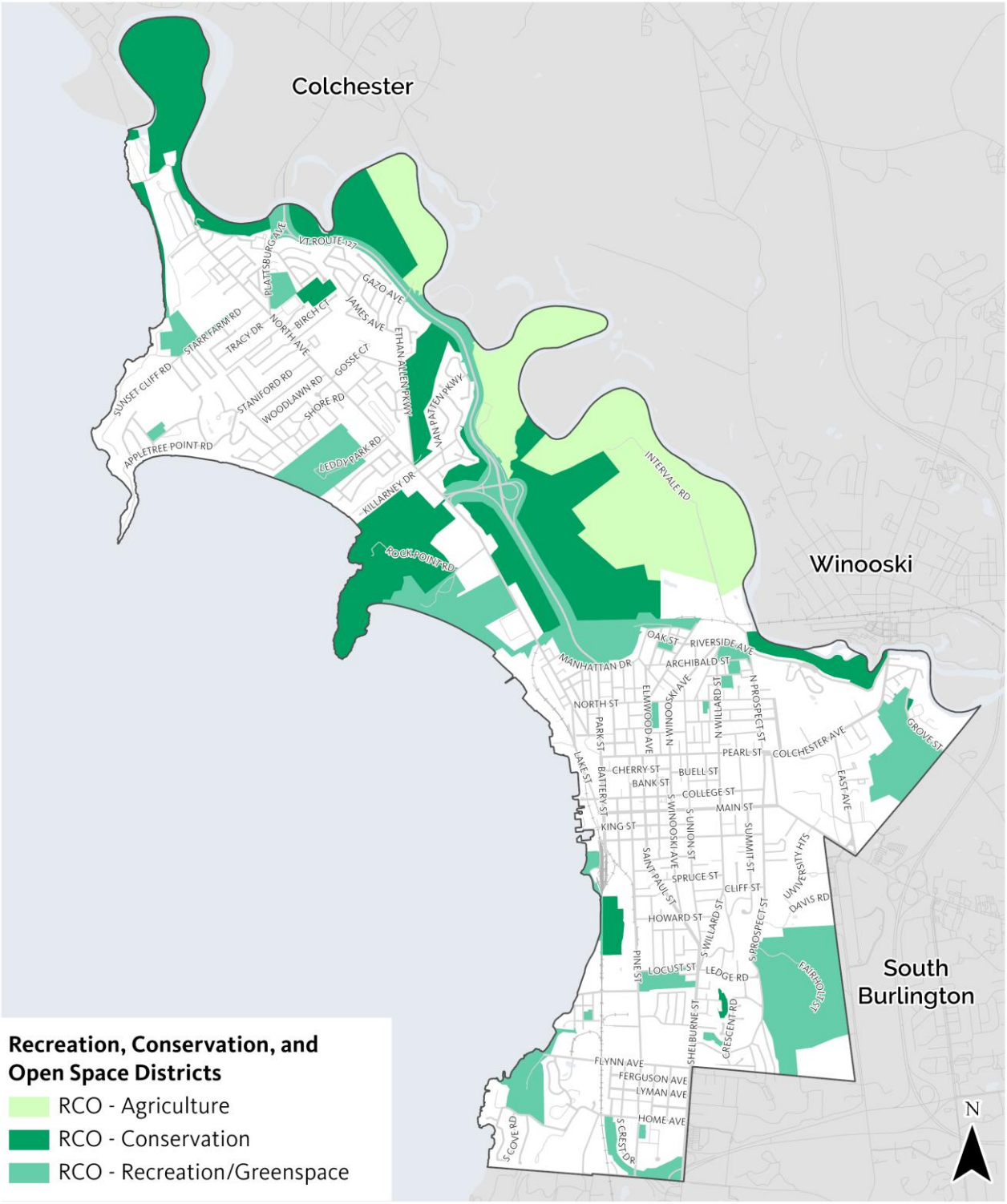
~~District~~	~~Maximum Density*~~	~~Maximum Height~~	~~Maximum Lot Coverage*~~
~~RH~~	~~80 du/ac~~	~~45 feet~~ ~~*(68 ft in RH Overlay)*~~	~~92%~~
~~RM-W~~	~~40 du/ac~~	~~60 feet~~	~~72%~~
~~RM~~	~~40 du/ac~~	~~35 feet~~	~~72%~~
~~RL, RL-W~~	~~20 du/ac~~	~~35 feet~~	~~62%~~

~~* or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus~~

Sec. 4.4.6 Recreation, Conservation, and Open Space Districts

(a) - (d) – *As Written.*





Map 4.4.6-1 Recreation, Conservation, Open Space Districts

Burlington Comprehensive Development Ordinance
Districts effective Jan. 30, 2008

CITY OF BURLINGTON

Map 4.4.6-1 Recreation, Conservation, Open Space Districts

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

Sec. 4.5.1 Design Review Overlay District

(a) Purpose:

The Design Review Overlay District (DR) is intended to provide detailed individual review of certain uses and structures in those areas of the city which contain structures of historical, architectural, or cultural merit, and where the community has a particular interest in the design of future development in order to address specific land development objectives.

(b) Areas Covered:

The geographic[1] areas subject to the Design Review Overlay shall be as delineated on Map 4.5.1 – 1: Design Review Overlay, that include the following:

(1) The following zoning districts:

A. The Downtown Waterfront – Public Trust district and all Neighborhood Mixed Use, Enterprise, Institutional, Urban Reserve, and Recreation, Conservation and Open Space districts; and,

B. Portions of the Residential Districts as identified in Map 4.5.1-1 and described below. ~~The High-Density Residential (RH), Medium-Density Residential (RM), Medium-Density Residential – Waterfront (RM-W), and Residential Low Density – Waterfront (RL-W) districts.~~

(2) The following areas within ~~the~~ Residential ~~– Low Density~~ Districts:

A. – G. As Written.

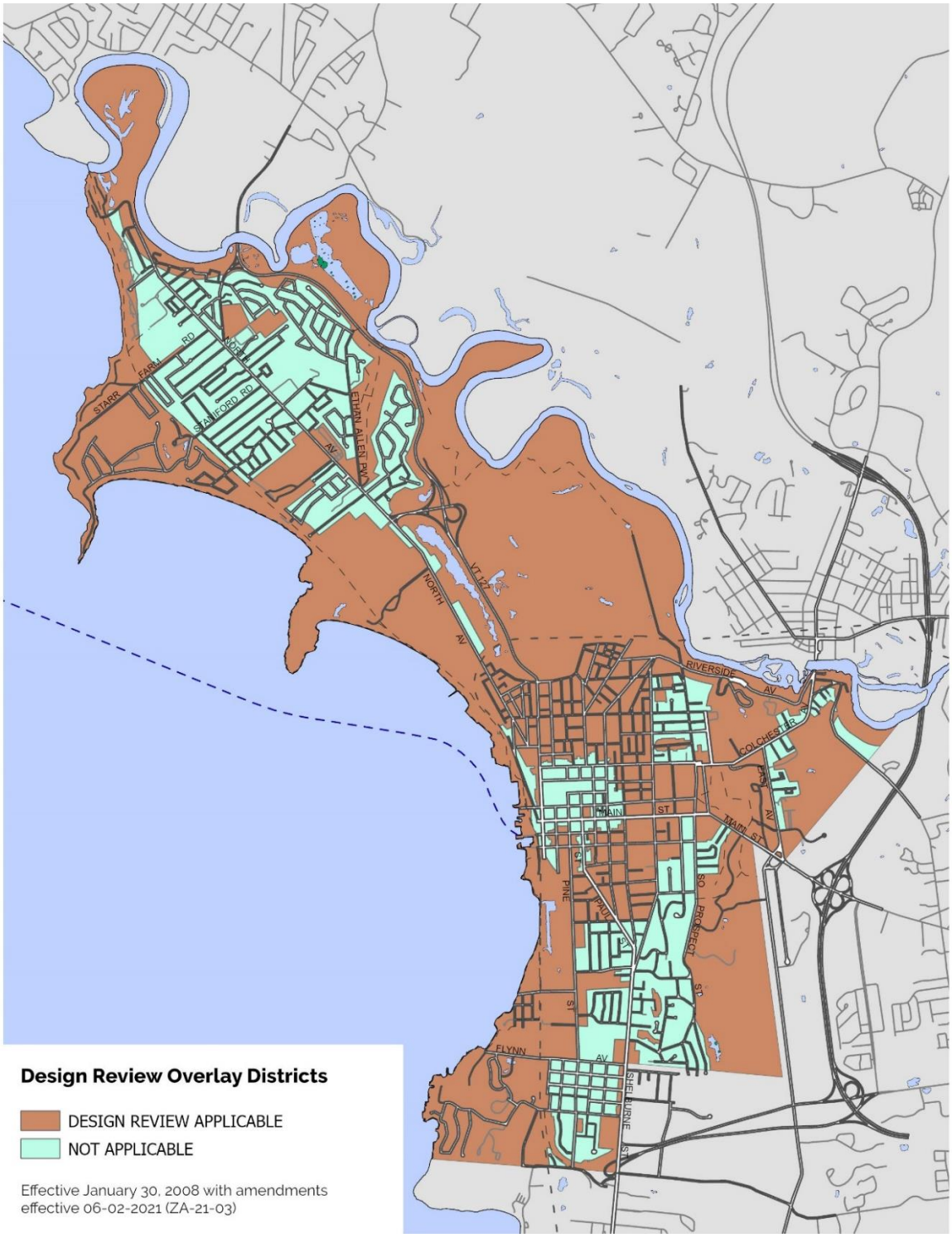
(3) The following uses, buildings, and properties within ~~the~~ Residential ~~– Low~~ Districts:

A. As Written.

(c) District Specific Regulations: Design Review Overlay District:

Within this overlay district, no structure may be erected, reconstructed, substantially altered, restored, moved, or demolished or any site improvement or modification made without approval subject to the provisions of Article 3, Part 4 pertaining to Design Review and the review criteria described in Art 6.

[1] This Section only defines the geographic areas of the city that are subject to Design Review. Other types of development are also subject to Design Review pursuant to the requirements of Article 3, Part 4.



Map 4.5.1-1: Design Review Overlay

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) - (h) – *As Written.*

~~***Sec. 4.5.3 RH Density Bonus Overlay District***~~

~~**(a) Purpose:**~~

~~The RH Density Bonus Overlay District is intended to provide an incentive for the conversion of non-residential uses to residential uses within the RH Zoning District to reduce the number of non-conforming uses and increase the supply of housing near the downtown area.~~

~~**(b) Areas Covered:**~~

~~The RH Density Bonus Overlay District includes that portion of the RH Zoning District bordered on the north by Main Street, on the south by Maple Street, on the west by Pine Street and on the east by South Union Street as delineated on Map 4.5.3-1 RH Density Bonus Overlay District. Eligible properties shall be limited to only those existing non-residential single lots of record as of February 8, 2001 of at least one-half acre in size (21,780 sqft). Contiguous lots shall not be combined to meet this minimum lot size standard with the following exception: a half-acre lot may be combined with any contiguous surface parking lot(s) of any size in order to receive the benefits as set forth in this overlay.~~

~~**Map 4.5.3-1: RH Density Bonus Overlay**~~

~~**(c) District Specific Regulations: RH Density Bonus Overlay:**~~

~~**1. Conditional Use Review**~~

~~Any redevelopment undertaken pursuant to the provisions of this overlay district shall be subject to conditional use review pursuant to Article 3.~~

~~**2. Maximum Residential Density:**~~

~~An existing non-residential property may be redeveloped for a residential use at a density not to exceed 92 units per acre inclusive of any applicable inclusionary allowances pursuant to Article 9 or development bonuses pursuant to Sec. 4.4.5.~~

~~**3. Building Height:**~~

~~For the purposes of regulating building height, this overlay district is divided into the following two (2) areas,~~

~~A. In that portion of this overlay between South Union and Church Street, in no event shall the height of any structure exceed sixty eight (68) feet.~~

~~B. In that portion of this overlay between Church and Pine Street, in no event shall the height of any structure exceed fifty-five (55) feet.~~

~~Subject to such maximum building heights, the following shall also apply:~~

~~C. The height of any proposed building or addition shall not be more than fifteen (15) feet greater than the average height of existing buildings within the same block having frontage on the same street as the proposed;~~

~~D. A height greater than that allowed in (C) above may be permitted if such additional height is set back from the front property line a minimum of twenty-five percent (25%) of the width of the street right-of-way, and in no event less than fifteen (15) feet from the front property line.~~

~~E. The height allowance for frontage on one street shall not adversely impact the streetscape of an adjacent street, in the judgment of the development review board~~

~~F. That portion of any building which is constructed to a height in excess of the height allowed per the underlying zoning district as provided above, must maintain a setback equal to fifty percent (50%) of that portion's height from the property line shared with any adjacent residential structure. The distance of such a setback will be maintained only for that portion of the building immediately adjacent to an existing residential property.~~

~~**4. Setbacks:**~~

~~Front yard setbacks shall be as required in the underlying zoning district, subject to the following exceptions:~~

~~A. Up to twenty-five percent (25%) of the building façade above the ground level story may project into the front yard setback by not more than fifty percent (50%) for the purpose of creating architectural variation and avoiding large expanses of undifferentiated building wall.~~

~~B. At the ground level, patios, paved courtyards, and sitting areas may be allowed within the front setback. Such allowances are subject to approval by the development review board under the design review criteria of Article 6. If the board deems it necessary, it may impose a greater setback in order to achieve the streetscape objectives found in Article 6.~~

~~**5. Construction Materials:**~~
~~Any new structure utilizing the height bonus provisions as specified under this subsection shall be constructed of quality masonry materials or other comparable materials of similar durability on all elevations. The exterior material and windows shall also be of a type that the DRB deems effective for sound buffering.~~

~~**6. Parking Standards:**~~
~~In addition to the parking standards found in Article 8, the following shall also apply within this Overlay:~~

~~At least seventy-five (75%) of the parking spaces shall be provided onsite as structured parking spaces. Any structured parking shall be concealed by the structure or the building so that it is not visible from the street (the entrance and exit may be visible).~~

~~**7. Permitted Non-Residential Uses:**~~
~~The following nonresidential uses may be permitted by the DRB on the ground floor of the structure: art gallery, bakery, bank/credit union, beauty/barber shop, daycare, food store, health club, laundromat, office (general), office (medical or dental), open air market, photo studio, restaurant, retail, tailor shop, and theatre.~~

~~**8. Residential Occupancy:**~~
~~Each unit of any structure erected pursuant to this subsection shall be occupied by a "family" as defined in Article 13.~~

~~**9. Character of the Area Affected:**~~
~~When the DRB reviews a project under the provisions of Article 3 – Conditional Use Review, it shall take into consideration that developments utilizing this bonus are located in an area adjacent to the Downtown. In making its determinations and setting conditions under the standard "Character of the area affected," the DRB shall consider that it is the public policy of the City of Burlington that where there are conflicts between public uses and activities and the quiet enjoyment of residents in developments utilizing the bonuses permitted in the underlying district, the public uses and activities shall take precedence and the development shall be designed in a manner that mitigates the conflicts.~~

Sec. ~~4.5.4~~ 4.5.3 Natural Resource Protection Overlay (NR) District

(a) *As Written.*

(b) Areas Affected
This overlay district consists of all areas delineated on Map ~~4.5.4-1~~ 4.5.3-1 Natural Resources Protection Overlay (NR) District and is divided into four (4) subparts:

1. *As Written.*
2. A Wetland Conservation Zone which consists of wetlands and corresponding upland buffer area for the following areas:
   A. Uplands within 100 feet of all wetlands depicted in Map ~~4.5.4-1~~ 4.5.3.-1 Natural Resource Protection Overlay District except in cases where the State of Vermont has established a greater buffer zone width; and,
   B. *As Written.*
3. - 4. *As Written.*

(c) - **(e)** *As Written.*

(f) District Specific Regulations: Special Flood Hazard Area:
1. - 2. *As Written.*

3. ***Permitted Uses in Special Flood Hazard Areas*** *(including Floodway areas)*
   A. All those permitted open space uses as listed in Section ~~4.5.4~~ 4.5.3.(f)2 above shall be permitted in the Special Flood Hazard Areas.
   B. All other uses permitted in the underlying zoning district are permitted only upon review and approval per subpart 7 below.

4. - 7. *As Written.*
8. *Approval Conditions*
As Written.

A. - G. *As Written.*

B. Recreational Vehicles:
Recreational Vehicles placed on sites with special flood hazard areas shall either:
A. Be on the site for fewer than 180 consecutive Days, or
B. Be fully licensed and ready for highway use, or
C. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Sec. ~~4.5.4~~ 4.5.3(f)8D.

9. - 11. *As Written.*

~~Sec. 4.5.5 RL Larger Lot Overlay District~~

~~(a) Purpose:~~
~~The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.~~

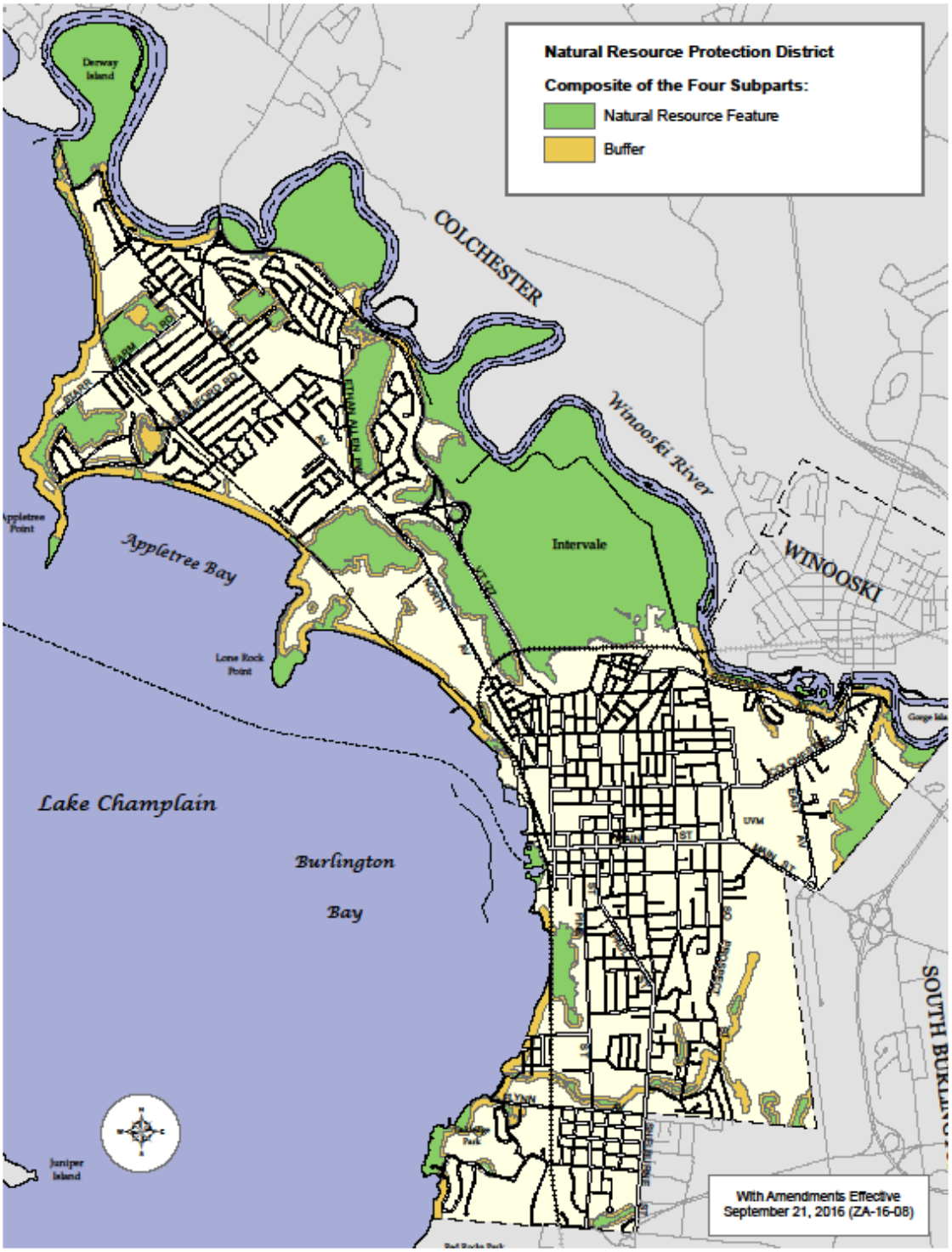
~~(b) Areas Covered:~~
~~The RL Larger Lot Overlay District includes those portions of the RL Zoning District as delineated on Map 4.5.5-1 RL Larger Lot Overlay District.~~

~~(c) District Specific Regulations: RL Larger Lot Overlay~~

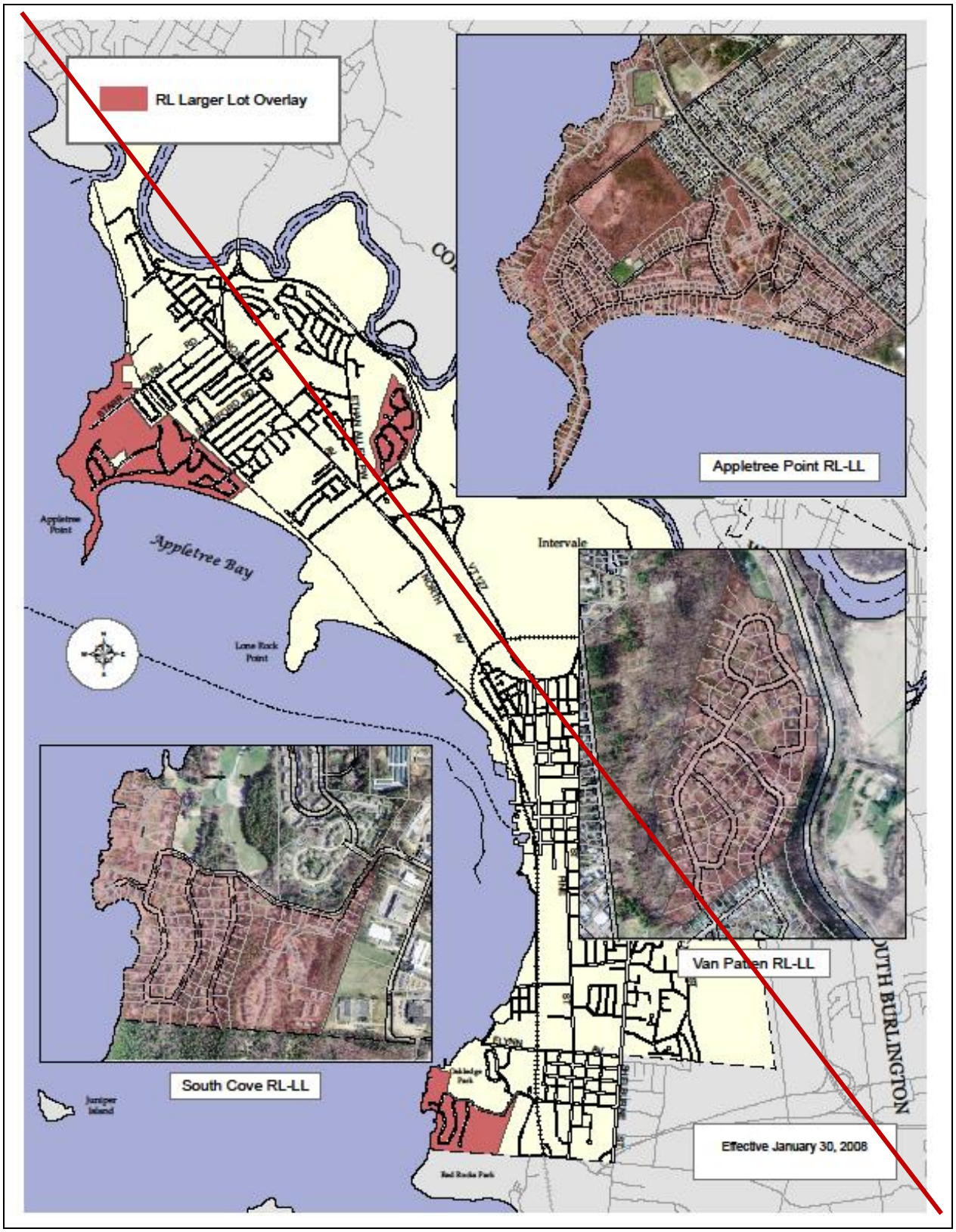
~~1. Minimum Lot Size and Density~~
~~The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:~~

~~Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay~~

	~~Minimum Lot Frontage~~[1] ~~*(In linear feet)*~~	**~~Minimum Lot Size~~** ~~*(In square feet)*~~	**~~Maximum dwelling units per acre~~**[2] ~~*(without bonuses or any Inclusionary Zoning allowances)*~~
~~Single detached dwelling~~	~~75 feet~~	~~9,900sqft~~	~~4.4 units/acre~~
~~Duplex and above~~	~~100 feet~~	~~15,840 sqft~~	~~5.5 units/acre~~
~~The DRB may adjust the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots reflecting the existing neighborhood pattern on each respective street.~~ ~~Inclusive of new streets but exclusive of existing streets.~~			



Map ~~.5.4-1~~4.5.3-1: Natural Resource Overlay District


RL Larger Lot Overlay
Appletree Point RL-LL
Appletree Point
Appletree Bay
Intervale
Lone Rock Point
Van Patten RL-LL
South Cove RL-LL
Juniper Island
Effective January 30, 2008

640

~~**Map 4.5.5-1: RL Larger Lot Overlay**~~

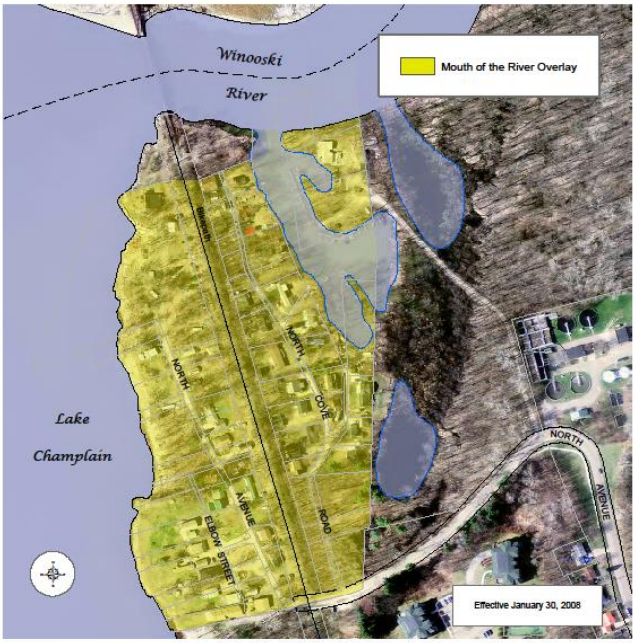
Sec. ~~4.5.6~~ 4.5.4 Mouth of the River Overlay District

(a) *As Written.*

(b) Areas Covered.

The Mouth of the River Overlay District includes those portions of the RL Zoning District as delineated on Map ~~4.5.6-1~~ 4.5.4-1.

(c) *As Written.*



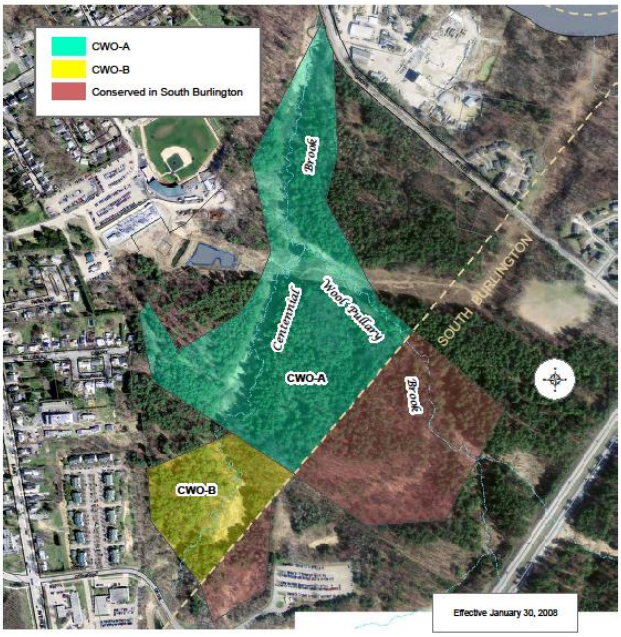
Map ~~4.5.6-1~~4.5.4: Mouth of the River Overlay

Sec. ~~4.5.7~~ 4.5.5 Centennial Woods Overlay District

(a) *As Written.*

(b) Areas Covered.

The Centennial Woods Overlay District includes those portions of the Institutional (I) and RCO-Recreation/Greenspace (RCO-RG) zoning districts as delineated on Map ~~4.5.7-1~~ 4.5.5-1.



Map ~~4.5.7-1~~ 4.5.5-1: Centennial Woods Overlay

(c) *As Written.*

Sec. ~~4.5.8~~ 4.5.6 South End Innovation District Overlay ~~District~~

(a) Purpose: *As Written.*

(b) Areas Covered:
The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map ~~4.5.8-1~~ 4.5-6-1.

(c) District Specific Regulations

~~The South End Innovation District includes those portions of the E-LM Zoning District as delineated on Map 4.5.8-1.~~

Table 4.5.~~6~~8-1: SEID Dimensional Standards & Density

Block Perimeter[1]	**Max. Intensity** (floor area ratio[2,3])	**Max Building Size per Floorplate**[4,5]	**Max. Lot Coverage & Pervious Surface Required**[6]	**Minimum Building Setbacks**[7] Front	Side	Rear	**Max. Height**[8]
1,600' max	2.5 FAR	Floors 1-6: 15,000 sq. ft. Floors 7-8: 10,000 sq. ft. *Except as*	80% max impervious 25% min of pervious area	0' min 20' max[5]	0' min 20' max[5]	0' min 20' max[6]	85'

		permitted by Sec.4.5.~~8~~ 6 (c) 1	must utilize GSI				

1. Blocks may be enclosed by any combination of streets within public Rights-of-Way or Public Paths. Where a property abuts a railroad or area identified as Wetland, Conservation or Natural Area on Map ~~4.5.4-1~~ 4.5.3-1 Natural Resource Protection Overlay District, such boundaries may serve as enclosing block boundaries.
2. – 7. *As written.*
8. Maximum building height in the E-SEID shall be further limited by Map ~~4.5.8.2~~ 4.5.6-2: SEID Specific Height Area Map.

1. Dimensional Standards & Density

Within the SEID the standards set forth in *Table ~~4.5.8-1~~ 4.5.6-1* shall apply to new development and redevelopment, except:

~~**A. Exception for Educational Uses.**~~

~~a.~~ Floors 7-8 may increase maximum size to 15,000 sq.ft. per floorplate for buildings constructed of Mass Timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances.

~~b.~~ The maximum lot coverage may be increased by 10%, to a maximum of 90%, if the site is certified as Gold or Platinum under the SITES system, as administered by Green Business Certification, Inc. (GBCI) or if all of the pervious area on the lot is constructed from one or more of the following Green Stormwater Management (GSI) techniques: constructed wetland, suspended pavement planted with one shade tree per 250 square feet of area, or pervious pavement. No more than 50% of the GSI area may utilize pervious pavement.

Table 4.5.~~8~~6-2: Frontage and Activation Standards *As written.*

2. *Frontage and Ground Floor Activation Standards*

As Written

3. *Parking*

As Written

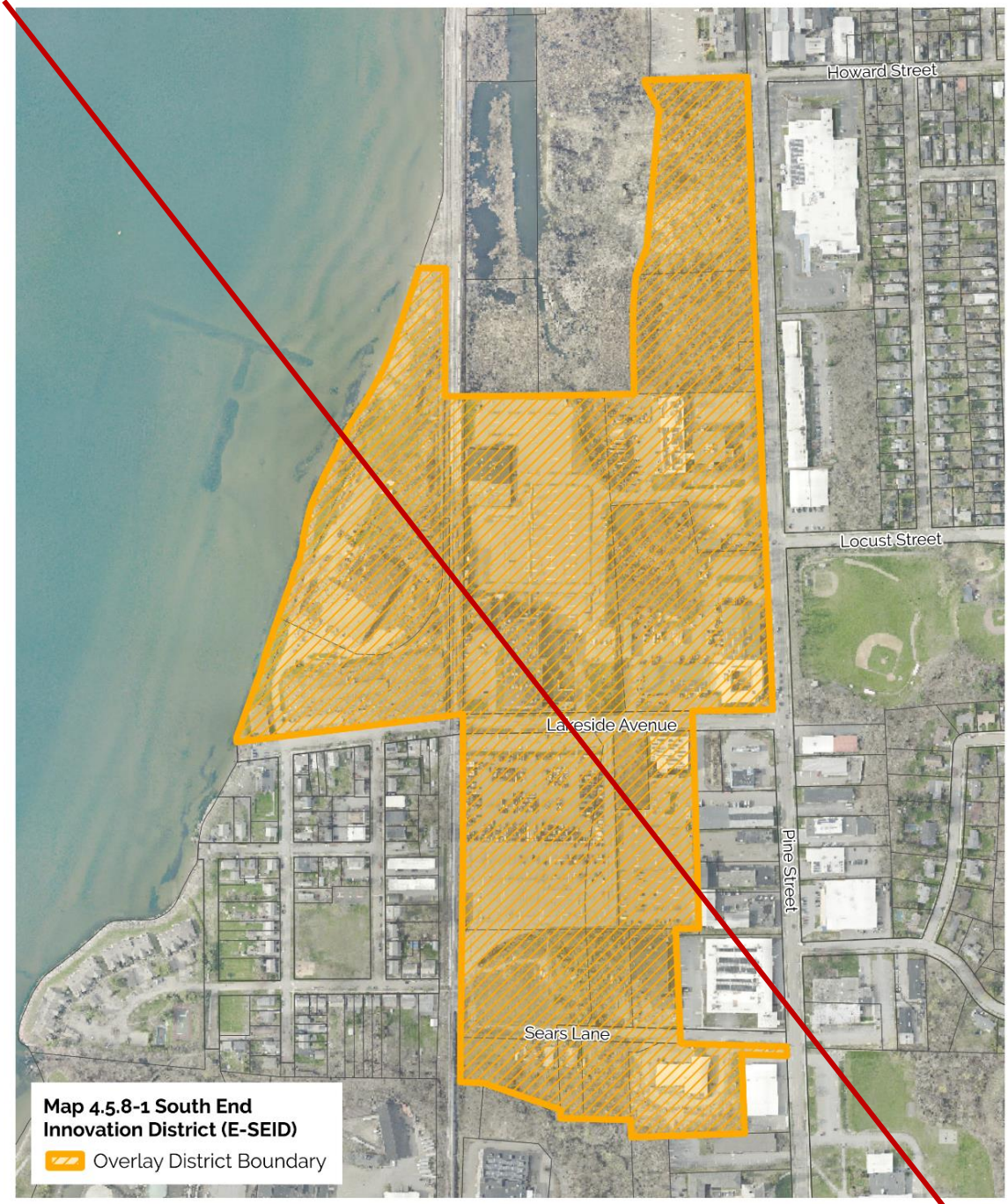
4. *Uses*

Within the ~~E-~~SEID, only the following uses shall be permitted.

Table 4.5.6~~8~~-3 Uses Permitted & Limited within the SEID

Permitted Uses:	
Residential[1]	
***	
Non-Residential	
***	***

1. Residential uses are permitted only in new buildings, or in additions to existing buildings, built after January 1, 2023.
2. Parking Structure and Parking Lot uses are regulated by Sec. 4.5.6~~8~~(c) 3 Parking and Table 4.5.6~~8~~-1 SEID Dimensional Standards & Density.



CITY OF BURLINGTON

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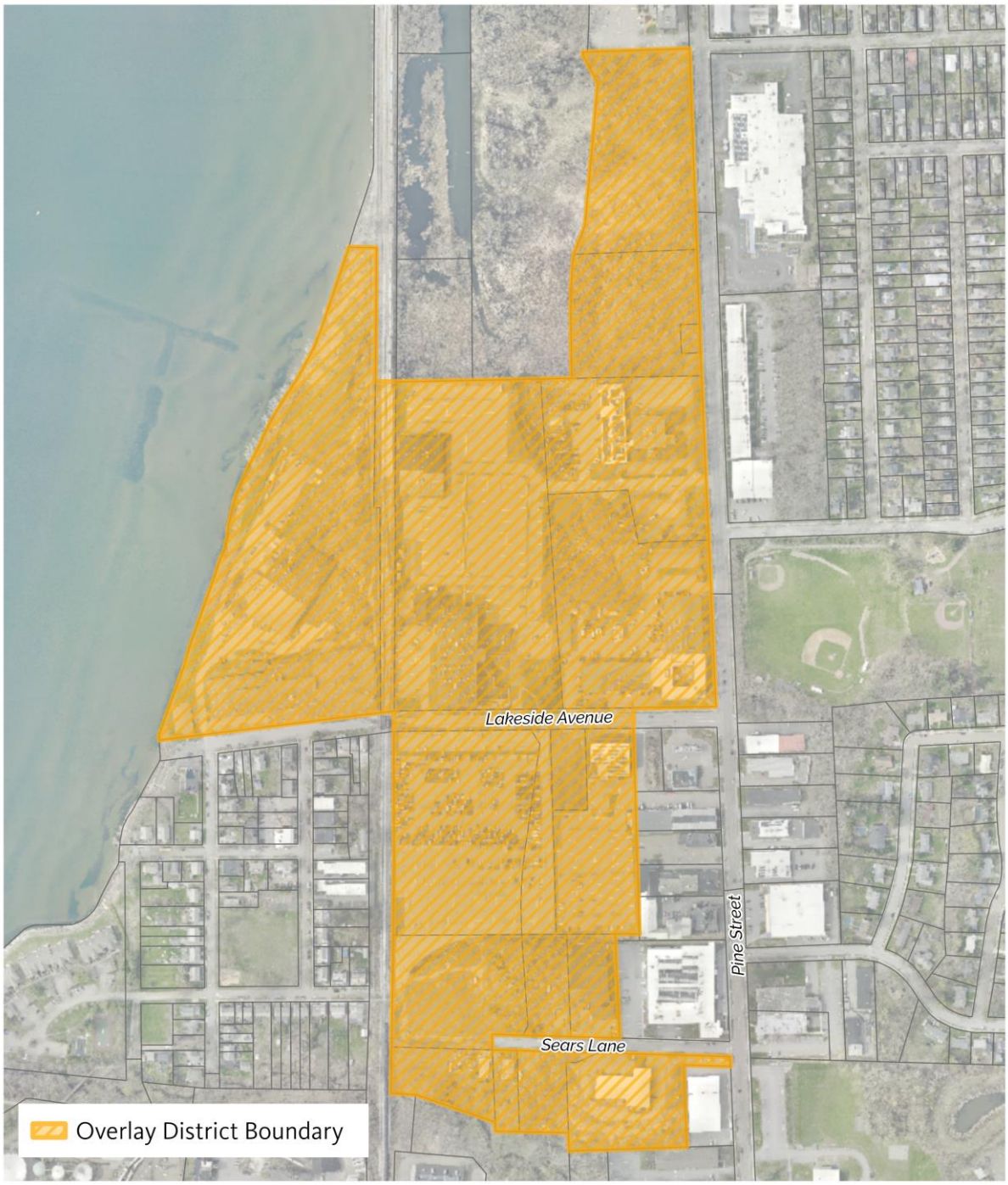
South End Innovation District (E-SEID) Overlay Boundary



Map 4.5.6-1 South End Innovation District (E-SEID) Overlay Boundary

CITY OF BURLINGTON

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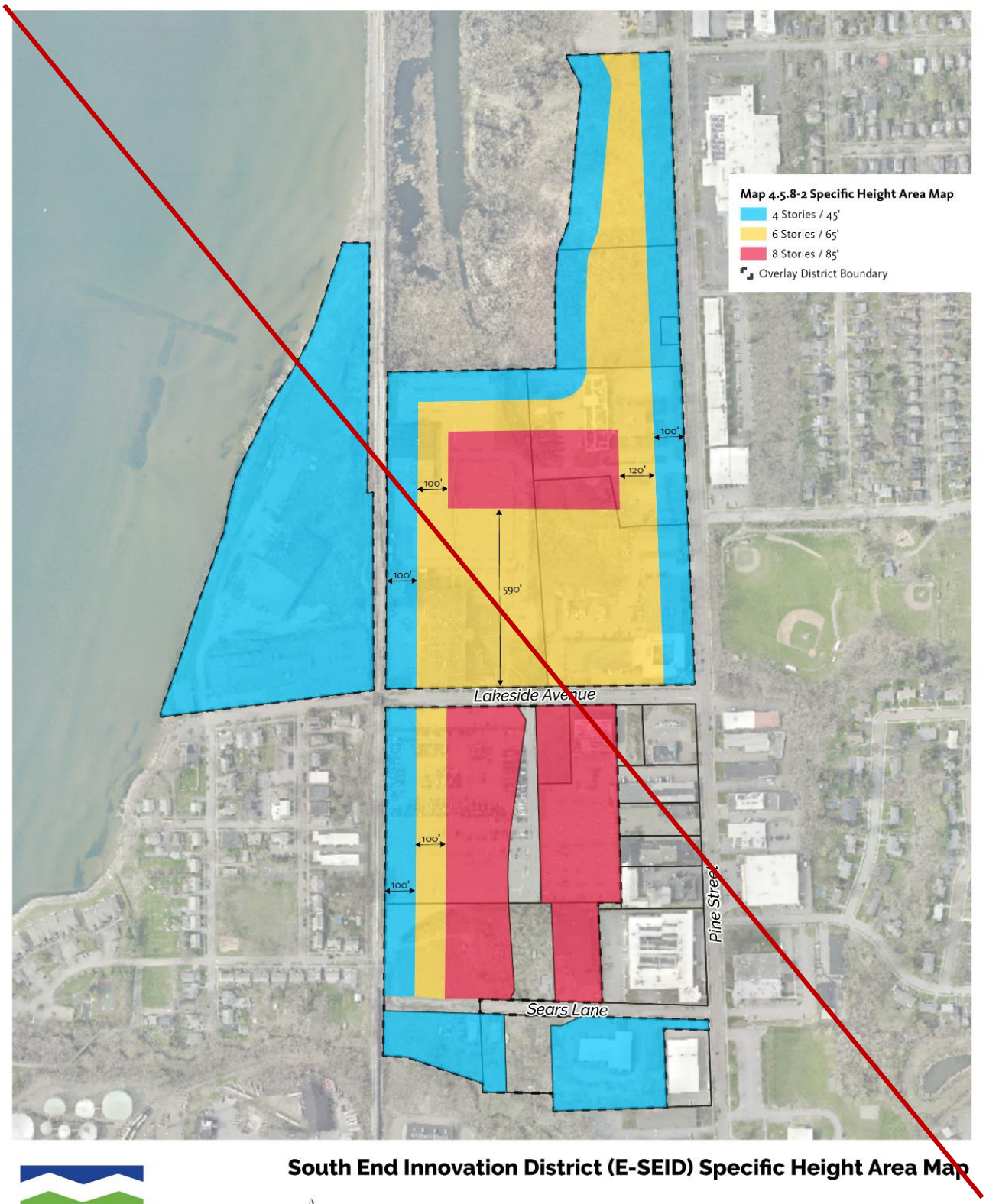

South End Innovation District (E-SEID) Specific Height Area Map

CITY OF BURLINGTON

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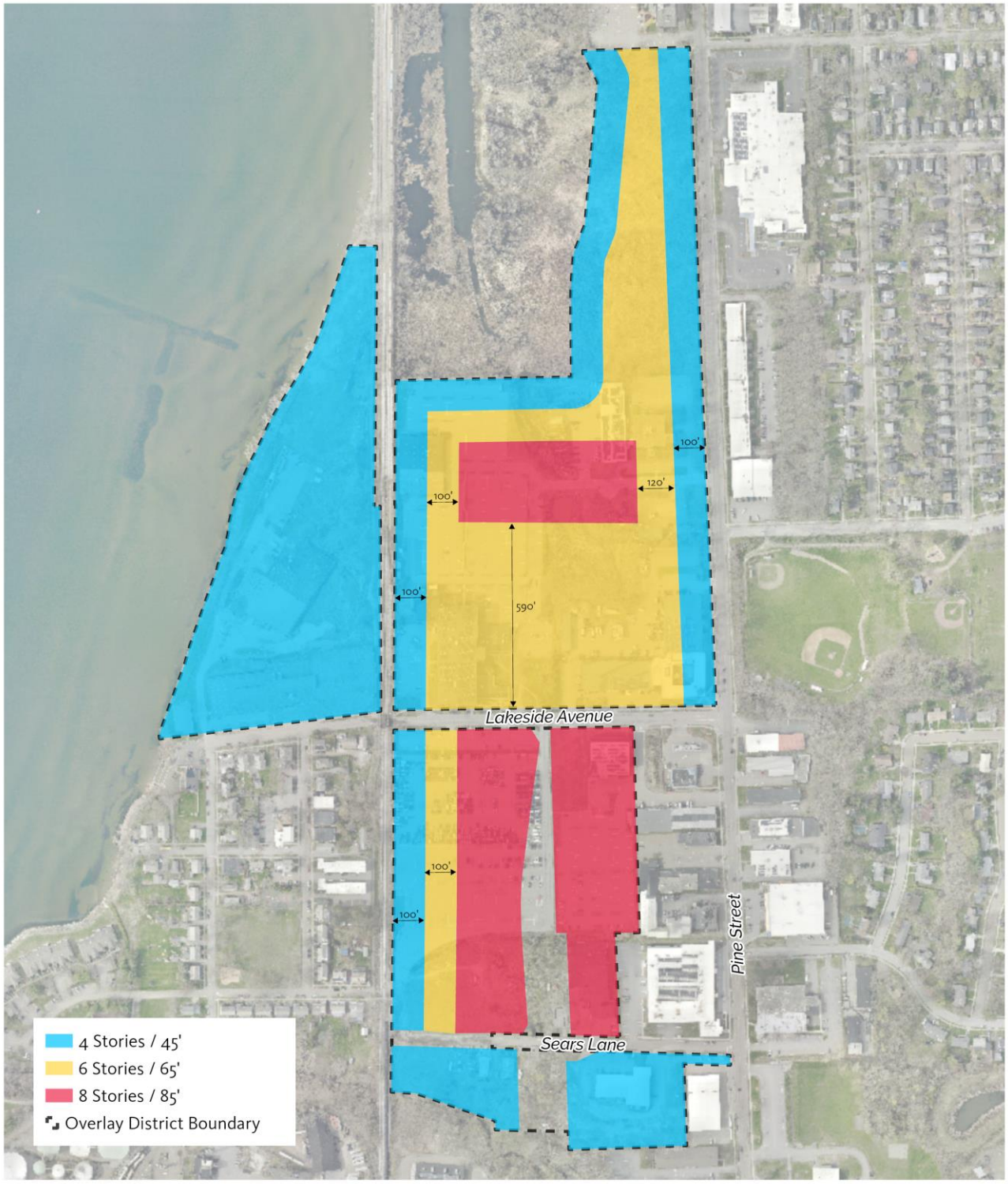

Map 4.5.6-2 South End Innovation District (E-SEID)
Specific Height Area Map

CITY OF BURLINGTON

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Article 5: Citywide General Regulations

PART 1: USES AND STRUCTURES

***

Sec. 5.1.2 Structures

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

(a) - (b) *As written.*

(c) ***Principal Structures:***

~~Only one principal structure shall be permitted on any lot~~More than one principal structure is permitted on ~~in any~~ a lot within a residential zoning district ~~defined pursuant to~~subject to the limits of ~~Article 4 – Zoning Districts~~Sec. 4.4.5 Residential Districts, or as ~~unless~~ otherwise authorized pursuant to the requirements of Article 11 – Planned Development. In all other districts, more than one principal structure may be permitted on any single lot.

(d) ***Accessory Residential Structures or Buildings:***

An accessory structure or building customarily incidental and subordinate to a principal residential use, structure, or building shall also be governed by the provisions of Sec. 4.4.5(d) ~~3~~4. (B).

(e) - (f) *As written.*

PART 2: DIMENSIONAL REQUIREMENTS

Sec. 5.2.1 Reserved.~~Existing Small Lots~~

~~Any small lot of record existing as of April 26, 1973 may be developed for the purposes permitted in the district in which it is located even though not conforming to minimum lot size requirements if the lot:~~

- ~~can be served by municipal water and sewer service; and,~~
- ~~is at least four thousand (4,000) square feet in area; and,~~
- ~~has a minimum width and depth dimension of forty (40) feet or more.~~

~~Any such development shall require a permit pursuant to standards of Article 4 and, where design review is applicable, the design review provisions of Article 3 and the development standards of Article 6.~~

Sec. 5.2.2 Required Frontage or Access

As Written.

Sec. 5.2.3 Lot Coverage Requirements

As Written.

Sec. 5.2.4 Buildable Area Calculation & Steep Slopes Overlay District

As Written.

(a) ***Buildable Area Calculation***

For any properties two (2) or more acres in size within any RCO, ~~WRM,~~ RM, ~~WRL,~~ or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. Buildable area shall be deemed to include only those portions of a property that are not inundated at least six months per year by water including streams, ponds, lakes, wetlands and other bodies of water; and lands with a slope in excess of 30%.

The DRB may under conditional use criteria allow up to 50% of the maximum building density or lot coverage to be calculated on lands with a slope between 15-30% if the applicant can demonstrate that the additional density or lot

coverage will be compatible within the existing scale and intensity of the surrounding neighborhood, and not have an undue negative impact on sensitive natural features.

(d) Steep Slopes Overlay District
As Written.

Sec. 5.2.5 Setbacks

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

(a) Setbacks Required:
As Written.

(b) Exceptions to Yard Setback Requirements:
The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

1. *through* 6. *As Written*
7. ~~Shared~~ Driveways. Common or shared driveways and walkways along shared property lines and associated parking areas, including those to serve residential lots and developments per Sec. 4.4.5 (d) 4.A and Sec. 5.2.2, do not have to meet setback requirements along the shared property line. Other driveway encroachments may be permitted subject to Sec. 4.4.5 (d) 1.A.
8. Additional exceptions for nonconforming structures under Sec. 5.3.5.

Sec. 5.2.6 Building Height Limits

As Written.

Sec. 5.2.7 Density Calculations

As Written.

PART 3: NON-CONFORMITIES

Sec. 5.3.1 – 5.3.3 *As Written.*

Sec. 5.3.4 Nonconforming Uses

(a) Changes and Modifications
As Written

1. *Nonconforming Non-Residential Use*:
A nonconforming non-residential use shall not be expanded or altered in any way, other than to full conformity under this Ordinance, except as follows:

A. Exception for residential conversion.
A non-residential nonconforming use may be converted to a residential non-conforming use pursuant to the applicable residential conversion provisions of Sec. 4.4.5 (d)~~6~~(1).

B. **Existing Neighborhood Commercial Uses.**
Existing non-residential uses intended to primarily serve the nearby residential area shall not be considered non-conforming to the extent they comply with the provisions of Sec. 4.4.5(d)(3~~5~~).

2. *Nonconforming Residential Use:*
A change or expansion of a non-conforming residential use may be allowed subject to conditional use approval pursuant

to the provisions of Article 3, Part 5 by the DRB provided:

A. Such expansion does not add any additional dwelling units except as may be permitted for residential conversion bonuses approved per the provisions of Sec. 4.4.5(d)(1~~6~~), this Historic Building Rehabilitation Bonus under Sec. 5.4.8 (e) and for Accessory Dwelling Units per the provisions of Sec. 5.4.5.;
B. Such expansion does not increase the degree of non-conformity of any non-conforming structure; and,
C. In such cases where the non-conforming residential use is located in a zoning district where residential uses are generally permitted, expansion of a non-conforming residential use into an existing and previously uninhabited attic or basement within the principle structure may be permitted subject to administrative review provided no additional dwelling units are created, except for Accessory Dwelling Units per Sec. 5.4.5.

(b) Discontinuance
As Written.

***

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - Sec. 5.4.7 *As Written.*

Sec. 5.4.8 Historic Buildings and Sites
As Written.

(a) - (d) *As written.*

(e) ***Historic Building Rehabilitation Bonus***

In order to facilitate the rehabilitation and reuse of historic buildings in Residential and Institutional districts, development in excess of the limits set forth in Tables 4.4.1-1, 4.4.5-~~2~~ 1 and 4.4.5-2~~3~~ may be permitted by the DRB subject to all of the following conditions:

i. - iii. *As Written.*

iv. Neighborhood commercial uses may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(3~~5~~)~~(A)~~; and,

v. *As Written.*

Sec. 5.4.9 - Sec. 5.4.11 *As Written.*

Sec. 5.4.12 Mobile Home Parks
As Written.

a) Mobile Home Parks
Regarding the establishment and operation of a Mobile Home Park:
1. The required minimum ~~lot size, lot frontage, and waterfront setback, and required maximum density and building height~~lot and building dimensions, development intensities, and setbacks shall be as required per the applicable Zoning District standards found in Tables 4.4.5-1 and~~,~~ 4.4.5-2~~, and 4.4.5-3~~.
2. - 8. *As Written.*

b) Non-Conforming Mobile Home Parks
As Written.

***

Article 6: Development Review Standards

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.1 *As written.*

Sec. 6.2.2 Review Standards

(a) - (g) *As Written.*

(h) Building Location and Orientation:
The introduction of new buildings and additions shall be consistent with the intent of the district, ~~maintain the existing development pattern and rhythm of structures along the existing streetscape~~. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

**Remainder of section As Written.*

***

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.1 Applicability
These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:
Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to ~~their context~~the purpose of the zoning district. They ~~shall~~ should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development ~~shall~~ should maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium ~~density~~ residential districts, the height and massing of existing residential buildings ~~is the most important consideration~~should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2.

**Remainder of section As Written.*

2. – 3. *As Written.*

(b) - (i) *As Written.*

***

Article 11: Planned Development

PART 1: PLANNED UNIT DEVELOPMENT

Sec. 11.1.1 – Sec. 11.1.2 *– As Written.*

Sec. 11.1.3 General Requirements and Applicability

With the exception of development subject to the requirements of Art 14, any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

Districts	Minimum Project Size
RH, RM, ~~RM-W,~~ Downtown Waterfront – Public Trust District and Neighborhood Mixed Use, Institutional, E-LM	No minimum project size.
RL, ~~RL-W,~~ RCO-R/G	2 acres or more

Sec.11.1.4 Modification of Regulations.

With the approval of the DRB after a public hearing, the following modifications of the requirements of the underlying zoning may be altered within a planned unit development:

- ~~density,~~minimum lot size, frontage, lot coverage, and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis;
- required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;
- more than one principal use and more than one principal structure may be permitted on a single lot;
- one or more residential uses not otherwise permitted may be permitted; and,
- buildings may be of varied types including single detached, attached, duplex or apartment construction.

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Sec. 11.1.5 and Sec. 11.1.6.

***

Article 13: Definitions

***

Sec. 13.1.2 Definitions

***

Building Height: The vertical measurement of a building. See Sec. ~~2.7~~5.2.6 for specific calculation provisions.

***

Appendix A- Use Table – All Zoning Districts ***See attached markups.*

* Material stricken out deleted.
** Material underlined added.

MET/Ordinances 2024/ZA-24-02 Neighborhood Code
1/26/24 for City Council First Read 01/29/24

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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

ZA-24-02: Appendix A-Use Table – All Zoning Districts

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

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

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

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

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

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	**Zoning District**
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL~~/W~~	Residential Low ~~Density, Waterfront Residential Low Density~~Intensity
RM~~/W~~	Residential Medium ~~Density, Waterfront Residential Medium Density~~Intensity
RH	Residential High ~~Density~~Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center

ZA-24-02: Appendix A-Use Table – All Zoning Districts

NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

2. ~~Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.~~ Subject to applicable limits on the number of units per structure in Table 4.4.5-2.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. Reserved.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 3~~6~~ for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.
33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.
34. See Sec. 4.5.6~~8~~(c) 5 for permitted uses in the Enterprise – Innovation District (~~E-~~SEID) Overlay

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

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

www.burlingtonvt.gov/plan

TO: Burlington City Council
Mayor Miro Weinberger
FROM: Meagan Tuttle, AICP Director, Office of City Planning
Sarah Morgan, Planner
Charles Dillard, AICP, Principal Planner
DATE: January 24, 2024
RE: Proposed CDO Amendment – ZA-24-02 Neighborhood Code Part 1

Overview & Background

The Neighborhood Code is a series of zoning amendments that will enable more neighborhood-scale housing types citywide, including duplex, triplex, and four-unit buildings, as well as townhomes and other small multi-unit building types in some locations. Specifically, the code aims to:

- Re-legalize historic neighborhood development patterns and identify solutions to common barriers to small and middle housing types
- Find opportunities to build on neighborhood patterns through more context-sensitive zoning tools for residential areas
- Recommend new approaches to the type of development allowed in low-density zoned areas along major streets served by transit and connecting neighborhoods to the downtown
- Comply with, and exceed, the minimum standards for residential density and residential uses required by the VT Legislature's Act 47 of 2023.

A Joint Committee of the Planning Commission and City Council Ordinance committees was established to review and refine the neighborhood Code recommendations. This Committee held 9 meetings between Oct 4 and January 9 to review the major recommendations of the Neighborhood Code, hear public input, and make modifications to the recommendations from those originally presented by staff. Following its public hearing on January 9, the Joint Committee members unanimously referred the Neighborhood Code to the City Council with recommendation (only Councilor Hightower was not in attendance).

Core Neighborhood Code Recommendations

The Joint Committee's work focused on the major recommendations to advance the Neighborhood Code purpose, and a number of related standards to ensure these recommendations can be implemented. This is referred to as Part 1, and includes substantive changes to Article 4 and Appendix A as well as other sections, as described throughout this memo. These changes evolve the residential zoning district standards, allowable uses, and district boundaries. A forthcoming Part 2 would cover many of the technical details and related standards that the Committee has not yet discussed. This includes issues such as how to translate standards for development bonuses in residential areas, which are currently based on dwelling unit per acre limits, and the minimum project size for eligible Planned Unit Developments in RL. The Planning Commission will continue to develop the necessary and complementary package of technical recommendations to follow this spring.

The following charts and maps summarize the major changes to the residential zoning district standards and maps.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact the City Planning department or 711 if you are hearing or speech impaired.

Existing Residential District Standards

	Residential Waterfront Low Density (WRL)*	Residential Low (RL)*	Residential Waterfront Medium Density (WRM)	Residential Medium (RM)	Residential High (RH)
Min. Lot Size	6,000 ft² for single family 10,000 ft² for duplex		No Minimum		
Min. Lot Width	60 ft		30 ft		No Minimum
Lot Coverage Limit	35%		40%		80%
Front Setback	Average of adjacent properties +/- 5 ft				
Side Setback	10% lot width or Avg. of adjacent properties				
Rear Setback	25% lot depth but at least 20 ft				
Primary Building Max. Footprint	Limited by lot coverage				
Secondary Building Max. Footprint	Not Permitted				
Max. Stories	35' height				
Max. Units per Building	2 Units, if lot size permits		Depends on Lot Size		
Maximum Density	7 units/acre, *but* 3+ units not permitted		20 units/acre		40 units/ acre

**Larger minimum lot size and frontage, and lower permitted densities apply to parcels within the RL-Larger Lot Overlay zone.*

Proposed Residential District Standards

	Residential Low (RL)	Residential Medium (RM)	Residential High (RH)	Residential Corridor (RC)
Min. Lot Width	30 ft		No Minimum	
Lot Coverage Limit	45%	60%	80%	80%
Front Setback	Average of adjacent properties +/- 5 ft			Min of 5 ft, Max of 20 ft
Side Setback	10% lot width or Avg. of adjacent properties			0 ft
Rear Setback	20 ft	15 ft		
Primary Building Max. Footprint	1,800 ft²		Limited by lot coverage	3,600 ft²
Secondary Building Max. Footprint	1,100 ft²	900 ft²	Limited by lot coverage	Not Permitted
Max. Stories	2.5 Stories	3 Stories	4 Stories	
Max. Units per Building	4 Units	6 Units	No Limit	

**RM allows up to 6 units in a Primary Building, and up to 4 units in a Secondary Building.*

Neighborhood Code Part 1

ZA-24-02 addresses issues outlined in the Proposed Amendments section below, but generally include:

- Updates purpose statements for the residential districts generally and for each district specifically, and updated references to districts throughout the *CDO*
- Updates *Map 4.4.5-1 Residential Districts* to reflect proposed changes to district boundaries
- Wholesale replacement of existing Tables *4.4.5-1*, *4.4.5-2*, and *4.4.5-3* with new tables *4.4.5-1* regarding lot dimensions and coverage, and *4.4.5-2* regarding building massing and allowable units rather than regulation density in dwelling units per acre
- Adds the proposed Residential Corridor district to *Appendix A*, and updates where typical residential uses are permitted in other residential districts and under what circumstances
- Adds allowable neighborhood-serving commercial uses permitted in the proposed Residential Corridor district to *Appendix A*
- Eliminates the *RL-Larger Lot Overlay* and the *RH Density Bonus Overlay* and renumbers remaining overlays in *Sec. 4.3.2*
- Deletes provisions for developing existing lots smaller than the minimum required size and provisions to add an additional unit to properties in RL, both of which become irrelevant with the changes to core recommendations above
- Enables more than one free-standing structure on a lot, where currently prohibited
- Provides flexibility for residential driveways to encroach into side setbacks
- Adjusts some Design Review considerations, particularly related to the overall height of buildings permitted in residential areas, consistent with Act 47
- Expressly enables PUDs to make adjustments to minimum lot sizes and allowed residential uses (where previously implied)

Neighborhood Code Part 2

Using the general direction from past discussions of this Joint Committee, the Planning Commission, either as a body or through its ordinance Committee, will review and make recommendations for these related standards. These include issues such as:

- Standards related to lot frontage and access, and the arrangement of lots, in order to enable Flag Lots, free-standing lots under homes within a Cottage Court development, and other unique small-lot configurations
- Internal consistency between Secondary Buildings allowed in the residential standards, and citywide provisions for ADUs.
- Updates to applicable lot coverage, height, and development intensity bonuses for residential developments in both Article 4 and *Sec. 9.1.12 Additional Density and Other Development Allowances* (for projects with Inclusionary Zoning units)
- Consideration for allowing existing non-conforming and non-residential buildings that are encroaching in setbacks to be converted and/or vertically expanded (i.e. additional height)
- Consider the threshold for lot/project size that is enabled to use the *Article 11- Planned Unit Development* standards, particularly regarding flexibility for very large lots that have been discussed throughout this process
- Coordinate the applicability for Design Review and the Design Review Overlay zone into one section that provides more clear expectation of what is subject to review
- Potential additional flexibility for stacked parking for residential developments
- Potential miscellaneous definitions to clarify and support consistent implementation of new standards

"The Construction Zone"

Throughout the Committee discussion, a number of questions and related issues have been raised that are not within the core focus of the Neighborhood Code. Some of these issues relate to other plans and studies underway or on the near-term horizon for the Planning staff and the Commission.

Others have been requested by one or more members of the Joint Committee for future discussion. These issues include:

- Beyond the creation of the Residential Corridor zone, consider other opportunities for redevelopment of larger sites, overall scale of development, and mix of uses along the north Avenue Corridor (part of upcoming *planBTV: New North End*)
- Potentially expand the factors that warrant Residential Corridor zone designation, and identify other applicable locations for this district
- Consider the transition of heights/intensities of development and mixed-use allowances of existing mixed-use districts adjacent to new Residential Corridor district (i.e. neighborhood mixed use and neighborhood activity center districts)
- Consider the impact on implementation resulting from existing regulations for historic properties (preservation plan is upcoming on department work plan)
- Work with other departments to consider whether changes to Chapter 26 (stormwater) may be needed to address and accelerate residential-scale green stormwater infrastructure solutions
- Consider whether building/fire code exceptions/alternative approaches have applicability for implementing middle housing types (i.e. sprinklers, stairs, etc)
- Develop incentives for more owner-occupancy in newly allowed housing types (i.e. funding, other policies outside zoning)
- Technical and financial assistance for "small" developers/homeowner developers to help build new homes at this scale

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	**Text & Map Amendment**

Purpose Statement

This amendment creates a new framework for the city's residential zoning districts that enables a range of housing types, including single-family, ADUs, duplex through four-unit developments, and townhouses and small multi-unit buildings. These amendments enable greater flexibility for existing homes as well as a range of housing options within neighborhoods, create new zoning standards along transportation corridors identified in *planBTV*, and comply with Act 47 of 2023 of the VT Legislature.

Proposed Amendments

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

1) Amends *Article 4 – Zoning Maps and Districts* to create new residential district framework and eliminate several overlay districts

- Modifies the purpose statement for each residential district to reflect the goals of the amendment, which are to enable additional housing options, greater intensity of residential uses, and support City equity and climate objectives
- Modifies the residential district names to replace the word "density" with "intensity," as the amendment replaces density standards with tools to regulate building massing and unit per building. Additionally, modifies language throughout the CDO to reflect these new district names.
- Proposes a new *Map 4.4.5-1 Residential Districts*, which modifies residential district boundaries in the following ways:
    - Streamlines residential zones by removing the Waterfront Residential Low Density (RL-W) and Waterfront Residential Medium Density (RM-W) districts, and combines these districts with the underlying RL and RM zones

- Rezones several areas from Residential Low to Residential medium
- Rezones an area immediately adjacent to downtown, surrounded by the downtown form code, from RM to RH
- Rezones two parcels, currently located on the edge of the RL zone, to RL
- Creates a new Residential Corridor (RC) district, that regulates residential and some commercial uses along major street corridors adjacent to low intensity zones

- Deletes the RH Density Bonus Overlay district, which has no remaining utility, and deletes the RL Larger Lot Overlay District, which is inconsistent with Act 47 and the underlying RL recommendations

2) <u>Replaces and reorganizes residential district standards in *Sec. 4.4.5* to replace density limits with standards for massing and units per building, update lot coverage and setback standards, and allow multiple units per building in all districts.</u>

- Replaces *Table 4.4.5-1 Minimum Lot Size and Frontage*, *Table 4.4.5-2 Base Residential Density, and Table 4.4.5-3 Residential District Dimensional Standards* with a new Table *4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts* and a new *Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts*
- Allows up to 4 units per building in RL zones, up to 6 units per building in RM zones, and does not limit the number of units per building in RH and RC zones
- Modestly increases the allowable lot coverage in RL and RM zones, and establishes lot coverage limits for the RC zone; increases the allowable height in RH zones to 4 stories (from 3) and establishes a 4 story height limit for the RC zone; standardizes rear setbacks at 20 ft for RL zones, and 15 ft in all other zones; establishes a 5 ft min and 20 ft max setback for the RC zone.
- Creates a new Cottage Court housing type and dimensional standards that allows for the permitting of these multi-unit developments of detached dwellings.
- Modifies Appendix A- Use table, to include additional footnotes regarding the new standards of Sec. 4.4.5 and to enable neighborhood-serving commercial uses in the RC district
- Maintains, but reorganizes and consolidates other residential district standards, including for residential development bonuses, exceptions to dimensional standards, exceptions for neighborhood commercial uses, allowances for accessory (uninhabited) accessory structures, and residential occupancy limits.

3) <u>Amends specific standards to facilitate the implementation of new housing types enabled in residential districts</u>

- Modifies *Sec. 5.1.2(c)* to allow more than one principal structure on a lot. This modifications allows for the incremental introduction of new housing choices in buildings sized consistent with residential neighborhoods.
- Modifies *Sec. 5.2.5 Setbacks* to allow driveways and walkways shared along property lines and serving residential uses to be exempt from setbacks requirements.
- Modifies *Sec. 6.2.2 Review Standards* (Site Plan Design Standards) to replace language calling for the maintenance of existing development patterns with a prioritization of development that is complementary to existing patterns. This change reflects the

amendment's facilitation of housing type and choice that have been illegal in Burlington's residential districts.

- Modifies *6.3.2 Review Standards* (Architectural Design Standards language to prioritize the careful consideration of a housing development's contextual height and massing, rather than the existing focus that dictates that compatibility with such context is *the most important* consideration. This modification also creates CDO conformance with the *HOME Act's* prohibition on limitations of building massing and footprint size below the ordinance's standards.
- Expressly enables modification to lot size and residential uses not otherwise allowed for developments utilized the *Article 11- Planned Unit Development* standards

4) **Addresses internal consistency per the following above changes, by updating section numbers, map numbers, and other organizational details**

- Deletes *Sec. 5.2.1 Existing Small Lots* as this section is no longer applicable without a required minimum lot size in RL areas
- Amends section numbers and map numbers associate with the Natural Resource Overlay District, Mouth of the River Overlay District, Centennial Woods Overlay District, and South End Innovation District Overlay
- Across a number of sections, reflects deletion of RL-W and RM-W zones, and adds references to new RC district where applicable
- Corrects an out of date cross-reference with the definition of "Building Height"

Relationship to planBTV

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

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

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV.* Generally, the slow pace of housing construction and rising housing costs are noted as one of the biggest challenges facing Burlington. Since the Plan's adoption, these challenges have become more pronounced. The foundational policy response to this challenge is the Plan's call to "identify and address unintended or unnecessary barriers to creating new housing and commercial spaces within parts of the city that are suitable to accommodate additional development."

The "Sustain" theme intends to "anticipate small and incremental change that is consistent with existing development patterns, building scale and neighborhood character." Importantly, the Plan notes that the city's residential neighborhoods are not "locked in time" and that "small and subtle change is needed to meet the evolving needs of current and future families and households." The "Grow" theme highlights the city's major transportation corridors as those areas among the most suitable for growth. The amendment helps implement such policies by creating new opportunities for housing construction and choice along these corridors. Specific policy goals and objectives, and their nexus with the amendment, are provided below:

- A primary and foundational change proposed in the amendment is to replace existing density-based standards in residential neighborhoods in favor of one that regulates massing, intensity and lot characteristics. This change is supported by Objective 2.2.

- An additional foundational policy objective that is achieved through this amendment is 3.2, which directs the community to, "Re-evaluate the zoning regulations and development standards for low and medium density residential districts to ensure standards allow for existing development patterns, design character, scale and mass that are desired to be maintained, while also enabling some evolution of these properties to meet the changing needs of households."
- Regarding the amendment's introduction of limited commercial uses in the Residential Corridor zone, the Plan calls for the evaluation of neighborhood mixed-use areas to better understand the capacity of these areas to accommodate additional development." This change is supported by Objective 2.1. and Objective 8.5, which calls for the expansion of higher-density mixed-use development along major thoroughfares
- Objective 8.1 directs the community to "enable the development of additional housing at all income levels…by reducing regulatory barriers and disincentives to development, and encouraging infill and redevelopment of underutilized sites."

Impact on Safe & Affordable Housing
The amendment addresses safe and affordable housing in the following ways:

- In creating additional opportunities in some areas for developments where five or more homes are constructed, the amendment will help produce more purpose-built affordable homes through the Article 9 Inclusionary Zoning standards.
- In removing barriers to housing construction for all developers, including affordable housing developers, the amendment significantly expands the areas where such developers may operate and provide homes at scale.
- In facilitating the creation of more homes throughout the city, the amendment should help to slow the growth in housing costs as they relate to an undersupply.
- In facilitating greater choice in the housing market, the amendment will create expanded opportunities for aging-in-place, homes for individuals with disabilities who may require on-site assistance, and other types of supportive housing.

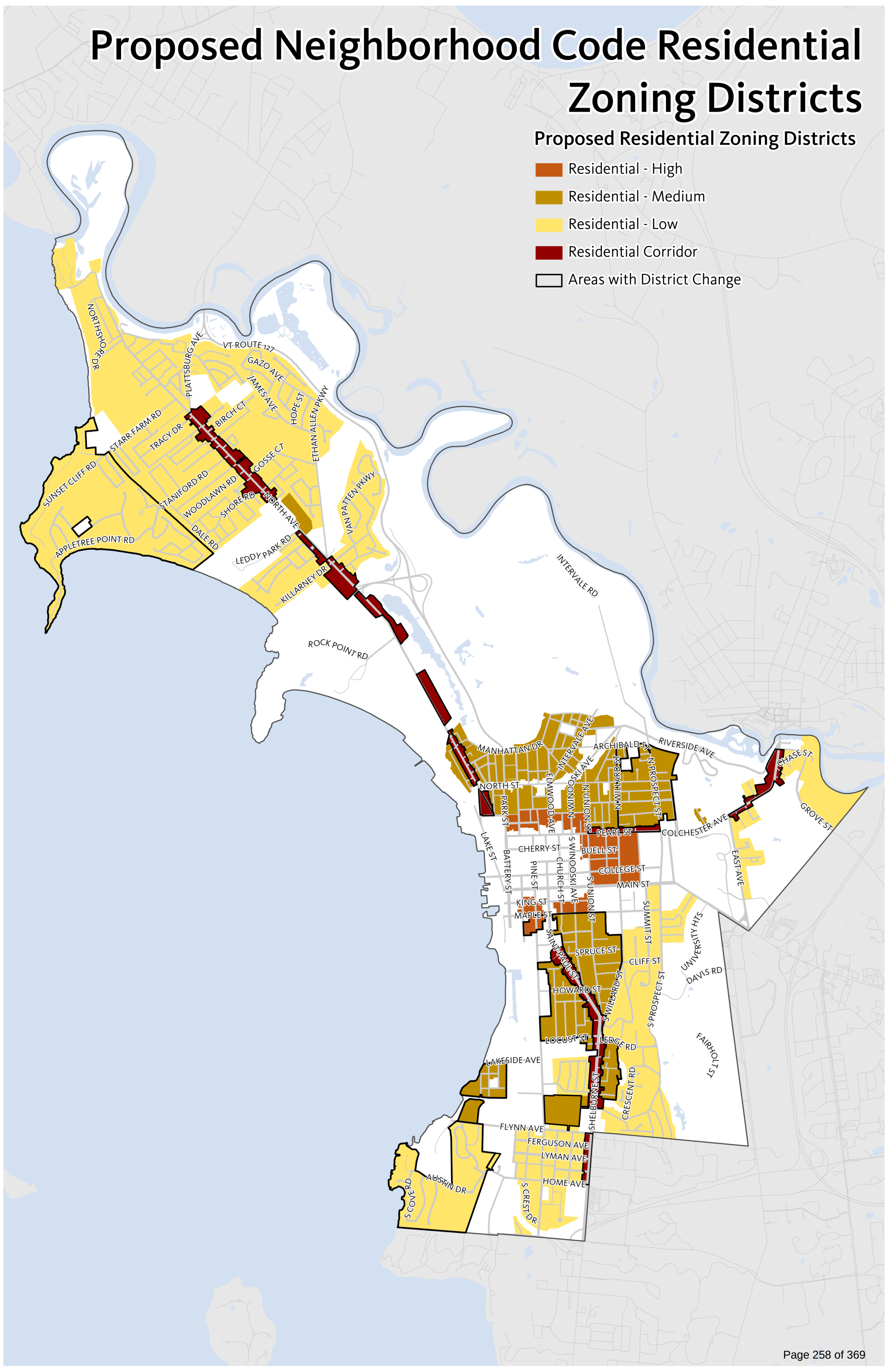
Planned Community Facilities
This amendment has no direct impact on planned community facilities, aside from facilitating growth within the city's neighborhoods and thereby expanding the population of individuals with proximate access to such facilities.

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

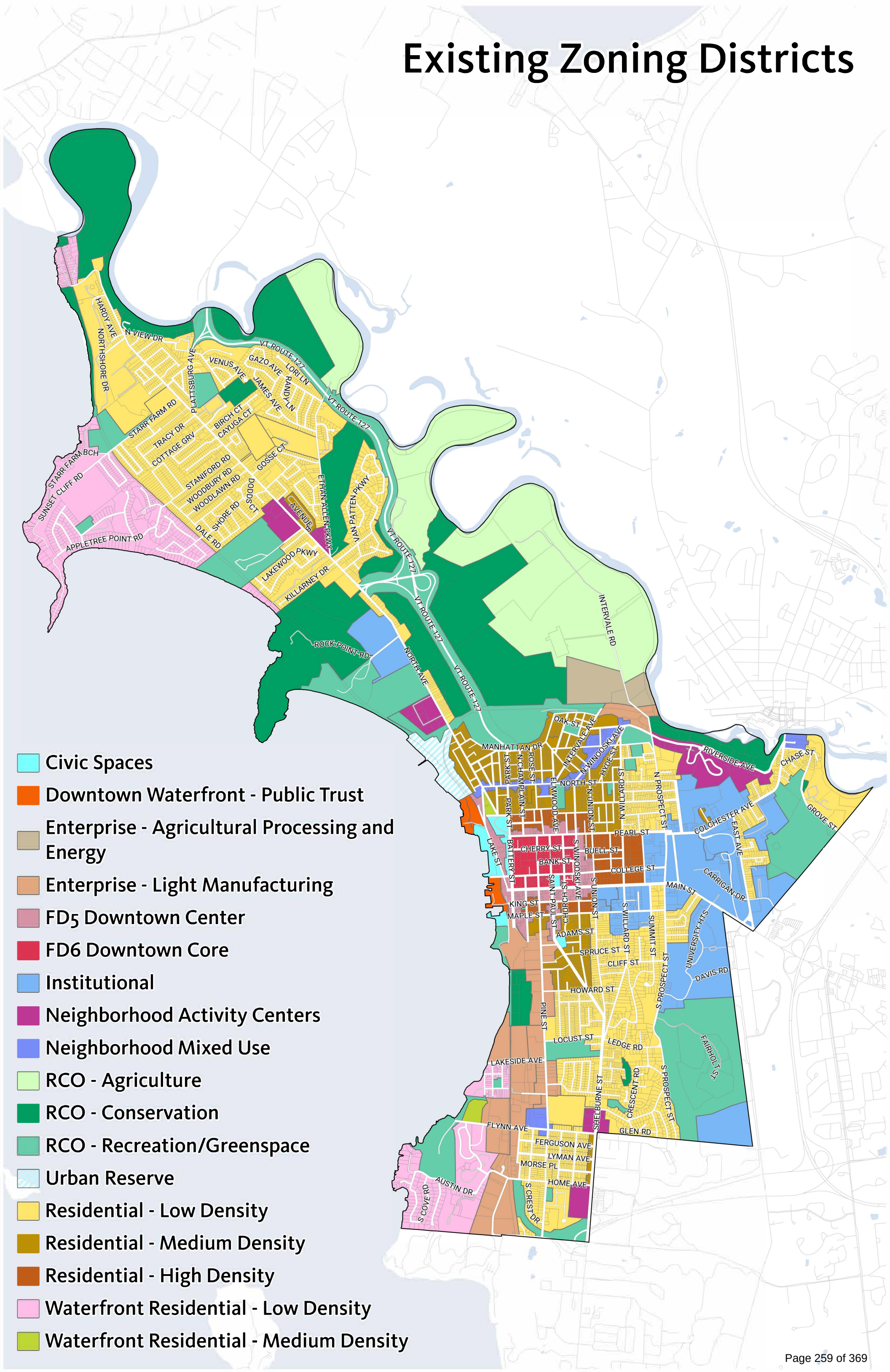
Planning Commission Process				
Draft Amendment prepared by: Staff	Presentation to & discussion by Commission Various Dates*	Approved for Public Hearing 12/19/23	Public Hearing 1/9/24	Approved & forwarded to Council 1/9/24
City Council Process				
First Read & Warn Public Hearing 1/29/24	Ordinance Cmte discussion Various Dates*	Ordinance Cmte recommend 1/9/24	Second Read & Public Hearing	Council Approval & Adoption

** The Planning Commission and City Council Ordinance Committee formed a joint Neighborhood Code Committee to conduct this review including for the Planning Commission's required public hearing. The committee met on the following dates within 2023: 10/4, 10/17, 11/2, 11/28, 12/5, 12/12, 12/19 and on 1/9/24.*

Proposed Neighborhood Code Residential Zoning Districts



Existing Zoning Districts

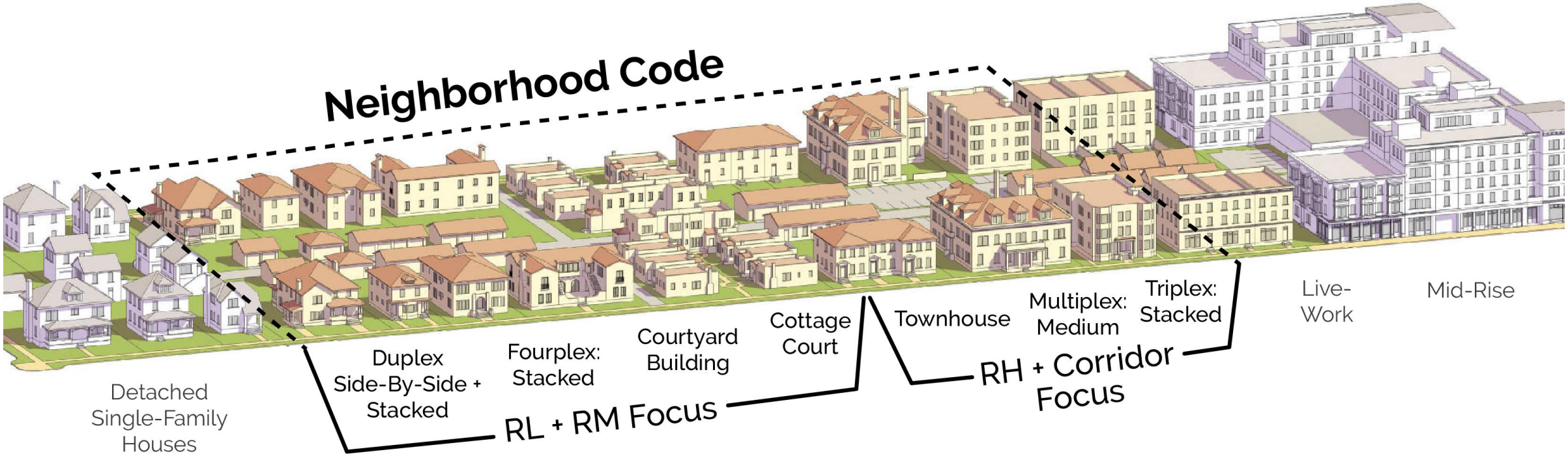


BTV Neighborhood Code

City Council Presentation & First Reading
January 29, 2024

Neighborhood Code **Purpose**

Neighborhood code to allow duplex, triplex, fourplex citywide as well as townhomes and small multi-unit buildings in some locations.



Neighborhood Code **Purpose**

Implement planBTV and 2021 Housing Action Plan goals for residential areas

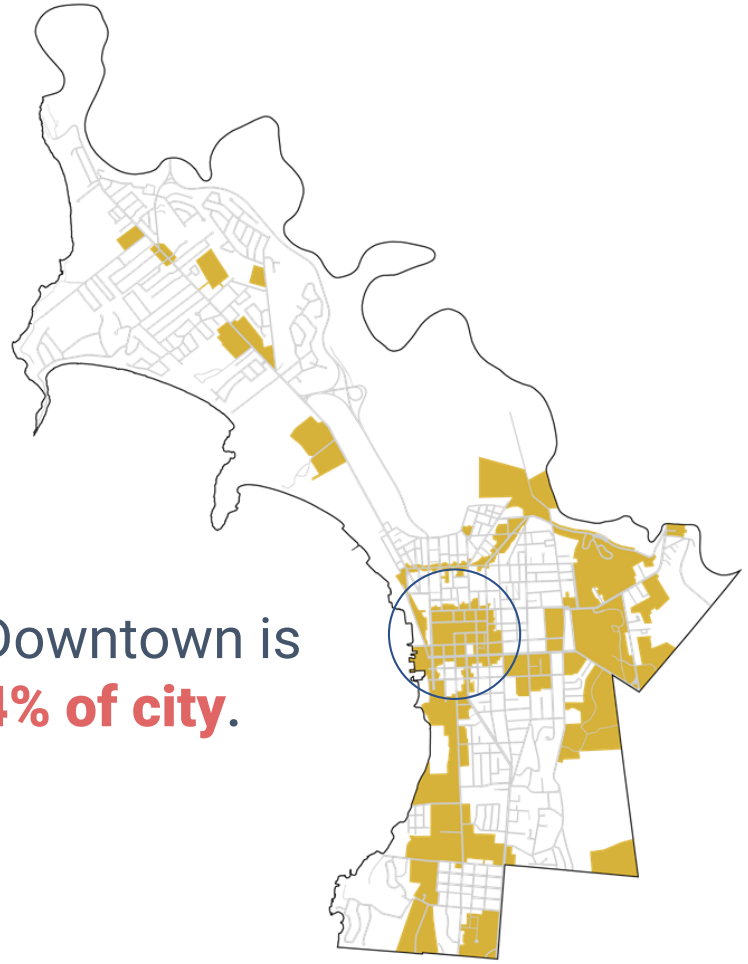
- Incrementally evolve neighborhoods to meet changing needs of households & community

Increase housing opportunities through neighborhood-scale solutions

- Requires less land per home, utilize existing infrastructure
- More housing type choice, potential socioeconomic integration within existing neighborhoods
- Opportunities for multigenerational housing and aging in place
- Expand tax base, share tax burden across more households

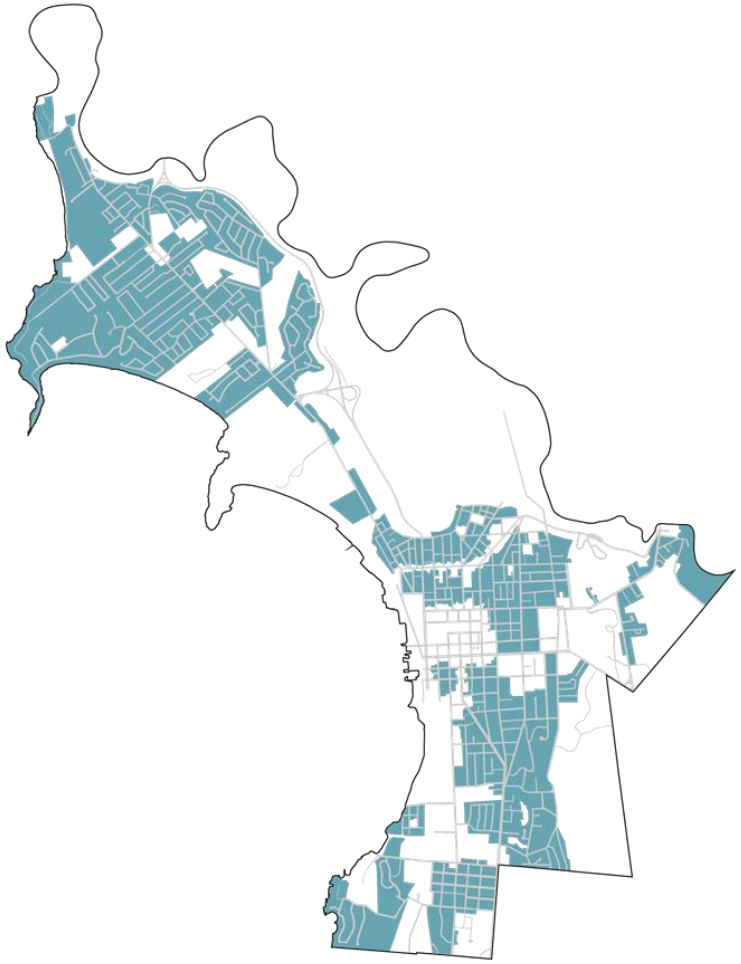
Comply with Vermont HOME Act of 2023, which introduced new statewide zoning requirements for duplex, triplex, 4-unit buildings

planBTV's **future land use recommendations**



planning to **grow**
20% of city's land area

planning to **conserve**
40% of city's land area



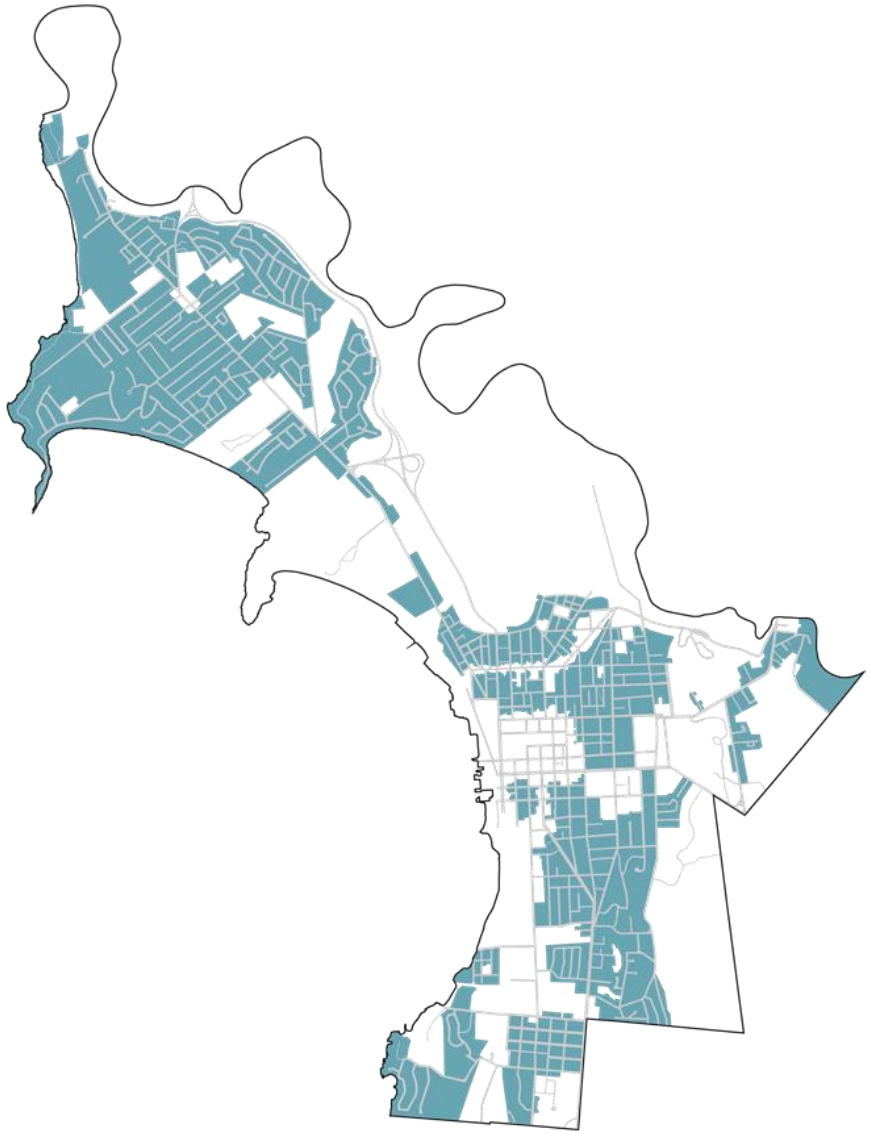
planning to **sustain**
40% of city's land area

more homes **in all neighborhoods**

City's neighborhoods have **strong identities, unique patterns, and distinct architectural features.**

+

Opportunities to **evolve in incremental ways** to meet the needs of households and community, address housing challenges, increase resilience to climate emergency.



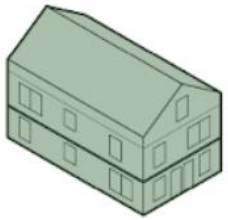
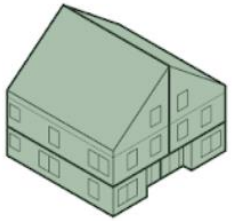
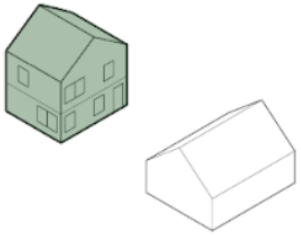
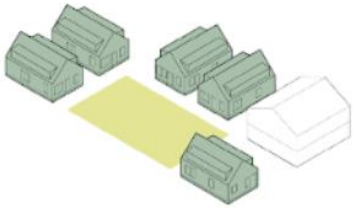
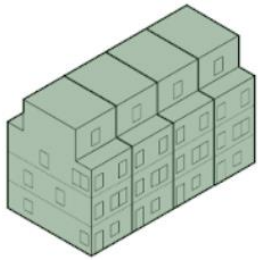
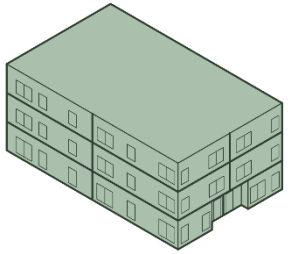
planning to sustain

Low, Medium & High Density Neighborhoods

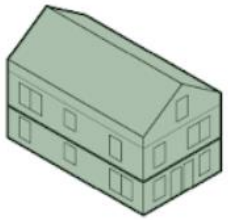
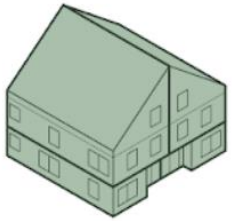
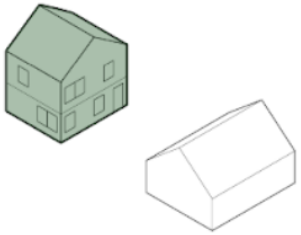
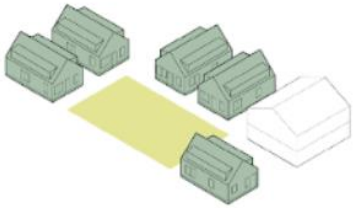
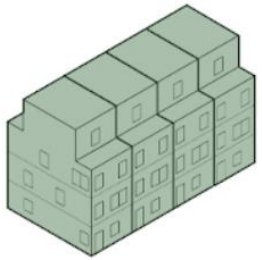
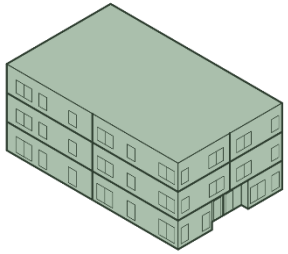
HOME Act of 2023 (S.100) requires changes for BTV

HOME Act Requirements:	BTV out of compliance:	Neighborhood Code
Minimum residential densities of 5 units per acre	RL-Larger Lot Overlay, which requires 4.4 units/acre	Proposes **regulating building mass and scale** as opposed to density
Duplex & Single Family with ADU must be treated the same as a Single-Family without an ADU	RL Districts have higher density and lot size requirements for duplexes than single family homes	**Removes minimum lot size** requirements in RL District
3 and 4 unit buildings must be allowed by-right where residential uses are allowed	3-4 unit buildings are not currently permitted in RL Districts	Provides specific provisions for up to **4 units per building in RL, 6 in RM, and new housing types in corridors**.
DRB decisions may not limit density, building footprint or height, or require larger lots or more parking, than what is otherwise allowed in the ordinance.	Not explicitly out of compliance, but requires some guiding language in development review	Clarifies some standards in Article 6 related to what can be modified

Existing Standards allow for….

	Duplex	Fourplex	Two free standing buildings on the same lot	Cottage Court	Townhouse	Small multi-unit buildings
						
Low Density	Only on lots larger than 12,415 ft²	Only on lots larger than 2 acres	Not Allowed	Only on lots larger than 2 acres	Only on lots larger than 2 acres	Only on lots larger than 2 acres
Medium Density	On lots larger than 4,356 ft²	Only on lots larger than 8,712 ft²	Not Allowed	Only as a PUD, to have more than 1 building	Allowed if lot meets density limit	Only on lots larger than 17,424 ft²
High Density	Allowed	Only on lots larger than 4,356 ft²	Not Allowed	Only as a PUD, to have more than 1 building	Allowed if lot meets density limit	Only on lots larger than 8,712 ft²

Neighborhood Code aims to enable **more of these housing types**

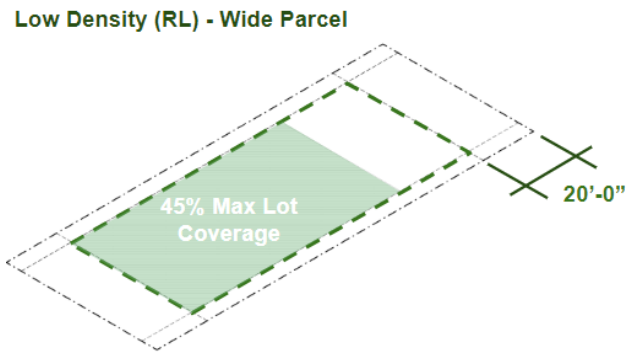
	Duplex	Fourplex	Two free standing buildings on the same lot	Cottage Court	Townhouse	Small multi-unit buildings
						
Low Density	Allowed	Allowed	Allowed where lots make feasible	Allowed where lots make feasible	In Some Locations	In Some Locations
Medium Density	Allowed	Allowed	Allowed where lots make feasible	Allowed where lots make feasible	Allowed	In Some Locations
High Density	Allowed	Allowed	Allowed where lots make feasible	In Some Locations	Allowed	Allowed
Major Corridors	Allowed	Allowed	Allowed where lots make feasible	In Some Locations	Allowed	Allowed

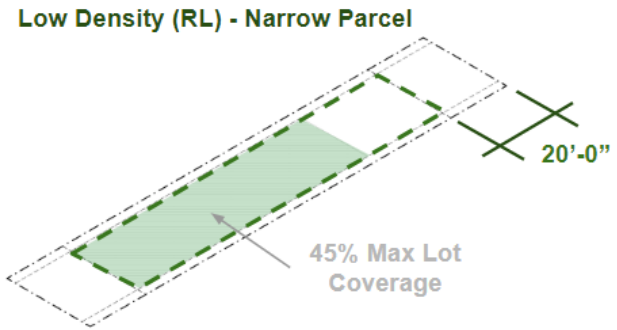
Neighborhood Code Part 1: **Core Recommendations**

Proposed Code enables more housing types citywide using tools that balance predictability + flexibility

Create Flexible Dimensional Standards

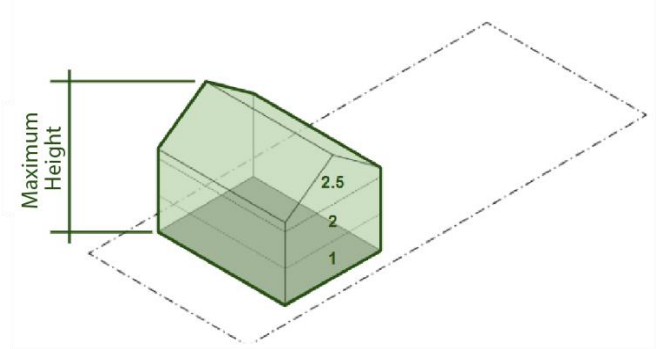
Allow smaller lot size, rear setback + higher lot cover to inform building location and overall development intensity

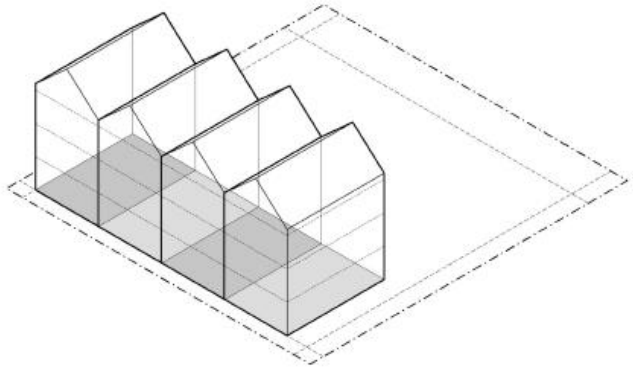




Regulate building mass instead of "density"

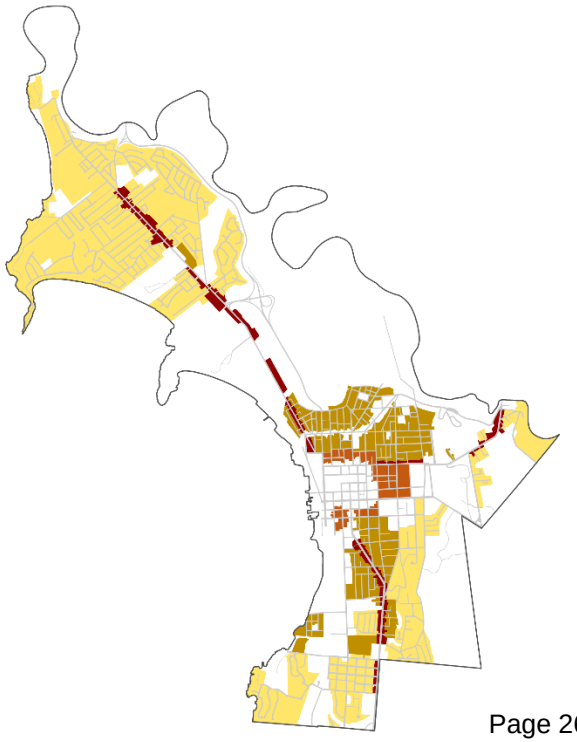
Use maximum building footprint, height, and number of stories to guide overall building mass & types





Modify Residential Districts + Boundaries

Adjust existing residential boundaries and establish a new Residential – Corridor District that also allows neighborhood commercial uses.



Residential District Standards

Proposed changes to the standards for residential districts based on conditions in these areas, changes needed to facilitate additional neighborhood-scale housing options, and HOME Act requirements.

Existing Standards

	Residential Waterfront Low Density (WRL)*	Residential Low (RL)*	Residential Waterfront Medium Density (WRM)	Residential Medium (RM)	Residential High (RH)
Min. Lot Size	6,000 ft^2 for single family 10,000 ft^2 for duplex		No Minimum		
Min. Lot Width	60 ft		30 ft		No Minimum
Lot Coverage Limit	35%		40%		80%
Front Setback	Average of adjacent properties +/- 5 ft				
Side Setback	10% lot width or Avg. of adjacent properties				
Rear Setback	25% lot depth but at least 20 ft				
Primary Building Max. Footprint	Limited by lot coverage				
Secondary Building Max. Footprint	Not Permitted				
Max. Stories	35' height				
Max. Units per Building	2 Units, if lot size permits		Depends on Lot Size		
Maximum Density	7 units/acre, *but* 3+ units not permitted		20 units/acre		40 units/ acre

**Larger minimum lot size and frontage, and lower permitted densities apply to parcels within the RL-Larger Lot Overlay zone.*

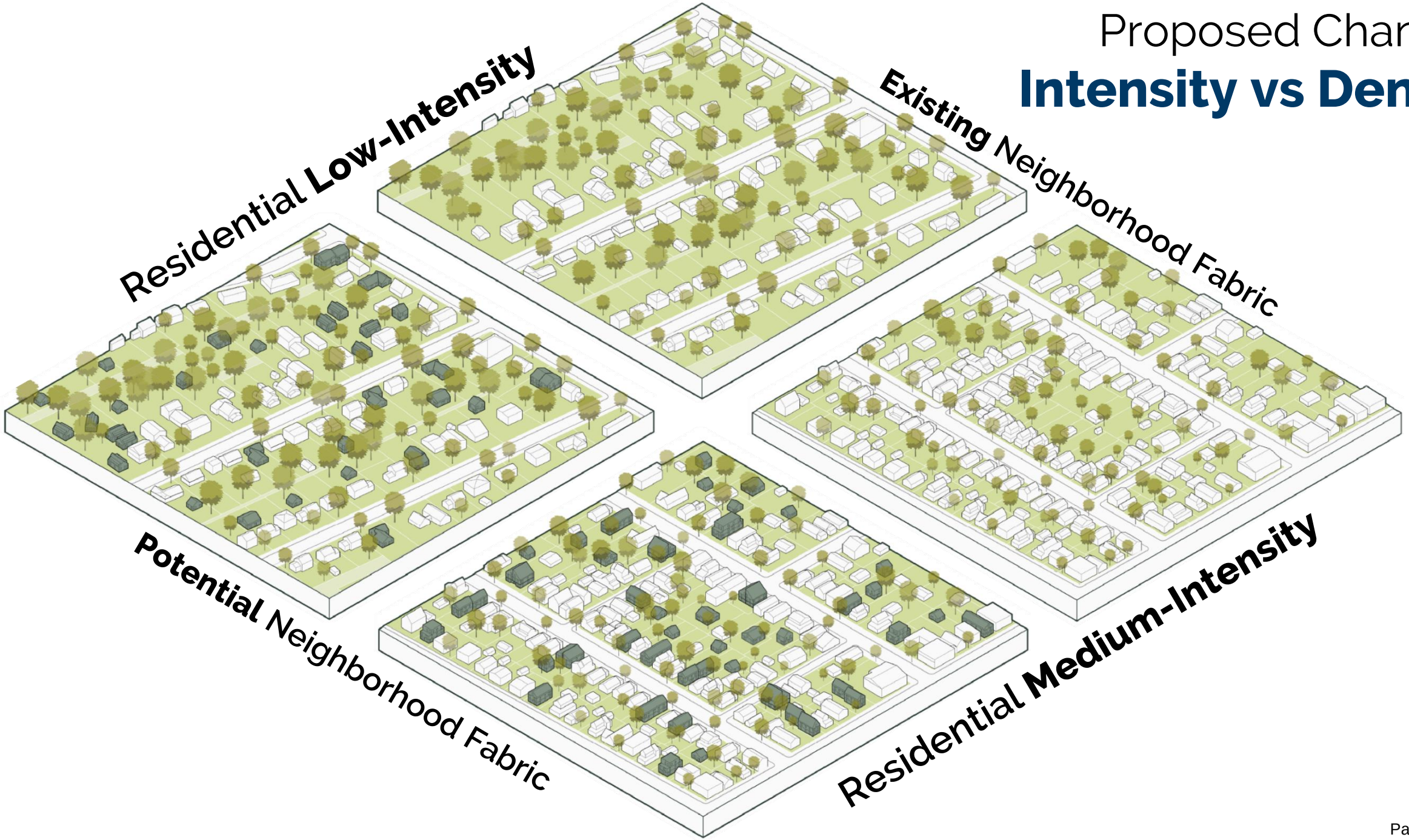
Proposed Standards

	Residential Low (RL)	Residential Medium (RM)	Residential High (RH)	Residential Corridor (RC)
Min. Lot Width	30 ft		No Minimum	
Lot Coverage Limit	45%	60%	80%	80%
Front Setback	Average of adjacent properties +/- 5 ft			Min of 5 ft, Max of 20 ft
Side Setback	10% lot width or Avg. of adjacent properties			0 ft
Rear Setback	20 ft	15 ft		
Primary Building Max. Footprint	1,800 ft^2		Limited by lot coverage	3,600 ft^2
Secondary Building Max. Footprint	1,100 ft^2	900 ft^2	Limited by lot coverage	Not Permitted
Max. Stories	2.5 Stories	3 Stories	4 Stories	
Max. Units per Building	4 Units	6 Units	No Limit	

**RM allows up to 6 units in a Primary Building, and up to 4 units in a Secondary Building.*

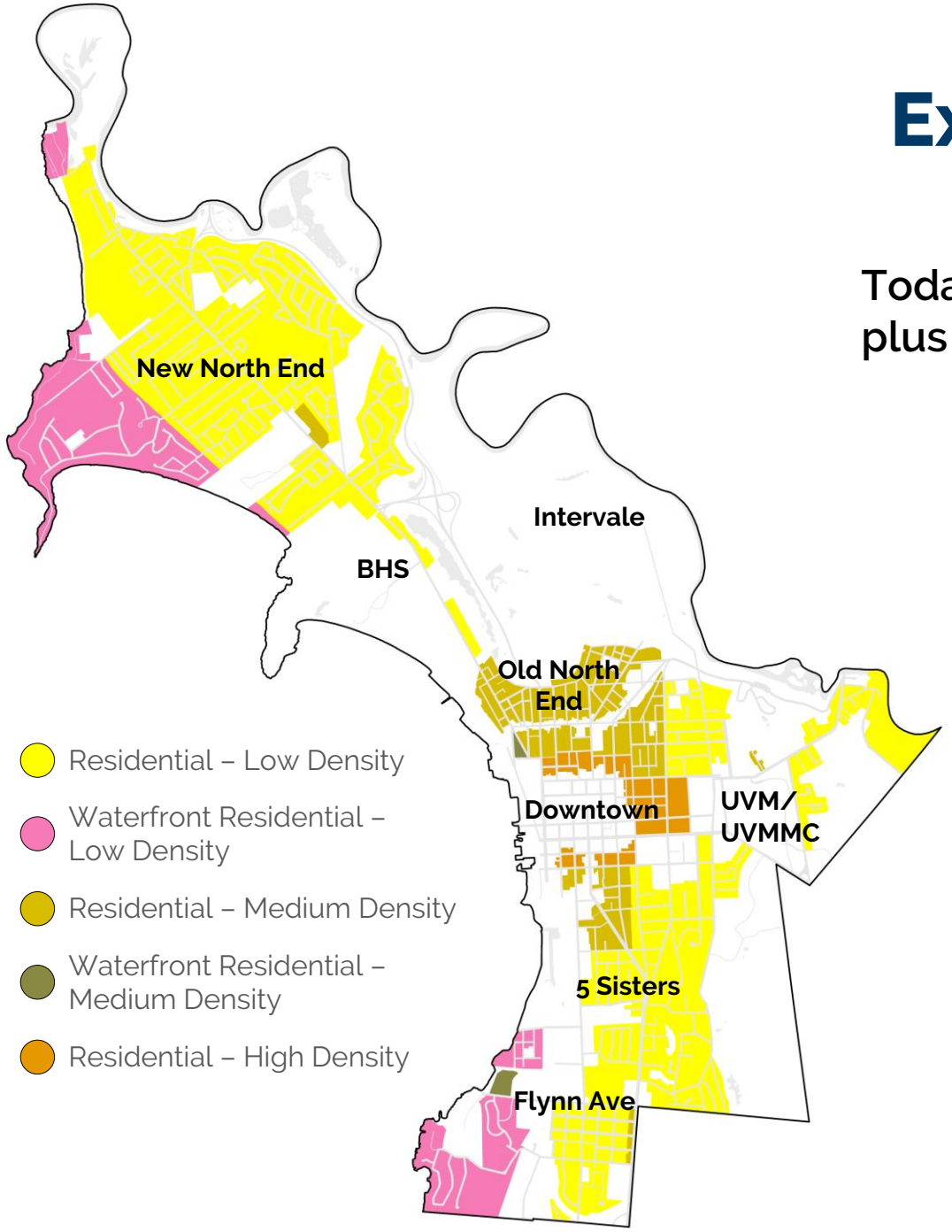
Proposed Changes:

Intensity vs Density

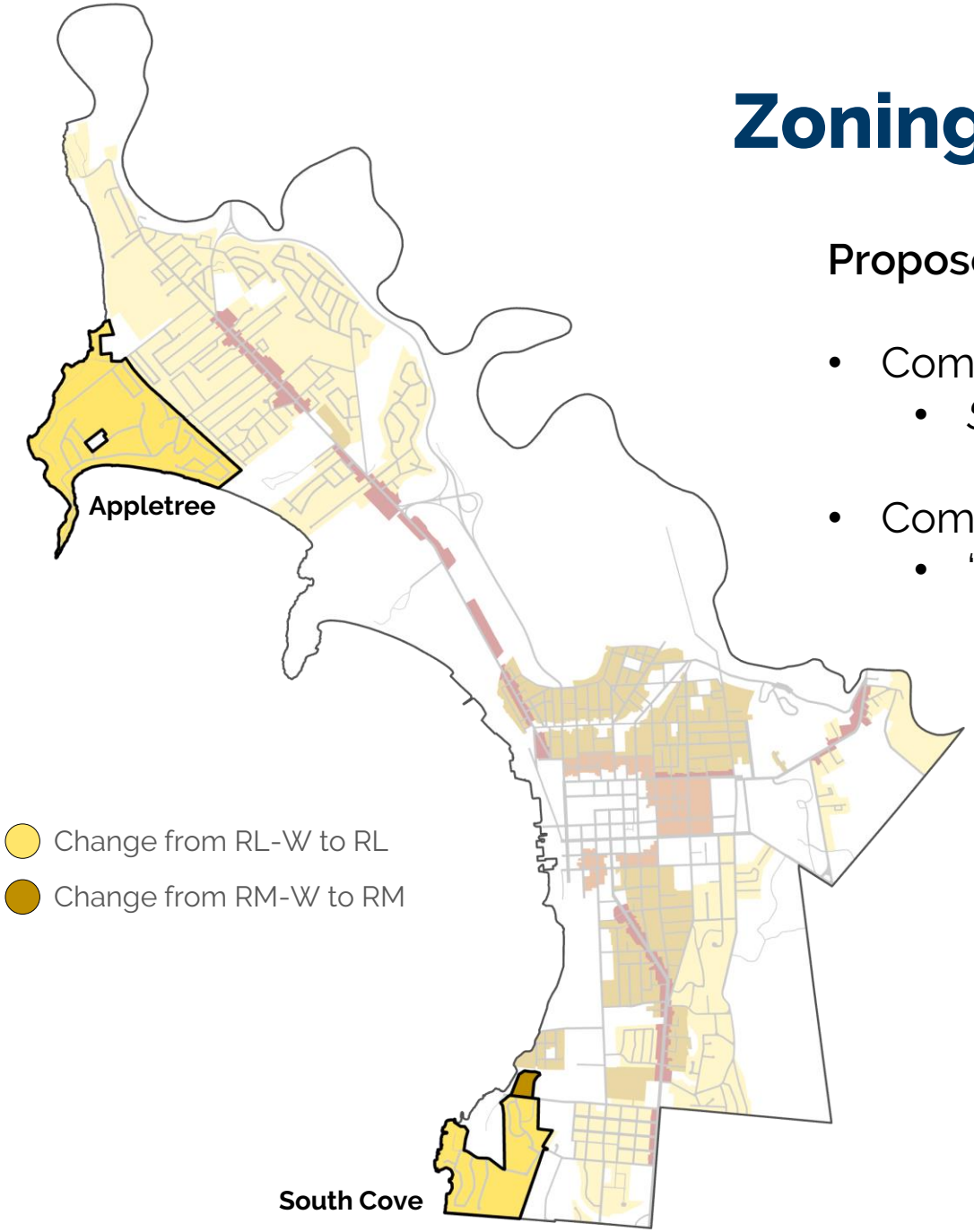


Existing Residential Districts Map

Today, there are 5 residential zoning districts citywide, plus two overlay districts for subareas of these districts.



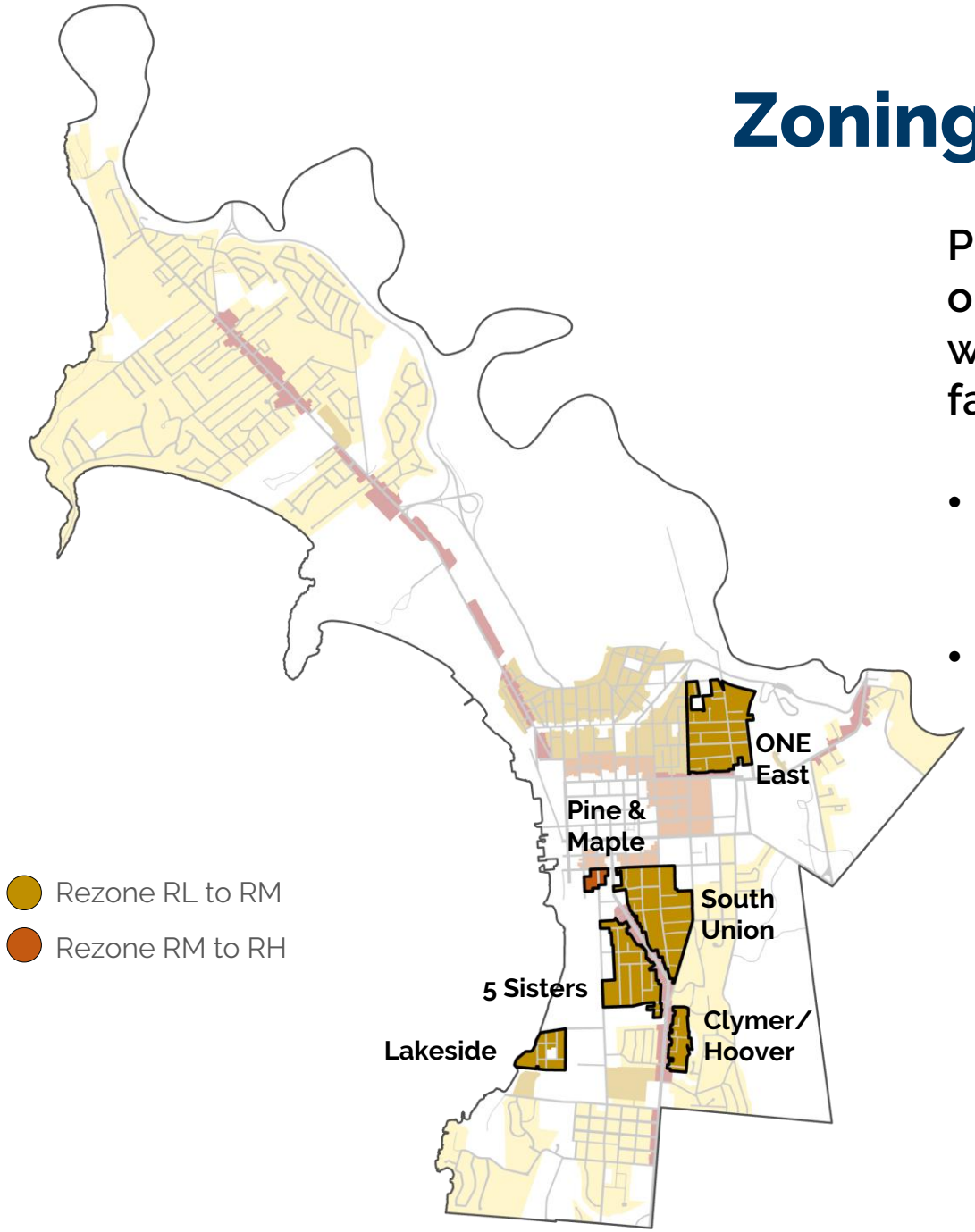
Zoning Map Change Recommendations



Proposed map streamlines existing zoning districts:

- Combines Waterfront Low Density with Low Density
  - *South Cove, Lakeside, & Appletree*
- Combines Waterfront Medium Density with Medium Density
  - *"Tank farm" at end of Flynn Ave*

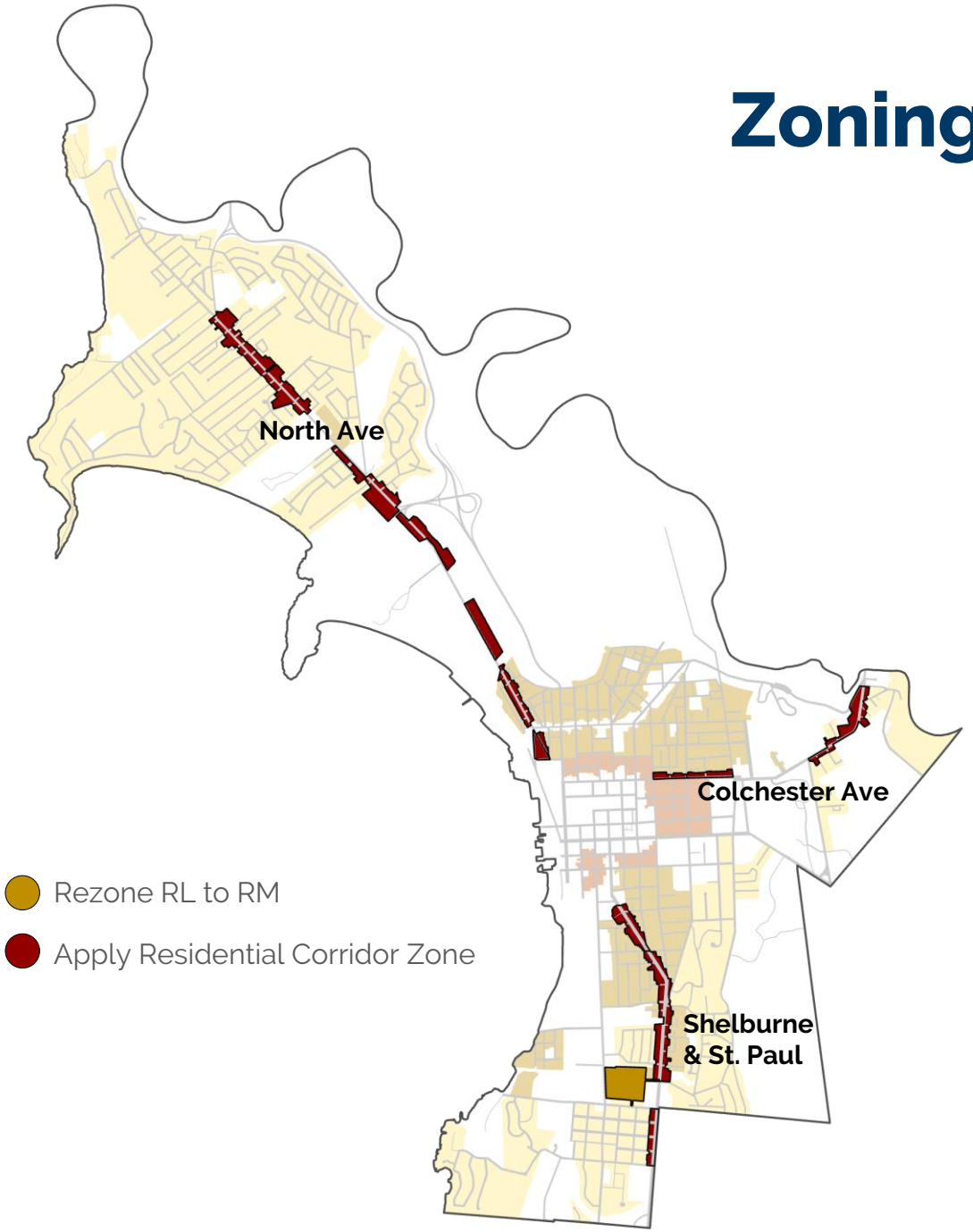
Zoning Map Change Recommendations



Proposed map rezones five areas from RL to RM, and one area from RM to RH, to more closely align with what is on the ground and overcome barriers to facilitating more housing types:

- Rezone from RL to RM: ONE East/ "North Hill," Five Sisters, South Union, Clymer/Hoover, Lakeside
- Rezone from RM to RH: Area near intersection of Pine & Maple, which is surrounded by downtown and south end commercial zoning districts

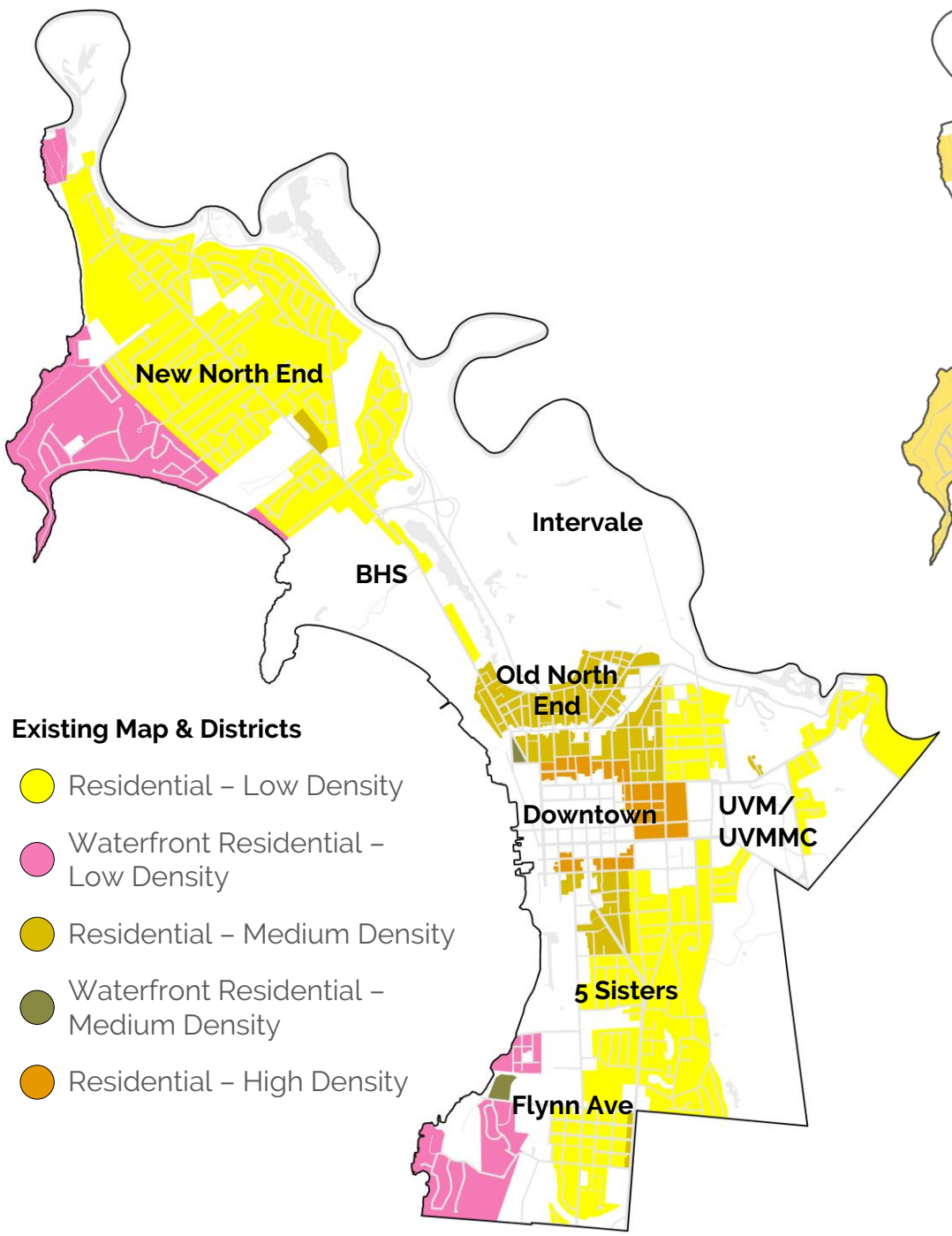
Zoning Map Change Recommendations



Proposed map rezones other areas to advance planning goals to allow greater flexibility for housing types and intensity:

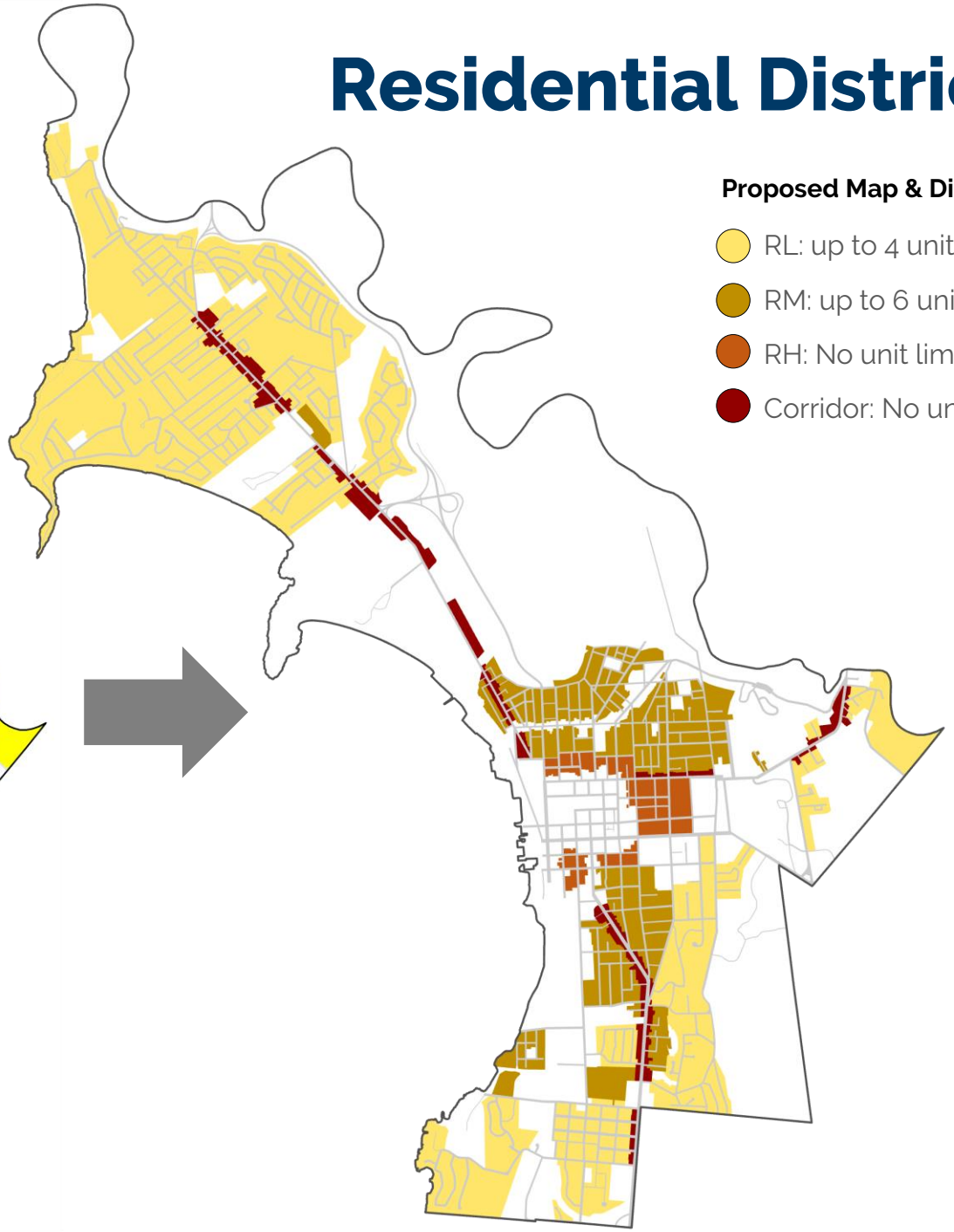
- Creates new Corridor zone for properties currently zoned RL or RM that front on North Ave, Colchester Ave, Shelburne Rd, and St. Paul Street from roundabout to Kilburn St.
- Rezones Champlain Elementary property from RL to RM
- Adds 60 Austin Drive & a portion of 2076 North Avenue to the RL zone from adjacent non-residential districts

Residential Districts Map



Existing Map & Districts

- Residential – Low Density
- Waterfront Residential – Low Density
- Residential – Medium Density
- Waterfront Residential – Medium Density
- Residential – High Density



Proposed Map & Districts

- RL: up to 4 units, 45% lot cover
- RM: up to 6 units, 60% lot cover
- RH: No unit limit, 80% lot cover
- Corridor: No unit limit, 80% lot cover

Neighborhood Code Part 1: **Related Recommendations**

Related Standards Addressed in Part 1:

- **Commercial Uses in Residential Areas**
- **RL-Large Lot & RH Density Bonus Overlays**
- **Miscellaneous Standards**

  Ensure Design Review does not reduce allowable height, footprint (req. by Act 47)

  Remove prohibition of multiple principal buildings

  Remove some standards related to minimum lot size & density which are no longer relevant

  Enable driveway encroachments into side setbacks

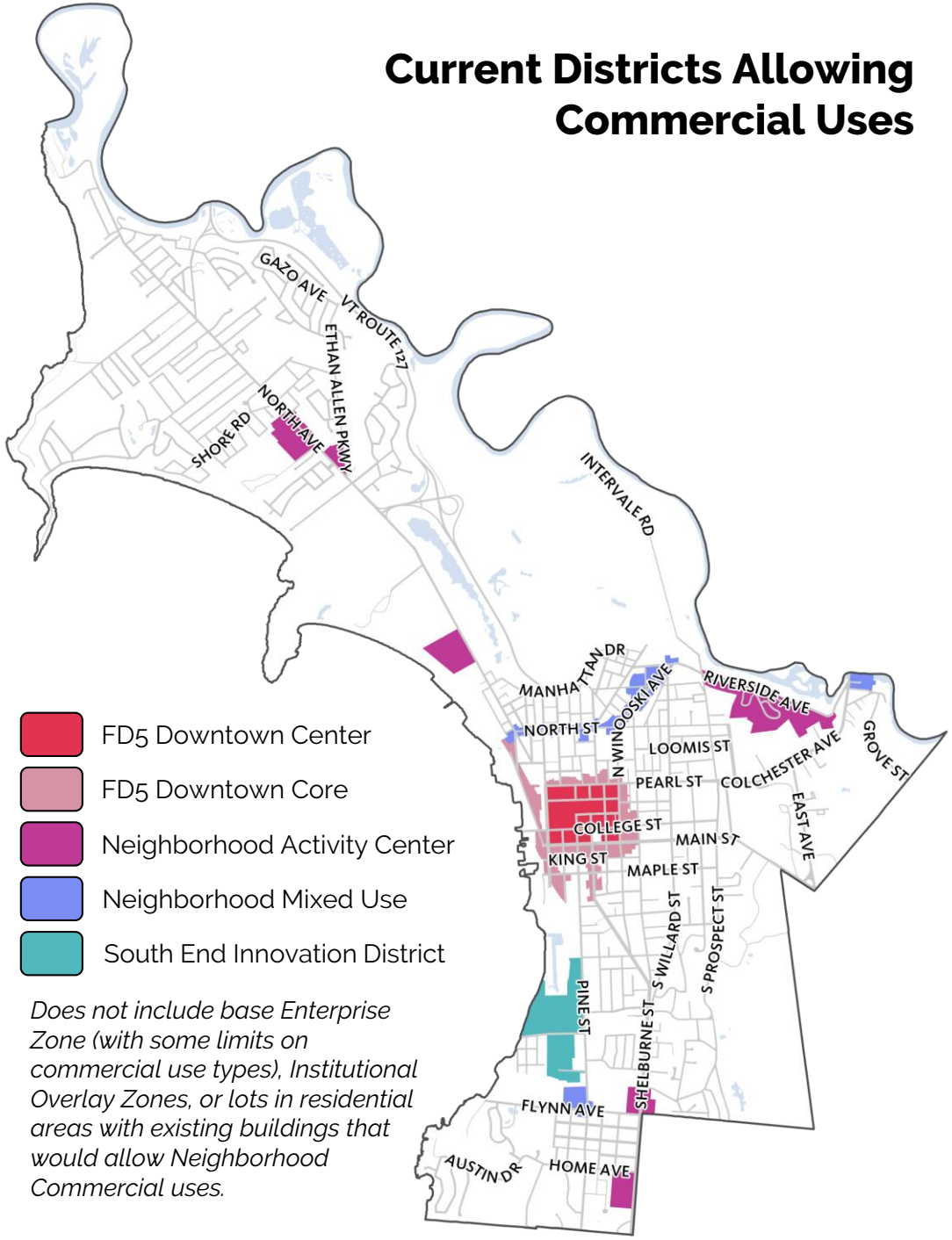
  RL height as-is (vs. requiring upper story setback)

Commercial Uses in Residential Areas Recommendations

Proposed standards for Residential Corridors allows a range of neighborhood-serving commercial uses, in order to expand potential for mixed-use within walkable areas, near all neighborhoods.

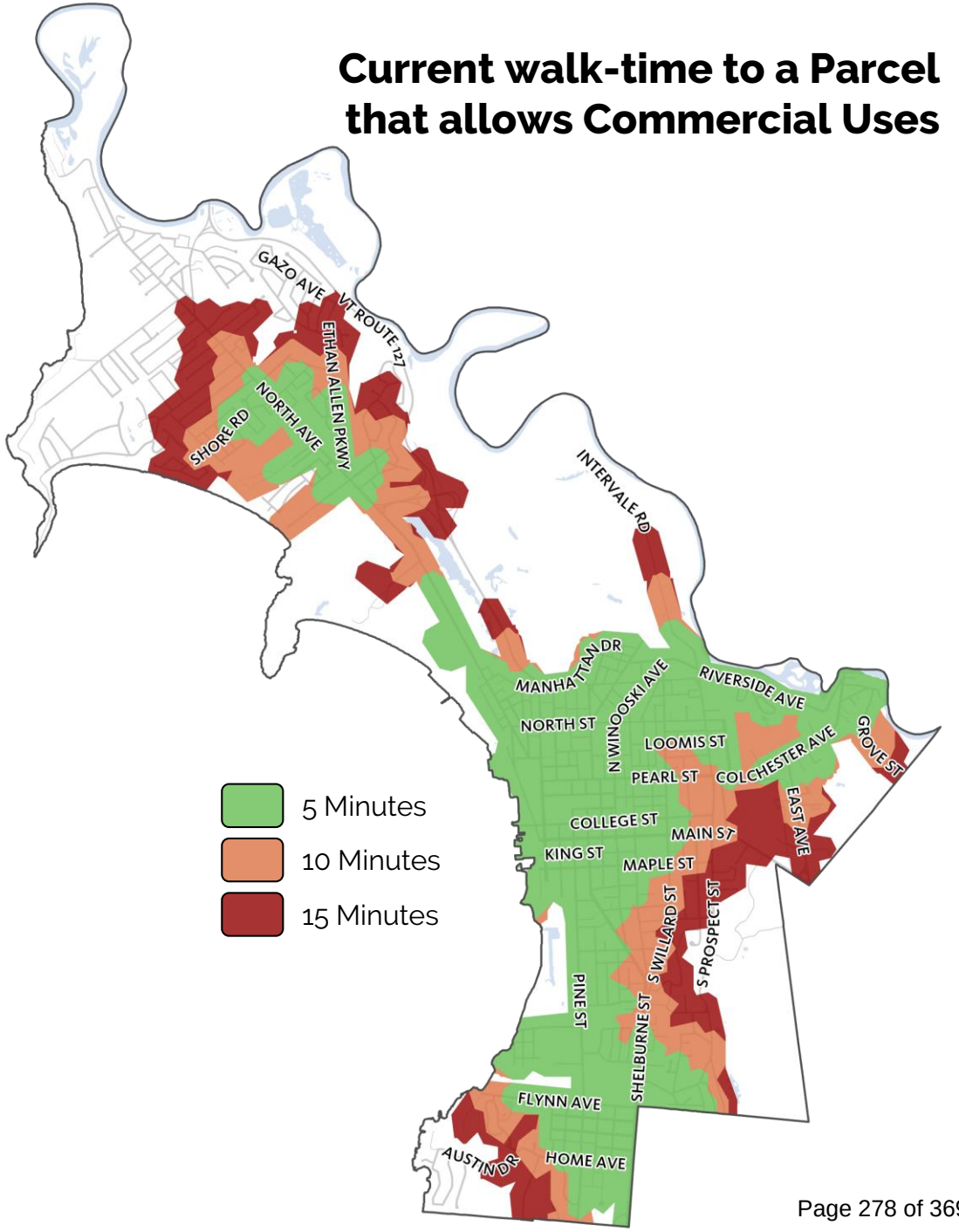
- In new Residential Corridor areas, allows uses such as restaurants, small groceries, dry cleaner, etc. as a permitted use
- Corridors expand on existing rules which allow similar neighborhood-serving uses in residential areas when located in an historic building or existing commercial building
- Additional allowances for home occupations – small, low-impact businesses run out of homes in residential areas

Current Districts Allowing Commercial Uses

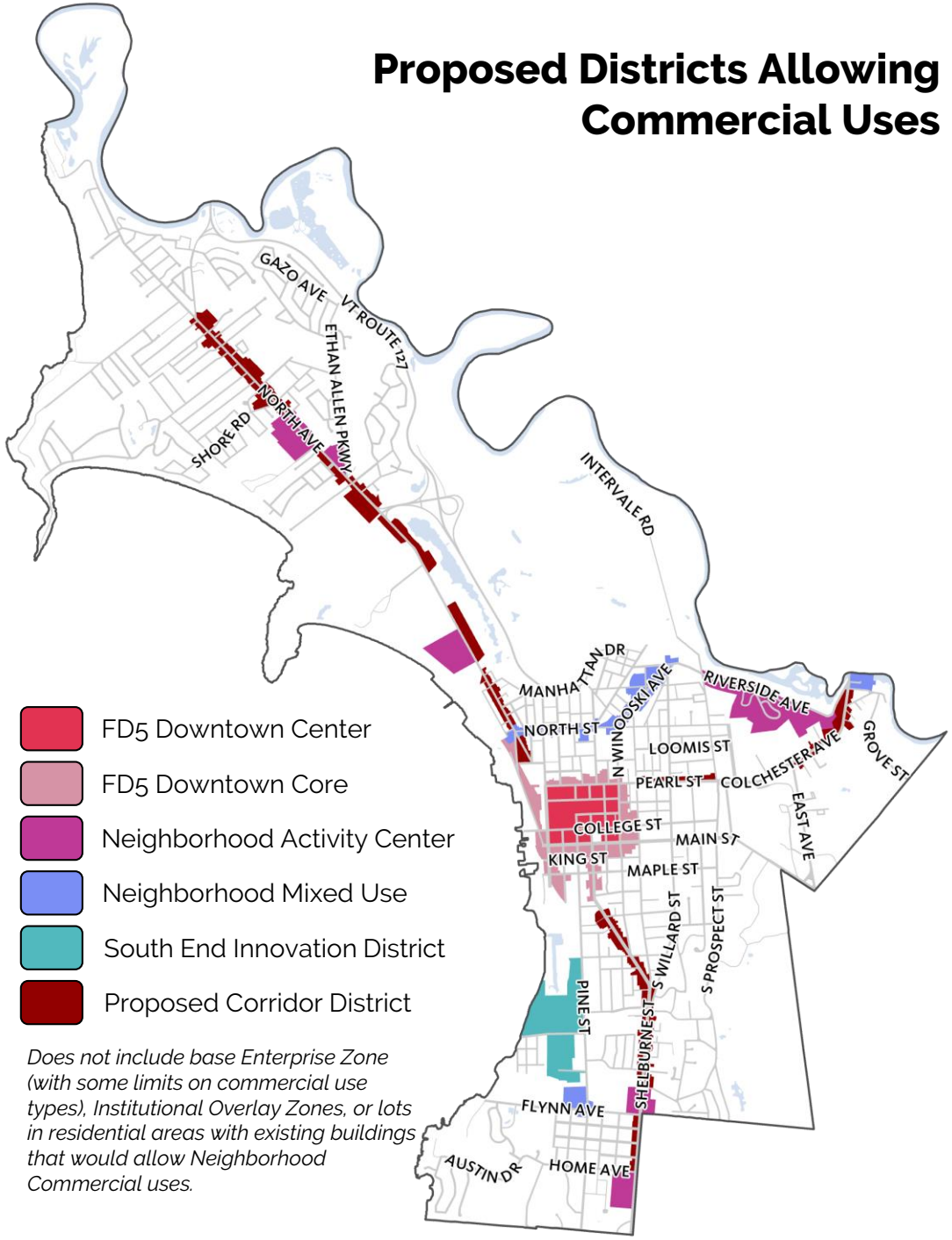


Does not include base Enterprise Zone (with some limits on commercial use types), Institutional Overlay Zones, or lots in residential areas with existing buildings that would allow Neighborhood Commercial uses.

Current walk-time to a Parcel that allows Commercial Uses

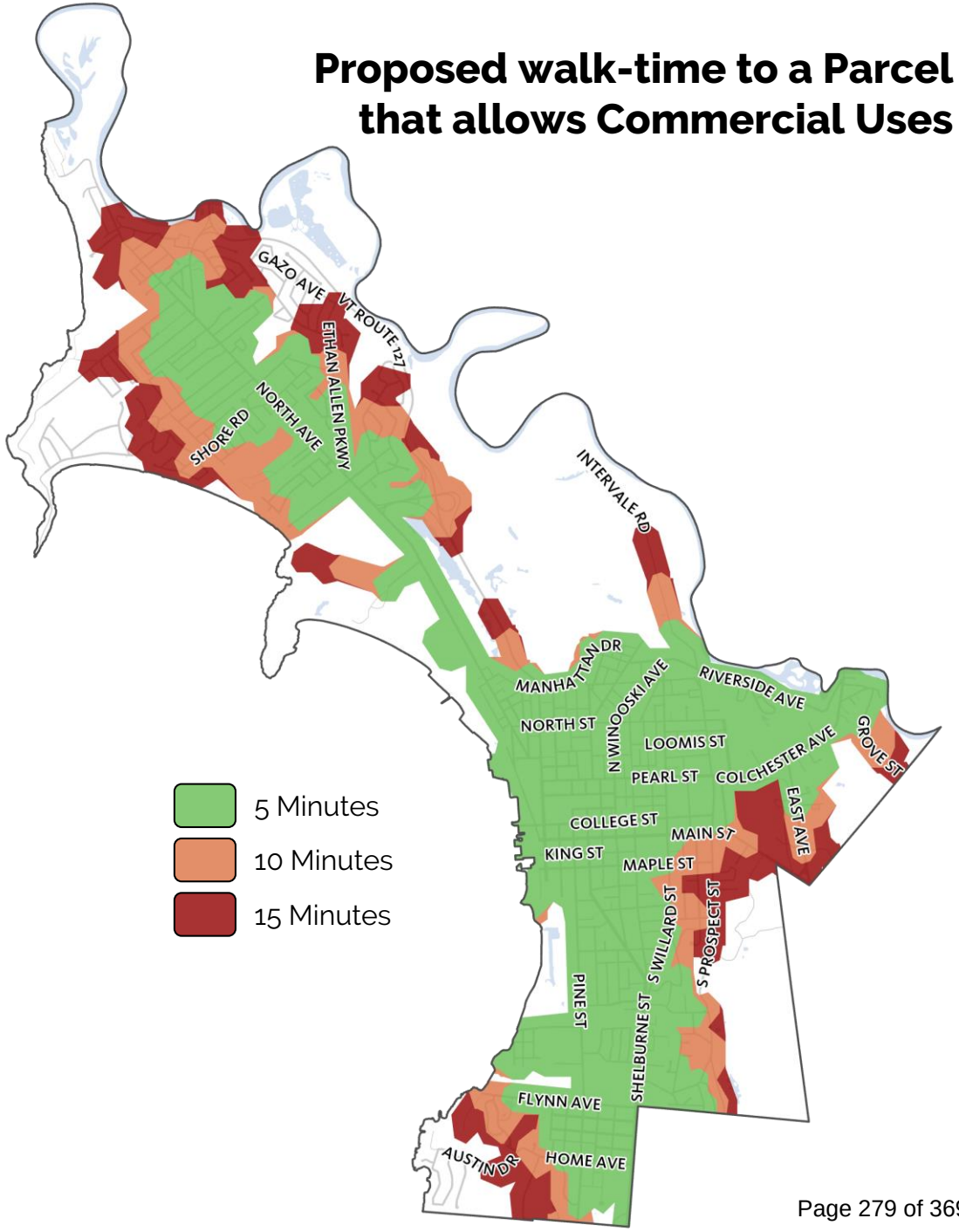


Proposed Districts Allowing Commercial Uses



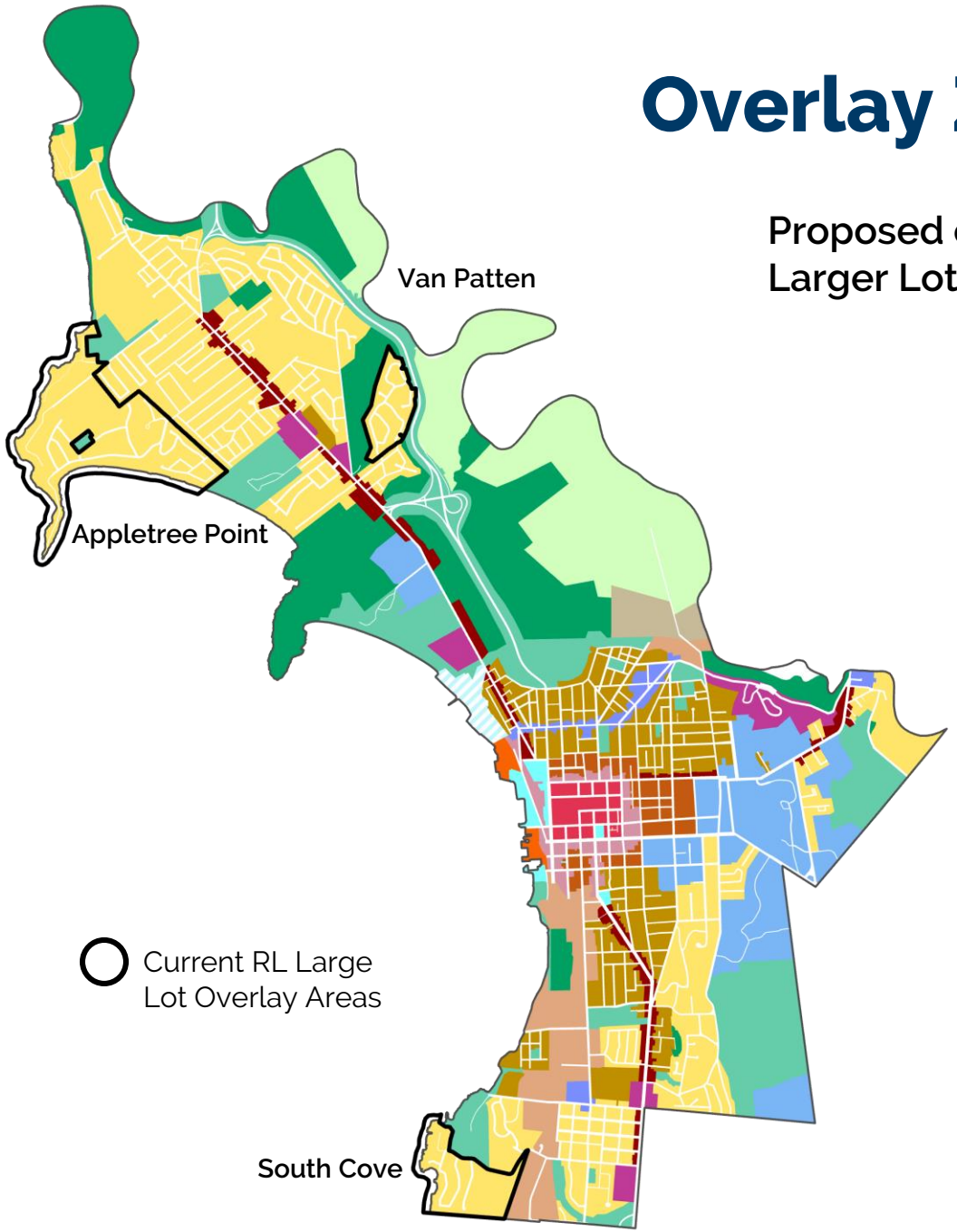
Does not include base Enterprise Zone (with some limits on commercial use types), Institutional Overlay Zones, or lots in residential areas with existing buildings that would allow Neighborhood Commercial uses.

Proposed walk-time to a Parcel that allows Commercial Uses



Overlay Zone Boundary Recommendations

Proposed code eliminates two residential overlay zoning districts– the RL Larger Lot Overlay and RH Density Bonus Overlay



Neighborhood Code Topics- Part 2 & Others

Neighborhood Code Part 2:

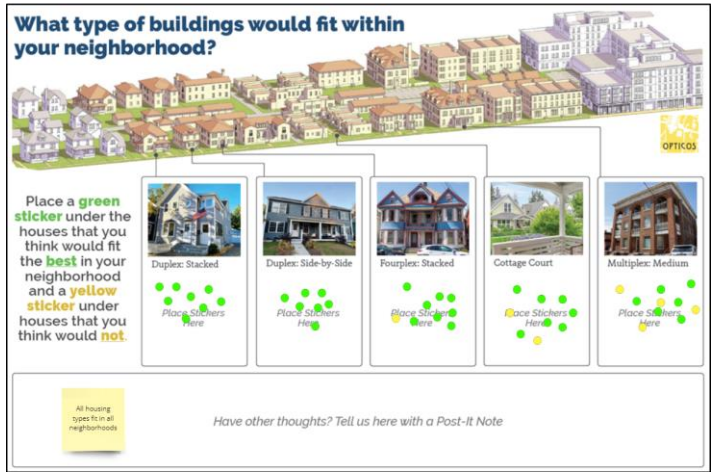
- **Cottage Courts & Planned Unit Development (PUD) Standards**

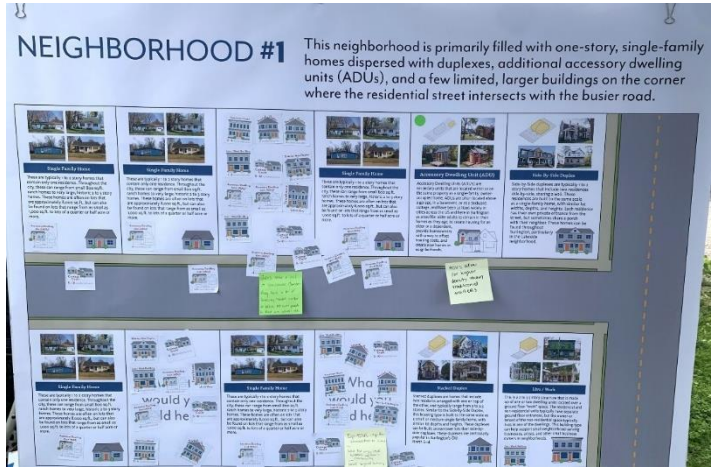
  To be compatible with core recommendations & consider lower lot size for use in RL
- **Flag Lot/Other Unique Small Lot Configurations**
- **Non-conforming building expansion for units**
- **Residential Bonus & IZ Bonuses**

  To be compatible with core recommendations & new Act 47 req., specifically alt. to du/acre
- **Other Issues for alignment with Core Standards:**
  - *Relationship between Secondary building + ADU rules*
  - *Clean up & increase transparency of Design Review applicability*
  - *Other definitions/miscellaneous standards*
  - *Technical issues for internal consistency*

Construction Zone:

- More allowable intensity/mix of uses on some corridors/larger development sites *(i.e. planBTV New North End)*
- Other factors/locations for Residential Corridors
- Allowed heights in mixed use districts
- Historic property regulations (preservation plan)
- Building/fire code standards that pose challenges with implementing small housing options
- Other stormwater/GSI regulations for residential areas (Chapter 26)
- Incentives for owner-occupancy in newly allowed housing types (and/or Condo Conversion Ord.)
- Technical & financial assistance to build homes of this scale





Outreach + Engagement Events

August 2022 – November 2023

- **Flicks in the Park Movie Screening**
  August 11, 2022, City Hall Park
- **AARP Missing Middle Walking Tours**
  September 29, 2022, S. Union Street
  October 15 , 2022, Old North End
- **Burlington Housing Trivia Night**
  November 3, 2022, Burlington Beer Co.
- **Burlington Juneteenth Festival**
  June 17, 2023, Lower Church Street
- **AARP Missing Middle Walking Tour**
  June 28, 2023, S. Union Street
- **Community Conversation**
  June 29, 2023, Robert Miller Center
- **Burlington Farmers Market**
  July 15 + July 22, 2023
- **Mornings with Miro**
  August 9, 2023, Bagel Café & Deli

Leddy Park Beach Bites
August 9, 2023, Leddy Park

- **AARP Coffee Chat**
  September 19, 2023, Bagel Café & Deli

World Car Free Day Celebration
September 22, 2023, St. Paul Street

- **NPA Presentations**
  October 2023, All NPA Meetings
- **AARP Coffee Chat**
  October 3, 2023, Bagel Café & Deli
- **AARP Coffee Chat**
  October 25, 2023, Zero Gravity Brewing
- **Virtual Engagement Session**
  November 13, 2023, Online
- **AARP Coffee Chat**
  November 14, 2023, Schmanska Park
- **Joint Committee Public Meetings**
  October 2023 to January 2024

Board of Finance and City Council Submission Checklist

Department: Planning Submitter: Meagan Tuttle

Title/Subject: ZA-24-02 Neighborhood Code Part 1- First Read & Warn for Public Hearing

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	1/29/2024
☐	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	Click or tap to enter a date.	Click or tap here to enter text.
Mayor's Office informed and approved memo	Choose an item.	Click or tap to enter a date.	Click or tap here to enter text.
Board/Commission, if required	Yes	1/9/2024	Planning Commission and City Council Ord. Cmte approved referral
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	Choose an item.	1/9/2024	Kim Sturtevant
CAO has reviewed budget, financing, and memo	N/A	Click or tap to enter a date.	Click or tap here to enter text.
Human Resources, if personnel action -Identify HR Manager in note	N/A	Click or tap to enter a date.	Click or tap here to enter text.
CIO, if an IT-related investment/purchase	N/A	Click or tap to enter a date.	Click or tap here to enter text.

Materials Included

	Included?	Note
Final Memo Attached?	Yes	Click or tap here to enter text.
Contract Attached, if applicable?	N/A	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Neighborhood Code Maps
Draft Resolution or Motion?	Yes	City Atty office will submit final ordinance language and motion
If for submission to Council, are sponsors identified?	Yes	Click or tap here to enter text.

Lori Olberg

From: Karen Paul
Sent: Monday, January 29, 2024 9:25 AM
To: Lori Olberg
Subject: FW: Neighborhood Code Zoning Amendments

Hi Lori,

Can you please add this email to item 8.1. Thank you so much. See you this evening.

My best,
Karen

Karen Paul, CPA *(she, her, hers)*
City Council President
City Councilor – Ward 6, City of Burlington, Vermont
802.598.5994

Please be advised that this email may, at some point, be the subject of a Public Records Request.

From: Sharon Bushor <sfbushor@gmail.com>
Date: Sunday, January 28, 2024 at 11:18 AM
To: Karen Paul <kpaul@burlingtonvt.gov>, Gene Bergman <gbergman@burlingtonvt.gov>, Benjamin Traverse <btraverse@burlingtonvt.gov>, Sarah Carpenter <scarpenter@burlingtonvt.gov>, Zoraya Hightower <Zhightower@burlingtonvt.gov>, mgrant@burlingtonvt.gov <mgrant@burlingtonvt.gov>, Joseph Magee <jmagee@burlingtonvt.gov>, Joan Shannon <jshannon@burlingtonvt.gov>, Mark Barlow <mbarlow@burlingtonvt.gov>, Ali Dieng <adieng@burlingtonvt.gov>, Hannah King <hking@burlingtonvt.gov>, Tim Doherty <tdoherty@burlingtonvt.gov>
Subject: Neighborhood Code Zoning Amendments

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

Good morning,

As you discuss the first reading of these Zoning Amendments, I want to reflect on the process that brought these forward. Last summer, the Planning Department set out to engage the Public to address what has been called "The Missing Middle" housing problem. Our name for this endeavor became known as the Neighborhood Code. A few attended the kickoff at the Miller Center. I was one of them. What was shared was there are distinct neighborhoods in our City. Each one of them unique in their pattern of development. What had happened over time with the implementation of Zoning was that many structures on the ground were now considered non-conforming and could not be replicated. In addition Planning provided pictures of different types of housing that may be appropriate ; duplexes(now allowed on all parcels per State regs), triplexes, even a mixed use structure with housing above and neighborhood store below. All this was in scale with what currently was on the ground but added much needed housing and enhanced the neighborhood. To accomplish this some adjustments to lot coverage were needed and perhaps changes to the rear and side yard setbacks. The Planning Department had a schedule to inform and engage Burlington residents. They would

present to all the NPAs and with the help of AARP hold small group "coffee" meetings. Sarah in Planning took the lead and with the added expertise of Meagan Tuttle this was accomplished.
In the meantime, the Joint Committee (Planning Commission and City Council Ordinance Committee) delved into the work at hand. Over many meetings the once "Missing Middle" proposal changed SIGNIFICANTLY and is now on your agenda as a bundle of rezoning proposals. Residents of Burlington see the heading as NEIGHBORHOOD CODE and believe it to be what was shared with them at the meetings I referenced. THIS IS NOT THE CASE.
To highlight some "surprises" , I call attention to the fact that a property with 1 structure can now have 2 structures(no surprise there) but in an RL designation the primary structure can have up to 6 separate living units and the second structure up to 4. This change from 1 or 2 living units to potentially 10 is VERY DIFFERENT from what was shared with residents. In RM, it allows 6 living units in each. Also, the Joint Committee decided to upzone some RL zones to RM. THIS ALSO WAS NEVER SHARED WITH RESIDENTS.
In some of the areas upzoned that are close to UVM campuses, there is already intense pressure from investors to buy any home that goes up for sale. This upzoning makes these properties even more desirable. Investors and developers have the financial ability to build to the max. Areas around the UVM Campus are very vulnerable and although acknowledged by some on the Joint Committee nothing was contemplated to address it. Instead it remained upzoned to RM and the number of units per structure remained in place.
As you read these amendments, you will note NOTHING ADDRESSES AFFORDABILITY. More units do not equate to affordable units. You will also note nothing is in place to address INCREASED STORMWATER RUNOFF and its impact on the lake. You will also note THERE IS NO NEW TREE ORDINANCE TO PROTECT AND PRESERVE OUR MATURE TREES (OUR LUNGS) WHEN DEVELOPING THESE LOTS.
NO where have I seen measures contemplated to address the increase in temperatures that occur as you convert green space to a built environment.
Lastly but my no means least, THERE IS NOTHING IN THESE AMENDMENTS THAT ENCOURAGES OR INCREASES FAMILY HOUSING. This does not mean stand alone structures rather housing that would accommodate and attract families.
MY REQUEST OF THE COUNCIL IS TO BRING THESE SIGNIFICANT CHANGES BACK TO THE NPAs AND BACK TO THE AARP COFFEE MEETINGS. INFORM THE RESIDENTS BEFORE TAKING ACTION.
As I looked over past Rezoning proposals, prior Councils prioritized informing the public and allowed them to comment on the draft before taking action. This streamlined approach of Joint Committees is good for efficiency BUT comes at the cost of limiting and sometimes excluding Public input.
Look at the approach you just took for expansion of the Police Commission responsibilities. You delayed to allow a small numbers of commissioners the time to weigh in on the proposal. This proposal impacts the entire City and tens of thousands of residents. Please grant us the same respect and time to offer feedback.
Thank you.
Sharon Bushor
Ward 1 Resident
Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

FPF posting in italics.

Save Burlington's Greenspace. Rethink Neighborhood Code?

Unless we speak up, on Monday night, Burlington's City Council could allow acres of Burlington greenspace to vanish under new buildings in residential areas like upper Loomis, Willard and Henry Streets as well as Mansfield and Brookes Avenue. A significant zoning change, innocuously titled, "Neighborhood Code", is up for discussion and approval.

Buried in the details is a major increase in lot coverage – what percentage of each lot can be covered by buildings and parking lots – impermeable surfaces that shed runoff every time it rains. In our neighborhood, allowable lot coverage will increase from 35% to 60%. That means less grass, fewer trees, a stronger urban heat island effect, less carbon sequestration, and more storm runoff pouring down city streets. That water will fill antiquated and under-sized storm drains which already routinely overflow. It will tax our sewage treatment plants, and with combined-sewer overflows, pollute Lake Champlain because the runoff can't be fully treated. Such a change is nonsensical in the face of the city's investment in rain gardens, stated goal of carbon neutrality, and State and Federal mandates to clean up the lake.

I urge everyone not to let this change slide by but to speak up at the meeting, call or email your city councilor, and get involved. We need more housing but there are better places and better ways to accomplish that goal than developing already scarce greenspace in residential neighborhoods. Burlington should raise height limits downtown, build apartments over surface parking lots, and redevelop numerous abandoned sites around the city. Have a look at the changes, summarized in the attached graphics (provided by the city), and decide for yourself what you want our city to look like in the years ahead.

On Jan 29, 2024, at 11:54 AM, Lori Olberg <lolberg@burlingtonvt.gov> wrote:

I can of course post the below to agenda item 8.1, however, I cannot open the FPF attachment, can you send that document as a PDF Paul?

From: Paul Bierman (he/him) <pbierman@uvm.edu>
Sent: Monday, January 29, 2024 11:46 AM
To: Lori Olberg <lolberg@burlingtonvt.gov>
Subject: Save Burlington's Greenspace. Take the time to rethink Neighborhood Code

Please enter this into the public record, thank you

p

Dear Councilors,

As some of you know, I am a geologist who focuses on land-use impacts and human-landscape interactions. I have worked with the city and the code enforcement office for years trying to help preserve green space in Burlington, especially in neighborhoods impacted by off-campus student housing where landlords, usually in violation of city code, have repeatedly turned lawns into parking lots. The upsides of green space are many as we face a warming climate and heavier rainfall events - it keeps stormwater out of our already overburdened combined sewer system.

When reviewing the Neighborhood Code website ahead of tomorrow's meeting, I was shocked to see that many lot coverage limits were increased and that one of the greener neighborhoods (which happens to be closest to UVM) was re-zoned to much higher density and lot coverage. For so many reasons, this seems like the wrong thing to do (it's likely to be overrun by investors for one and drive families out) but I will focus on my expertise and experience - greenspace preservation.

I attach a note I sent to our Front Porch Forum suggesting that there are far better ways to increase housing in Burlington than to sacrifice green space. I don't think neighborhood code is a bad thing but I do think this version needs a major reconsideration and a gaming out of the impacts on the city storm water system, the sewage treatment plants, and the Lake. It seems to me that raising lot coverage is exactly what we SHOULD NOT DO when there are both state and federal demands to lower pollution loads to the lake.

If any of you doubt that our current stormwater system is aging and undersized for 35% lot coverage where I live (Brookes Ave), I invite you to visit the bottom of the street after a reasonable summer thunderstorm. Bring your kayak because several times each summer, you could paddle the flood waters on Willard Street. Because it's winter, I attach a video one of my students made more than 20 years ago showing the flooding we see all the time.

As you watch, consider whether it's a smart idea to raise lot coverage in this part of Burlington from 35% (current) to 60% (proposed). When fully built out, runoff because it scales closely with lot coverage, will increase more than 70%.

Ask yourself where will that water go. I ask you all to table any consideration of this Neighborhood Code package until the lot coverage and runoff issue is solved. It should be a deal breaker.

Thanks for your time.

Paul Bierman, Professor
(he, him, his)
Fellow, Gund Institute for Environment
Rubenstein School of the Environment and Natural Resources
University of Vermont
Delehanty Hall, 180 Colchester Ave
Burlington, VT 05405
pbierman@uvm.edu
8022386826 (cell)
8026564411(office)
www.uvm.edu/cosmolab

I know that many people and some of you have done a lot a lot of work on Neighborhood Code and I'm sorry to say there is a lot more work to do.

I am all in for density. That's why I live in a city. And I too want us to solve the housing crisis. But density gone wrong, density taken to an extreme will degrade neighborhoods that are working, further degrade neighborhoods already abused, and diminish, not uplift old and new housing stock that requires keen stewardship, not rampant and wholesale deregulation.

Caryn and I have lived on Henry Street for 40 years and raised our three children there. Neighborhood Code would be especially destructive of neighborhoods like Henry Street, walkable, bikeable, diverse, and family friendly neighborhoods close to downtown and the university. It would crush neighborhoods like Henry with sledge hammer density because it increases the number of units and the lot coverage allowed to levels beyond reason.

For instance, even small lots, regardless of whether designated Residential Low or Residential Medium, would be permitted to have either eight or ten units in two structures. These units could be as small as 350 square feet and could provide collectively more than 8000 square feet of residential space, more in RL than in RM, oddly enough.

On a street like Henry which for more than a hundred years has had about 30 units for a density of about 8 units per acre, the proposed Neighborhood Code would permit around 300 units with a density of about 80 units per acre, a jaw dropping ten fold increase!

Neighborhood Code allows enormous density increases like this city-wide in permitting eight units on any RL property and ten for RM. In RH the density allowed is greater still.

While allowing extreme and self-destructive density analogous to soiling the nest is the most obvious shortcoming of Neighborhood Code, the socio-economic inequity and the squandering of both natural resources and buildable-area opportunities stands out too.

The wealthiest neighborhoods all remain RL under Neighborhood Code A few others are arbitrarily reclassified from RL to RM. These two zones differ not so much in density as it applies to units but in lot coverage and average lot size. Perversely, areas with smaller lots and existing dense development leaving scant room for more will lose vital protected green space while areas with larger lots and green space to spare will be far less dense. Areas with ample room for more units and growth are largely spared the burden, despite the housing crisis. One size fits all with the 8 and 10 unit caps applied uniformly to lots whether a tenth of an acre or an acre and a tenth. The units/acre measure is out the window to protect properties already well buffered to begin with. Neighborhood Code actually bows down to the suburban template it aspires to transcend by asking nothing more of larger lots and directs its most severe and

negative impacts at the neighborhoods that can least tolerate them physically, sociologically, and environmentally.

In these neighborhoods up against neighborhoods that have been sacrificed to provide a disproportionate share of undergraduate housing, Neighborhood Code would addressing the housing crisis by creating the same sort of small overpriced units that slightly older younger young people are desperate to get out of. This is not an effective or legitimate response; it is piling on units and deregulating to the point of not regulating at all. It is abdicating responsibility, not taking it and not holding any of the culpable parties accountable.

Neighborhood Code does not address runoff or parking or the desirability of attracting and providing suitable housing opportunities for young families in the neighborhoods near downtown and the university. These are glaring and regrettable omissions. The extreme increases in density and lot coverage and the commensurate elimination of green space, trees, and backyards have negative impacts and are not consistent with addressing the climate crisis or with creating diverse neighborhoods that college students, young professionals, families, infants, teenagers, and old people can all call home. The greatest opportunities for increasing density responsibly are decidedly not in the neighborhoods already most dense, but in those areas with larger lots and buildable area opportunities. And density increases from 7 units per acre to 70 or 80 as permitted uses don't qualify as rational increases. The pitch seems to be that even if 8 or 10 units are allowed, it won't happen on every lot, so don't worry. I'm sure it won't happen instantaneously, but when it happens even the first time the response might well be to jump on the bandwagon or flee to the suburbs or both (which we've seen happen many times before) and those neighborhoods that are the soul of our community will be gone just like some of the neighborhoods many of us remember.

Neighborhood Code states specifically that "Neighborhoods within [the RH] district are typically immediately adjacent to downtown and the institutions." The map reflects this accurately for the downtown neighborhoods, but all of the neighborhoods "immediately adjacent to . . . the institutions" are designated RL. This is inconsistent with the definition of RH in the document. The map should be corrected to designate these areas RH.

Resolution Relating to

CAMBRIAN RISE – DEVELOPMENT AGREEMENT SECOND AMENDMENT

RESOLUTION_____
Sponsor(s): Councilors Carpenter, Barlow, Dieng
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, the CITY OF BURLINGTON (the "City"), VERMONT LAND TRUST, INC. ("VLT"), CHAMPLAIN HOUSING TRUST, INC. ("CHT"), and BC COMMUNITY HOUSING, LLC ("BCCH") are parties to a Development Agreement fully executed on January 7th, 2016 (the "Development Agreement") related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington, as more particularly described therein ("the Property"), in connection with the project known as "Cambrian Rise;" and

WHEREAS, Cambrian Rise is a permitted multiphase development of a new neighborhood across approximately 21.65 acres within the City of Burlington; and

WHEREAS, this property falls within the Neighborhood Activity Center (NAC) – Cambrian Rise (CR) District designated as a center for mixed use development; and

WHEREAS, in June of 2020, the City of Burlington executed the First Amendment to the Development Agreement to increase the permitted residential density from a maximum of 770 residential units to a maximum of 950; and

WHEREAS, as market conditions continue to evolve and place pressure on the City's need for new housing, BCCH has requested a second amendment to the development agreement in order to remove the cap on the number of housing units permitted on the site per the agreement and to rather let the City's Comprehensive Development Ordinance, along with all state and municipal land use permits control the number of permissible units on the site; and

WHEREAS, the City and BCCH have drafted a second amendment to the Development Agreement the "Second Amendment to Development Agreement") to accomplish the foregoing;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the covenants, considerations and mutual benefits set forth in the Development Agreement and in the First and Second Amendment to the Development Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City Council authorizes the Mayor to execute a Second Amendment to the

Development Agreement in substantial conformance with the documents attached hereto, subject to final review and approval of the Office of the City Attorney.

SD/JP/Resolutions 2024/Cambrian Rise – Second Amendment to Development Agreement (311, 329 North Avenue)
1/24/2024

Second Amendment to Development Agreement

This Second Amendment to Development Agreement ("Amendment") is entered into as of the __ day of _____, 202___, by and between the **CITY OF BURLINGTON**, a Vermont municipal corporation (the "City"), and **BC COMMUNITY HOUSING, LLC**, a Vermont limited liability company ("BCCH"). Hereafter, the City and BCCH may each be referred to individually as a "Party" and collectively as the "Parties."

WHEREAS, the City, BCCH, Vermont Land Trust, Inc., a Vermont non-profit corporation, and Champlain Housing Trust, Inc., a Vermont non-profit corporation, are parties to a Development Agreement fully executed on January 7, 2016, as amended by First Amendment to Development Agreement dated as of June 26, 2020 (the "First Amendment") (collectively, the "Agreement") related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington, as more particularly described therein (the "Property").

WHEREAS, to account for changing market conditions and to meet housing demands, BCCH has asked the City to release the cap imposed by the Agreement on the number of residential units permitted on the Property and the City has agreed to release the cap and to amend the Agreement in the manner set forth in this Amendment.

NOW THEREFORE, in consideration of the covenants, considerations and mutual benefits set forth herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Background Information. The information set forth in the background section of this Amendment is incorporated herein by reference.

2. Maximum Number of Residential Units. The opening paragraph of Section 3 of the First Amendment is hereby deleted and replaced with the following: "Article II, Section 5 of the Agreement is hereby deleted and replaced with the following: "Subject to the terms and conditions set forth below in this Amendment, the Agreement and exhibits do not limit the number of residential units in the Projects. The City's agreement to eliminate the maximum number of residential units is conditioned upon compliance with the terms of the Comprehensive Zoning Ordinance and the terms set forth below by BCCH and its successors and assigns."

3. Section 3(b) of the First Amendment is modified by deleting "180" from the first sentence.

4. Impact Considerations. Section 4 of the First Amendment is hereby deleted and replaced with the following: "The City, acting through DPW, reserves the right to thoroughly review all of the impacts associated with an increase in the number of housing units on the Property through the zoning and permitting processes, including but not limited to traffic, sewer, water, stormwater, and to impose additional conditions in the ordinary course of conducting such review."

5. BCCH agrees to complete the Bike Path Connection (so-called) on Lot 11 by 12/31/24, as more or less depicted on the attached plan entitled "Kieslich Park", prepared by TJ Boyle Associates, last dated May 11, 2022, attached hereto as Exhibit ___; which plan is subject to final design and the approval of the Department of Parks and Recreation.

DRAFT

6. BCCH agrees to complete the North Avenue Improvements (so-called), by 10/31/25, as more or less depicted on the attached plan entitled "Cambrian Rise, North Avenue Progress", prepared by TJ Boyle Associates, dated 1/11/2024, attached hereto as Exhibit ___; which plan is subject to final design and the approval of the Department of Public Works. Any request for extension to the completion date of the improvements by BCCH are subject to review and approval by the Director of Public Works which would not be unreasonably withheld.

7. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.

8. Except as modified hereby, the Agreement remains unmodified and in full force and effect.

Two Signature Pages to Follow

DRAFT

IN WITNESS WHEREOF, this Amendment is executed by the duly authorized officers or representatives of the parties hereto.

CITY OF BURLINGTON

By: _____
Miro Weinberger, Mayor

STATE OF VERMONT
CHITTENDEN COUNTY, SS

At Burlington, in said County and State, this ____ day of _____, 202____, personally appeared Miro Weinberger, Mayor of the City of Burlington and he acknowledged the within instrument by him subscribed, to be his free act and deed and the free act and deed of the City of Burlington.

Before me, _____
Notary Public
Print Name: _____
My Commission expires: 1.31.25
My Commission number: _____

DRAFT

BC COMMUNITY HOUSING, LLC

By: EF Farrell, LLC, its General Member

By: _____
Eric F. Farrell, Sole Member

STATE OF VERMONT
CHITTENDEN COUNTY, SS

At Burlington, in said County and State, this ____ day of _____, 202____, personally appeared Eric F. Farrell, Sole Member of EF Farrell, LLC, being the General Member of BC COMMUNITY HOUSING, LLC, and he acknowledged the within instrument by him subscribed, to be his free act and deed and the free act and deed of the entities on behalf of which he acted.

Before me, _____
Notary Public
Print Name: _____
My Commission expires: 1.31.25
My Commission number: _____

DRAFT

Exhibit A: Bike Path Connection

KIESLICH PARK

MAY 11, 2022

TREES (REFORESTATION, ALL NATIVE SANDPLAIN SPECIES)

- American Beech
- Red Maple
- Black Oak
- Red Oak
- Paper Birch
- Gray Birch
- Pitch pine
- Pitch pine
- White pine
- Smooth Shadbush / Serviceberry
- Beaked Hazelnut
- Witchazel

SHRUBS (FOREST EDGE & IN POCKETS WITHIN MEADOW)

- Smooth Shadbush / Serviceberry
- Gray Dogwood
- Pussy Willow
- Red Chokeberry
- Sweet Fern
- Sheep Laurel
- Low sweet blueberry

PERENNIALS (RAIN GARDEN)

- Red Columbine
- Flat-top Goldentop
- Bracken Fern

EROSION CONTROL SEED MIX

- Little Bluestem
- Big Bluestem
- Switchgrass
- Indiangrass
- Oats for initial establishmet

POLLINATOR MEADOW

- Gray, Wrinkleaf, and White Goldenrod
- Common Milkweed
- Black-eyed Susan
- New England Aster
- Blue False Indigo
- Blue Vervain
- Golden Alexanders
- Wild Bergamont
- Lanceleaf Coreopsis
- Purple Lovegrass
- Narrowleaf Mountainmint
- Tall White Beardtongue
- Deertongue
- Little Bluestem
- Annual Ryegrass for initial establishment

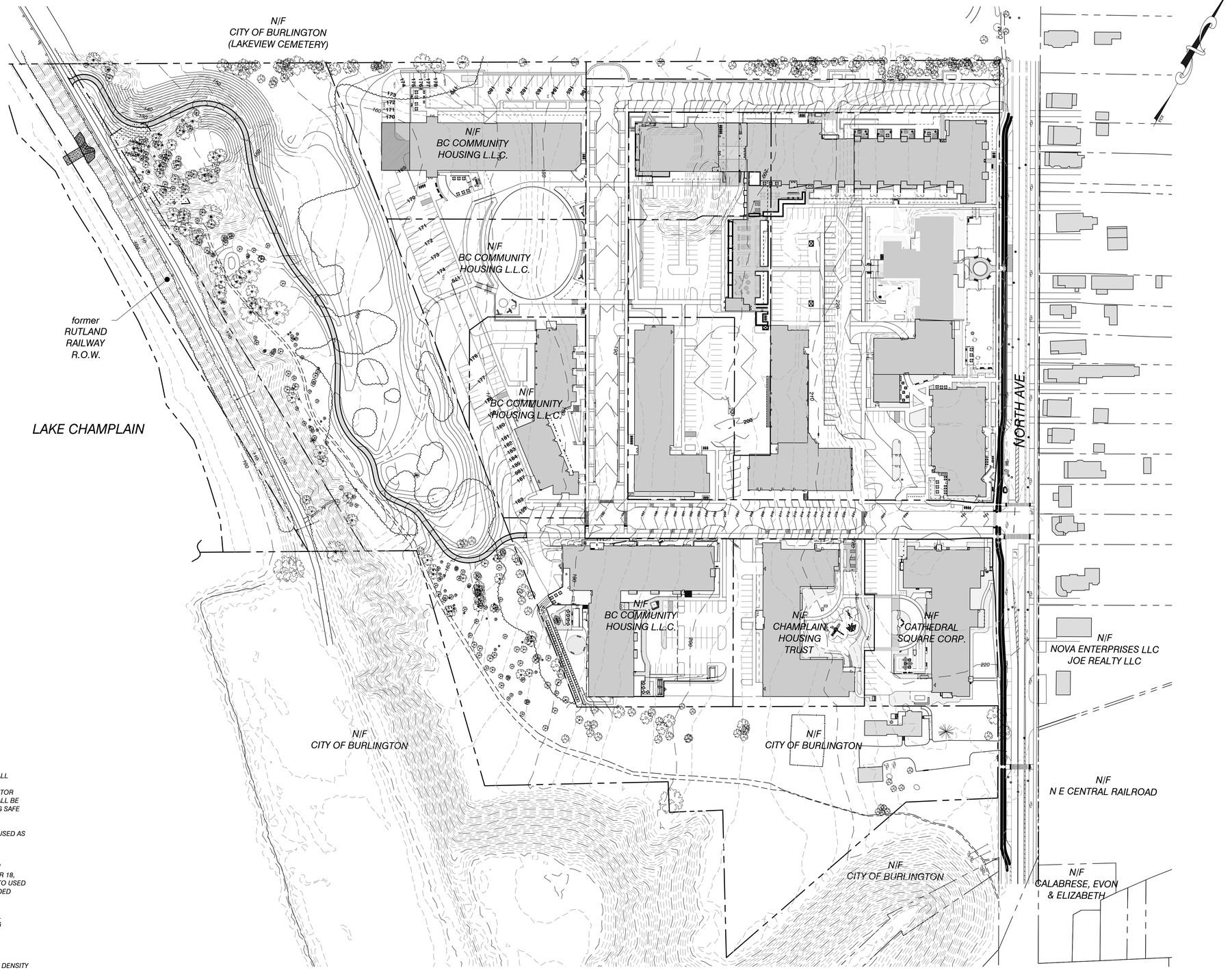
IN-LINE STORMWATER TREATMENT

- Creeping Red Fescue
- Hard fescue
- Annual Ryegrass for initial establishment

T.J. BOYLE ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING

LEGEND

- APPROXIMATE PROPERTY LINE
- APPROXIMATE SETBACK LINE
- 100 EXISTING CONTOUR
- EXISTING CURB
- EXISTING CHAINLINK FENCE
- EXISTING WIRE FENCE
- EXISTING GRAVEL
- EXISTING PAVEMENT
- EXISTING GUARD RAIL
- EXISTING ELECTRIC
- FM EXISTING FORCEMAIN
- G EXISTING GAS
- ST EXISTING STORM
- S EXISTING GRAVITY SEWER
- T EXISTING TELEPHONE
- W EXISTING WATER
- EXISTING SWALE
- EXISTING SEWER MANHOLE
- EXISTING STORM MANHOLE
- EXISTING CATCH BASIN
- EXISTING WELL
- EXISTING HYDRANT
- EXISTING SHUT OFF
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- EXISTING GUY WIRE/POLE
- EXISTING SIGN
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EDGE OF BRUSH/WOODS
- IRON ROD/PIPE FOUND
- CONCRETE MONUMENT FOUND
- RAILROAD RAIL FOUND
- TEST PIT
- PROJECT BENCHMARK



NOTES

1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
2. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
3. PROPERTY LINE INFORMATION IS BASED PLAT ENTITLED "LOT LINE ADJUSTMENT BETWEEN 329 & 351 NORTH AVE BURLINGTON COLLEGE" PREPARED BY CIVIL ENGINEERING ASSOCIATES, INC. DATED DECEMBER 18, 2014. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
4. SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC. DECEMBER 2014. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH", VERMONT COORDINATE SYSTEM OF 1983 (HORIZONTAL) AND NAVD88 (VERTICAL) ESTABLISHED FROM GPS OBSERVATIONS ON SITE.
5. THIS PROPERTY LAYS WITHIN THE WATERFRONT RESIDENTIAL MEDIUM DENSITY ZONING DISTRICT AND THE NATURAL RESOURCES PROTECTION OVERLAY DISTRICT.

GRAPHIC SCALE

80 0 40 80 160 320

(IN FEET)
1 inch = 80 ft.

SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

COPYRIGHT © 2018 – ALL RIGHTS RESERVED

DRAWN
SAL

CHECKED
DSM

APPROVED
DSM

CLIENT:

BURLINGTON PARKS, RECREATION & WATERFRONT
645 PINE ST., SUITE B
BURLINGTON, VERMONT
05401

PROJECT:

311 NORTH AVE. MULTI-USE PATH
311 NORTH AVE.
BURLINGTON, VT

LOCATION MAP
1" = 2000'

DATE	CHECKED	REVISION

PROPOSED CONDITIONS OVERALL SITE PLAN

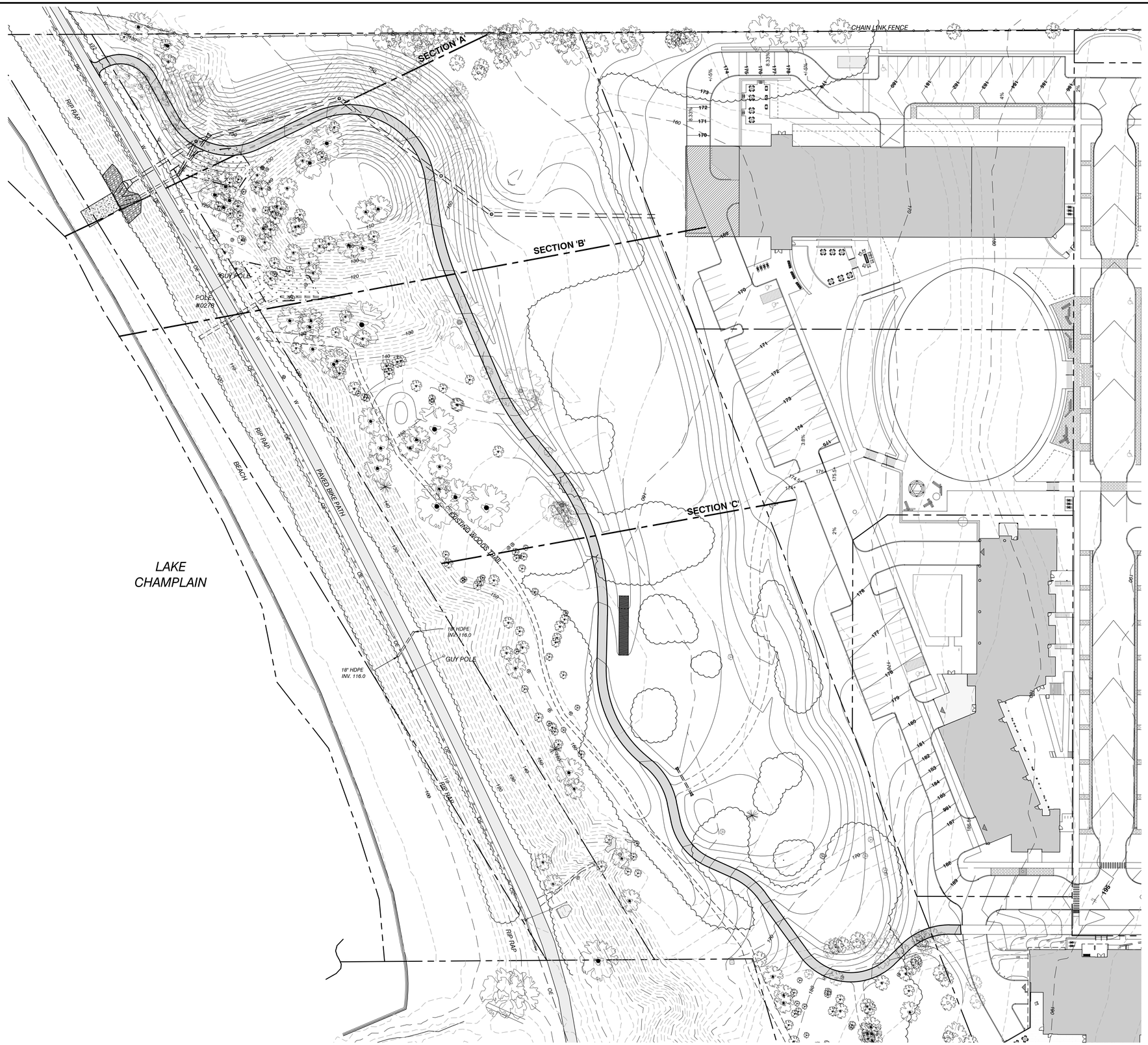
DATE
NOV., 2021

SCALE
1" = 80'

PROJ. NO.
18118

DRAWING NUMBER
C2.0

Exhibit B: North Avenue Improvements



GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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DRAWN
SAL

CHECKED
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APPROVED
DSM

CLIENT:

BURLINGTON PARKS, RECREATION & WATERFRONT

645 PINE ST., SUITE B
BURLINGTON, VERMONT
05401

PROJECT:

311 NORTH AVE. MULTI-USE PATH

311 NORTH AVE.
BURLINGTON, VT

LOCATION MAP
1" = 2000'

DATE	CHECKED	REVISION

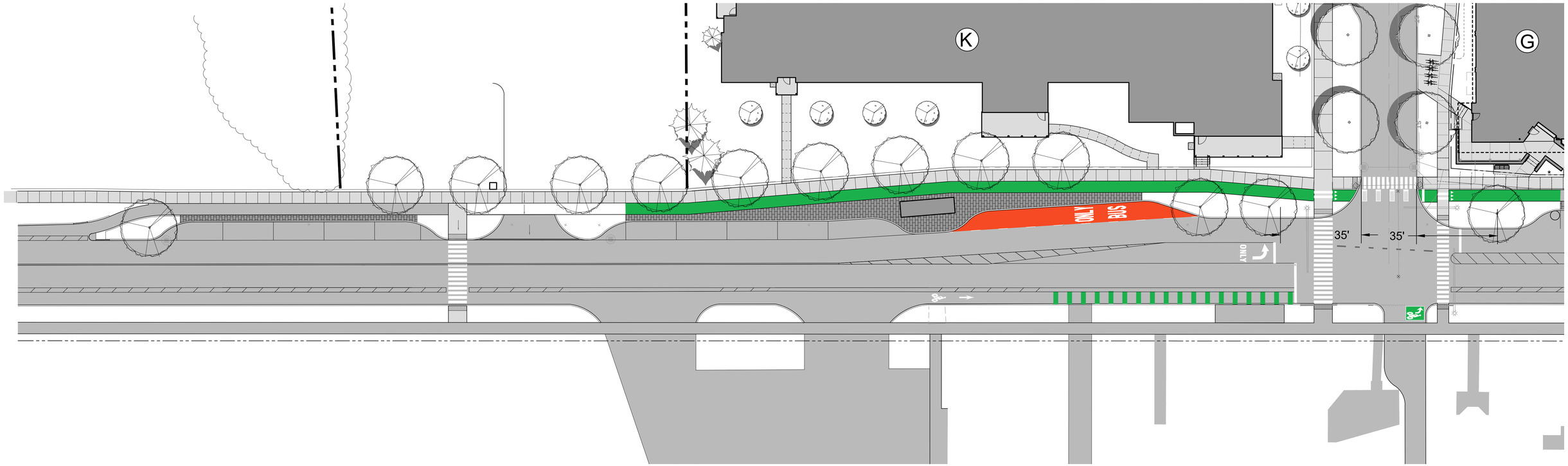
PROPOSED CONDITIONS SITE PLAN

DATE
NOV., 2021

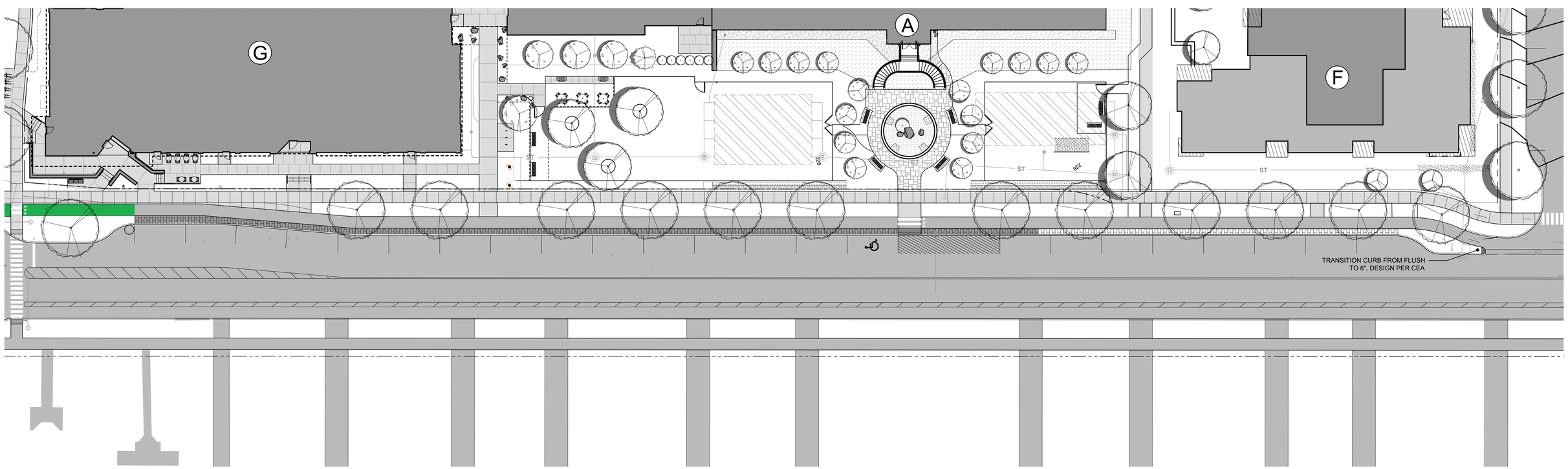
SCALE
1" = 40'

PROJ. NO.
18118

DRAWING NUMBER
C2.1



INTERSECTION AND SOUTH



NORTH OF INTERSECTION

T. J. Boyle Associates, LLC

revisions	date	revisions	date

Owner
Address
City, State ZIP

landscape architects ● planning consultants
301 college street ● burlington ● vermont ● 05401 802 ●658 ●3555 http://www.tjboyle.com

north

MJB team | 01/11/2024 date | 1" = 20' scale

Cambrian Rise
North Ave Progress

Second Amendment to Development Agreement

This Second Amendment to Development Agreement ("Amendment") is entered into as of the __ day of _____, 202___, by and between the **CITY OF BURLINGTON**, a Vermont municipal corporation (the "City"), and **BC COMMUNITY HOUSING, LLC**, a Vermont limited liability company ("BCCH"). Hereafter, the City and BCCH may each be referred to individually as a "Party" and collectively as the "Parties."

WHEREAS, the City, BCCH, Vermont Land Trust, Inc., a Vermont non-profit corporation, and Champlain Housing Trust, Inc., a Vermont non-profit corporation, are parties to a Development Agreement fully executed on January 7, 2016, as amended by First Amendment to Development Agreement dated as of June 26, 2020 (the "First Amendment") (collectively, the "Agreement") related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington, as more particularly described therein (the "Property").

WHEREAS, to account for changing market conditions and to meet housing demands, BCCH has asked the City to release the cap imposed by the Agreement on the number of residential units permitted on the Property and the City has agreed to release the cap and to amend the Agreement in the manner set forth in this Amendment.

NOW THEREFORE, in consideration of the covenants, considerations and mutual benefits set forth herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Background Information. The information set forth in the background section of this Amendment is incorporated herein by reference.

2. Maximum Number of Residential Units. The opening paragraph of Section 3 of the First Amendment is hereby deleted and replaced with the following: "Article II, Section 5 of the Agreement is hereby deleted and replaced with the following: "Subject to the terms and conditions set forth below in this Amendment, the Agreement and exhibits do not limit the number of residential units in the Projects. The City's agreement to eliminate the maximum number of residential units is conditioned upon compliance with the terms of the Comprehensive Development Ordinance and the terms set forth below by BCCH and its successors and assigns."

3. Section 3(b) of the First Amendment is modified by deleting "180" from the first sentence.

4. Impact Considerations. Section 4 of the First Amendment is hereby deleted and replaced with the following: "The City reserves the right to thoroughly review all of the impacts associated with an increase in the number of housing units on the Property through the zoning and permitting processes, including but not limited to traffic, sewer, water, stormwater, and to impose additional conditions in the ordinary course of conducting such review."

5. BCCH agrees to complete the Bike Path Connection (so-called) on Lot 11 by December 31, 2024, as more or less depicted on the attached plan entitled "Kieslich Park", prepared by TJ Boyle Associates, last dated May 11, 2022, attached hereto as Exhibit ___; which plan is subject to final design and the approval of the Department of Parks and Recreation.

DRAFT

6. BCCH agrees to complete the North Avenue Improvements (so-called), by October 31, 25, as more or less depicted on the attached plan entitled "Cambrian Rise, North Avenue Progress", prepared by TJ Boyle Associates, dated 1/11/2024, attached hereto as Exhibit ___; which plan is subject to final design and the approval of the Department of Public Works. Any request for extension to the completion date of the improvements by BCCH are subject to review and approval by the Director of Public Works which would not be unreasonably withheld.

7. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.

8. Except as modified hereby, the Agreement remains unmodified and in full force and effect.

Two Signature Pages to Follow

DRAFT

IN WITNESS WHEREOF, this Amendment is executed by the duly authorized officers or representatives of the parties hereto.

CITY OF BURLINGTON

By: _____
Miro Weinberger, Mayor

STATE OF VERMONT
CHITTENDEN COUNTY, SS

At Burlington, in said County and State, this ____ day of _____, 202____, personally appeared Miro Weinberger, Mayor of the City of Burlington and he acknowledged the within instrument by him subscribed, to be his free act and deed and the free act and deed of the City of Burlington.

Before me, _____
Notary Public
Print Name: _____
My Commission expires: 1.31.25
My Commission number: _____

DRAFT

BC COMMUNITY HOUSING, LLC

By: EF Farrell, LLC, its General Member

By: _____
Eric F. Farrell, Sole Member

STATE OF VERMONT
CHITTENDEN COUNTY, SS

At Burlington, in said County and State, this ____ day of _____, 202____, personally appeared Eric F. Farrell, Sole Member of EF Farrell, LLC, being the General Member of BC COMMUNITY HOUSING, LLC, and he acknowledged the within instrument by him subscribed, to be his free act and deed and the free act and deed of the entities on behalf of which he acted.

Before me, _____
Notary Public
Print Name: _____
My Commission expires: 1.31.25
My Commission number: _____

DRAFT

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

Date: January 29, 2024

To: Burlington City Council

From: Brian Pine, Director, CEDO
Samantha, Assistant Director, CEDO

CC: Chapin Spencer, Director, Burlington Department of Public Works;
Cindi Wight, Director, Burlington Parks, Recreation & Waterfront;

Re: **Cambrian Rise – Second Amendment to Development Agreement**

Request

This memorandum requests that the Burlington City Council adopt the attached resolution which authorizes the Mayor to execute the second amendment to the Cambrian Rise Development Agreement in substantial conformance with the documents attached hereto, subject to the review and approval of the City Attorney. This Second Amendment to the Development Agreement relates to BC Community Housing, LLC's (BCCH) request of the City to remove the cap imposed by the Development Agreement on the number of housing units at Cambrian Rise, and ensures completion of the paved path connection to the Burlington Greenway and the agreed-upon North Avenue Upgrades by certain dates.

Background

On December 21, 2015, Burlington City Council adopted a resolution authorizing the Mayor to execute a Development Agreement between the City of Burlington, Vermont Land Trust, Inc., (VLT), Champlain Housing Trust, Inc., (CHT), and BCCH, related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington. This Development Agreement was fully executed on January 7, 2016. The property in connection with the project is now known as Cambrian Rise.

Cambrian Rise is a permitted multiphase development of a new neighborhood across approximately 21.65 acres. The project is in an area long targeted in the city's Municipal Development Plan for intensified development and is consistent with the Neighborhood Activity Center (NAC) – Cambrian Rise (CR) District, a zoning designation for mixed use development that allows for a range of housing types and tenures, and accommodates a diverse range of complimentary general office, institutional and neighborhood-oriented, small-scale retail service uses. Cambrian Rise, when fully built out, aims to create a dynamic new mixed-income, mixed-use, inclusive, pet-friendly neighborhood where residents can live, work, grow and play on the shores of Lake Champlain.

In June of 2020, the City of Burlington executed the First Amendment to the Development Agreement with BCCH to increase the residential density to a maximum of 950 units to respond to market conditions.

The Cambrian Rise site is currently permitted for 950 units of housing in 14 buildings. Of these, 316 units have been completed (including 128 inclusionary housing units) and 251 units are under construction. Full build out of the site is anticipated for 2029.

BCCH's Request to eliminate the cap on number of units

As market conditions continue to evolve and the City faces an unprecedented need for new housing units, BCCH President Eric Farrell, has requested the elimination of the cap on the number of housing units on the site, allowing density to be regulated solely by the Comprehensive Development Ordinance and Act 250.

Current zoning does not limit residential density in terms of units per acre, but rather total buildable area using Floor Area Ratio (FAR). FAR is the measurement of a building's floor area in relation to the size of the parcel upon which the building is located. For example, if a lot has a floor area ratio of 3.0 and the lot is 1,000 square feet, a developer could construct a building of 3,000 square feet. The FAR for the Zoning District where Cambrian Rise is located is 2.0. Unlike the traditional units per acre standard, FAR regulates the allowable square footage but offers flexibility in the number of units.

BCCH is partway through the phased, multi-year a build-out of Cambrian Rise. Any change to the number of units permitted on the site will require amending existing permits and will be governed by the FAR.

Impact Considerations

The City will have the responsibility and opportunity to thoroughly review all potential impacts, including but not limited to, traffic, sewer, water, wastewater and stormwater, associated with an increase in the number of housing units at Cambrian Rise through the zoning and permitting processes.

North Avenue Improvements

Throughout the permitting process BCCH and the Department of Public Works have worked together to identify a series of improvements to North Avenue (including, but not limited to, boundary line adjustment at the ROW, traffic signalization, and ADA accessible ramps at sidewalks) at the development site. In this Second Amendment, BCCH is committing to completing these upgrades no later than October 31, 2025.

Connection to Burlington Greenway from North Avenue

In the Development Agreement between the City and BCCH, BCCH was the responsible party for constructing a public and ADA accessible connection path between Cambrian Rise and the Burlington Greenway. In August of 2020, the City negotiated a Memorandum of Understanding and Agreement, to clearly obligate BCCH to build the path based on the City's 30% conceptual design drawings. BCCH and the Burlington Parks, Recreation and Waterfront have continued to collaborate on the design of the Greenway connection and in this Second Amendment, BCCH is committing to completing the construction of this important connection by the end of this year.

Conclusion

Cambrian Rise will be the single largest housing development in Burlington, once completed and plays an important role in addressing the City's goal to significantly increase Burlington's housing supply and ensuring housing as a human right in Burlington.

Burlington City Council's passage of this Second Amendment to the Development Agreement between the City of Burlington, Vermont Land Trust, Inc., (VLT), Champlain Housing Trust, Inc., (CHT), and BCCH, clears the way for BCCH to continue implementation of the phased development plan while responding to evolving market conditions. With this amendment, BCCH has the ability to move forward with the process to amend their permitting which will entail a thorough review and compliance with the City of Burlington Comprehensive Development Ordinance and with all state and municipal land use permits and approvals, as well as the requirements of the City of Burlington Department of Public Works.

Attached Documents:

1. Cambrian Rise - Second Amendment to the Development Agreement
2. Resolution – Cambrian Rise – Second Amendment to the Development Agreement

Board of Finance and City Council Submission Checklist

Department: CEDO Submitter: Samantha Dunn

Title/Subject: Second Amendment to the Cambrian Rise Development Agreement

	Approval:	Meeting Date:
☐	Board of Finance	Click or tap to enter a date.
☒	City Council	1/29/2024
☐	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	1/24/2024	Brian Pine
Mayor's Office informed and approved memo	Yes	1/24/2024	Jordan Redell
Board/Commission, if required	N/A	Click or tap to enter a date.	Click or tap here to enter text.
City Attorney's Office has approved contract and/or legal documents, -Identify attorney in note	Yes	1/24/2024	Jared Pellerin
City Attorney's Office has approved memo and motion(s) or resolution(s) -Identify attorney in note	Yes	1/24/2024	Jared Pellerin
CAO has reviewed budget, financing, and memo	Yes	1/24/2024	Jordan Redell for 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?	Choose an item.	Click or tap here to enter text.
Additional Materials, if necessary	Yes	Second Amendment
Draft Resolution or Motion?	Yes	Attached
If for submission to Council, are sponsors identified?	Yes	Sarah Carpenter, Mark Barlow

Resolution Relating to

CAMBRIAN RISE – DEVELOPMENT AGREEMENT SECOND AMENDMENT

RESOLUTION 8.2.

Sponsor(s): Councilors Carpenter, Barlow, Dieng
Introduced: 01/29/24
Referred to: _____

Action: adopted
Date: 01/29/24
Signed by Mayor: 01/30/24

CITY OF BURLINGTON

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

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

That WHEREAS, the CITY OF BURLINGTON (the "City"), VERMONT LAND TRUST, INC. ("VLT"), CHAMPLAIN HOUSING TRUST, INC. ("CHT"), and BC COMMUNITY HOUSING, LLC ("BCCH") are parties to a Development Agreement fully executed on January 7th, 2016 (the "Development Agreement") related to the development and disposition of real property situated between North Avenue and Lake Champlain, with an address of 311 and 329 North Avenue, Burlington, as more particularly described therein ("the Property"), in connection with the project known as "Cambrian Rise;" and

WHEREAS, Cambrian Rise is a permitted multiphase development of a new neighborhood across approximately 21.65 acres within the City of Burlington; and

WHEREAS, this property falls within the Neighborhood Activity Center (NAC) – Cambrian Rise (CR) District designated as a center for mixed use development; and

WHEREAS, in June of 2020, the City of Burlington executed the First Amendment to the Development Agreement to increase the permitted residential density from a maximum of 770 residential units to a maximum of 950; and

WHEREAS, as market conditions continue to evolve and place pressure on the City's need for new housing, BCCH has requested a second amendment to the development agreement in order to remove the cap on the number of housing units permitted on the site per the agreement and to rather let the City's Comprehensive Development Ordinance, along with all state and municipal land use permits control the number of permissible units on the site; and

WHEREAS, the City and BCCH have drafted a second amendment to the Development Agreement the "Second Amendment to Development Agreement") to accomplish the foregoing;

NOW, THEREFORE, BE IT RESOLVED that in consideration of the covenants, considerations and mutual benefits set forth in the Development Agreement and in the First and Second Amendment to the Development Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City Council authorizes the Mayor to execute a Second Amendment to the

* * * * * * * * * * * * *

DISTRIBUTION:

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

Attest:

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

.....

.....

.....

Adopted by the City Council

....., 20 .....

..... Clerk

Approved....., 20 .....

..... Mayor

Vol. ..... Page .....

Development Agreement in substantial conformance with the documents attached hereto, subject to final review and approval of the Office of the City Attorney.

SD/JP/Resolutions 2024/Cambrian Rise – Second Amendment to Development Agreement (311, 329 North Avenue)
1/24/2024

* * * * * * * * * * * * *

DISTRIBUTION:

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

CEDO, Brian Pine and Smanatha Dunn

Attest:

Lori Olberg
Licnesing and Records Coordinator

* * * * * * * * * * * * *

ORIGINAL

RESOLUTION RELATING TO

Cambrian Rise - Development Agreement Second Amendment

Adopted by the City Council

January 29, 20 24

Clerk

Approved January 30, 20 24

Mayor

Vol. ..... Page .....

Resolution Relating to

TOWN MEETING DAY 2024 CARBON POLLUTION IMPACT FEE BALLOT QUESTION

RESOLUTION_____
Sponsor(s): TEUC (Councilors Bergman and King)
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, the City of Burlington has declared a climate emergency exists, and on September 5, 2019 the City and Burlington Electric Department issued the Net Zero Energy Roadmap ("the Roadmap"); and

WHEREAS, the Roadmap identified transitioning to efficient electric buildings as the largest opportunity to make progress toward Net Zero; and

WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that authorized the City to regulate thermal energy systems in buildings for the purpose of reducing greenhouse gas emissions; and

WHEREAS, the charter change approved by the voters in March 2021 and subsequently approved by the Legislature and signed by the Governor requires the City to obtain additional voter approval before imposing a carbon impact or alternative compliance fee; and

WHEREAS, on March 7, 2023, the voters of Burlington approved, with over 67% voting in favor, a ballot item allowing the City Council to implement a carbon pollution impact fee of up to $150 per ton for new construction buildings and existing commercial and industrial buildings 50,000 square feet or larger that install new fossil fuel thermal energy systems; and

WHEREAS, on November 20, 2023, the City Council approved an ordinance requiring, beginning January 1, 2024, newly constructed buildings to either install non-fossil fuel thermal energy systems or pay a fee of $150 per ton of greenhouse gas emissions and requiring existing commercial and industrial buildings 50,000 square feet or larger who are seeking a permit for a new thermal energy system to either install a non-fossil fueled thermal energy system or pay a fee of $150 per ton of greenhouse gas emissions (the "Ordinance"); and

WHEREAS, the Mayor signed the Ordinance on November 28, 2023, it was published on December 6, 2023, and became effective on December 27, 2023; and

WHEREAS, in connection with public meetings leading up to approval of the Ordinance, including meetings of the Transportation, Energy and Utility Committee of the City Council on July 25, 2023, August 1,

2023, and August 14, 2023; meetings of the Ordinance Committee of the City Council on September 21, 2023, October 16, 2023, and October 30, 2023; and a meeting of the full City Council on November 20, 2023; the public presented detailed, science-based information about greenhouse gas emissions from non-fossil fuel thermal energy systems and fuels, including advanced wood heating, renewable natural gas and liquid biofuels, and the potential benefits of making such systems and fuels subject to a carbon pollution impact fee; and

WHEREAS, advanced wood heating involves burning cord wood, wood pellets or wood chips in a stove, boiler or other device to generate thermal energy; and

WHEREAS, advanced wood heating devices emit greenhouse gases; and

WHEREAS, renewable natural gas, like natural gas, is primarily methane that rather than being taken out of the ground is made by processing biogas generated by landfills, methane digesters at farms and wastewater treatment facilities; and

WHEREAS, renewable natural gas is mixed with natural gas in gas distribution pipelines, and burning renewable natural gas to generate thermal energy emits greenhouse gases; and

WHEREAS, liquid biofuels are primarily derived from plant material, including crops like canola, corn, soy, coconut, sugar and palm; and

WHEREAS, burning liquid biofuels to generate thermal energy emits greenhouse gases; and

WHEREAS, members of the Ordinance Committee at the August 14, 2023 meeting recognized that thermal energy systems that rely on electrification, geothermal and solar measures, are preferable to those relying on other types of renewable energy which emit greenhouse gases, and acknowledged that the City currently lacks authority to impose a carbon pollution impact fee on such non-fossil fuel systems and fuels because such a fee has not been approved by voters; and

WHEREAS, by imposing a fee on fossil fuel thermal energy systems but not on non-fossil fuel systems and fuels that emit greenhouse gases, the Ordinance incentivizes the latter; and

WHEREAS, the existence of such incentives may be detrimental to the City's efforts to promote efficient electric buildings and to achieve greenhouse gas emission reductions that can be realized through use of electrification, geothermal and solar measures; and

WHEREAS, a number of City Councilors during public meetings referenced above expressed a desire for the City's Ordinance to be consistent with the State's Clean Heat Standard program being developed by the Public Utility Commission under the Affordable Heat Act, 30 V.S.A. §§ 8121 – 8131; and

WHEREAS, the State's Clean Heat Standard program is to consist of a sliding scale of clean heat credits for eligible clean heat measures based on the greenhouse gas emission reductions expected from each clean heat measure but the Ordinance, while incorporating State Clean Heat program eligible clean heat measures, treats all of them the same by totally exempting them from the carbon impact fee regardless of the magnitude of their greenhouse gas emissions; and

WHEREAS, modifying the Ordinance so that it imposes a sliding scale of fees on greenhouse gas emitting non-fossil fuel systems and fuels based on the respective greenhouse gas emissions of the systems and fuels would make the Ordinance more consistent with the State's Clean Heat Standard program; and

WHEREAS, it is appropriate and necessary for the City to seek voter approval to obtain authority to impose a carbon pollution impact fee on non-fossil fuel thermal energy systems which emit greenhouse gases to permit the City to eliminate the incentives described above, incentives which threaten to limit the greenhouse gas emission reductions that can be obtained from the building sector, and to permit the City to make the Ordinance more consistent with the State's Clean Heat Standard program; and

WHEREAS, the fee on non-fossil fuel thermal energy systems should be authorized to be set initially at the rate then in effect on fossil fuel thermal energy systems imposed by the Ordinance, and should be authorized to be adjusted annually thereafter to reflect regional inflation so that the rate remains the same as the rate imposed on fossil fuel thermal energy systems; and

WHEREAS, the ballot question requested in this resolution is not intended to authorize the City to impose a carbon pollution impact fee on the McNeil District Energy project;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council hereby requests, pursuant to the City Charter Section 48(66), that the following question be placed before voters on the ballot of the Annual City Meeting to be held on March 5, 2024:

"Shall the City Council, in order to reduce greenhouse gas emissions in the City, be authorized, starting January 1, 2025, to implement a carbon pollution impact fee in the permitting process, with the fee to be set by resolution or ordinance starting at up to $150 per ton plus up to 5% to reflect regional inflation for the 12 months preceding September 1, 2024, and rising annually thereafter at the rate of regional inflation but capped at no more than a 5% annual increase, for:

- new construction buildings that install non-fossil fuel thermal energy systems that emit carbon dioxide or other greenhouse gases, with the exception that the fee would not be implemented

until January 1, 2026 for domestic water heating systems in new construction multi-family residential units with more than 4 units; and

- for existing commercial and industrial buildings 50,000 square feet or larger when the building is installing non-fossil fuel thermal energy space conditioning or domestic water heating systems that emit carbon dioxide or other greenhouse gases.

The fee proceeds could support a City fund to support clean heating technology installations for low-income Burlington households and renters and/or, in the case of existing building payors, greenhouse gas emissions reductions projects at their building or facilities in Burlington."

GB/Resolutions 2024/*Town Meeting Day 2024 Carbon Pollution Impact Fee Ballot Question*
1/8/2024

Resolution Relating to

IMPLEMENTATION OF A CARBON POLLUTION IMPACT FEE

RESOLUTION_____
Sponsor(s): TEUC (Councilors Bergman and King)
Introduced: _____
Referred to: __TEUC_____
_____
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, the City of Burlington has declared a climate emergency exists, and on September 5, 2019 the City and Burlington Electric Department issued the Net Zero Energy Roadmap ("the Roadmap") to guide progress in reducing greenhouse gas emissions in buildings and ground transportation; and

WHEREAS, the Roadmap identified emissions from buildings as the second largest source of greenhouse gas emissions in the city; and

WHEREAS, the City enacted new ordinances in 2021 to address rental weatherization standards, and require primary renewable heating systems in new construction; and

WHEREAS, in 2022 Burlington's neighboring community, the City of South Burlington, adopted a similar primary renewable heating system ordinance and also include requirements for renewable domestic water heating as well, aligning the two cities in both requiring the use of renewable systems and fuels for new construction; and

WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that would allow the City to create policies to regulate greenhouse gas emissions in buildings, and an advisory ballot question focused on providing equity in the development of such policies; and

WHEREAS, on April 20, 2022, the Governor signed the charter change into law after it was approved by the Vermont Legislature; and

WHEREAS, the charter change approved by voters in March of 2021 and subsequently approved by the Legislature and signed by the Governor requires the City to seek additional voter approval when it proposes to utilize a carbon impact or alternative compliance fee; and

WHEREAS, on March 7, 2023, the voters of Burlington approved, with over 67% voting in favor, a ballot item allowing the City Council to implement a carbon pollution impact fee of up to $150 per ton for new construction buildings and existing commercial and industrial buildings 50,000 square feet or larger that install new fossil fuel systems; and

WHEREAS, on November 20, 2023, the City Council approved an ordinance requiring, beginning January 1, 2024, newly constructed buildings either install non-fossil fueled thermal energy systems or pay a

fee of $150 per ton and requiring existing commercial and industrial buildings 50,000 square feet or larger who are seeking a permit for a new thermal energy system to either install a non-fossil fueled thermal energy system or pay a fee of $150 per ton; and

WHEREAS, the aforementioned ordinance is expected to lead to some reductions in greenhouse gas emissions, but is limited in scope and will not on its own reduce greenhouse gas emissions substantially enough for the City to meet its Net Zero Energy Roadmap commitments, necessitating the adoption of stronger policies to reduce emissions in the building sector;

NOW, THEREFORE, BE IT RESOLVED that the City Council requests that the Transportation, Energy, and Utilities Committee (TEUC) draft language for a ballot question asking voters to give the City Council the authority to implement a carbon pollution impact fee for a larger subset of Burlington's buildings than is currently authorized, the authority to increase the fee above what is currently authorized, and the authority to apply the carbon pollution impact fee to any source of emissions from buildings that causes global warming, with revenue from the fee going primarily towards supporting low- and moderate-income households who are seeking to reduce their fossil fuel use renters and/or, in the case of existing building payors, greenhouse gas emissions reductions projects at their building or facilities in Burlington; and

BE IT FURTHER RESOLVED that in developing this proposed ballot language for the City Council's consideration, the TEUC take input from members of the public, from climate advocacy organizations, from relevant labor unions, from building owners, from leaders in other cold-climate cities that have adopted building decarbonization policies, from the Burlington Electric Department, from the Department of Permitting and Inspections, and from other groups and individuals the TEUC feels should be included in the policymaking process; and

BE IT FURTHER RESOLVED that the Transportation, Energy, and Utilities Committee refer their proposed language for this ballot item back to the full City Council no later than its May 20th, 2024 meeting, with the goal of placing a question before the voters on or before August 13th, 2024.

Resolution Relating to

CLIMATE POLICY REVIEW AND NEXT STEPS FOR EXISTING COMMMERCIAL AND INDUSTRIAL BUILDINGS LESS THAN 50,000 SQUARE FEET

RESOLUTION_____
Sponsor(s): Councilors Traverse, Barlow
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, the City of Burlington has declared a climate emergency exists and, in 2019, the City and Burlington Electric Department (BED) issued a Net Zero Energy Roadmap ("the Roadmap") to guide progress in reducing greenhouse gas emissions in buildings and ground transportation; and

WHEREAS, the Roadmap identified emissions from buildings as the second largest source of greenhouse gas emissions in the City; and

WHEREAS, the City enacted new ordinances in 2021 to address rental weatherization standards and require primary renewable heating systems in new construction; and

WHEREAS, in 2022, Burlington's neighboring community, the City of South Burlington, adopted a similar primary renewable heating system ordinance and also include requirements for renewable domestic water heating, aligning the two cities in both requiring the use of renewable systems and fuels for new construction; and

WHEREAS, on March 2, 2021, Burlington voters approved a proposed change to the City charter that would allow the City to create policies to regulate greenhouse gas emissions in buildings, and an advisory ballot question focused on providing equity in the development of such policies; and

WHEREAS, on March 7, 2023, the voters of Burlington approved, with over 67% voting in favor, a ballot item allowing the City Council to implement a carbon pollution impact fee of up to $150 per ton for new construction and existing commercial and industrial buildings 50,000 square feet or larger that install new fossil fuel systems; and

WHEREAS, on November 20, 2023, the City Council approved an ordinance requiring, beginning January 1, 2024, newly constructed buildings either install non-fossil fueled thermal energy systems or pay a fee of $150 per ton and requiring existing commercial and industrial buildings 50,000 square feet or larger that are seeking a permit for a new thermal energy system to either install a non-fossil fueled thermal energy system or pay a fee of $150 per ton; and

WHEREAS, the carbon pollution impact fee does not apply to existing commercial and industrial buildings less than 50,000 square feet, and meeting the City's Net Zero commitments will necessitate the adoption of stronger incentives to reduce greenhouse gas emissions from these buildings;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby requests BED and the Department of Permitting and Inspections (DPI) conduct a review of how to best improve climate policy to reduce greenhouse gas emissions from existing commercial and industrial buildings less than 50,000 square feet; and

BE IT FURTHER RESOLVED that this review shall include, but not be limited to, a review of Burlington's carbon pollution impact fee and the extent to which it should extend to existing commercial and industrial buildings less than 50,000 square feet, an update on applicable climate policies under Vermont or federal law that have been recently enacted or are nearing enactment, an update on relevant climate policies established by Burlington's surrounding communities, and a review of the extent to which incentives, rather than fees or taxes, may be effective in meeting Burlington's Net Zero goals; and

BE IT FURTHER RESOLVED that BED and DPI shall provide an interim report on this topic to the Council no later than August 1, 2024, and a final report with policy recommendations no later than November 1, 2024; and

BE IT FURTHER RESOLVED that subsequent to receiving this final report, the City Council's intention is to request a similar policy review on how to further incentivize the reduction of greenhouse gas emissions in other buildings that are currently not included in the carbon pollution impact fee ordinance.

BT/Resolutions 2024/*Climate Policy Review and Next Steps for Burlington Buildings*
January 23, 2024

Resolution Relating to

MARCH 5, 2024 ANNUAL CITY MEETING – INCREASE IN PUBLIC SAFETY TAX RATE FOR FIRE AND POLICE PURPOSES AUTHORIZED

RESOLUTION_____
Sponsor(s): Board of Finance
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, Section 102a of the Burlington City Charter authorizes the City Council annually to assess a tax for the use of the fire and police departments (the "Public Safety Tax Rate"), in addition to the general tax rate set forth in Section 99 of the Charter; and

WHEREAS, the Public Safety Tax Rate has not increased since FY21; and

WHEREAS, since that time the City and community have experienced general inflation of more than seventeen percent (17%) and has expanded the public safety budget to retain and recruit police officers and firefighters; and

WHEREAS, the Mayor has proposed, and the Board of Finance has recommended, that the City Council place a question on the Annual City Meeting ballot asking voters to approve a three cent ($0.03) increase in the Public Safety Tax Rate;

NOW, THEREFORE, BE IT RESOLVED that the following question shall be placed on the ballot of the Annual City Meeting to be held March 5, 2024:

"Pursuant to Section 102a of the City Charter, shall the police and fire tax rate be increased by three cents ($0.03) for public safety purposes, so that the police and fire tax rate (one component of the overall city tax rate) for FY25 is increased from $0.0785 to $0.1085, an approximate four percent (4%) increase from the FY24 overall city tax rate?"

KK/EDKR/Resolutions 2024/Treasurer – Tax Rate for Public Safety Purposes Authorized (3-5-24 Annual City Meeting)
1/25/2024

Resolution Relating to

MARCH 5, 2024 ANNUAL CITY MEETING – INCREASE IN PUBLIC SAFETY TAX RATE FOR FIRE AND POLICE PURPOSES AUTHORIZED

RESOLUTION_____
Sponsor(s): Board of Finance
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, Section 102a of the Burlington City Charter authorizes the City Council annually to assess a tax for the use of the fire and police departments (the "Public Safety Tax Rate"), in addition to the general tax rate set forth in Section 99 of the Charter; and

WHEREAS, the Public Safety Tax Rate has not increased since FY21; and

WHEREAS, since that time the City and community have experienced general inflation of more than seventeen percent (17%) and has expanded the public safety budget to retain and recruit police officers and firefighters; and

WHEREAS, the Mayor has proposed, and the Board of Finance has recommended, that the City Council place a question on the Annual City Meeting ballot asking voters to approve a three cent ($0.03) increase in the Public Safety Tax Rate;

NOW, THEREFORE, BE IT RESOLVED that the following question shall be placed on the ballot of the Annual City Meeting to be held March 5, 2024:

"Pursuant to Section 102a of the City Charter, shall the police and fire tax rate be increased by three cents ($0.03) for public safety purposes, so that the police and fire tax rate (one component of the overall city tax rate) for FY25 is increased from $0.0785 to $0.1085, an approximate four percent (4%) increase from the FY24 overall city tax rate."

KK/EDKR/Resolutions 2024/Treasurer – Tax Rate for Public Safety Purposes Authorized (3-5-24 Annual City Meeting)
1/25/2024

Date: January 25, 2024

To: City Council

From: Katherine Schad, Chief Administrative Officer

CC: Mayor Miro Weinberger

Memo: Responding to FY25 General Fund Budget Questions and Discussion

Thanks to the City Council for your thoughtful participation in the FY25 General Fund budget work session on January 22, 2024. This memo responds to the various budget-related questions that were raised during the word session in anticipation of a City Council vote to put the question of raising the cap on the public safety tax by $.03 on the Town Meeting Day ballot.

Effect of Proposed Tax Changes on Homeowners

City Council requested the estimate below of what property taxpayers who pay the full homestead education tax rate would pay if both the 13.97% education tax increase and the full additional 4% public safety tax increase were put into effect in FY25. Please note that $381,400 is the current single-family home median assessed value according to the Assessor's Office.

Figure 1

Appraised Value	FY24 HS + municipal tax	FY25 Proposed HS + Proposed municipal tax *	Y over Y Total Proposed Tax Increase	Amount of Annual Increase for Municipal Tax
	$2.2008	$2.4417		
$300,000	$ 6,602.40	$ 7,325.10	$ 722.70	$ 90.00
$381,400	$ 8,393.85	$ 9,312.64	$ 918.79	$ 114.42
$450,000	$ 9,903.60	$10,987.65	$ 1,084.05	$ 135.00
$600,000	$13,204.80	$14,650.20	$ 1,445.40	$ 180.00

* Municipal tax includes proposed 3.98% increase for public safety tax and 1% planned increase for debt service. Tax rate will change slightly when rate for retirement tax is finalized.

Comparison of Burlington's Proposed Municipal Increase with Other Communities
Burlington, like our neighbors, has faced years of unprecedented and sustained inflation as the entire community recovers from the pandemic and now one-time revenues are waning. In order to continue to provide the services that Burlington residents expect, moderate increases to municipal taxes are one factor in creating a reasonable, balanced budget.

Figure 2

Municipality	FY25 Proposed Increase	2-Year Total
Burlington *	5.10%	11.30%
Colchester	4.63%	10.33%
South Burlington	5.82%	11.57%
Winooski	9.83%	14.92%

* FY25 Burlington increase includes proposed 3.98% increase for public safety tax and 1% planned increase for debt service. Tax rate will change slightly when rate for retirement tax is finalized.

Hotel Tax Proposal
The lodging portion of Burlington's 2% gross receipts tax generates approximately $1M annually (an additional 9% tax goes to the State).

This proposal adds 2% to <u>only</u> the hotel portion of the gross receipts tax, generating an additional $1M for the City every year ($2M total per year). The CT Office conducted research to ensure that increasing this rate would not adversely affect the competitiveness of Burlington hotels, especially compared to other tourist destination cities in New England. We also found a survey of the 150 largest US cities showed that the maximum lodging tax was 20.5%, the minimum was 8%, and the median was 14%. This data provides another useful data point as the City Council evaluates this decision.

Figure 3

State Rate		City Rates
MA	5.7%	14.95% Boston; 14.45% Cambridge & Hyannis
RI	5.0%	13% Providence & Newport
CT	15.0%	
VT	9.0%	13% proposed in Burlington

Because of the comparison table below which illustrates how Burlington's long-standing tax rate on meals compares with other regional neighbors, we are not proposing to increase the gross receipts tax on meals.

Figure 4

City or State	Tax Rate on Meals
Burlington	11% (9% State, 2% City)
Massachusetts	6.25-7.0%
Maine	8%
New Hampshire	8.5%
Connecticut	7.35%

Gross Receipts and Local Option Tax

The Gross Receipts (GR) Tax (which is formally known as the Restaurant, Hotel, Amusements and Admissions Tax) is 2% of the gross receipts from taxable receipts and businesses submit them monthly directly to the City. This important source of revenue is highly dependent on trends in the national and state economy, as evidenced by the FY20 and FY21 data, when GR revenue plummeted due to COVID. In FY22 the City saw a dramatic rebound in revenue, likely due to pent-up demand, and a further significant increase in FY23 as the recovery continued. The first six months of this fiscal year indicate that revenues have held but may not be growing further. Given this data, dropping inflation, and still elevated interest rates, we are not assuming further growth in FY25.

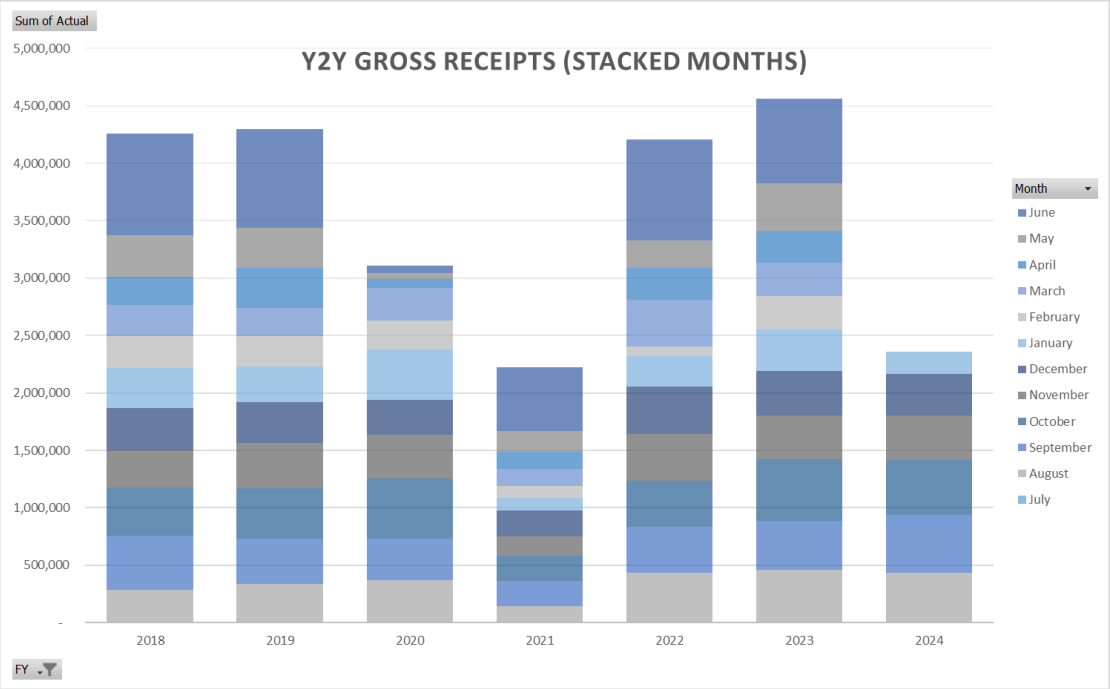
Figure 5

Year	GR Budget	GR Actual
FY22	$4.0M	$4.2M
FY23	$4.3M	$4.6M
FY24	$4.9M	*
FY25	$4.6M**	

* FY24 actuals to date through December 2023 received $2.3M. Best current projection of FY24 actual is approximately $4.6M without accounting for the eclipse which will boost revenue.

** This amount subject to change based on FY24 actuals later in this fiscal year, but at this point we are budgeting at a rate consistent with the $4.6 million we received in FY23 and are on track for again in FY24 (exclusive of the expected eclipse revenue bump).

Figure 6



The Local Option Tax (LOT) is an additional 1% sales tax that is applied on top of the State's 6% sales tax. The State of Vermont administers this tax and remits quarterly payments to the City. LOT is a stable source of 2-3% of revenue growth for the City – as this is a "destination-based" tax, meaning that it includes taxable goods purchased online and shipped to a Burlington address, you will note that this source of revenue remained stable throughout the pandemic.

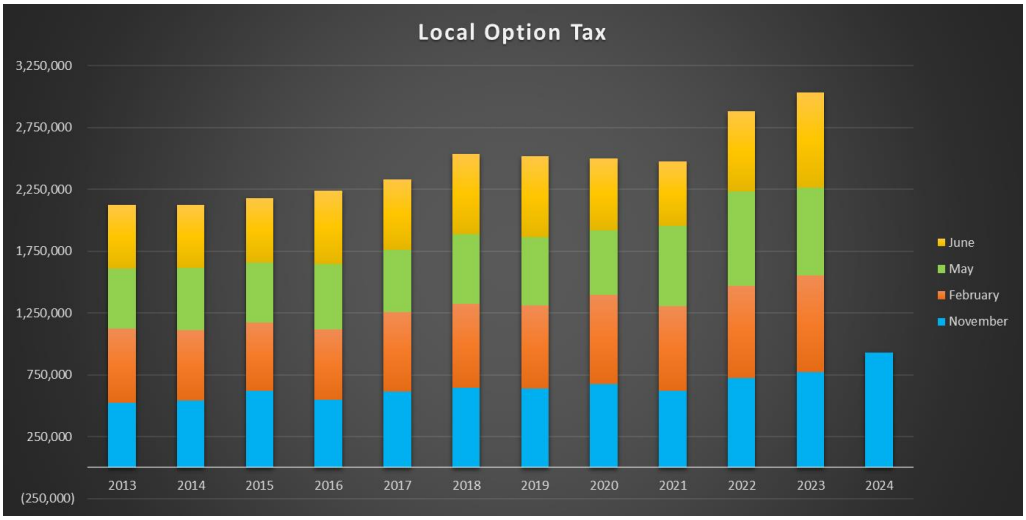
Figure 7

Year	Budget	Actual
FY22	$2.7M	$2.8M
FY23	$3.0M	$3.0M
FY24	$3.2M	*
FY25	$3.4M**	

* Only one quarterly payment for FY24 received to date with second quarterly LOT payment expected in February 2024 and CT will provide an update at that time.

** This amount subject to change based on FY24 actuals later in this fiscal year, but at this point we are budgeting at a rate consistent with recent actuals.

Figure 8



One-Time Money: Unassigned Fund Balance (UAFB) and American Rescue Plan Act (ARPA)
As of the start of the fiscal year, we had an approximately 9% UAFB reserve (approximately $7M), and it is too early in FY24 to fully project where this figure will be when the FY23 audit is complete and when FY24 concludes. Given that we are currently below our target 10% reserve, we do not propose to buy down tax rates with the use of UAFB funds at this time.

Since our session on Monday, we have completed a full review of the $27M of ARPA commitments that the City has made. The results of the review below indicate that we have identified close to $1M of ARPA funds to budget in FY25 resulting from unused balances. We are continuing to review ARPA projects for possible additional funds but propose limiting the use of one-time funds in the FY25 Budget to $1M to lessen the complications this will create for future budget years.

Figure 9

Category	ARPA Project/Memo	Budgeted Amount	Spent to Date	Final Remaining Balance
Property tax lag relief	Households/09.13.21/12.20.21	$ 1,000,000	$ 661,015	$ 338,985
COVID response	FY22 Appropriation	$ 500,000	$ -	$ 500,000
Employee test kit	Health Response/09.13.21	$ 60,000	$ 43,189	$ 16,811
Masks	Health Response/09.13.21	$ 20,000	$ 1,154	$ 18,846
Air purifier	Health Response/09.13.21	$ 10,000	$ 7,980	$ 2,020
Contingency	PHR Contingency/05.10.21/9.13.21	$ 100,069	$ 65,200	$ 34,869
Employee Vaccination Bonus	Health Response/09.13.21	$ 60,000	$ 41,400	$ 18,600
TOTAL				**$ 930,130**

Operational Analysis
The Administration is working with a consulting firm to conduct an operational analysis focused on its largest general fund departments (excluding public safety). At this point we are targeting $3M in non-public safety

General Fund savings in efficiencies for FY25 based on: 1) initial conversations with the consulting firm conducting this analysis; and 2) my office's internal review of currently vacant or underutilized positions, new hires since the pandemic, and other feedback from department heads throughout the budgeting process. The goal of the review will be to achieve these cost reductions while minimizing impacts on service delivery and to provide recommendations to the City on a timeline that can inform the finalization of the FY25 budget in May.

An operational analysis of the Burlington Police Department was completed in October 2021, and a staffing analysis of the Burlington Fire Department is currently underway. Based on those studies and the current level of public safety issues that we are working to address, we do not not proposing public safety cuts at this time.

Payment in Lieu of Taxes (PILOTs)
You can find the list of all PILOTS in this part of the FY24 budget (see page 2). If you would like to see a particular agreement, please email Katherine for a copy.

Franchise Fees
As requested, we will share through privileged communication the legal guidance that the City received regarding the potential increase of franchise fees.

Part 2 - BPD-Related Items

Community Support

Staff authorized in the FY24 community support budget and those currently on staff are highlighted in this chart. Beginning in FY25 the CT Office can move the CSOs and CSO Supervisor into a different category, however, it is both confusing for audit purposes and less accurate to do this mid- fiscal year so we are not making the change at this time.

Figure 10

Title	Total Authorized in FY24 Budget	Total Current on Staff
Assistant Director Crisis, Advocacy and Intervention Programs (CAIP)	1	1
Domestic Violence Victims Advocate (DVVA) and Victim's Advocate (paid by CEDO)	2	2
CARES Clinician	2	0
CARES Supervisor	1	0
Community Support Liaison (CSL)	6	6
CSL Supervisor	1	0
Community Service Officer (CSO)	11	6
CSO Supervisor	1	1

We are tracking both CSO and CSL responses for service through the Valcour system. For CSLs in particular, who provide case management type services with often multiple contacts related to a single call for service, we are still working with City analysts on how to use response data to best articulate the true value and impact of their work.

Innovation Fund

In FY24 the City acted to make funds available for public safety enhancements which were not accommodated in the FY24 budget, including:

- $116,000 for Vermont State Police Details
- $100,000 for holiday season (50% from ARPA, 50% philanthropic contribution)
- $192,000 for the Community Response Team Pilot (Opioid Settlement Funds)

Given the challenges of this budget year, and that Opioid Settlement Funds and ARPA funds received to date will be committed, we recommend $250,000 of flexible Innovation Fund dollars to be responsive to emerging public safety needs in the FY25 budget.

FY25 operational increase requests

These are the requests that BFD and BPD has made for FY25 for non-personnel related items (this excludes adjustments to overtime and attrition). For BFD operational increases total **$207,955** and include uniforms, turnout gear, training (including EMS-specific training and mental health resources) and repairs and maintenance. BPD has $178,600 of requests that include training, specialty equipment, uniforms, and repairs and maintenance. BPD has also requested $300,000 for AXON which is for video storage, new body cameras, and new TASERs. BPD's video storage must be renegotiated as it is currently over capacity and in arrears. Additionally, current TASERs are out of warranty and are no longer manufactured, and the City does not have any more to provide to new officers coming on board.

FY25 increase BPD staffing costs

The chart below provides an overview, by division within BPD, of personnel costs within the agency from FY20 through the FY25 proposed budget.

Figure 11

	ACTUALS				BUDGETED		
Division within BPD	**FY20 Actual ***	**FY21 Actual ***	**FY22 Actual ***	**FY23 Actual**	**FY24 Budget**	**FY25 Proposed Budget**	**Notes**
Uniform Services (including Airport)	$ 13,669,044	$ 13,275,781	$ 12,220,304	$ 11,891,722	$ 12,688,390	$ 13,135,937	FY25 budget for 74 officers
Administration	$ 1,145,933	$ 1,118,636	$ 994,868	$ 935,387	$ 1,193,621	$ 1,357,469	
Dispatch & Communications	$ 966,870	$ 1,034,802	$ 1,039,893	$ 1,450,444	$ 1,310,759	$ 1,255,051	
Community Support			$ 102,645	$ 971,394	$ 1,324,662	$ 1,366,388	FY25 budget includes 24 staff: 3 CARES staff, 11 CSOs + supervisor, 6 CSLs + supervisor, DVVA, and AD CAIP
TOTAL	$ 15,781,847	$ 15,429,219	$ 14,357,710	$ 15,248,947	$ 16,517,432	$ 17,114,845	
Y to Y DIFFERENCE		$ (352,628)	$ (1,071,509)	$ 891,237	$ 1,268,485	$ 597,413	
FY20 - FY25 INCREASE						$ 1,332,998	

*** Please note that prior to FY23 the Uniform Services line item also contained salaries for Airport Services and Administration. For purposes of this analysis we are estimating Administration salaries.**

FY25 General Fund Budget Update

City Council Work Session
January 22, 2024

Context

- Numerous, changing budget pressures since last voter-approved tax increase in FY20
- Increased costs to the general fund FY20 – FY25
- Decreased emergency and one-time funds available to balance the budget

- **In sum, the City is currently projecting a significant gap in FY25 budget if no action is taken. This presentation lays out our plan to close the gap.**

City has Overcome Challenges Since FY 2020

The City has navigated the following budget pressures since our last voter-approved tax increase in FY20:

- Responded to global pandemic creating new public health services.
- **Like all organizations, the City has faced more than a 17% increase in consumer price index (CPI) since FY20.**
- Rebuilding police officer ranks after losing 40% of our officers.
- Created new public safety resources including Community Service Officers (CSOs), Community Support Liaisons (CSLs), and Urban Park Rangers.
- Made substantial overdue investments in racial equity and justice, language access, and livable wages – including creating the Racial Equity Inclusion and Belonging (REIB) Department.

City has Overcome Challenges Since FY 2020 - continued

The City has navigated the following budget pressures since our last voter-approved tax increase in FY20:

- Retained City employees, signing four new union contracts.
- Navigated unprecedented and sustained inflation and record-low unemployment rates.
- Launched an equitable economic recovery by creating a new City department to provide support to workers and businesses.
- Opened three new shelters and the Community Resource Center day shelter plus created initiatives to respond to a 500% increase in unsheltered homelessness following June motel evictions.

Mounting Budget Challenges

In the face of these challenges it has been clear for some time that our budget challenges were rising too:

- Request for property tax rate increase was narrowly rejected for FY23.
- The FY24 budget included $4M of one-time funds that were flagged as needing replacement.
- Country has experienced CPI inflation of more than 17% since FY20 and property tax revenues do <u>not</u> rise with inflation.
- With new police contract, new professional positions + projected increase in officers, BPD personnel costs in FY25 will be $1.7M higher than in FY20.

Proposal to Balance the Budget

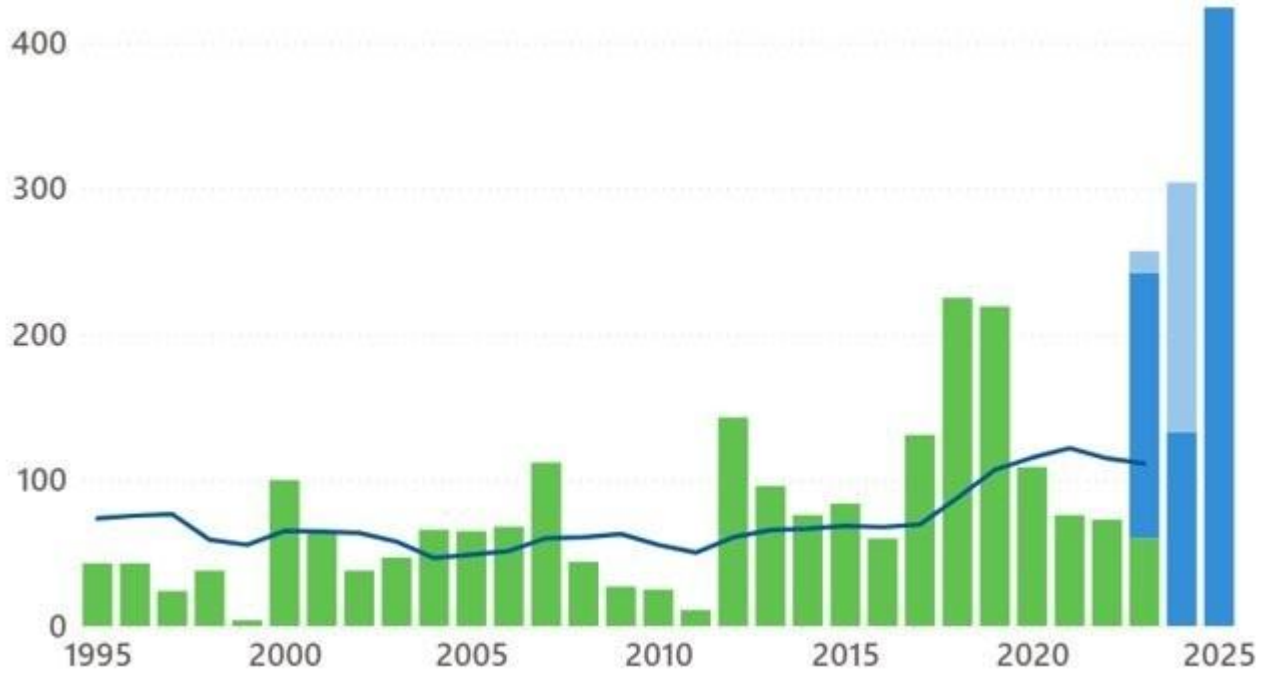
Current projections for FY25 indicate an approximate $9M budget gap if no action is taken.

The gap can be closed while maintaining projected public safety budget by taking actions on multiple fronts:

- Capture growth in grand list revenues and other taxes
- Reduce city operating costs through efficiencies in non-public safety departments
- Complete review + increase of non-property tax revenues within Council authority
- Extend for one additional year the full phase out of one-time funds
- Request voter approval to increase current Police and Fire Property Tax Cap by $.03 on Town Meeting Day

Capture Growth in Grand List and Other Taxes

- $.3M in new property tax revenue via grand list growth
- $.6M Increase in Gross Receipts, Local Option Taxes and Franchise Fees



New units, in construction, permitted

Reduce City Operating Costs Through Efficiencies + Non-Public Safety Cuts

- City has commissioned operations and efficiency study of largest general fund City Departments (not including police or fire departments).
- Goal of operations study is to reduce non-public safety spending by at least $3M.
- CEDO is completing third-party operational review of its services.
- Proposing no expansion of existing general fund services or programs not related to public safety in FY25 budget.

Raise Non-property Tax Revenues

- Current user fee (e.g. campground fees, boat slips, parking, etc.) study ongoing to ensure City covering costs and is competitive with peer cities.
- Projecting a 10% increase in user fees to reflect inflation since past updates ($1.3M/year).
- Special attention will be paid to ensure that youth scholarships and access remain available.
- Increase hotel tax by 2% so City + State rate would be 13% which is comparable with regional comparisons (change will raise approximately $1M/year).

Extend for One Additional Year the Full Phase-out of One-time Funds

- Current budget includes $4M in one-time funds.

- Careful management of remaining ARPA funds and other one-time monies would make it possible to include $1M of one-time funds in the FY25 budget while retaining current Unassigned Fund Balance

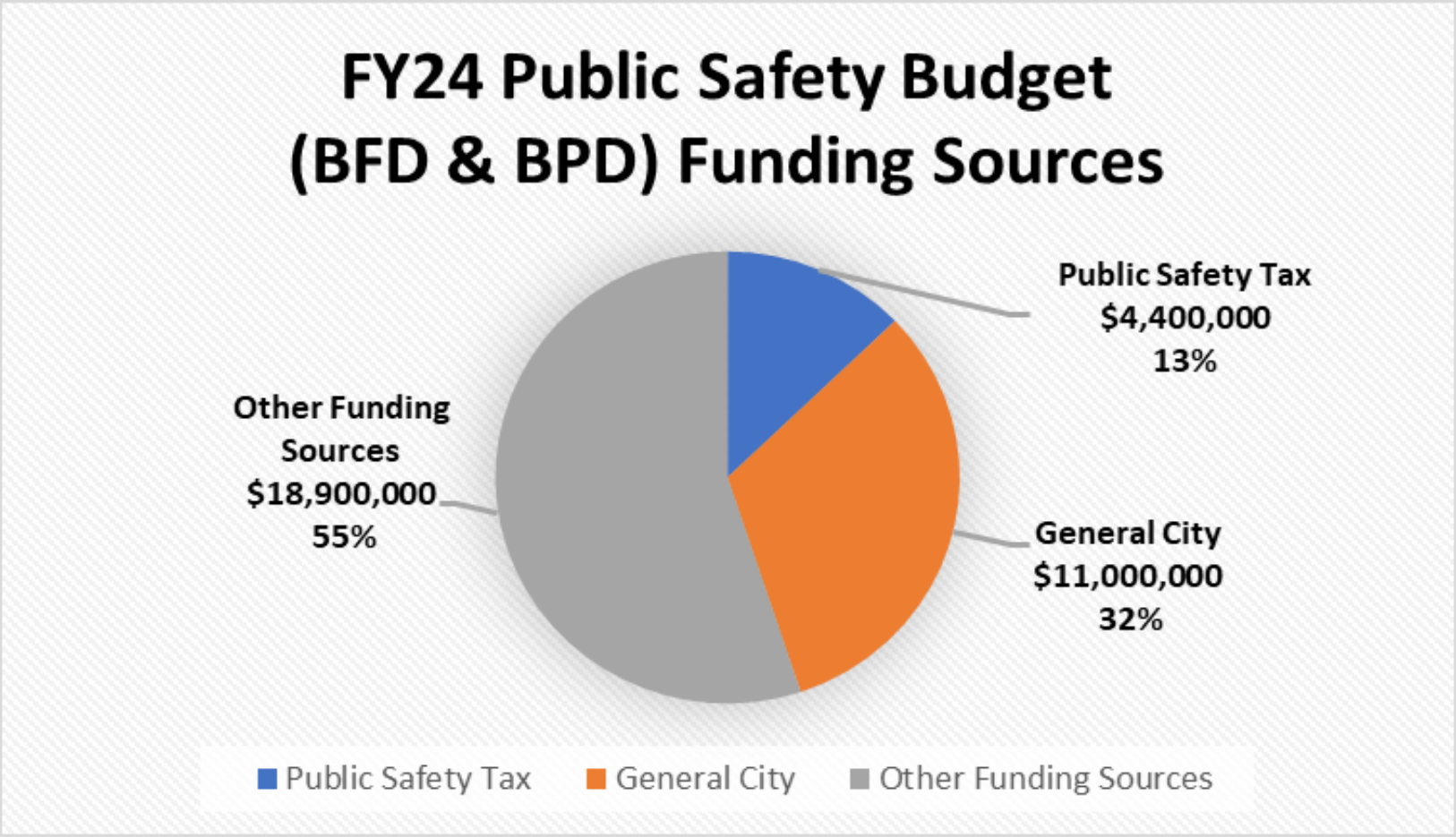
Lift Police + Fire Tax Cap

- This plan would fully fund police and fire budgets including projected increase in officers per Rebuilding Plan and $250,000 of flexible police funding for emerging needs.
- Police and fire costs have increased substantially since last voter approved increase in FY20.
- The Police and Fire Tax currently funds approximately <u>one-third</u> of total BPD and BFD costs.
- Lifting cap does not commit the Mayor + City Council to implementing the tax increase (frequently in past have not used full cap authority).
- Full utilization of this $.03 cap increase would result in a 4% increase of municipal taxes.

Increased Public Safety Costs since FY20

Increased Public Safety Costs to GF Since Last Tax Increase in FY20	
Type of Cost	**Annual Amount**
Increased personnel costs for BPD	$ 1,700,000
Increased personnel costs for BFD	$ 825,000
BPD Recruitment incentives	$ 125,000
Increasing BFD and BPD GF operational costs outlined in PPT	$ 1,066,600
Personnel costs for urban park rangers	$ 200,000
Flexible response fund for Public Safety	$ 250,000
TOTAL	**$ 4,166,600**

Public Safety Budget vs. Current Police + Fire Tax Rate



Summary of Actions Proposed to Balance Budget

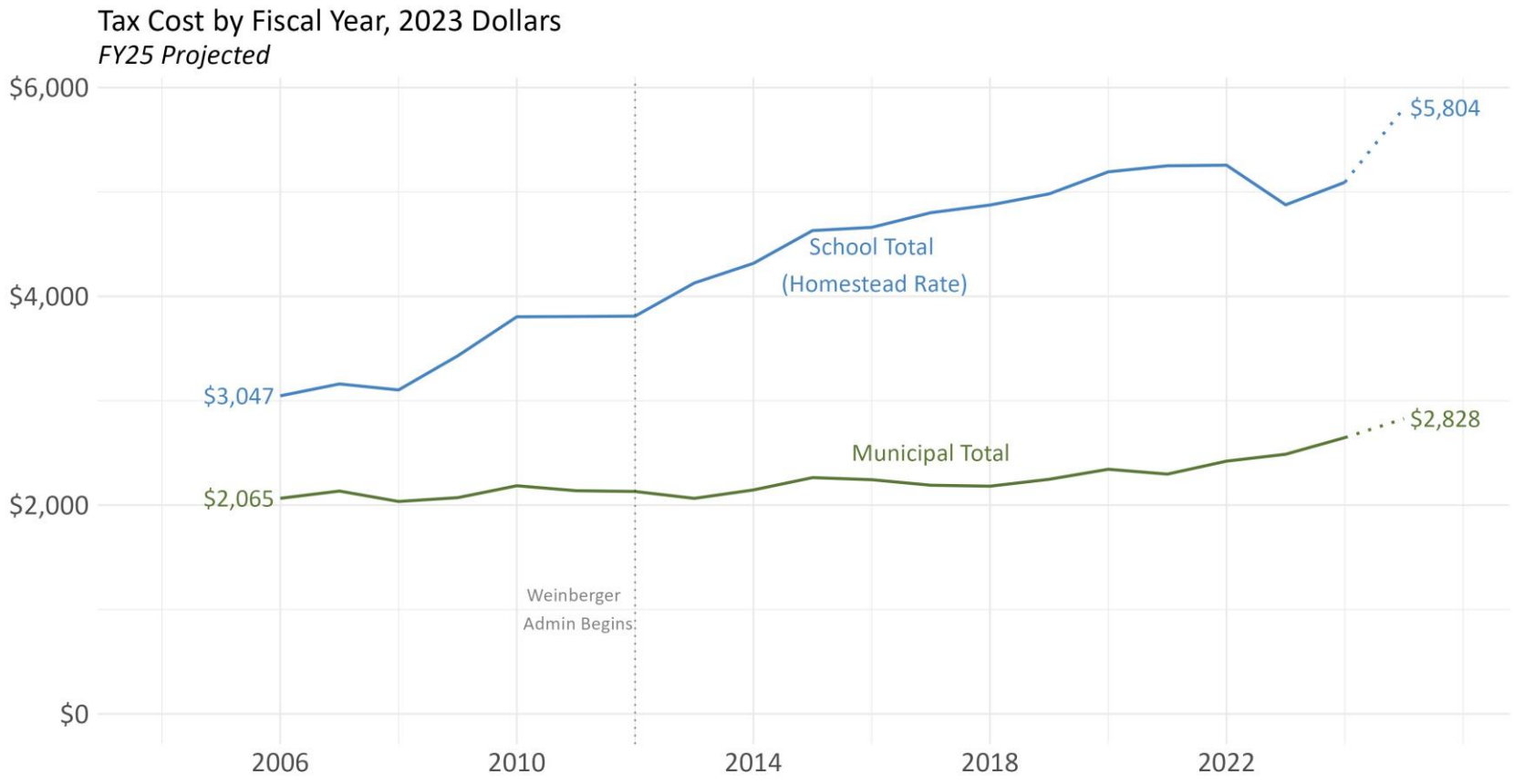
Category	Amount	Details
Regularly Expected Revenue Growth	$ 0.3	Expected increase in property tax revenue via organic grand list growth
	$ 0.6	Expected increase in GR, LOT and FF based
City-led Budget Adjustments	$ (3.0)	Expected decrease about 5% of GF non-public safety expenses after operational analysis
User Fees	$ 1.3	Expected increase user fees approximately 10% after analysis
Hotel Tax	$ 1.0	Potential 2% increase to gross receipts/hotel portion only
One-Time Funds	$ 1.0	Remaining ARPA funds
Public Safety Tax	$ 1.8	Potential increase of $.03 to public safety tax
	$ 9.0	**Total**

Impact of Proposed Police + Fire Tax Increase on Taxpayers

Appraised Value	FY24	FY25 Proposed	Y over Y Increase	% Increase
	$0.7523	$0.7823		
$300,000	$ 2,256.90	$ 2,346.90	$ 90.00	3.99%
$500,000	$ 3,761.50	$ 3,911.50	$ 150.00	3.99%
$700,000	$ 5,266.10	$ 5,476.10	$ 210.00	3.99%

Note: this table reflects full utilization of a lifted Police + Fire tax cap. The City's Debt Service tax is also projected to increase municipal taxes approximately 1% and the FY25 Retirement Tax rate will likely also increase but will not be known until later in FY24.

Municipal and School Taxes over Time



Tax cost adjusted for inflation.
Tax bill based on the median value for condos and single family homes, prior to the property tax credit.

Questions and Discussion

Date: January 29, 2024

To: City Council

From: Katherine Schad, Chief Administrative Officer

CC: Mayor Miro Weinberger

Memo: Responding to City Council Questions related to FY25 General Fund Budget Questions and Discussion Memo dated January 25, 2024

Thanks to the City Council for your questions related to the FY25 General Fund Budget Questions and Discussion Memo that was issued last week. This memo responds to questions that we have received to date and in anticipation of a City Council vote to put the question of raising the cap on the public safety tax by $.03 on the Town Meeting Day ballot.

Expenses Incurred for Outside Security

These are the amounts that were paid to outside security vendors during FY23 for regular contracts. Generally speaking we continue to include these amounts (plus an escalator for inflation) in the FY24 budget and plan to do so for the FY25 budget.

Department	Total Amount Spent in FY23
Parking & Traffic	$198K
City Hall	$193K
Library	$109K
TOTAL	**$500K**

Detail for Dispatch

After posting the memo on January 25, we found an error in Figure 11 which has been corrected below. Specifically, what was listed under "FY25 dispatch & communications" was missing figures for benefits and this has now been updated.

Updated Dispatch Table

Division	Cost Category	FY20 Actual *	FY21 Actual *	FY22 Actual *	FY23 Actual	FY24 Budget	FY25 Budget	Assumptions
Dispatch & Communications	Salary & Benefits	$ 739,319	$ 714,623	$ 759,972	$ 791,890	$ 1,410,759	$ 1,450,649	Dispatch budgeted at 12 plus supervisor in FY23 and 14 plus supervisor in FY24 and FY25.
	Overtime	$ 227,551	$ 320,179	$ 279,921	$ 658,554	$ 300,000	$ 400,000	
	Attrition					$ (400,000)	$ (200,000)	
	Subtotal	**$ 966,870**	**$ 1,034,802**	**$ 1,039,893**	**$ 1,450,444**	**$ 1,310,759**	**$ 1,650,649**	

Updated Figure 11

Below is the updated figure including the benefits for dispatch & communications staff and assuming 77 uniformed officers.

	ACTUALS				BUDGETED		
Division within BPD	**FY20 Actual ***	**FY21 Actual ***	**FY22 Actual ***	**FY23 Actual**	**FY24 Budget**	**FY25 Proposed Budget**	**Notes**
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Administration	**$ 1,145,933**	**$ 1,118,636**	**$ 994,868**	**$ 935,387**	**$ 1,193,621**	**$ 1,357,469**	
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Community Support			**$ 102,645**	**$ 971,394**	**$ 1,324,662**	**$ 1,366,388**	FY25 budget includes 24 staff: 3 CARES staff, 11 CSOs + supervisor, 6 CSLs + supervisor, DVVA, and AD CAIP
TOTAL	**$ 15,781,847**	**$ 15,429,219**	**$ 14,357,710**	**$ 15,248,947**	**$ 16,517,432**	**$ 17,710,443**	
Y to Y DIFFERENCE		**$ (352,628)**	**$ (1,071,509)**	**$ 891,237**	**$ 1,268,485**	**$ 1,193,011**	
FY20 - FY25 INCREASE						**$ 1,928,596**	

*** Please note that prior to FY23 the Uniform Services line item also contained salaries for Airport Services and Administration. For purposes of this analysis we are estimating Administration salaries.**

FY25 General Fund Budget Update

City Council Work Session
January 22, 2024

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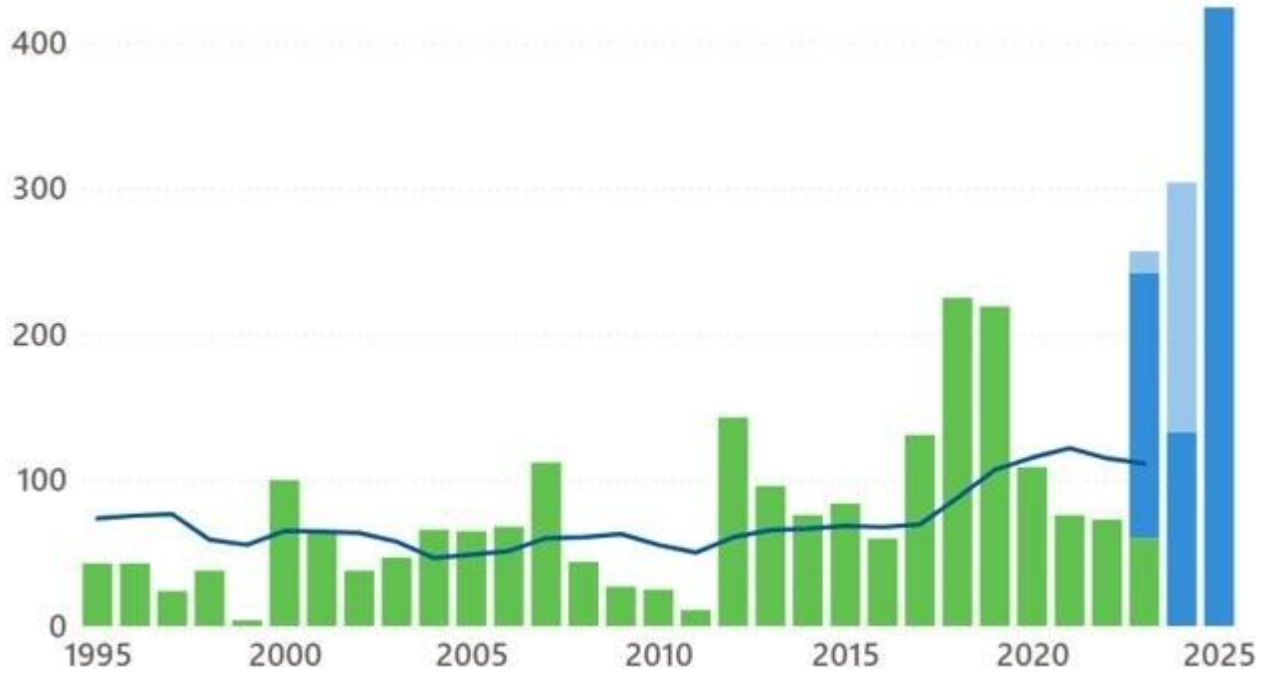

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Lift Police + Fire Tax Cap

- This plan would fully fund police and fire budgets including projected increase in officers per Rebuilding Plan and $250,000 of flexible police funding for emerging needs.
- Police and fire costs have increased substantially since last voter approved increase in FY20.
- The Police and Fire Tax currently funds approximately one-third of total BPD and BFD costs.
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- Full utilization of this $.03 cap increase would result in a 4% increase of municipal taxes.

Increased Public Safety Costs since FY20

Increased Public Safety Costs to GF Since Last Tax Increase in FY20	
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Increased personnel costs for BFD	$ 825,000
BPD Recruitment incentives	$ 125,000
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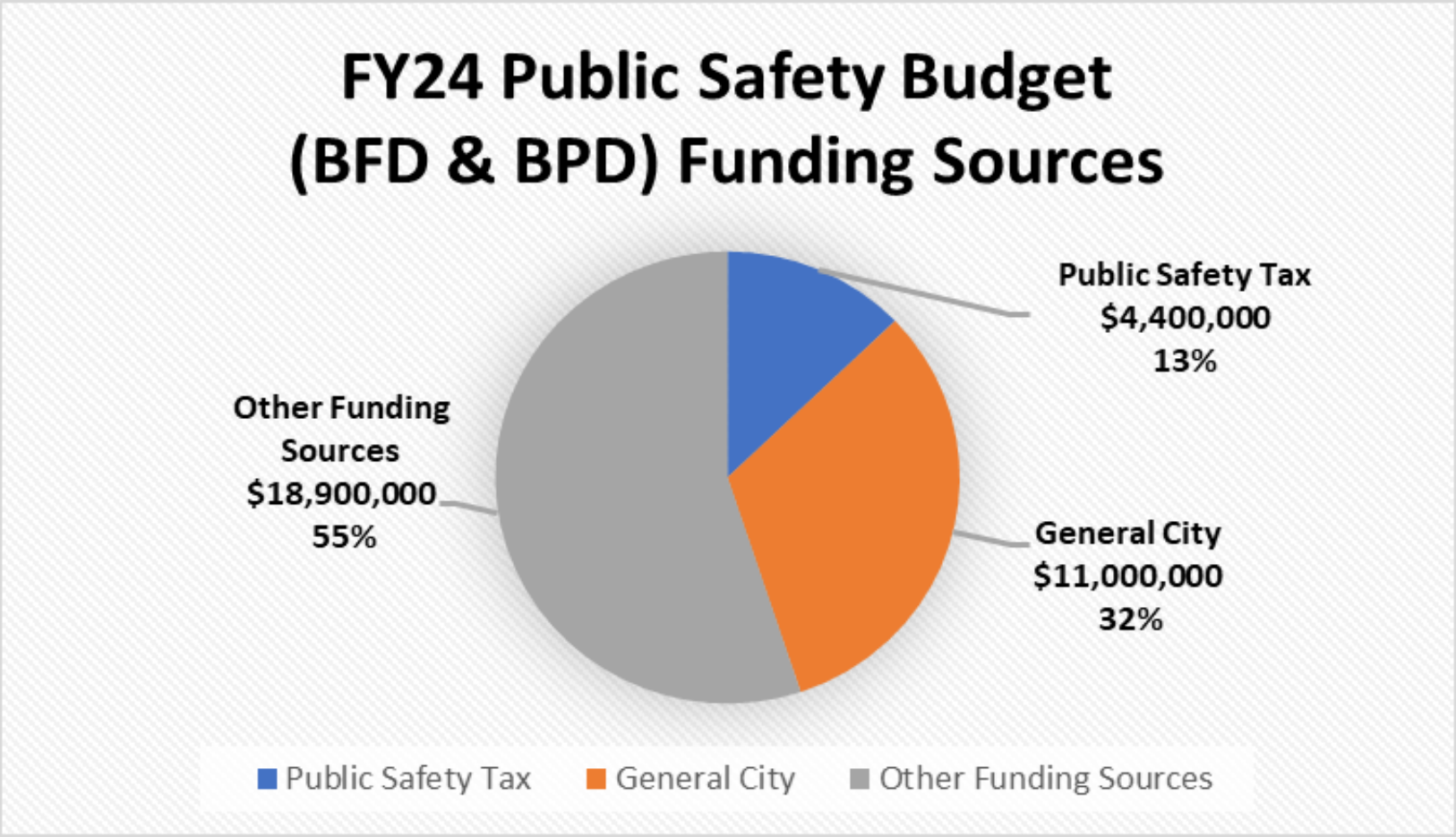
Flexible response fund for Public Safety	$ 250,000
TOTAL	**$ 4,166,600**

Public Safety Budget vs. Current Police + Fire Tax Rate



Lift Police + Fire Tax Cap

- **Fully fund Rebuilding Plan**
  - Budgets for 77 officers
  - Continues recruitment incentives
  - Competitive compensation for police officers

- **Retain new professional staff**
  - 11 Community Service Officers
  - 6+ Community Service Liaisons
  - Assistant Director of Crisis, Advocacy, Intervention Programs (CAIP)
  - Urban Park Rangers
  - Recruitment Coordinator, Redaction Specialist, Public Information Officer
-
- **$250,000 Flexible Response Fund**
- **Funds body camera upgrades**
- **Burlington Fire Department – training for EMS and mental health resources**

Summary of Actions Proposed to Balance Budget

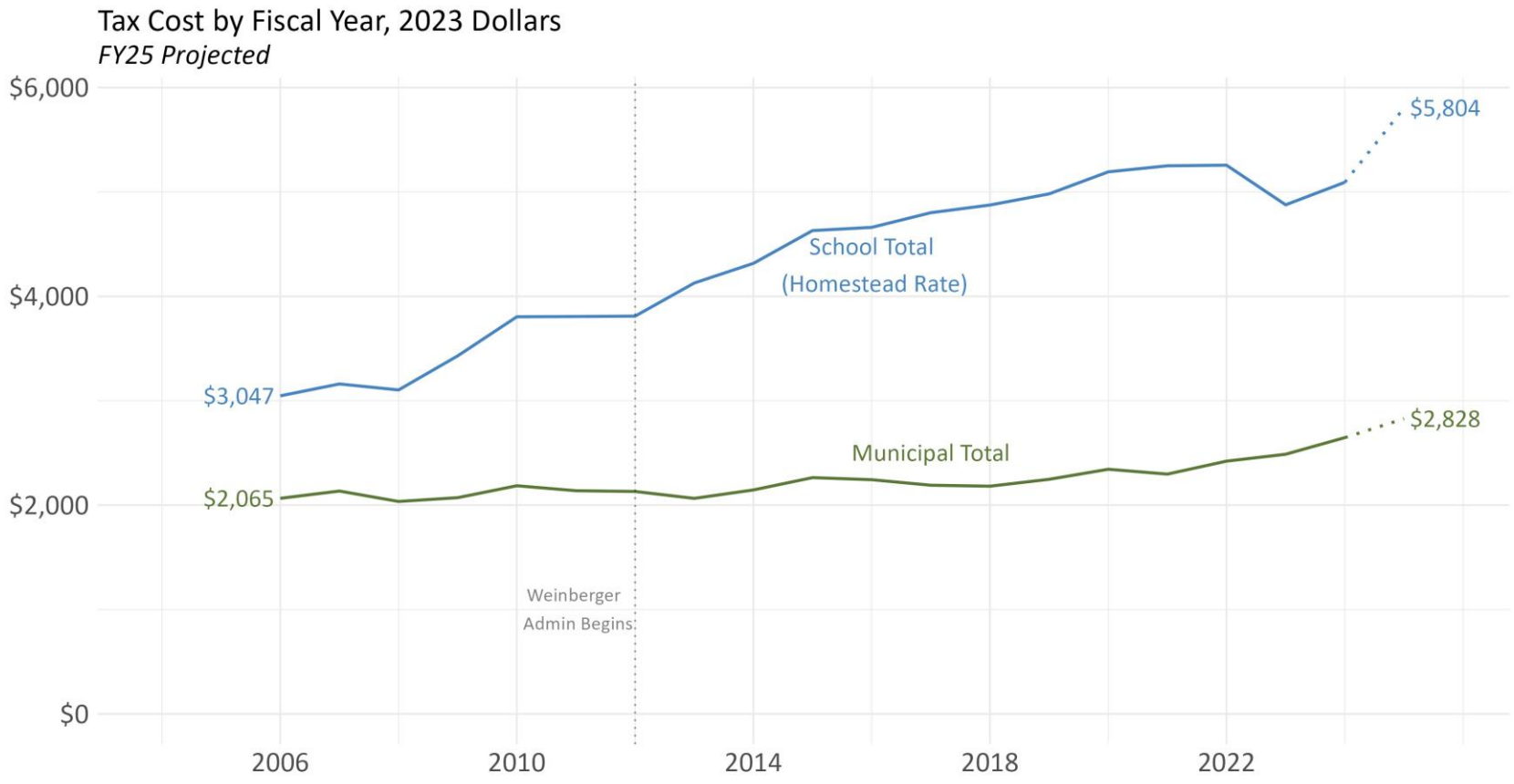
Category	Amount	Details
Regularly Expected Revenue Growth	$ 0.3	Expected increase in property tax revenue via organic grand list growth
	$ 0.6	Expected increase in GR, LOT and FF based
City-led Budget Adjustments	$ (3.0)	Expected decrease about 5% of GF non-public safety expenses after operational analysis
User Fees	$ 1.3	Expected increase user fees approximately 10% after analysis
Hotel Tax	$ 1.0	Potential 2% increase to gross receipts/hotel portion only
One-Time Funds	$ 1.0	Remaining ARPA funds
Public Safety Tax	$ 1.8	Potential increase of $.03 to public safety tax
	$ 9.0	**Total**

Impact of Proposed Police + Fire Tax Increase on Taxpayers

Appraised Value	FY24	FY25 Proposed	Y over Y Increase	% Increase
	$0.7523	$0.7823		
$300,000	$ 2,256.90	$ 2,346.90	$ 90.00	3.99%
$500,000	$ 3,761.50	$ 3,911.50	$ 150.00	3.99%
$700,000	$ 5,266.10	$ 5,476.10	$ 210.00	3.99%

Note: this table reflects full utilization of a lifted Police + Fire tax cap. The City's Debt Service tax is also projected to increase municipal taxes approximately 1% and the FY25 Retirement Tax rate will likely also increase but will not be known until later in FY24.

Municipal and School Taxes over Time



Tax cost adjusted for inflation.
Tax bill based on the median value for condos and single family homes, prior to the property tax credit.

Questions and Discussion

Resolution Relating to

MARCH 5, 2024 ANNUAL CITY MEETING – INCREASE IN PUBLIC SAFETY TAX RATE FOR FIRE AND POLICE PURPOSES AUTHORIZED

RESOLUTION 8.6.
Sponsor(s): Board of Finance
Introduced: 01/29/24
Referred to: _____

Action: adopted
Date: 01/29/24
Signed by Mayor: 01/30/24

CITY OF BURLINGTON

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

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

That WHEREAS, Section 102a of the Burlington City Charter authorizes the City Council annually to assess a tax for the use of the fire and police departments (the "Public Safety Tax Rate"), in addition to the general tax rate set forth in Section 99 of the Charter; and

WHEREAS, the Public Safety Tax Rate has not increased since FY21; and

WHEREAS, since that time the City and community have experienced general inflation of more than seventeen percent (17%) and has expanded the public safety budget to retain and recruit police officers and firefighters; and

WHEREAS, the Mayor has proposed, and the Board of Finance has recommended, that the City Council place a question on the Annual City Meeting ballot asking voters to approve a three cent ($0.03) increase in the Public Safety Tax Rate;

NOW, THEREFORE, BE IT RESOLVED that the following question shall be placed on the ballot of the Annual City Meeting to be held March 5, 2024:

"Pursuant to Section 102a of the City Charter, shall the police and fire tax rate be increased by three cents ($0.03) for public safety purposes, so that the police and fire tax rate (one component of the overall city tax rate) for FY25 is increased from $0.0785 to $0.1085, an approximate four percent (4%) increase from the FY24 overall city tax rate?"

KK/EDKR/Resolutions 2024/Treasurer – Tax Rate for Public Safety Purposes Authorized (3-5-24 Annual City Meeting)
1/25/2024

* * * * * * * * * * * * *

ORIGINAL

DISTRIBUTION:

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

RESOLUTION RELATING TO

March 5, 2024 Annual City Meeting -- Increase In Public Safety Tax Rate For Fire And Police Purposes Authorized

Adopted by the City Council

January 29, 20 24

Clerk

Approved January 30, 20 24

Mayor

Attest:

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