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**DELIBERATIVE AGENDA**  
**LOCAL CONTROL COMMISSION**  
**CONTOIS AUDITORIUM, CITY HALL**  
**MONDAY, MAY 6, 2013**  
**7:00 P.M.**

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1. AGENDA
2. HEARING PANEL APPROVAL & RECOMMENDATION, ORDER, STIPULATED FINDINGS & CONCLUSIONS OF LAW: Atwater Kent, Inc., d/b/a Esox, 194 Main Street
3. ADJOURNMENT

**REGULAR MEETING, CITY COUNCIL**  
**MONDAY, MAY 6, 2013**

1. AGENDA
2. PUBLIC FORUM      **(Time Certain: 7:30 p.m. – 8:00 p.m. unless extended by the Council President per Council Rules)**
3. CONSENT AGENDA
4. PUBLIC HEARING: Burlington Climate Action Plan
  - 4.01. COMMUNICATION: Sandrine Thibault, AICP, Comprehensive Planner and Jennifer Green, Sustainability Coordinator, re: Proposed Municipal Development Plan Amendment: **MDP-12-01 Burlington Climate Action Plan**
  - 4.02. COMMUNICATION: Burlington, VT, Climate Action Plan
  - 4.03. COMMUNICATION: Burlington Municipal Development Plan, VIII. ENERGY PLAN
  - 4.04. COMMUNICATION: Public Hearing Notice
5. PUBLIC HEARING: 2013 Consolidated Plan for Housing & Community Development/2013 One Year Action Plan
  - 5.01. COMMUNICATION: Peter Owens, CEDO Director and Marcy Krumbine, Assistant Director For Community Development, re: Proposed 2013 Five Year Consolidated Plan Community Development Block Grant Proposed Allocations Proposed 2013 Action Plan for Housing & Community Development

*Members of the public may speak when recognized by the Chair, during the Public Forum (time certain: 7:30 p.m.) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 on May 8, 2013 at 8:00 p.m., repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, call Scott Schrader, Assistant CAO for Administration and Management (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).*

- 5.02. COMMUNICATION: Marcy Krumbine, CEDO, re: 2013 Consolidated Plan for Housing & Community Development
- 5.03. COMMUNICATION: Needs Assessment
- 5.04. COMMUNICATION: Housing Market Analysis
- 5.05. COMMUNICATION: Strategic Plan
- 5.06. COMMUNICATION: CDBG Advisory Board Recommendations
- 5.07. COMMUNICATION: Marcy Krumbine, CEDO, re: 2013 Action Plan for Housing & Community Development
- 5.08. COMMUNICATION: Public Hearing Notice
- 5.09. COMMUNICATION: Barbara Rachelson, Executive Director and Lisa Pizzagalli, Board Chair, Lund, re: CDBG funding
- 6. APPOINTMENT: Chief Administrative Officer
  - 6.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Chief Administrative Officer
  - 6.02. COMMUNICATION: Robert "Bob" Rusten's Resume
- 7. COMMITTEE REPORTS (5 mins.)
- 8. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)
- 9. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)
- 10. ADJOURNMENT

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**CONSENT AGENDA**

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**REGULAR MEETING, CITY COUNCIL**

**MONDAY, MAY 6, 2013**

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List  
\*waive the reading, accept the communication and place it on file
- 3.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables And Chairs on a Portion of The City's Right-of-way with Bern Gallery (Councilors Blais, Tracy, Ayres: License Committee)  
\*waive the reading and adopt the resolution
- 3.03. COMMUNICATION: License Agreement for Tables and Chairs with Bern Gallery 2013-2014 Season  
\*waive the reading, accept the communication and place it on file
- 3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign Extending over a Portion of The City's Right-of-way with Liebling (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.05. COMMUNICATION: License Agreement for Sign with Liebling 2013-2013 Season

\*waive the reading, accept the communication and place it on file

3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables And Chairs on a Portion of The City's Right-of-way with Pho Hong Restaurant (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.07. COMMUNICATION: License Agreement for Tables and Chairs with Pho Hong Restaurant 2013-2013 Season

\*waive the reading, accept the communication and place it on file

3.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Roofline Cornice Overhanging a Portion of The City's Right-of-way with Shoeless Konstruction (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.09. COMMUNICATION: License Agreement for a Roofline Cornice Overhanging the Sidewalk With Shoeless Konstruction 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Sign Extending over a Portion of The City's Right-of-way with Phoenix Books (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

3.11. COMMUNICATION: License Agreement for Sign with Phoenix Books 2013-2014 Season

\*waive the reading, accept the communication and place it on file

3.12. TOBACCO LICENSE RENEWAL (2013-2014): The Other Place, 4 North Winooski Avenue

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Tobacco Renewal for The Other Place

3.13. COMMUNICATION: Handout from Caryn Long, 4/29/13 City Council Meeting, re: Newspaper Article: Bike-friendly Portland has parking issues, Associated Press

\*waive the reading, accept the communication and place it on file

3.14. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/10-5/12):

Spielpalast Cabaret, Contois Auditorium, May 10 – 12, 2013, 7 p.m. – 11 p.m.

\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for May 10 -12, 2013 for Spielpalast Cabaret

3.15. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/17-5/18):

Spielpalast Cabaret, Contois Auditorium, May 17, 2013, 7 p.m. – 11p.m.; May 18, 2013, 7 p.m. – 1a.m.

\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for May 17- 18, 2013 for Spielpalast Cabaret

3.16. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Regular, City Council, March 11, 2013

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 29, 2013 City Council Meeting

3.17. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned Meeting, City Council, March 18, 2013

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 29, 2013 City Council Meeting

**STATE OF VERMONT  
BURLINGTON LOCAL CONTROL COMMISSION**

**In Re: Atwater Kent, Inc. dba Esox**

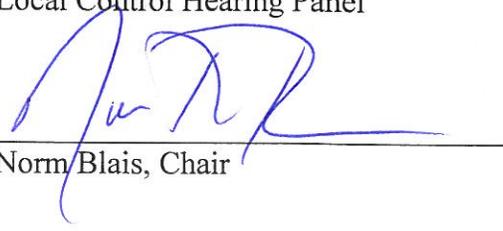
**HEARING PANEL APPROVAL & RECOMMENDATION**

By a unanimous, 2-0 decision, the Hearing Panel voted to approve the Stipulated Findings and Conclusions of Law executed by the City and Respondent on May 1, 2013 (attached), and recommend the approval and adoption of the Order set forth below by the full Local Control Commission at its next meeting.

Dated at Burlington, Vermont this 2<sup>nd</sup> day of May, 2013.

Local Control Hearing Panel

By:

  
\_\_\_\_\_  
Norm Blais, Chair

**ORDER**

Based upon the Hearing Panel's Approval and Recommendation above and the Stipulated Findings and Conclusions of Law executed by the City and Respondent on May 1, 2013 (attached thereto), the Local Control Commission orders that:

1. The First Class Cabaret License for the business of Atwater Kent, Inc. dba Esox, 194 Main St., Burlington, Vermont be suspended for 1 day beginning on Tuesday, May 21, 2013 from 8:00 a.m. to 2:00 a.m. on Wednesday, May 22, 2013 on the basis of the events of January 26, 2013. This suspension will apply to the entirety of its licenses, including its authority to sell malt and vinous beverages as well as spirituous liquors.

Dated at Burlington, Vermont this \_\_\_\_\_ day of May, 2013.

Burlington Local Control Commission

By:

\_\_\_\_\_  
Joan Shannon, Chair

**STATE OF VERMONT  
BURLINGTON LOCAL CONTROL COMMISSION**

**In Re: Atwater Kent, Inc, Inc. dba Esox**

**STIPULATED FINDINGS & CONCLUSIONS OF LAW**

NOW COME the City of Burlington (“City”) by and through Senior Assistant City Attorney Eugene M. Bergman, and Atwater Kent, Inc. dba Esox by and through its owner Bill Hunter and stipulate and agree to the following Findings of Fact and Conclusions of Law. The Parties also agree and stipulate to Respondent receiving a one day suspension on Tuesday, May 21, 2013 from 8:00 a.m. to 2:00 a.m. on Wednesday, May 22, 2013 on the basis of the events of January 26, 2013.

**FINDINGS OF FACT**

1. The Hearing Panel of Burlington Local Control Commission (“Commission”) met on May 1, 2013 to consider the information referred by the Burlington Police Department that the holders of a First Class Cabaret License for the business Atwater Kent, Inc. dba Esox, 194 Main St., Burlington, Vermont failed to comply with Vermont Liquor Control Board General Regulations 17 and 36 on January 26, 2013.
2. This matter is before the Commission pursuant to its authority under 7 V.S.A. § 167 [Duties of Local Control Commissioners] and § 236 [Suspension or revocation of license or permit; administrative penalty] in order to review whether suspension is appropriate based on the events of January 26, 2013.
3. The following is stipulated to be admitted into evidence and is attached hereto: (1) Burlington Local Control Commission Notice of Hearing dated April 12, 2013; (2) Burlington Police Report IN # 13-001984 (8 pages).

4. On January 26, 2013, Respondent held a first class and third class license cabaret license from the State of Vermont for a site at 194 Main St., Burlington, Vermont for the license year May 1, 2012 to April 30, 2013.

5. As a condition of the license, Respondent must abide by all State of Vermont Liquor Control Regulations adopted by the Vermont Liquor Control Board.

6. General Regulation 17 reads: No alcoholic beverages shall be sold or furnished to a person displaying signs of intoxication from alcoholic beverages or other drugs / substances. No alcoholic beverages may be consumed on the licensed premises by any person displaying such signs of intoxication. No person displaying such signs of intoxication shall be allowed to stay on the licensed premises, except under direct personal supervision by a licensee or his or her employees in a segregated nonpublic area when the patron's immediate departure could be expected to pose a risk of bodily injury to the patron or any other person.

7. General Regulation 36 reads: It shall be the duty of all licensees to control the conduct of their patrons at all times. No disturbances, brawls, fighting or illegal activity shall be permitted or suffered upon any licensed premises; nor shall such premises be conducted in such a manner as to render said premises or the streets, sidewalks, parking lots or highways adjacent thereto a public nuisance.

8. The Burlington City Clerk's Office sent Respondent a written Notice from the Commission dated April 12, 2013 by certified mail advising it of a hearing regarding the alleged violation of GR 17 and GR 36 and that the panel would consider whether to suspend the first and third class licenses granted to Respondent based on the January 26, 2013 events. Respondent received the notice.

9. The relevant events of January 26, 2013 were observed by Burlington Police Officer Kim Shelley while she was on downtown foot patrol.

10. At approximately 1:10 a.m., Respondent's patron, Stephanie Patsos ran out of Esox onto the Main St. sidewalk screaming wildly and laughing. Patsos stumbled and nearly fell twice. Patsos had been drinking alcohol at Esox and had had approximately four drinks there and was drinking just prior to this incident.

11. In addition to the stumbling, screaming and laughing, Patsos spoke with very slurred speech and had a sluggish facial appearance and watery eyes.

12. Prior to running out of the bar, Patsos was acting in a similar manner inside the bar, screaming and laughing and coming up from behind another patron and giving him a big hug just before running out of Esox.

#### CONCLUSIONS OF LAW

13. Patsos was furnished alcoholic beverages by Respondent and consumed them and was allowed to stay there despite her being clearly and highly intoxicated inside the establishment. She was not under Respondent's direct supervision. Her screaming and stumbling on the Main St. sidewalk was a disturbance and posed a risk of harm to others on the sidewalk that night.

14. Respondent consequently violated Vermont Liquor Control General Regulations No. 17 and 36

Dated at Burlington, Vermont this 1st day of May, 2013.

Stipulated to by City of Burlington  
By:

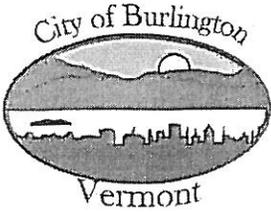


Eugene M. Bergman  
Sr. Assistant City Attorney

Stipulated to by Atwater Kent, Inc. dba Esox  
By:



Bill Hunter  
Owner



## 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

### BURLINGTON LOCAL CONTROL COMMISSION

#### NOTICE OF HEARING

4/12/13 *ld*

*Call 7010 2780 0002 6745 8902*

RE: HEARING TO CONSIDER THE SUSPENSION OF THE FIRST CLASS CABARET LICENSE GRANTED TO **Atwater Kent, Inc., d/b/a Esox** SAID LICENSE BEING GRANTED TO SELL ALCOHOLIC LIQUOR FOR ON-PREMISE CONSUMPTION.

Please take notice that pursuant to the authority vested in the Burlington Local Control Commission by Title 7, Section 236, Vermont Statutes Annotated, a hearing will be held before a hearing panel (the Local Control Subcommittee) of the Burlington Local Control Commission at 8:15 a.m., in Conference Room 12, City Hall, 149 Church St., Burlington, Vermont on Wednesday, May 1, 2013.

The hearing will be held to consider the suspension of the first and third class licenses granted to **Atwater Kent, Inc., d/b/a Esox, 194 Main Street, Burlington, Vermont**, said licenses being granted to sell alcoholic liquor for on-premise consumption, for alleged violation of the following duly adopted regulations of the Vermont Liquor Control Board and the following duly set license conditions set by the Burlington Liquor Control Commission: General Regulation No. 17 and General Regulation No. 36.

General Regulation 17 reads: No alcoholic beverages shall be sold or furnished to a person displaying signs of intoxication from alcoholic beverages or other drugs / substances. No alcoholic beverages may be consumed on the licensed premises by any person displaying such signs of intoxication. No person displaying such signs of intoxication shall be allowed to stay on the licensed premises, except under direct personal supervision by a licensee or his or her employees in a segregated nonpublic area when the patron's immediate departure could be expected to pose a risk of bodily injury to the patron or any other person.

General Regulation 36 reads: It shall be the duty of all licensees to control the conduct of their patrons at all times. No disturbances, brawls, fighting or illegal activity shall be permitted or suffered upon any licensed premises; nor shall such premises be conducted in such a manner as to render said premises or the streets, sidewalks, parking lots or highways adjacent thereto a public nuisance.

The City of Burlington does not discriminate on the basis of political or religious affiliation, race, color, national origin, age, sex, sexual orientation, marital status, veteran status or disability. Persons with disabilities who require assistance or special arrangements to participate in programs and activities of the Clerk Treasurer's Office are encouraged to contact us at 865-7000 or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made.

*It is alleged that at approximately 1:10 a.m. on January 26, 2013, a patron was allowed to consume alcohol on the premises despite displaying signs of intoxication in violation of General Regulation 17 and then this same patron then exited the premises in a manner which caused a public nuisance on the adjacent sidewalk in violation of General Regulation 36, to wit: one Stephanie Patsos was allowed to consume alcohol on the premises despite displaying signs of intoxication and then exited the premises in a manner which render the adjacent sidewalk a public nuisance, as stated with more particularity below.*

*At approximately 1:10 a.m., Patsos was observed by Burlington Police Officer Kim Shelley through Esox's front window holding the glass filled with what she believed to be beer because it was amber colored with a white head and no fountain soda that she is aware of has the same physical characteristics. Officer Shelly was on a downtown foot patrol and her attention was drawn to Esox as she passed by when she heard a loud noise through Esox's door. With the noise drawing her attention, Officer Shelley observed Patsos through Esox's street-side window screaming and laughing. Officer Shelley saw Patsos place a half full clear glass with amber liquid on the window ledge. She then saw Patsos come up from behind another patron, give him a big hug and then run out of Esox's door onto the adjacent Main St. sidewalk. Patsos was screaming wildly and laughing as she ran out of Esox. Officer Shelley saw Patsos stumble and nearly fall twice. When Officer Shelley approached Patsos, Shelley observed that she had very slurred speech, a sluggish facial appearance, and watery red eyes, signs of intoxication. Officer Shelley spoke with Patsos and Patsos told her that she had been drinking only at Esox that night and had "maybe four" drinks there. Patsos told Officer Shelley that she was trying to go to Nectar's. The officer advised Nectar's not to permit Patsos's entrance given her condition. Officer Shelley gave Esox a public safety inspection checklist form noting this "overservice of alcohol" with the remark noting "female stumbling, disorderly."*

The Burlington Local Control Commission shall determine whether or not such alleged violations did occur as specified herein. You shall have an opportunity by yourself or through your attorney to appear at said hearing to present evidence and argument on all issues involved in this case and bring before the hearing panel all pertinent facts that the said licensee believes will have a bearing on the issues involved in this case. Notice may be taken of judicially cognizable facts, including the Respondent's prior liquor control record.

The investigative report(s) pertaining to these incidents are enclosed with this notice.

All correspondence and documents pertaining to this matter should be sent to the Burlington Local Control Commission, Local Control Subcommittee, c/o Clerk/Treasurer's Office, City Hall, 149 Church St., Burlington, Vermont, 05401.

Dated at Burlington, Vermont, this 12th day of April, 2013.

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Burlington Local Control Commission

By:



Lori Olberg, Licensing, Voting and Records Coordinator  
Office of the Clerk/Treasurer

cc: Senior Assistant City Attorney Bergman

Assistant City Attorney Meyer

Officer Kim Shelley, BPD

Matt Gonyo and Jamie Chase, DLC Investigators

Local Control Sub-Committee Members: Norm Blais, Max Tracy and Tom Ayres

CITY ATTORNEY'S OFFICE

FEB 19 2013

RECEIVED

Incident / Misc. #

13-001984

**BURLINGTON PUBLIC SAFETY INSPECTION CHECKLIST**

ESTABLISHMENT

*Ed's*

ADDRESS

CONTACT

- OVERCROWDING
- EXIT / EMERGENCY LIGHTING
- GENERAL LIGHTING CONDITION
- OBSTRUCTION OF EGRESS (INTERIOR / EXTERIOR)
- OBSTRUCTION OF PUBLIC RIGHT OF WAY
- UNLAWFUL CONDUCT ON PREMISES
- ESTABLISHMENT DISTURBANCE (INTERIOR / EXTERIOR)
- OVERSERVICE OF ALCOHOL
- MINORS IN POSSESSION OF ALCOHOL
- EXCESSIVE NOISE
- ALCOHOL ON DANCE FLOOR
- FALSE IDENTIFICATION ON PATRON IN ESTABLISHMENT
- ENTERTAINMENT PERMIT VIOLATION
- OTHER

BURLINGTON CLERK  
INVESTIGATOR'S OFFICE

APR 11 2013

RECEIVED

REMARKS

*Several stumbling observed*

Officer #

*672*

Time

*01:00*

Date

*02/19*

Initial Information - [Ordinance Violation - Other] 01/26/2013 01:10

Incident Number: 13BU001984

Call Time: Sat Jan 26 01:10:11 -0500 2013

Call Type: Ordinance Violation - Other

Primary Ofc.: 292: Shelley, Kim

Call Type	Call Priority	Call Origin	Date & time of call	Location of Call
Ordinance Violation - Other		Officer/Radio	01/26/2013 01:10 AM	188 Main St, Burlington, VT, 05401

Area  Area  Incident Number: 13BU001984  Flag For Roll  Call  Canceled By  Owner: 1041

Mental health related  Alcohol related  Drug related  DOMV  Cargo theft  Drug Types

Witness List

Person Type	Name	DOB	Primary Phone	Address
Person of Interest	Wilson, Stephanie D.	09/11/1990	860-919-0732	218 North St #2, Burlington, VT, 05401

Person Type	Name	DOB	Primary Phone	Address
Suspect	Esos, [unclear]		802-862-7314	194 Main St, Burlington, VT, 05401

Responding Officers

Officer name	Dispatched	Enroute	OnScene	Cleared
292: Shelley, Kim (Primary)	01/26/13 01:16	01/26/13 01:16	01/26/13 01:16	01/26/13 01:17

Secondary Location

Dispatch Narratives

----- 292: Shelley, Kim - 01/26/13 03:28 -----  
 Over service occurred at Esos, patron was attempting to enter NECTARS.  
 ----- 1008: Simays, Pam - 01/26/13 01:16 -----  
 292 adv over service

MRI#	NCIC/NIC#	Narrative	<input type="checkbox"/> Cancelled

RECEIVED  
 2013 FEB - 8 A 9: 12  
 BURLINGTON CLERK  
 TREASURERS OFFICE

People Detail - Patsos, Stephanie D (09/11/1990), Esox

Incident Number: 13BU001984  
Call Time: Sat Jan 26 01:10:11 -0500-2013  
Call Type: Ordinance Violation - Other  
Primary Ofc: 292: Shelley, Kim

<b>Person Type</b>	<b>IBR Victim Type</b>	<input type="checkbox"/>	<b>Name</b>	<b>DOB</b>	<b>Age</b>	<input type="checkbox"/>	<b>Address</b>
Person of Interest	Individual - I	Bus.	Patsos, Stephanie	09/11/1990	22	Juvenil	218 North St #2, Burlington, VT, 05401
<b>Place of Birth</b>	<b>Sex</b>	<b>Race</b>	<b>Height</b>	<b>Weight</b>	<b>Build</b>	<b>Aliases</b>	
	Female - F	White - W			Slim		
<b>Hair</b>	<b>Eyes</b>	<b>Facial Hair</b>	<b>Hair Length</b>	<b>Scars/Tattoos</b>	<input type="checkbox"/> Deceased		
Brown / BRO			Shoulder				
<b>Primary Phone</b>	<b>Secondary Phone</b>	<b>Email</b>	<b>License</b>	<b>State</b>			
860-919-0732			218355150	VT			
<b>IBR Resident Type</b>	<b>IBR Gang Affil.</b>	<b>Ethnicity</b>	<b>Employer</b>	<b>Employer Address</b>			
Resident - R							
<b>Attachment</b>	<b>Description</b>						
<b>Clothing Description</b>	<b>Dept. of Corrections Status</b>	<b>Weapon</b>	<b>IBR Injury</b>	<b>Paperwork to be served</b>			
<b>Stmt Type</b>	<b>Taken By</b>	<input type="checkbox"/> Using Alcohol	<b>BAC</b>	<input checked="" type="checkbox"/> Using Drugs	<b>Drug Type</b>	<input checked="" type="checkbox"/> Using Computer	

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<b>Person Type</b>	<b>IBR Victim Type</b>	<input checked="" type="checkbox"/>	<b>Name</b>	<b>DOB</b>	<b>Age</b>	<input checked="" type="checkbox"/>	<b>Address</b>
Suspect	Business - B	Bus.	Esosx			Juvenil	194 Main St, Burlington, VT, 05401
<b>Place of Birth</b>	<b>Sex</b>	<b>Race</b>	<b>Height</b>	<b>Weight</b>	<b>Build</b>	<b>Aliases</b>	
<b>Hair</b>	<b>Eyes</b>	<b>Facial Hair</b>	<b>Hair Length</b>	<b>Scars/Tattoos</b>	<input type="checkbox"/> Deceased		
<b>Primary Phone</b>	<b>Secondary Phone</b>	<b>Email</b>	<b>License</b>	<b>State</b>			
802-862-7314							
<b>IBR Resident Type</b>	<b>IBR Gang Affil.</b>	<b>Ethnicity</b>	<b>Employer</b>	<b>Employer Address</b>			
Non-Resident - N							
<b>Attachment</b>	<b>Description</b>						
<b>Clothing Description</b>	<b>Dept. of Corrections Status</b>	<b>Weapon</b>	<b>IBR Injury</b>	<b>Paperwork to be served</b>			
<b>Stmt Type</b>	<b>Taken By</b>	<input type="checkbox"/> Using Alcohol	<b>BAC</b>	<input type="checkbox"/> Using Drugs	<b>Drug Type</b>	<input type="checkbox"/> Using Computer	

RECEIVED  
2013 FEB - 8 A 9:12  
BURLINGTON CLERK  
TREASURER'S OFFICE

Vehicles

Incident Number: 13BU001984

Call Time: Sat Jan 26 01:10:11 -0500 2013

Call Type: Ordinance Violation - Other

Primary Ofc.: 292: Shelley, Kim

<i>Role</i>	<i>Vehicle Make</i>	<i>Vehicle Model</i>	<i>Vehicle Year</i>	<i>Plate Number</i>	<i>State</i>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	VT
<i>Color</i>	<i>VIN</i>	<i>Other Description</i>		<i>Reason seized</i>	<i>Value</i>
	<input type="text"/>	<input type="text"/>		<input type="text"/>	<input type="text"/>
<i>Towed By</i>	<i>Towed To</i>	<i>Owner</i>	<i>Operator</i>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		

RECEIVED

2013 FEB - 8 A 9: 12

BURLINGTON CLERK  
TREASURER'S OFFICE

Incident Detail - : 292: Shelley, Kim

Incident Number: 13BU001984  
 Call Time: Sat Jan 26 01:10:11 -0500 2013  
 Call Type: Ordinance Violation - Other  
 Primary Ofc.: 292: Shelley, Kim

Occurred from 01/26/2013 01:10 AM Occurred to 01/26/2013 01:10 AM Invest./Primary Officer  
 292: Shelley, Kim

Attachment Description

TRO/FRO Exists  Alcohol Involved  911 Call Exists  Medical Release  Audio Recordings  STU Contacted  DCF Notified  Crisis Svc Involved  Swabbings

Video Recordings  Photos Taken  Prints Lifted  Diagrams  Clothing Evidence  K9  Miranda Warning  Other Evidence  Crime Scene Processed  Lpr Used

Search Conducted Physical Evidence

Category	Sub category	Violation	Counts#	Premises Entered
Comm/Att	IBR Scene/Loc Type	IBR Crim Act Type	IBR Gang Affil	IBR Agg. Ass/Hom.
Point Of Entry	Force/No Force	Point of Exit	Campus Code	Justifiable Homicide
				IBR Weapon Type
				Significant Event

Narrative Type Report 292: Shelley, K: 01/26/13  
03:29

Narrative

On date and time noted, i was on foot patrol in front of Nectar's. I observed a female run out of Esox screaming wildly and laughing. Patsos stumbled and nearly fell twice. When approached, she was clearly highly intoxicated. She spoke with very slurred speech, had a sluggish facial appearance, watery red eyes and stated that she had "maybe four" drinks. Nectar's was advised not to permit her entrance based on her condition.

292

Offense Suspect Offense Victim IBR Victim-Offender  
 K was LEO V was LEO Assignment

Other ORI

Bias/Motivation (anti)  
 LEOEA Narrative

RECEIVED  
 2013 FEB - 8 A 9:12  
 BURLINGTON CLERK  
 TREASURER'S OFFICE

Arrest Information

Incident Number: 13BU001984  
Call Time: Sat Jan 26 01:10:11 -0500 2013  
Call Type: Ordinance Violation - Other  
Primary Ofc: 292: Shelley, Kim

Arrestee	Arresting Officer	Arrest date & time	IBR Mult Arrest Indicator
	292: Shelley, Kim	01/26/2013 01:17 AM	
<b>Arrest Location</b>			
36 S Union St, Burlington, VI 05401			
Citation date & time	IBR Arrestee Weapon	IBR Arrest Type IBR Exceptional Clearance Code	
	Except. clearance date		
<b>Juvenile Disposition</b>			
	<input checked="" type="checkbox"/> Has Child Under 18	<input type="checkbox"/> Prints & Photos Needed	
<b>Charges</b>			
Arrest Charge		<input checked="" type="checkbox"/> Most serious charge	

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### Property Information

<i>IBR Role/Code</i>	<i>IBR Quantity</i>	<i>IBR Unit Measure</i>	<i>IBR Property Description</i>	<i>Make</i>	<i>Description</i>	
<i>Tag #</i>	<i>Serial#</i>	<i>Owner</i>	<input type="checkbox"/> <i>Owner Notified</i>	<i>Value</i>	<i>IBR Suspected Drug Type</i>	<i>Color</i>
<i>Location</i>	<i>Action</i>	<i>Date &amp; Time Tagged</i>	<i>Tagged By</i>	<i>Temp Storage Location</i>		
36 S Union St	Do Not Release					
<input type="checkbox"/> <i>NIBRS</i>	<input type="checkbox"/> <i>Disposed</i>	<input type="checkbox"/> <i>Item In Temp</i>	<i>Offenses</i>			
<i>Rel</i>	<i>Evidence</i>					
<i>Chain of Custody Entry</i>	<i>From</i>	<i>To</i>	<i>Location</i>	<i>Sub Location</i>		
<i>Lab Analysis Req.</i>	<i>Analysis Perf. By</i>	<i>Analysis Narrative</i>				

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Incident Review - Reviewed [Approved]: 02/02/2013

Incident Number: 13BU001984

Call Time: Sat Jan 26 01:10:11 -0500 2013

Call Type: Ordinance Violation - Other

Primary Ofc.: 292: Shelley, Kim

Invst./Primary Officer	Officer Incident Status	Status Date	Reviewing Supervisor	Review Date	Approval	Incident Disposition
292:Shelley, Kim	Ready for Approval	01/28/2013	159: Wright, Janine	02/02/2013	Approved	Inactive - No Arrest

Supervisor Comments

Was Esoc issued a checklist?

No, completed but not issued a copy. 292

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## VIII. ENERGY PLAN

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### **Vision Statement**

*This Plan envisions Burlington as a city where...*

*...Burlington is a leader in the development and implementation of energy efficiency and renewable energy measures that reduce energy costs, enhance environmental quality, improve security and sustainability, and enhance economic vitality. Key elements of this success are a broad range of energy efficiency programs, public education in resource conservation, publicly-owned alternatively-fueled electric generation, biomass-fueled district energy technologies, energy-efficient green building technologies, and climate-friendly transportation solutions, which includes support for alternative fueled vehicles.*

### **CITY POLICIES**

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THE CITY OF BURLINGTON WILL:

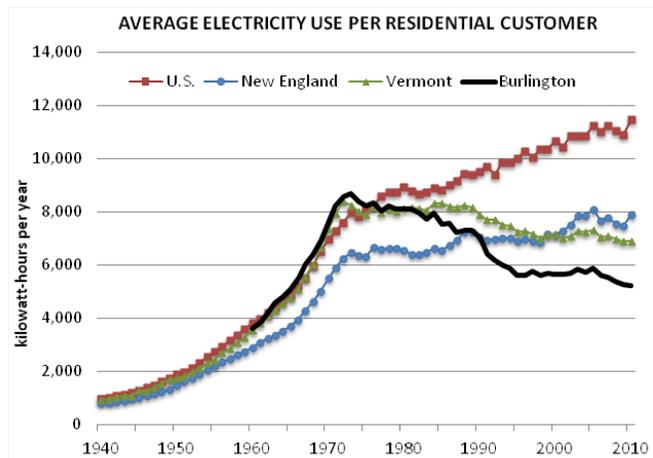
- **Optimize overall energy efficiency, reduce energy requirements, and minimize the need for new energy resources on a citywide basis.**
- **Continue to aggressively pursue the transition to renewable sources, cogeneration, and district heating.**
- **Improve the energy efficiency of city-owned buildings and facilities.**
- **Reduce transportation energy use by lessening reliance on drive-alone car trips, using more fuel-efficient vehicles, promoting increased transit use, and decreasing vehicle miles traveled.**
- **Educate its citizens regarding energy efficiency, the benefits of public utility ownership, renewable electric generation, and conservation to ensure that citywide resource allocation decisions in years to come will reflect the wishes of an informed citizenry.**
- **Make tangible efforts to reduce greenhouse gas emissions through the implementation of the *Climate Action Plan*.**

**INTRODUCTION**

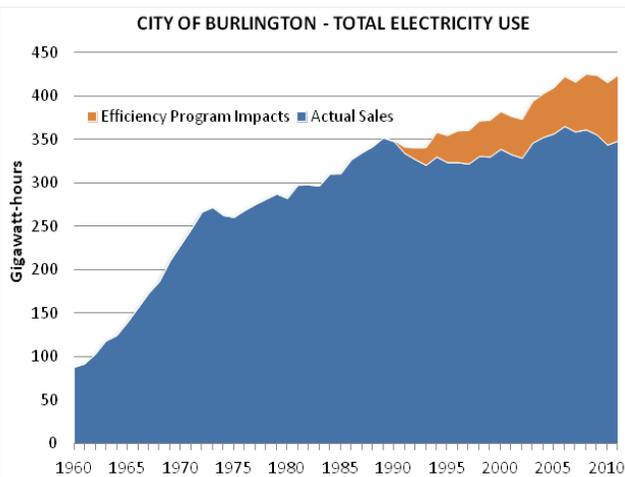
Access to reliable and clean energy, at an affordable price, will be an important factor in defining and facilitating future growth and development in Burlington. This Chapter briefly outlines how energy is used and supplied to the city, discusses some of the most important public policy issues related to energy generation and consumption, and finally proposes a series of strategies to improve efficiency, protect the consumer and the environment, and maintain energy self sufficiency. Much of the information and policy direction for this section comes from *The Burlington Climate Action Plan*<sup>1</sup> adopted by the City Council in the late spring of ~~2000~~2012, and included as part of this plan by reference.

**Energy Use & Supply**

Nearly ~~two-thirds~~ 85% of city residents rely on natural gas for residential use, and this is projected to increase in the near term. space heating and domestic hot water use; typically the two largest users of energy in homes. Over 90% of commercial customers rely on natural gas for these purposes as well, however these buildings can use a good deal of electricity for lighting, central air conditioning, ventilation, and office equipment. Statewide energy use among fuels shows a dominance of oil in energy consumption. About 70% of Vermont homes use oil for space heating purposes.



In 1989, approximately 23% of homes and apartments in the city used electric space heating as the sole heating source and through the efforts of energy efficiency programs, residential electric heat use has been reduced down to about 5% of homes with electric heat as the sole heat source. These are typically buildings that do not have access to natural gas due to topography or subsurface conditions that make laying



<sup>1</sup> [The 2012 Climate Action Plan: A Plan to Save Energy and Reduce Greenhouse Gas Emissions. Climate Protection Task Force. Burlington, Vermont. February 2000 May 2013.](#)

~~pipeline difficult. percent of the non-transportation energy used, or 51 percent of the dollars spent, in homes came from electricity. Since that time, through the efforts of local demand-side management programs, residential electric heat has been reduced dramatically down to 2% of homes. Rather than raising electric rates, Burlington's ratepayers saw a 5.03 percent decrease in 1996.~~

~~Statewide energy use among fuels shows the dominance of oil in our energy consumption. Oil consumption is projected to increase 52% between 1990 and 2015. Use of other fuels (electricity, natural gas, and LPG) is also expected to increase, but their total usage is small compared to oil. Vermont Gas, a private company, provides natural gas to most of the city, except those areas where low demand, topography, or subsurface conditions make laying pipeline difficult.~~

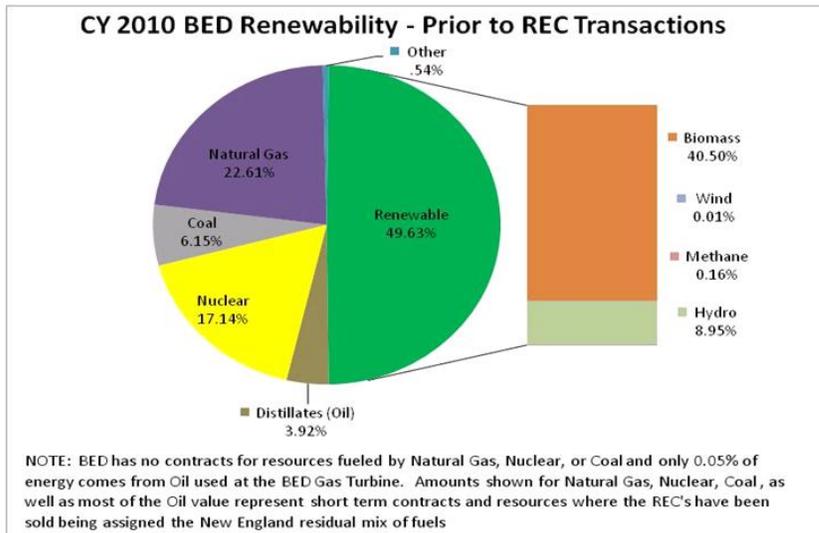
Electricity is a high-quality power source, but to date has been inappropriate for space and hot water heating due to historically higher costs. Natural gas continues to be is a more suitable heat source. Recent significant drops in the current and projected costs of natural gas make this unlikely to change in the foreseeable future. Oil on the other hand has seen continued price escalation. If the market for natural gas were to change materially however, this could need re-examination. ~~If gas and other fossil fuels show prices continue their steady price escalation however, this policy may will need to be re-examination, particularly given associated greenhouse gas emissions issues. Although Vermont uses more hydroelectric power and wood energy than many other states, our total use of renewable energy sources is much smaller than our use of non-renewables. Use of renewables is not growing as fast as our use of non-renewables statewide.~~

Burlington's energy use priorities focus on developing more effective and economically viable Vermont based renewable energy alternatives including solar, wind and bio-mass energy sources, and a continued emphasis on conservation and efficiency programs aimed at both the end-user and commercial producer. Energy efficiency has been shown to be Vermont's least expensive future energy supply resource over time, and is consistently becoming a greater environmental imperative. The Burlington Electric Department is owned by all the citizens of Burlington, who have been unequivocally clear that the option for future supply that they prefer above all others is the pursuit of additional cost-effective energy efficiency.

## **BURLINGTON ELECTRIC**

Burlington is fortunate to have a municipally-owned and operated electric company. Burlington Electric (BED) began in 1905, and currently serves about 16,0300 residential customers and more than 3,600 commercial customers. BED serves the full range of energy services including generation, transmission, distribution, energy efficiency and other retail energy services.

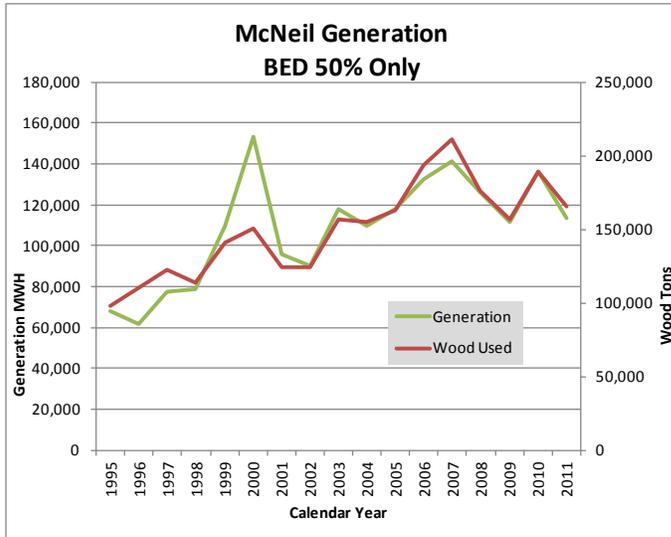
Burlington is a recognized world leader in the use of renewable energy and energy conservation. In ~~2004~~2011, Burlington as a whole used 4.7 percent less same amount of electricity then it used in 1989 — about 435,000 megawatts. The pie chart at below shows the proportion of BED's 2010 energy sources that came from renewable generation (this chart reflects the source of BED's power, and does not reflect the change in BED's emission claims caused by the sale of RECs as discussed below).



BED owns 50% of the 502-megawatt (MW) McNeil Generating Plant located in the Intervale. McNeil Station is one of the world's largest woodchip-fueled electric generating facilities. In late 2008 a new emission control system (a regenerative selective catalytic reduction or “RSCR” device) was installed which dramatically reduced McNeil’s nitrogen oxide (NOx) emissions. With the installation of this equipment, McNeil qualifies to sell Renewable Energy Credits (“RECs”) to other states. When BED sells these RECs, BED loses the ability to claim McNeil as a renewable generating source, but is able to use the revenues from the sale of the RECs to offset the cost of the emission control equipment and to help control rates. Since late 2008, BED has realized significant value from the sale of McNeil RECs and these revenues have been used to help maintain current rate levels.



The graph below summarizes the annual generation and tons of wood used at the McNeil Station. The difference between tons of wood used and generation in 2000 represents the last year where McNeil used significant amounts of natural gas to generate electricity (though the capability to do so still exists). The drop in output in 2011 is related to periodic maintenance that occurs on a seven year cycle.



~~, and is part of an experimental biomass gasification demonstration project started in 1997. During fiscal year 1999, McNeil Station produced 183,109,400 kwh of power while consuming 270,848 tons of wood chips. This represented a significant increase over recent years as McNeil Station is increasingly called upon to provide voltage support and transmission stability to the New England Power Grid. BED will continue to monitor fugitive dust in the area of McNeil Station that has been an issue for nearby residents, and continue to take the necessary steps to minimize emissions.~~

~~Land adjacent to McNeil Station remains undeveloped, and BED has expressed interest in its use for other innovative energy related uses. This is the proposed as the future home of “Riverside Eco Park” which is envisioned as a 60,000 sq.ft. greenhouse and business complex that utilizes thermal energy generated at nearby McNeil Station.~~

~~In addition, BED owns a 25-MW turbine located next to the Water Treatment Plan on Lake Street. The gas turbine is a black start unit capable of cold-starting the McNeil Station as well as energizing critical load such as the Fletcher Allen Health Center, bringing the entire city on line, including the McNeil Station, in less than 30 minutes from a cold start. BED is also capturing methane gas at the former city landfill north of Manhattan Drive to generate about 0.5 MW of power.~~

BED has recently contracted for the full output from Georgia Mountain Community Wind (GMCW), a proposed 10 MW wind facility in Milton/Georgia, Vermont which is expected to go on line by the end of 2012. Additionally, BED has signed and received voter approval for a long-term contract with Hydro-Quebec where deliveries will begin in 2015. Lastly, BED has received approval for a modification to its tariff to allow it to increase the benefits customers receive from solar net metering installations in recognition of the higher value of solar renewables to BED. BED continues to seek other power supply options including local generation. BED has the right to purchase (at fair market value) the Winooski One hydro facility on the Winooski River between Burlington and Winooski at the end of its current VEPP contract in March 2013. This facility is capable of producing 7.3-MW of power. Maintaining local energy self-sufficiency is an important component to Burlington’s future sustainability.

~~BED continues to seek other power supply options including local generation. BED is currently researching the viability of a locally developed wind power facility. It is negotiating for the possibility of ownership with collaborating on the Chase Mill Hydro Project on the Winooski River between Burlington and Winooski which now delivers BED 1.3 MW of power. Maintaining this local energy self-sufficiency is an important component to Burlington's future sustainability.~~

~~In addition to its own generation facilities, BED purchases power from a variety of sources and through the New England Power Grid. In determining where to purchase energy, BED considers the total social and environmental costs in its decision-making process. In 2012, approximately 46 50% of this power came comes from renewable sources and this percentage is expected to continue to grow when the new resources mentioned above begin deliveries. When BED's Integrated Resource Plan was filed in 2008, Burlington had a goal of providing 100% of its power from renewable sources. BED is now preparing a revision to that plan and will review the strategic choices contained in the prior IRP. In determining where to purchase energy, BED considers the total social and environmental costs as well as the out-of-pocket ones. For example, when one considers the difficulty and costs of nuclear waste disposal, Vermont Yankee may prove to be a more expensive alternative than other sources. In part, Burlington chose not to purchase power from Hydro-Quebec for these types of reasons. BED also will need to carefully scrutinize its generation expansion proposals in light of utility de-regulation and the success of demand reduction strategies. If new generation alternatives are pursued, careful consideration must be given to effects on the natural and built environments of the city.~~

### **Advanced Metering Infrastructure (AMI)**

~~The deployment of AMI is a technological advance that will change BED's business and operations in very fundamental ways. These changes will have a profound impact on the community, so BED is committed to working closely with its customers, other Vermont utilities, regulators and legislators to arrive at solutions that provide the best benefit to the Burlington energy consumer.~~

~~BED partnered with other Vermont utilities and the Department of Public Service ("DPS") to develop and submit a statewide grant application to the Department of Energy ("DOE") to obtain Smart Grid Investment Grant ("SGIG"), funding. The funds awarded to all participating Vermont utilities totaled \$69 million of a \$138 million project (100% of the requested amount). The DOE awarded BED \$7.15 million for a \$14.3 million total project (again 100% of the requested amount). The full Federal matching funding received by BED reduced BED's direct cost for its Smart Grid projects by 50%. On June 28, 2011, BED sought voter approval to issue Revenue Bonds to obtain matching funds for the projects, which resulted in approval of the bond issuance by 61% of Burlington voters. BED closed on the sale of the Revenue Bonds on October 13, 2011. BED initial phase of advanced meter deployment began on April 23, 2012 and the Project to finish in early 2013.~~

~~BED's AMI plan centers on its ability to improve system planning/reliability, improve customer service, empower customers to engage in choices regarding their use of energy,~~

and possibly modify their usage to reduce costs. BED has defined a list of service offerings and utility enhancements that will result from the AMI project.

The selected technologies will have the ability to provide immediate customer and societal benefits as well as the potential for future benefits as the systems and service offerings mature. These benefits are derived from the enhanced data collection, communications and process integration capabilities provided or enabled by the proposed AMI Project. Over the longer-term, use of AMI (integrated with a Meter Data Management System) for time-of-use pricing or other pricing options, will allow customers to the option to adjust consumption decisions based on the day-to-day (or potentially even hour-to-hour) price of electricity and its impact on their bills.

When the system becomes fully active, BED will be able to:

- Dispatch crews to outages without waiting for customer calls (while minimizing manual handling of outage information)
- Give customers much greater insight into how they use electricity via a web portal
- Reduce the need to send trucks into the field for move-in and move-out meter readings
- Have much more information to assist in answering customer questions
- Develop more accurate class level load forecasts
- Be able to develop much more personalized energy efficiency programs (including better estimates of potential savings)
- Be much more accurate in our distribution transformer and conductor sizing
- As a side benefit, automate many of the manual functions performed every day, giving staff more time to focus on customer needs and more tools to fix problems

Additional future project benefits:

BED believes the following benefits are possible to the consumer as a result of this new technology:

- Expanded integration of distributed renewable energy
- Access to data needed to support time differentiated electric rates in more detail than is currently possible
- Capability to connect power consuming appliances in the home to load control devices if customer's desire
- Opportunity to reduce fossil fuel use by converting fossil energy sources to electric based renewable sources
- Remote access home usage and ultimately remotely control appliances/usage
- Allowed access to third party services to better manage their usage and load control (e.g. Google)

### *District Heating & Cooling/ Community Energy*

BED, in conjunction with the Department of Public Works, continues to study the feasibility of developing district heating and cooling, or now known as “Community District Energy,” within portions of the city. Areas under evaluation begin with the ~~institutions on the Hill (UVM and FAHC), but could later include the City Center and Waterfront~~ Winooski Avenue corridor all the way to the downtown. Although not under consideration at this time, the concentration of industrial land uses along Pine Street may make this area another attractive location to provide this type of service.

The concept for District Energy is to replace natural gas and fuel oil as heat sources with hot water. Such a plan will utilize excess city water capacity, combined with energy and ~~excess/low cost~~ heat produced by McNeil Station, with an expansion to possibly include a small gas turbine in a later phase. Energy would be distributed underground to either heat or cool buildings within the district. If feasible, district heating and cooling is expected to provide a viable energy alternative, make use of existing water capacity, diversify the city’s energy mix, and make the city a more attractive and competitive location for business.

### *Energy Efficiency Programs*

~~With the support of Burlington residents in the form of a \$11.3 million bond, BED began an ambitious energy efficiency program in 1990. Over \$3726 million has been invested by BED since 1991 with about half of this being coming from matched funding from BED customers. BED has implemented a wide range of programs to reduce overall energy consumption and costs through the city. These included:~~

- **Smartlight:** leased compact florescent energy saving light bulbs to both residential and commercial consumers. In the near future, this may include other items financed on the electric bill.
- ~~**Neighbor\$ave:** offers household energy audits of all energy consumed, compact florescent light bulbs, and installs water and energy savings measures for electric water heater customers. This program will be BED’s vehicle to promote the “10% Challenge Campaign” portion of the *Climate Action Plan*.~~
- **Heat Exchange:** offers assistance and financial subsidies to convert customers from electric heating to other heating sources. Over time, as legislation in this area evolves, BED will become increasingly more involved in the growth of fossil fuel saving energy efficiency programs as well.
- ~~**Top 10:** offers a customized menu of energy savings opportunities to the City’s largest electrical customers to provide “positive cash flow” financing of demand side management measures. This program will also carry forward the commitments customers have made to the *Climate Wise Program* and the “10% Challenge Campaign.”~~
- ~~**Energy Advantage:** offers “positive cash flow” financing to deliver retrofit energy savings measures to small to medium sized businesses.~~

- ~~**Energy Efficiency Guidelines:** adoption of minimum standards for buildings and energy-consuming equipment in new construction and rehabilitation projects.~~
- ~~**Construction and Equipment Replacement:** provides technical assistance and customized incentives for reducing energy demand beyond the Energy Efficiency Guidelines.~~
- **Commercial Efficiency programs:** offers a customized menu of energy savings opportunities to the City's commercial electric customers to provide "positive cash flow" financing of demand-side management measures.
- **Energy-Efficiency Standards:** adds additional requirements to those minimum standards adopted at the statewide level for buildings and energy-consuming equipment in new construction and rehabilitation projects. These go hand in hand with incentive programs to help building owners, architects, developers, and even tenants to achieve higher levels of energy efficiency.
- **PACE:** is an innovative residential energy efficiency and renewable energy financing program that is poised for launch in 2012. It will offer residents a way to finance high-level energy efficiency and small-scale renewable energy projects over very long terms, making these projects more affordable.

In 2000, BED was appointed the City's "energy efficiency utility." This designation allows BED to administer funds collected on the electric bill through a statewide "energy efficiency charge." This appointment was renewed in 2011.

### ***The Future under De-Regulation***

~~BED is participating in discussions at the federal and state level concerning de-regulation of the electric industry and the introduction of competition. The discussion centers primarily on the deregulation of the generation component of the industry, and the introduction of competition, or choice, for the retail customer. While this discussion has recently lost momentum nationally, restructuring has been implemented in a number of states, and several legislative and regulatory efforts have been explored in Vermont since 1995.~~

~~While changes of this magnitude may offer unforeseen opportunities, several issues must be considered. These primarily include environmental impacts associated with energy sources, protection of low income consumers, and continued support for research and development. BED has been a leader in environmental protection, efficiency and renewable energy resources, and addressing the needs of low income consumers. Local ownership and control has been essential to realizing these objectives as well as achieving stable (and falling) electric rates since 1993. Any final solution to industry de-regulation must also address growing concerns over the vulnerability of the regional power grid to ensure a continuous supply of power at reasonable and stable rates. Additionally, maintenance of transmission corridors must be continued by trained foresters and arborists to minimize disruptions and protect vegetation within the rights-of-way.~~

~~BED and the VT Public Service Board should continue to investigate and advocate for opportunities to maintain local jurisdiction in the event the restructuring discussion regains momentum. The use of exit fees to discourage or at least compensate for the potential loss of large customers, and support for environmental protection and renewable energy resource programs.~~

## Energy Use and Climate Protection

Most climatic scientists now agree that human-caused emissions of greenhouse gases<sup>2</sup> are having a measurable impact on the earth's climate. While increases in global temperatures are highlighted as one of the primary outcomes of climate change, many impacts that are more serious may result. These include an increase in the frequency and intensity of extreme weather events, rising sea levels, and a northward expansion in the range of tropical diseases and pests. Each poses a significant economic and environmental threat to our region and beyond.

In 1996, Burlington became one of the first cities to join the “Cities for Climate Protection” campaign, organized by what is now referred to as “ICLEI: Local Governments for Sustainability.” This led to a 1998 City Council resolution to reduce our emissions to 10% below 1990 levels and the formation of a Climate Protection Task Force. This group, comprised of non-profit, city, and business leaders appointed by then Mayor Peter Clavelle, guided an 18-month analysis and planning process, which ultimately led to the City’s first Climate Action Plan (CAP). This plan was adopted by the City Council in May 2000.



In 2008, Burlington began its CAP update and review process with an inventory of Burlington’s emissions. This inventory, conducted using ICLEI’s Clean Air and Climate Protection (CACP) software, involved input, not only from key City departments such as Burlington Electric Department (BED), Department of Public Works (DPW), and Department of Planning and Zoning (DPZ), but other organizations such the Chittenden Solid Waste District (CSWD) and the Regional Planning Commission. The 2007 inventory revealed **the City of Burlington generated 397,272.4 tons of carbon dioxide equivalent (tCO<sub>2</sub>e).**

### GHG emissions reduction target:

- **20% reduction of 2007 levels by 2020, which equals 1.5% annual reduction until 2020, and**

<sup>2</sup> “Greenhouse Gases” are any gas found in the earth’s atmosphere that contributes to trapping energy under the atmosphere and causing warming. Such gases include carbon dioxide, methane, ozone, nitrous oxide, chlorofluorocarbons (CFC’s) and water vapor.

- **80% reductions by 2050, which equals 2% annual reduction between 2020 and 2050**

~~In 1996, the Burlington City Council agreed to participate in the “Cities for Climate Protection” campaign organized by the International Council for Local Environmental Initiatives (ICLEI). In 1998, the Council adopted a resolution that set a target of 2005 for reducing local greenhouse gas emissions by 10 percent below 1990 levels, and established the Climate Protection Task Force.~~

~~The largest source of greenhouse gas emissions in Burlington is carbon dioxide resulting from the combustion of fossil fuels. Burlington’s estimated CO<sub>2</sub> emissions were 509,000 tons in 1990, and 624,000 in 1997 — or 13 and 16 tons per person respectively. In order to meet the City Council’s target, CO<sub>2</sub> emissions would have to be reduced by 257,000 tons.~~

~~In the spring of 2000, the City Council adopted the *Burlington Climate Action Plan* which recommends a more achievable reduction goal 156,000 tons — or 10 percent below 1997 levels. Burlington’s *Climate Action Plan* seeks to:~~

- ~~▪ Raise awareness about individual and business actions that can reduce the threat of global climate change.~~
- ~~▪ Guide decision-makers in Burlington towards policies, strategies, and actions that can cut greenhouse gas emissions.~~

~~Recommended actions propose to reduce traffic and air pollution, save money for the City and its residents and businesses, and help protect the environment for future generations. After a lengthy public idea generation and prioritization process, thirty-six strategies have been included in the plan under the following eight categories: Examples of strategies in the plan include:~~

- ~~• Transportation - Community-wide & Governmental~~
  - ~~• Local Gardens, Farms and Food Production~~
  - ~~• Energy Efficiency in Buildings~~
  - ~~• Renewable Energy Resources~~
  - ~~• Urban Forestry & Carbon Sequestration~~
  - ~~• Waste Reduction and Recycling~~
  - ~~• Policy, Research and Education~~
- ~~▪ Retrofit city buildings and revise operations to make municipal operations more energy efficient and climate friendly. Including an increase in the use of energy efficient and alternative fueled vehicles as part of the city fleet; Expand and maintain the City’s inventory of street trees and shrubs; and creation of a telecommute policy and program for employees to work from home.~~
  - ~~▪ Encourage residences and businesses to invest in energy efficiency and renewable energy; Fully implement existing utility sponsored efficiency programs (electric and natural gas) in the commercial and industrial sectors; Fully implement existing utility sponsored efficiency programs (electric, natural gas, weatherization) in the residential sector; Implement a “10% Challenge Campaign”~~

- ~~to enlist the support of all energy consumers in reducing greenhouse gas production; and Support the establishment of the efficiency utility.~~
- ~~Implement policies and planning to reduce transportation demand and to encourage more fuel efficient and alternative fueled vehicles; Continue implementation of existing TDM programs including park and ride lots, shuttles and rideshare programs; and develop park and ride lots and shuttle services that link and connect to employment centers.~~
- ~~Support the development of a biomass district heating system; Support ongoing R&D of new technologies including bio gasification and fuel cells; and Address the barriers to developing a district energy system that uses the rejected heat of the McNeil Electric Generating Plant to supply the energy needs of the Greater Burlington area customers including: UVM, FAHC, downtown, the waterfront and Winooski.~~

In addition to reducing greenhouse gas emissions, the recommendations of this Plan will benefit the city in other ways:

- **Cleaner air:** Motor vehicles are the single largest source of urban air pollution. In addition to greenhouse gases, cars emit such carcinogens as butadiene, benzene, and formaldehyde.
- **Improved human health:** Cleaner air will result in healthier people. An estimated 40,000 premature deaths nationally are attributed to motor vehicle emissions.
- **Improved economic vitality:** Improvements in energy efficiency mean tangible cost savings to individuals and businesses. Energy independence keeps local dollars in the local economy and improves the competitiveness of local businesses.
- **A more liveable community:** A city with less traffic, cleaner air, more trees, and successful businesses will be a more attractive and liveable place to live for current and future generations.

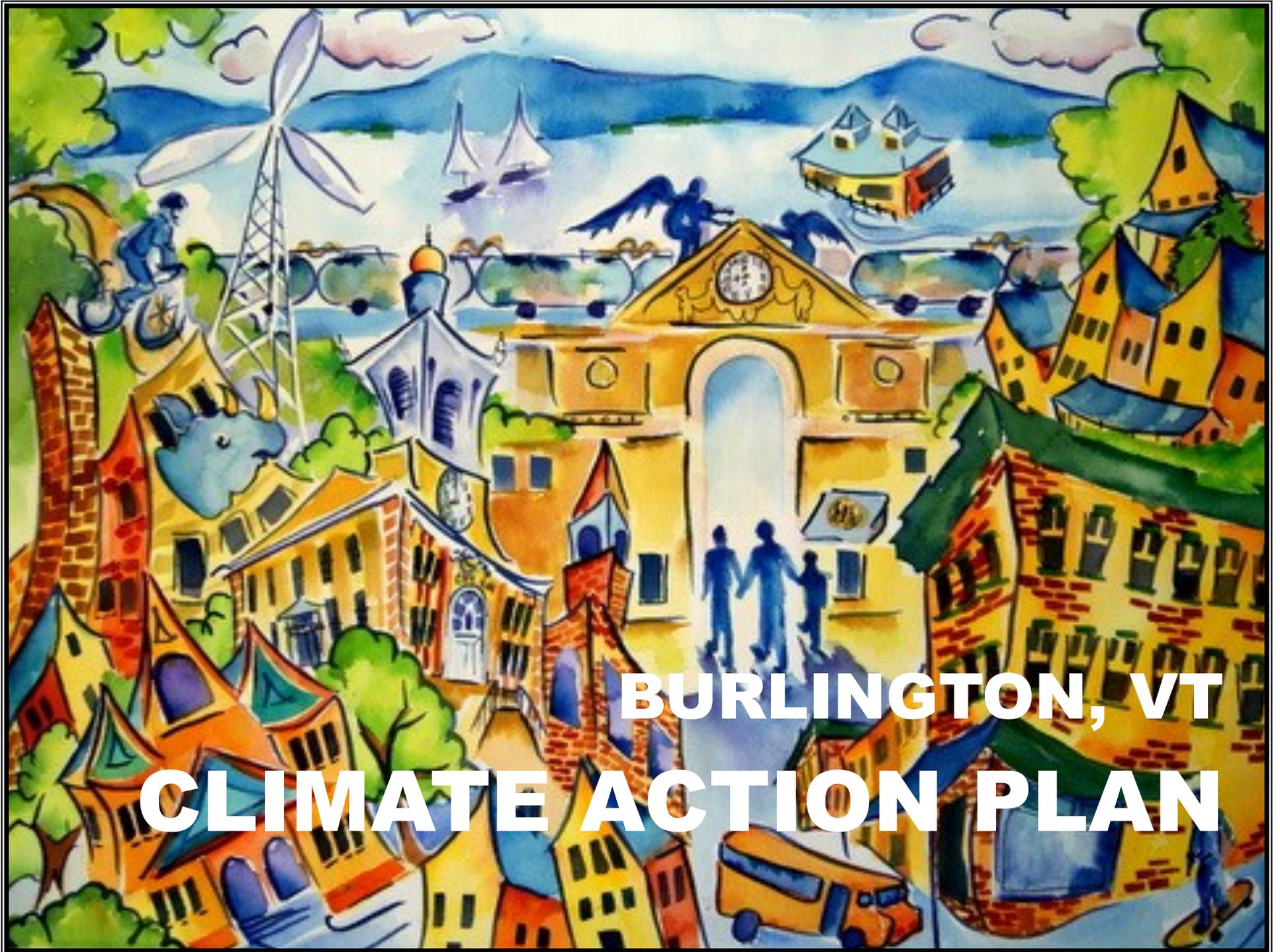
## Energy Action Plan

Action Item	Lead Agency	Secondary Agencies
Analyze the potential of operating city-owned vehicles on alternative fuels and periodically review the analysis to consider changing conditions and opportunities.	Public Works	BED

Sponsor forums for architects, developers, contractors, and others to inform them about new city ordinances, regulations, and standards and to provide technical assistance as to how they can incorporate new analytic and production techniques in their work	BED	Public Works
Review vocational curricula to promote energy efficiency and to develop programs to prepare students for employment in new energy-related fields.	BED	Schools
<del>Establish an energy district if justified by the positive result of BED's feasibility study of district heating and cooling.</del>	<del>BED</del>	<del>Public Works</del>
<del>Revise the Energy Efficiency Ordinance for new construction to integrate new technologies.</del>	<del>BED</del>	<del>Public Works</del>
Develop an overall energy budget to manage the city's energy consumption. For electricity, the budget should be based upon local generating capacity if practical.	BED	
Examine the costs and benefits of requiring new development to either pay an energy impact fee or make an offsetting investment in efficiency.	BED	Planning & Zoning
Prepare an evaluation of the citywide potential, constraints and impacts associated with the development of new renewable energy sources - including fuel cell, cogeneration, biomass, solar, geothermal, hydro, wind, and methane.	BED	
Develop guidelines for tree heights and species selection that maximize energy efficiency.	Parks & Recreation	BED
<del>Increase use of energy efficient maintenance vehicles and City fleets.</del>	<del>Public Works</del>	<del>BED</del>
<del>Explore and develop climate friendly procurement and purchasing guidelines.</del>	<del>Treasurer's Office</del>	<del>BED</del>
Amend and enforce the municipal code and ordinances with an eye on reducing CO2 loads.	Planning & Zoning	BED
<del>Explore a telecommute policy and program for selected employees to work from home.</del>	<del>Human Resources</del>	
Develop a comprehensive education/outreach program to increase public awareness about the affects of global climate change on public health, the economy and the environment.	BED	Planning & Zoning Public Works
Expand and maintain the City's inventory of street trees and shrubs.	Parks & Recreation	
Fully implement existing utility sponsored efficiency programs (electric and natural gas) in	BED	

the commercial and industrial sectors.

Fully implement existing utility sponsored efficiency programs (electric, natural gas, weatherization) in the residential sector	BED	
Increase energy efficiency in municipal-owned and leased buildings.	Treasurer's Office	BED Public Works Schools
Explore and to obtain the resources necessary to implement the objectives of the municipal buildings and operations plan.	Treasurer's Office	BED Public Works Schools



**BURLINGTON, VT  
CLIMATE ACTION PLAN**

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## **What is a Climate Action Plan?**

A climate action plan is a detailed and strategic framework for measuring, planning, and reducing Green House Gas (GHG) emissions and related climatic impacts. Municipalities design and utilize climate action plans as customized roadmaps for making informed decisions and understanding where and how to achieve the largest and most cost-effective emissions reductions that are in alignment with other municipal goals. Climate action plans, at a minimum, include an inventory of existing emissions, reduction goals or targets, and analyzed and prioritized reduction actions. Ideally, a climate action plan also includes an implementation strategy that identifies required resources and funding mechanisms.

## **What is this plan about?**

This document provides an overview of Burlington's Climate Action Plan - how it was created, why it is necessary, and what are its goals. Supporting research, documentation, and steps that city officials, individuals, and organizations can take to implement change are available at [www.burlingtonvt.gov/cap/](http://www.burlingtonvt.gov/cap/).

# BURLINGTON

## LEADING THE WAY

**1996**

Burlington becomes one of the first cities to join the "Cities for Climate Protection" campaign organized by ICLEI.

**2000**

Burlington's first Climate Action Plan is adopted by City Council in May.

**2009**

The City prepares a cost-carbon benefit analysis of 17 proposed mitigation actions.

**2016**

The City will have stabilized its greenhouse gas emissions with the use of strategies presented in this plan.

**1998**

City Council passed a resolution setting a 2005 reduction target of 10% below 1990 levels.

Mayor Clavelle forms the first Climate Protection Task Force.

**2008**

The City begins the update of its Climate Action Plan with the preparation of a new Greenhouse Gas Inventory.

Over 100 citizen participate in the generation of 200+ mitigation strategies.

**2010**

The City creates a greenhouse gas emission tracking tool to easily allow City government to regularly track and record emission data.

**2025**

The City will have reduced its greenhouse gas emissions by the first target identified on page 10.

# WHY WE CARE?

## WHAT IS CLIMATE CHANGE ?

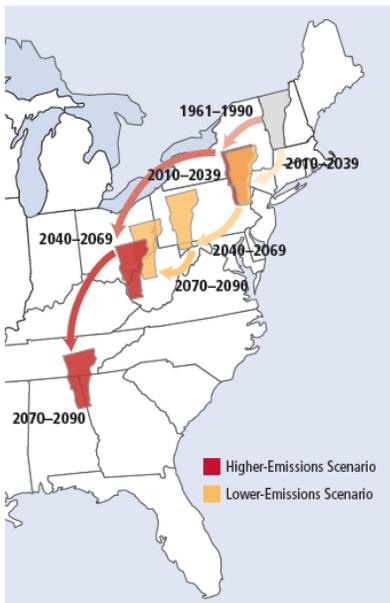
The greenhouse effect is the process by which the atmosphere traps some of the sun's energy, warming the Earth and moderating our climate. A human-driven increase in 'greenhouse gases' has enhanced this effect artificially. These greenhouse gases include carbon dioxide, produced by burning fossil fuels and through deforestation, methane, released from agriculture, animals and landfill sites, and nitrous oxide, resulting from agricultural production plus a variety of industrial chemicals.

## VERMONT'S CHANGING CLIMATE

From the Lake Champlain shore to the Connecticut River Valley, the climate of Vermont is changing. Records show that spring is arriving earlier, summers are growing hotter, and winters are becoming warmer and less snowy. These changes are consistent with global warming, an increasingly urgent phenomenon driven by heat-trapping emissions from human activities.

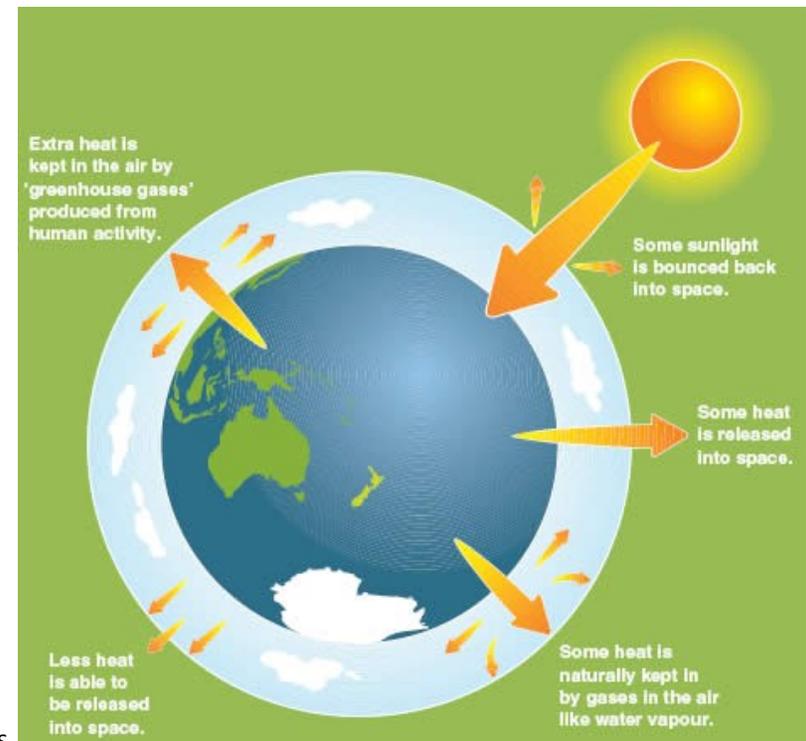
New state-of-the-art research shows that if global warming emissions continue to grow unabated, Vermont can expect dramatic changes in climate over the course of this century, with substantial impacts on vital aspects of the state's economy and character. If the rate of emissions is lowered, however, projections show that many of the changes will be far less dramatic. Emissions choices we make today—in Vermont, the Northeast, and worldwide—will help determine the climate our children and grandchildren inherit, and shape the consequences for their economy, environment, and quality of life.

**Temperature.** Average temperatures across the Northeast have risen more than 1.5 degrees Fahrenheit (°F) since 1970, with winters warming most rapidly—4°F between 1970 and 2000. If higher emissions prevail, seasonal average temperatures across Vermont are projected to rise 9°F to 13°F above historic levels in winter and 7°F to 14°F in summer by late-century, while lower emissions would cause roughly half this warming.



### Migrating State Climate

Changes in average summer heat index—a measure of how hot it actually feels, given temperature and humidity—could strongly affect quality of life in the future for residents of Vermont. Red arrows track what summers in Vermont could feel like over the course of the century under the higher-emissions scenario. Yellow arrows track what summers in the state could feel like under the lower-emissions scenario.



**Precipitation and winter snow.** The Northeast region is projected to see an increase in winter precipitation on the order of 20 to 30 percent. Slightly greater increases are projected under the higher-emissions scenario, which would also feature less winter precipitation falling as snow and more as rain. Heavy, damaging rainfall events have already increased measurably across the Northeast in recent decades. Intense rains struck the region in 2011 during Irene, for example, causing widespread flooding. The frequency and severity of heavy rainfall events is expected to rise further under either emissions scenario.

**Drought.** In this historically water-rich state, rising summer temperatures coupled with little change in summer rainfall are projected to increase the frequency of short-term (one- to three month) droughts, particularly if higher emissions prevail. By late-century, for example, short-term droughts are projected to occur annually under the higher emissions scenario (compared with once every two years, on average, historically), increasing stress on both natural and managed ecosystems.

# IMPACTS OF CLIMATE CHANGE ON VERMONT AND BURLINGTON

## IMPACTS ON WINTER RECREATION

Snow and cold temperatures mean big business for the Green Mountain State. Ski areas provide recreation for residents and visitors along with thousands of jobs, and contribute more than \$1.1 billion a year to the state's economy. Winters are already changing, and may look and feel profoundly different over the course of the century.

**Snowmobiling.** Vermont is part of a six state network of snowmobile trails totaling 40,500 miles and contributing \$3 billion a year to the regional economy. Snowmobiling relies almost entirely on natural snowfall. Projected losses in natural snow cover and the impracticality of snowmaking on this vast system mean that the snowmobiling season could decline dramatically by late-century.

**Skiiing.** Milder winters are expected to shorten the ski season, and the state's ski areas may no longer be viable by late-century.

**Lake ice.** Ice fishing and pond hockey are winter favorites in Vermont. However, global warming will render lake ice cover increasingly thin and shorten its duration. Ice cover duration on Lake Champlain has already declined in recent decades.

## IMPACTS ON FORESTS AND AGRICULTURE

**Forests** cover nearly 80 percent of the Vermont landscape. The state's forest-related manufacturing, recreation, and tourism sectors contribute more than \$1.4 billion to the state's economy and provide jobs for many residents. These woodlands also provide wildlife habitat, protect watersheds, conserve soil, and store carbon. Climate change has the potential to dramatically alter the character of Vermont's forests.

**Agriculture** has long been a vital part of Vermont's character and economy. Global warming will present both opportunities and challenges to Vermont's growers. For example, increases in the frequency of short-term drought could necessitate increased irrigation and operational costs, while a longer growing season could benefit those farmers seeking to invest in warmer weather crops that are currently hard to grow.

By late-century, increasing summer temperatures and heat stress could depress the yields of some of Vermont's economically important cool-weather crops. Northward expansion of agricultural pests and weeds are expected to further impede crop production during this time frame, and potentially pressure farmers to increase their herbicide and pesticide use (or, in the case of organic farms, invest more heavily in labor-intensive weed and pest control).

## IMPACTS ON HUMAN HEALTH

From more intense summer heat waves to deteriorating air quality, the effects of global warming are expected to increase the risk of a number of health problems.

**Extreme heat.** While Burlington residents are accustomed to the occasional summer heat wave, the number of hot days is projected to increase substantially in much of the state by late-century, with some areas experiencing temperatures over 90°F on more than half of July days. Very hot days are not only unpleasant but also dangerous, as they increase the risk of heat stress and even death.

**Air quality.** Higher temperatures and increasing levels of plant-stimulating carbon dioxide (CO<sub>2</sub>) in the air are also expected to accelerate seasonal pollen production over the next several decades under the higher-emissions scenario. This could extend the allergy season, increase asthma risks, and exacerbate symptoms for residents of Vermont.

**Vector-borne disease.** Mosquitoes and ticks carry West Nile virus (WNV) and Lyme disease-causing bacteria, and spread them to animals and humans. Projections for the Northeast of warmer winters, hotter summers, and more frequent summer dry periods punctuated by heavy rainstorms can set the stage for more frequent WNV outbreaks.

## IMPACTS ON INFRASTRUCTURE AND LAND

In the last decades, the frequency and severity of storm events have increased tremendously and in Burlington more specifically we have seen increased flooding. Think of the Lake Champlain flooding and Irene in 2011, and Hurricane Sandy in 2012. Such flood events equate to **higher levels of stormwater** and have a direct impact on our water infrastructure in the City. During major storm events the waterfront wastewater treatment plant cannot always handle the increased flow in areas of the city where the wastewater and stormwater systems are combined. This means that untreated wastewater is sent directly to the Lake. Given the age of our infrastructure, these major storm events threaten their integrity and we should expect to see more unanticipated breaks, wash-outs and flooding.

**Bank erosion** is another impact of more severe flooding. Damage that the Burlington bike path and many lakeshore properties quickly come to mind when remembering the 2011 events. The cost to repair and/or replace eroded banks create an additional burden on individuals, city finances and the cost often has to ultimately be paid for by citizens.

**Limited recreation opportunities** from decreased water quality or physical constraints due to flooding have also been more frequent, i.e.: beach closures, prohibited swimming and/or boating, limited bike path use, etc.



# CLIMATE CHANGE AND EQUITY

Equity and inclusion are a high priority for the City of Burlington. To respond to the complex and intertwined issues of climate change and social equity, the City must put forth a clear and unyielding effort to promote inclusion in all decision and policy-making processes, while at the same time applying an equity lens to implementation strategies in order to create an integrated response that goes far beyond reducing carbon emissions. Addressing social equity will, in turn, help foster strong, resilient natural systems and neighborhoods. Some areas for consideration include:

- How can the City of Burlington build a more diverse and multi-disciplinary climate action stakeholder group?
- By evaluating emissions mitigation strategies with attention to issues of equity, how might planning and implementation of infrastructure and behavioral emissions reduction projects be enhanced?
- In what ways does a more inclusive set of active stakeholders create a more effective and innovative emissions reduction program?
- What are the synergies between equity and inclusion goals and climate action goals and how do these crossovers advance a community culture of sustainability?
- How can the City of Burlington help ensure the safety and health of all of its citizens in the face of a changing climate?

The City of Burlington has identified five key areas, which present pressing equity issues either presently or in the future. These issues will be explored in the future to create a more comprehensive and transparent plan of action.

<p><b>Housing</b></p> <ul style="list-style-type: none"> <li>◆ Disparate concentrations of wealth in relation to floodplains and green space</li> <li>◆ Individuals' financial ability to adapt and respond to climatic changes</li> <li>◆ Access to energy efficient homes – including heating, cooling, and weatherization</li> </ul>	<p><b>Infrastructure and Transportation</b></p> <ul style="list-style-type: none"> <li>◆ Individuals' proximity to affordable, reliable public transportation</li> <li>◆ Distance from town center and shopping centers proportional to levels of income and wealth</li> </ul>	<p><b>Extreme Weather Events and Impacts</b></p> <ul style="list-style-type: none"> <li>◆ Flooding and tree falls</li> <li>◆ Effects of extreme weather on livability, comfort, and crime</li> </ul>
<p><b>Food Security</b></p> <ul style="list-style-type: none"> <li>◆ Stability and viability of long-term, local agriculture</li> <li>◆ Access to and affordability of fresh, local foods</li> <li>◆ Community garden placement and supporting resources</li> <li>◆ Home garden and composting education</li> </ul>	<p><b>Participation, outreach, and education</b></p> <ul style="list-style-type: none"> <li>◆ Equitable community involvement in policy and decision making process such as zoning and land use planning</li> <li>◆ Build on the work of the diverse stakeholders through a climate action education designed to engage and inform all members of the community</li> </ul>	

The City of Burlington, through its climate mitigation and adaption efforts, has already begun developing a comprehensive, integrated plan of action to respond to and deal with the issues of climate change and equity.

# WHERE ARE WE NOW WITH GOVERNMENT OPERATIONS EMISSIONS?

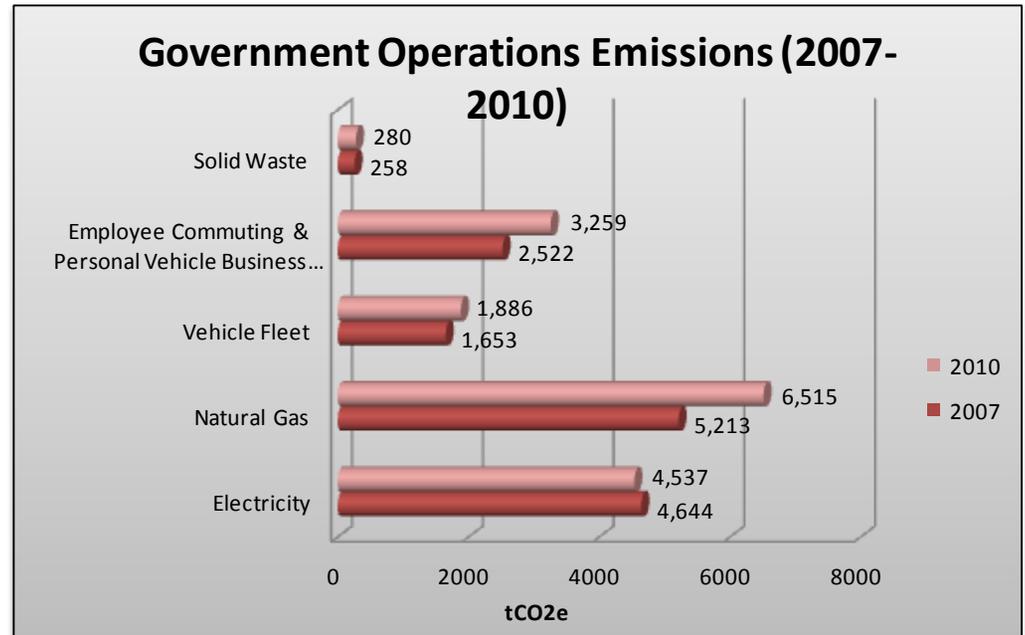
*Snapshot in time*

While based on extensive research and analysis, the Burlington Climate Action Plan represents a snapshot in time using the best information available today. The greenhouse gas emissions inventory results depicted below and in the next few pages are always changing. The 2007 and 2010 inventories were prepared using the International Local Government Greenhouse Gas (GHG) Emissions Analysis Protocol developed by the Climate Registry and ICLEI. It is our hope to update this information every 3 years to track progress.

The City of Burlington's government operations generated 14,290.7 tCO<sub>2</sub>e in 2007, increasing by 15% to 16,476.9 in 2012. This translates to an increase in cost from \$4.5 million in 2007 to approximately \$4.9 million in 2010 (a 7% rise).

While electricity usage and emissions have decreased between 2007 and 2010, every other generation source has increased, with employee commute being highest (a 29% increase).

- In 2007, the City Government consumed around 21 million kWh of electricity, emitting 4,643.8 tCO<sub>2</sub>e. This decreased by 2% in 2010 to around 20 million kWh and 4,537.2 tCO<sub>2</sub>e.
- In 2007, the City Government consumed over 965,000 CCFs of natural gas, emitting 5,213.4 tCO<sub>2</sub>e. This increased by 25% in 2010 to over 1.2 million CCFs and 6,514.8 tCO<sub>2</sub>e.
- The City Government's vehicle fleet consumed around 184,000 gallons of diesel, biodiesel, and gasoline (23,957.1 MBTU) in 2007, emitting 1,653.3 tCO<sub>2</sub>e, which increased by 14% in 2010 when over 210,000 gallons (27,323.2 MBTU) were consumed and 1,885.9 tCO<sub>2</sub>e were generated.
- With over 5.9 million miles driven for commuting purposes in 2007 and over 420,000 miles driven in personal vehicles for business travel, employee commuting & personal vehicle business travel emitted 2,521.9 tCO<sub>2</sub>e. The average commute distance was 11 miles (one way) in 2007 and 78% of employees drove alone to work. In 2010, nearly 8.0 million miles were driven for commuting purposes and around 330,000 miles were driven in personal vehicles for business travel. Employee commuting & personal vehicle business travel generated 3,259.0 tCO<sub>2</sub>e, a 29% increase from 2007. The average commute distance rose to nearly 13 miles (one way) in 2010, and 75% of employees drove alone to work.
- The City Government disposed over 1,600 tons of land filled waste in 2007, which generated 258.2 tCO<sub>2</sub>e. This increased to nearly 1,750 tons of land filled waste in 2010 and 280.0 tCO<sub>2</sub>e.



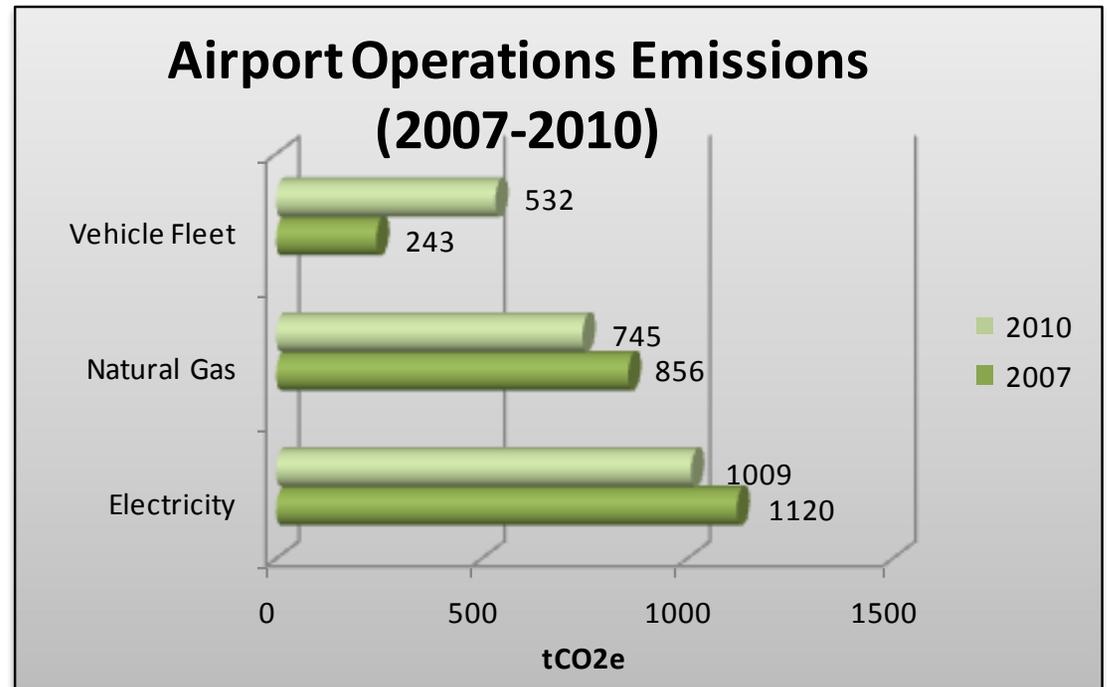
These results show that by improving the energy efficiency of city-owned buildings and encouraging city workers to use alternative ways of commuting to work, the city can have a strong impact on reducing annual GHG emissions. These types of initiatives would also have a direct impact on costs/savings both for the City and its staff.

# WHERE ARE WE NOW WITH THE AIRPORT'S EMISSIONS?

The City of Burlington's Airport generated 2,219.4 tCO<sub>2</sub>e in 2007, increasing by 3% to and 2,287.2 tCO<sub>2</sub>e in 2010. This translates to a cost of \$963,300 in 2007, decreasing by 2% to \$947,339 in 2010. For more information on data, inputs and assumptions, please see appendices A and B.

- In 2007, the Airport consumed over 5.1 million kWh of electricity, emitting 1120.1 tCO<sub>2</sub>e. This decreased by 10% in 2010 to around 4.6 million kWh and 1,009.2 tCO<sub>2</sub>e.
- In 2007, the Airport consumed nearly 160,000 CCFs of natural gas, emitting 856.1 tCO<sub>2</sub>e. This decreased by 13% in 2010 to around 138,000 CCFs and 745.1 tCO<sub>2</sub>e.
- The Airport's vehicle fleet consumed around 25,000 gallons of diesel, biodiesel, and gasoline (3,493.3 MBTU) in 2007, emitting 249.2 tCO<sub>2</sub>e. In 2010 these figures increased to over 48,000 gallons (6,517.2 MBTU) consumed and 543.5 tCO<sub>2</sub>e generated.
- The Airport spent over \$963,000 in 2007, decreasing by 2% to just over \$947,000 in 2010.

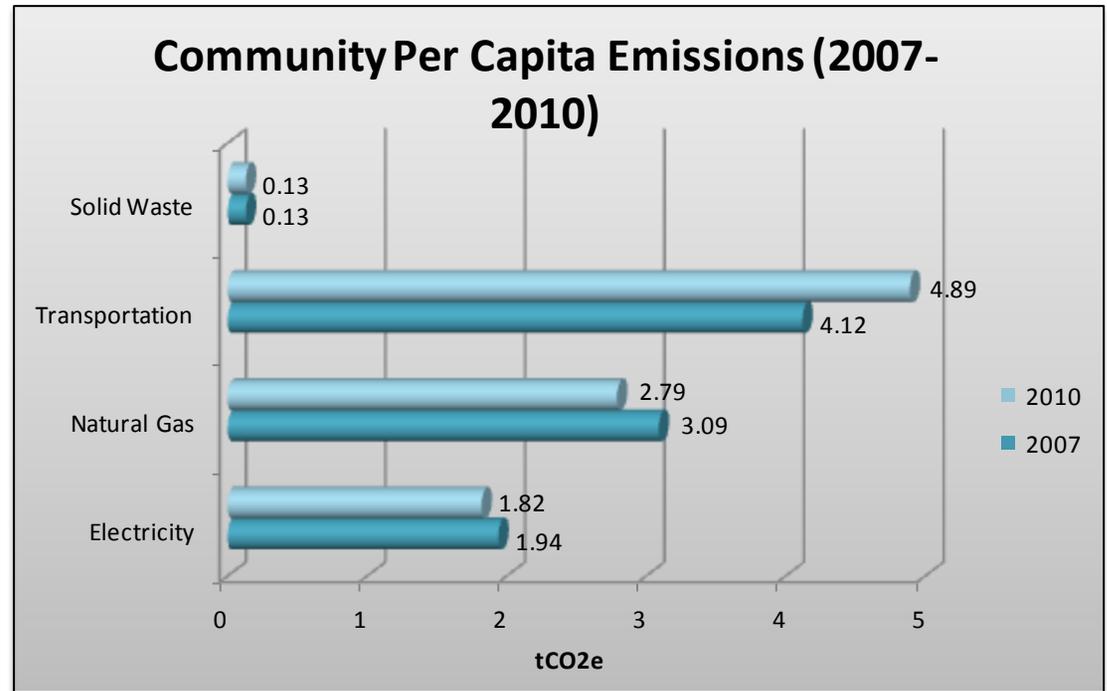
Since these numbers were calculated, the airport has undertaken aggressive energy efficiency efforts. Projects include: replacing incandescent taxiway lighting with LEDs; replacing terminal, roadway, and parking lot lighting with CFL and LEDs; replacing parking garage lighting with LEDs; replacing aging air conditioning and heating equipment with high efficiency units; and replacing terminal air handling units with high efficiency units. The airport has also upgraded manual equipment controls to digital.



# WHERE ARE WE NOW WITH COMMUNITY EMISSIONS?

As a Community, Burlington generated 380,762.3 tCO<sub>2</sub>e in 2007, increasing by 6% to 404,778.6 tCO<sub>2</sub>e in 2010. This translates to a cost of over \$78.9 million in 2007, decreasing by 4% to \$76.0 million in 2010. In order to account for population growth in the future and allow for relative comparison between inventories, a per capita emission analysis is most helpful. The graph to the right presents the community inventory results per capita for both 2007 and 2010. The table below presents the total emissions for the community.

- In 2007, the Community consumed over 360.6 million kWh of electricity, emitting 79,664.2 tCO<sub>2</sub>e. This decreased by 4% in 2010 to around 346.2 million kWh and 76,474.4 tCO<sub>2</sub>e.
- In 2007, the Community consumed nearly 23.4 million CCFs of natural gas, emitting 126,496.0 tCO<sub>2</sub>e. This decreased by 7% in 2010 to nearly 21.7 million CCFs and 117,242.6 tCO<sub>2</sub>e.
- With over 259 million vehicle miles traveled (VMT) in 2007, Community transportation emitted 169,102.0 tCO<sub>2</sub>e. This increased by 24% in 2010, when 320 million VMT were driven and 205,487.0 tCO<sub>2</sub>e were generated. Transportation is the largest source of emissions generated by the Community. In short, emissions increased by almost a quarter since 2007.
- The Community disposed of nearly 34,375 tons of landfilled waste in 2007, generating 5,500.1 tCO<sub>2</sub>e. This increased by 1% to 34,841 tons of landfilled waste in 2010 or 5,574.6 tCO<sub>2</sub>e.



Of the total Community GHG emissions, 44% was generated by Community transportation in 2007, and 51% in 2010, indicating that a reduction in annual vehicle miles traveled (VMT) in Burlington could have the biggest impact on our emissions reduction target.

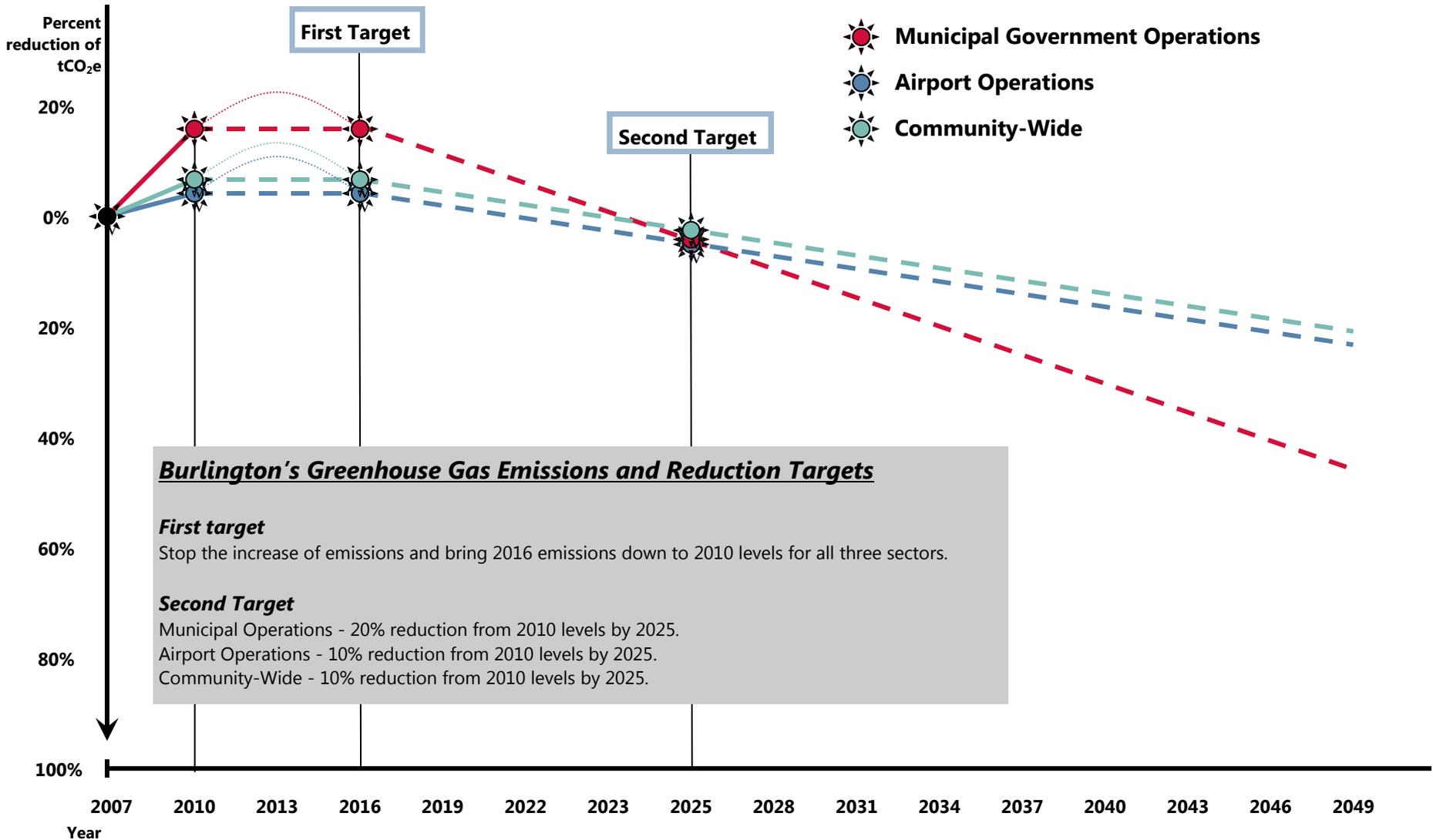
**Community - 2007 and 2010 Total Emissions**

Source	2007 GHG Emissions (tCO <sub>2</sub> e)	Percent of Total 2007 City Emissions	2010 GHG Emissions (tCO <sub>2</sub> e)	Percent of Total 2010 City Emissions
Electricity	79,664.2	21%	76,474.4	19%
Natural Gas	126,496.0	33%	117,242.6	29%
Transportation	169,102.0	44%	205,487.0	51%
Solid Waste	5,500.1	1%	5,574.6	1%
<b>TOTAL</b>	<b>380,762.3</b>	<b>100%</b>	<b>404,778.6</b>	<b>100%</b>

Please note that percentages may not add up to 100% due to rounding.

# WHERE ARE WE GOING?

Now that we have a sense of where our current emissions levels are, it is important to set emission reduction targets that are realistic considering where we have been and considering that emissions have increased between our two inventories. The chart below illustrates specific reduction targets for government operations, airport operations, and the community respectively. The first target requires leveling off the growth of emissions by 2016 and bring them back to 2010 levels. The second target involves an actual reduction of the 2010 emission levels by 2025.



# HOW CAN WE REDUCE OUR EMISSIONS?

In the fall of 2008, the city launched a lengthy community process, reflective of Burlington's participatory decision-making and community involvement history. Between September 2008 and February 2009, over 100 community volunteers and City staff gathered in eight working groups to develop emissions mitigation strategies under seven of the following eight themes. This work resulted in over 200 recommendations that were shared and vetted with the public at the December 2008 Legacy Town Meeting.

Each of the top strategies presented in this plan were carefully evaluated and chosen with the following criteria in mind:

- GHG Reduction Effectiveness
- Financial Performance/Cost Effectiveness
- Existing Implementation Capacity
- Available Funding/Financing
- Technical Feasibility
- Public Interest/Support
- Existing Momentum/Champion
- Local/Regional Economic Impact

Through this evaluation, 39 strategies rose to the top and are included in this plan as the first steps to take to reduce our emissions.

Most recently, with the development of planBTV-Downtown & Waterfront and other initiatives, the City added one more theme/goal that is central to reducing our impact on climate change. **Compact mixed-use development** considerations have proven to be one of the most effective ways to affect our generated emissions at a community level.

The following pages of the plan present the overarching goals for each theme as well as the related proposed strategies.



# Goal: Promote compact mixed-use development.

## Strategies

- Promote an active and vibrant downtown and waterfront core
- Promote compact mixed-use development in neighborhood activity centers
- Expand housing choices and grow the housing supply to create more live/work opportunities
- Expand transportation choices and the Complete Street system
- Incentivize urban infill development in the city core and dense activity centers through zoning
- Incentivize energy efficient building siting, design and operation through zoning
- Expand the comprehensive stormwater management system to incentivize low impact development technologies
- Create a more predictable development permitting process

In Burlington, our urban fabric is compact and actively encourages mixed uses. As we work to make it even better we have the potential to further reduce pollution and congestion, enhance social interaction, improve the efficiency and effectiveness of public service delivery, and create more vitality when compared to a more suburban development pattern. Studies of residential developments have found that high-density development emits less than half as much GHG per capita as low-density development. Particularly, the National Academy of Sciences, in a recent study chartered by Congress, has found that compact mixed-use development is likely to reduce Vehicle Miles Traveled (VMT) and could directly and indirectly reduce energy use and greenhouse gas emissions.

planBTV-Downtown & Waterfront, recently developed by the City, clearly articulates the need for more housing in our downtown, more housing that is affordable to everyone. This additional housing will in turn allow more people to live closer to their workplace and services, therefore reducing their need to drive on a daily basis. Urban dwellers typically have lower energy costs and a smaller carbon footprint. Neighborhood activity centers, located throughout the city, also provide opportunities for bringing housing, shopping, working, playing and transportation choices closer together so it is easier for Burlingtonians to walk or bike. Connecting these nodes with frequent and convenient transit will ultimately create an overall more efficient and inclusive transportation system.



Recent storm events are indicative of why we need to re-think how we manage our stormwater. Here it's more about how we adapt to climate change. Turning "grey streets to green streets" will not only improve the management of stormwater but also actively encourage more trees and plantings which have an important role in the sequestration of CO2 and reduce the urban heat island effect. Green roofs and walls on our buildings are a great stormwater management tool which also helps to reduce heating and cooling costs.

# Goal: Reduce community-wide vehicle miles traveled (VMT) by 10% per capita by 2025.

## Strategies

- Improve bicycle and pedestrian infrastructure
- Integrated transportation system improvements
- Create a downtown Transportation Management Association
- Price parking to maintain 85% utilization
- Develop infrastructure for fuel-efficient vehicles
- Develop a citywide bike/pedestrian plan

Burlingtonians are busy people: they commute to work, run errands, visit health care providers, and travel to recreate and play. Currently, fifty-one percent of the city's greenhouse gas emissions are produced by cars, trucks and buses. (This inventory excludes emissions from air travel, an approach that mirrors that of most cities.) To lower emissions, a high-quality transportation system, including a robust public transit network, and amenities to support biking, walking, and car sharing, are key. This, coupled with support for alternative fuel vehicles, such as a network of charging stations for the area's nascent but growing electric vehicle population, will greatly reduce GHGs.



## Public Transit Solutions

Burlington is fortunate to have a variety of players involved in broadening our transportation options beyond the single occupancy vehicle. The Chittenden County Transportation Authority (CCTA) offers regular transit services to Burlington and surrounding communities. During the time this plan was written, CCTA daily ridership continued to grow. For example, ridership climbed 3.2% between 2010 and 2011, providing 2,510,959 total rides on their fixed-route service. More specifically, ridership on the Montpelier LINK increased by 21%, the Middlebury LINK by 10%, and the St. Albans LINK Express by 9% respectively. Continuing to work with CCTA on the expansion and increase of frequency of service in Burlington and beyond is crucial to reducing future greenhouse gas emissions.



## Walking, Biking and Carsharing

Walking and biking are transportation choices that promote health and emit no or very few greenhouse gases. Burlington will reduce emissions if more stakeholders walk and bike and, use services such as CarShareVT. The "co-benefits" of these transportation options also make these appealing alternatives to single occupancy vehicle use. For example, research shows that carsharing can reduce overall household costs, and of course, walking and biking are important for overall physical health and well-being.

# Goal: Reduce the amount of municipal vehicle miles traveled (VMT) by 10% by 2025.

## Strategies

- Develop a government alternative employee commuting program
- Develop a government vehicle retirement and replacement program.
- Develop a government vehicle sharing/fleet management program

Although community-wide transportation generates the bulk of greenhouse gases (or approximately 205,000 tCO<sub>2</sub>e), 5,000 tCO<sub>2</sub>e are attributed to City operations, and staff commuting to work.

To help reduce emissions, while opening up needed parking and alleviating congestion, the City provides regional and local transit passes to all interested employees. The City has partnered with Local Motion on bike-commute trainings several bicycles available to staff for work-related travel. CarShare Vermont, one of the nation's first non-profit car sharing operations, is available to staff who drive for work. Offering the use of fuel efficient CarShare Vermont vehicles allows employees options beyond the city fleet, car rental, or personal vehicle use for work-related travel. And personal CarShare membership frees up city staff to take public transport to work by allowing them car share access during the day for private errands during the lunch hour.



To date, the City owns three compressed natural gas (CNG) recycling trucks. CNG emits far fewer particulates into the air, making it a more environmentally sound fossil fuel substitute. And because Burlington owns its own CNG filling station, it's less expensive to fill up CNG vehicles than similar vehicles that use standard gasoline. The Burlington Electric Department also recently purchased a biodiesel hybrid truck, a much more fuel efficient alternative. Still, the City should also consider every opportunity to better manage its vehicle fleet, ensuring that all vehicles are used to their full potential and that a larger proportion of the fleet uses more energy efficient and environmentally friendly fuels. This is especially true as new cars and trucks are purchased and old ones are phased out. An analysis of the current fleet usage and efficiency could provide opportunities for reduction of the fleet and increased fuel efficiency all the while reducing City operations.

# **Goal: Develop zoning, planning, and economic development policies that support local food production.**

## **Strategies**

- Develop public-private partnerships and infrastructure to support processing, preserving and storage of locally produced foods.
- Create and implement a policy for raising non-domesticated animals

By continuing to expand and grown Burlington’s range of local food choices, we’re not only reducing greenhouse gas emissions from the transportation of food from farm to plate, we’re strengthening regional food security, building the local economy, and improving community health. Indeed the “co-benefits” of local food production, processing and consumption make the support of local food systems a winning proposition.

Fortunately, Burlington has a plethora of local food players. The Friends of Burlington Gardens, the Intervale Foundation, New Farms for New Americans, and Burlington’s Parks and Recreation Department are just a few working on and supporting local food production and consumption. The Sustainable School Food Project, and the Burlington School Food Project, are working on education and to bring local food into area schools. Groups including UVM’s Extension Service and Sustainable Agriculture Program, and the Urban Agricultural Task Force are addressing issues around policy, zoning, and research.



To create a more consistent supply of local products and enhance the local food supply chain, there needs to be a variety of places and means to market local farm products. The City already benefits from a seasonal farmers’ markets, local grocery stores like City Market, and activities at the Intervale Food Hub. There is the additional opportunity for farm stands, a year-round market hall, street vendors selling locally-produced foods using and promoting local food products, specialty food retail outlets, joint marketing, and festivals celebrating local foods.



More attention is needed on the development of a robust public-private infrastructure to support additional processing, preserving and storage. Not only will this open up new ways and means to enjoy local food year round, these value-added activities can help spur economic development while lowering greenhouse gas emissions from the transportation of food. And while some work has gone into the support of non-domesticated animal production, there is still work to be done.

# Goal: Increase energy efficiency in buildings.

## Strategies

- Require new residential construction to be Vermont Energy Star for Homes (VESH) qualified
- Fully implement BED Advanced Metered Infrastructure (AMI) program
- Require new commercial construction to follow Core Performance guidelines
- Implement the "PACE" (Property Assessed Clean Energy) Program for residential properties and explore expansion to commercial properties
- Implement a deep energy efficiency program for government buildings
- Replace existing streetlights with LEDs
- Create a green roof policy and incentive program
- Revise and implement the Time of Sale ordinance
- Implement the Environmental Preferable Purchasing (EPP) Policy city-wide

Improving energy performance of city's buildings is a key goal of the plan. Achieving this will require a concerted effort by government and its many public and private partners, including single and multi-unit property owners. Not only does increased building efficiency — and the efficiency of our infrastructure such as our City's streetlights — result in financial savings, it can help spur the local economy by creating employment opportunities.



Burlington's current success in energy efficiency can be attributed to two main players — Vermont Gas Systems (VTGas) and the Burlington Electric Department (BED). Working in tandem, VTGas and BED offer residents, businesses, and other Burlington-based entities ways to reduce energy use in buildings. Nationally recognized, BED's energy efficiency programs are the result of a bond to fund energy efficiency programs that supported program activities through 2002. Since 2003, BED customers (like all other Vermont electric customers) pay a small monthly Energy Efficiency Charge (EEC) that supports efficiency programs. When these funding sources are considered along with customers' direct costs, about \$42 million has been invested in BED's energy efficiency efforts over the last 22 years. This includes about \$19.3 million spent by BED and another \$22.6 million in matching expenditures by BED customers. The overall effect has been dramatic. Annual electricity consumption in 2012 was 5.3 percent lower than in 1989. Energy efficiency investments save Burlington consumers \$15.4 million of retail electric costs annually.

And now, with Advanced Metered Infrastructure being put in place throughout the city, property owners will have the power to better manage their energy consumption. This, coupled with the new commercial "PACE" program, Burlington stakeholders will have even more opportunities for efficiency and the creation of more renewable energy options.

# Goal: Increase the use of cleaner and renewable energy sources.

## Strategies

- Study feasibility of McNeil district heating project
- Implement additional "Solar on Schools" projects
- Implement BED "Renewable Energy Resource Rider" program
- Implement a "Solar City" project on municipal buildings
- Develop methane gas capture and CHP potential at City's wastewater treatment plants

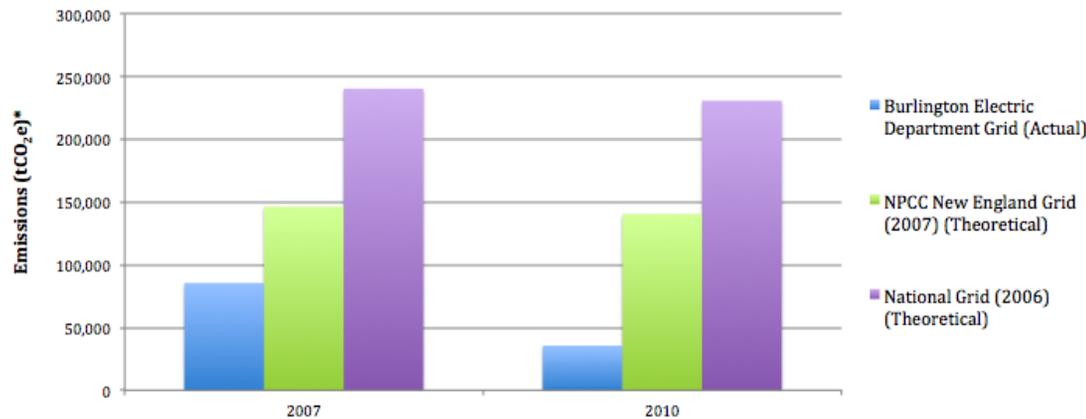
To reduce our greenhouse gases, Burlington should strive for higher efficiency from our existing energy sources and continue to work towards its goal of 100% renewable power. Work on this front will not only reduce emissions, but protect us from the whimsical forces of the traditional energy market.

As a municipal department for the City of Burlington, Burlington Electric Department has a long history of sourcing electricity from clean power mixes. This is reflected in the lower emissions from the Burlington Electric Department Grid, shown in blue in the graph below. Generating electricity with fossil fuels contributes to climate change. BED has long been a leader in renewable energy development. BED's 2012 Integrated Resource Plan established a goal to continue seeking long-term renewable resources to fill the remaining supply gap without substantial rate impacts. Since the 2012 IRP was filed in September, 2012, BED has executed a five-year contract for energy from small existed hydro facilities, received approval to exercise the option and started discussions to pursue purchasing the Winooski One hydro facility, and the Georgia Mountain Community Wind Project in Georgia Vermont has come on line and begun delivering energy. Purchasing the Winooski One hydro facility will meet another 8 - 9% of the city's annual energy needs.



City Market Solar Panels

## City of Burlington - 2007 and 2010 Electricity Emissions by Grid



The 2007 Burlington Electric Department Grid emissions were applied to the 2007 usage and the 2010 Grid emissions were applied to the 2010 usage. For theoretical purposes, the emissions factors for the regional grid, the NPCC New England Grid (2007), shown in green below, and the National Grid (2006), shown in purple in the graph below, were applied to the 2007 and 2010 usage. The NPCC New England Grid provides cleaner electricity than the National Grid, but not as clean as the Burlington Electric Department Grid.

Under Mayor Weinberger's initiative, on November 13, 2012, the City Council passed a resolution to waive all building, electrical, plumbing and zoning permit fees associated with the installation of solar photovoltaic panels and thermal hot water equipment for a period of one year. This is aimed at reducing barriers for such installations as well as strengthening Burlington's commitment clean and locally generated energy.

# **Goal: Increase carbon storage and sequestration with additional forest and tree coverage.**

## **Strategy**

- Increase the Urban Tree Canopy (UTC)

Research indicates that carbon sequestration — or the process by which carbon is captured and stored to avoid release into the atmosphere — is a sound and viable way to reduced greenhouse gasses. Because trees sequester carbon, Burlington is fortunate to have an extensive tree canopy, approximately 40% of Burlington’s land cover mass. Not only do trees sequester carbon, Burlington’s urban forest, a mosaic of planted landscapes and what remains of the native forest, is a reflection of the city’s health, well being, and livability. It is an important part of Burlington’s character, giving the City a special sense of place.

Our tree canopy also offers additional benefits. The air and water are cleaner because the trees and plants remove pollution from the air and reduce run-off. Open spaces and urban stream corridors define a sense of space in our communities while providing a quiet respite from hectic urban life. Neighborhoods with tree-lined streets offer shade and protect us from inclement weather. Shoppers frequent shaded business districts where trees help save energy, reduce noise, and soften the hard edges of structures and paved areas.



Burlington has several key players, including Branch Out Burlington (BOB), working to protect, expand and grow our tree canopy. A volunteer organization, BOB’s goal is to promote a vision of a city graced by a variety of beautiful and healthy trees, and a citizenry actively involved with the perpetual expansion and preservation of our urban forest.



# Goal: Reduce the amount of waste sent to landfills

## Strategies

- Implement a residential organics collection program
- Explore a residential Pay As You Throw (PAYT) program
- Require recycling bins at all public facilities and events
- Increase the use of reusable shopping bags
- Work to consolidate trash haulers by neighborhood or district
- Require all major construction and demolition projects to submit waste management plans

Burlington produces an estimated 34,000 tons of waste annually. To reduce the amount of waste we generated as a community along with the associated environmental costs of transportation, individuals, government, and the private sector must work together. Much of this effort will need to focus on behavior change, and encouraging stakeholders to not only comply with mandatory recycling, but to compost and think critically about reducing waste at the point of purchase.

The waste reduction goal also requires that Burlington restructure its methods of garbage pickup and transport. Currently, residences and businesses contract with haulers directly to pick up trash and compostable materials; the City picks up recyclables. New approaches are being explored to reduce the amount of driving currently required to pickup waste, including consolidating trash hauling by district or neighborhood.



And while the majority of trash is generated at the community level, over 1,600 tons is generated by City government. To reduce this, the City of Burlington recently implemented a waste reduction program in all City buildings, including composting. By simply composting brown paper towels in the staff's City Hall restrooms, approximately 2,400 gallons of waste will be diverted from the waste stream annually.



Landfill in Moretown, VT

## MOVING FORWARD

The Burlington Climate Action Plan identifies a coordinated set of strategies that everyone who lives in, works in or visits Burlington can adopt to help reduce our city's carbon footprint and enhance our quality of life. It is a call to action for each of us to be thoughtful, persistent and committed.

Most of the strategies in the Plan will provide net benefits to residents, businesses and other organizations. While we recognize that these are aggressive goals, they can be achieved by working together, spending money wisely, accomplishing multiple objectives with existing programs and harnessing new funds from federal, state and local government, along with utilities, foundations and corporations. As we move forward, each strategy must be continuously assessed and monitored. To help with that process, the City's Green Team has been formed to review performance against our goals and to recommend revisions, adjustments and improvements.

Timely and efficient implementation this plan will require regular updates of our greenhouse gas inventory so that progress can be tracked, allowing the City to evaluate and re-evaluate the effectiveness of the strategies. It is also essential to note that current strategies might change or new strategies might surface depending on emerging technology, change in financial and staff resources, and as our commitment to climate planning grows. These continuous efforts mean that the Climate Action Plan is a work-in-progress, requiring on-going time, diligence, and effort.

The goal and strategies identified below have been developed and added to ensure a seamless and constant implementation of the strategies identified in this plan:

**GOAL:** ENSURE THE IMPLEMENTATION OF THE CLIMATE ACTION PLAN (CAP) THROUGH CONSTANT COORDINATION WITH STAKEHOLDERS AND REGULAR ANNUAL ASSESSMENT OF THE CITY'S PROGRESS.

- Develop a progress assessment structure that would include: annual progress report format, GHG emissions inventory 3-year update and periodical revisit of all strategies' relevance.
- Create a **Sustainability Coordinator** position responsible for the management and implementation of Burlington's Climate Action Plan. This position will involve assessing progress as well as overseeing the involvement of partner agencies such as the City's Green Team.
- Empower the City's Green Team to take on the implementation of the Climate Action Plan in conjunction with the Sustainability Coordinator.



# OUR STRATEGIES IN DETAILS

In order to achieve our reduction targets, we've got to get to work. The next step is to prioritize, with guidance from the City Council and other leaders, the following strategies — and then get started on implementation. Some will have limited up front cost, while others will require a substantial investment. In the end, however, most will bear financial rewards in the reduction of maintenance and operation costs.

**NOTE:** These recommended strategies came out of a public process and are not necessarily an exhaustive list nor are they completely defined and detailed. Further refinement should be expected based on actual needs and opportunities at the time of implementation.

COMPACT MIXED-USE DEVELOPMENT	LEADER
<b>Promote an active and vibrant downtown and waterfront core</b> - planBTV-Downtown & Waterfront presents a good framework for the promotion of a vibrant downtown. Ensure that the ideas outlined in planBTV are implemented.	All City Departments
<b>Incentivize urban infill development in the city core and most dense activity centers through zoning</b> - Continue to ensure that zoning regulations incentivize and allow for compact mixed-use development to occur in neighborhood activity centers.	Planning & Zoning Dept.
<b>Expand housing choices and grow the downtown housing supply to create more live/work opportunities</b> - Remove any existing regulatory barriers to the development of more housing downtown and provide additional incentives through regulations, programs, etc.	Planning & Zoning Dept.
<b>Expand transportation choices and the Complete Street system</b> - Implement the 2011 Transportation Plan to the greatest extent possible, ensuring that a Complete Street approach is taken for every reconstruction or redesign project.	Dept. of Public Works
<b>Incentivize energy efficient building siting, design and operation through zoning</b> - Develop a form-based code that will ensure efficient building design and siting, and continue to require the use and implementation of the Energy Code.	Planning & Zoning Dept.
<b>Expand the comprehensive stormwater management system to incentivize low impact development technologies</b> - Develop and implement additional stormwater management policies for new development and find ways to incentivize their use.	Dept. of Public Works
<b>Create a more predictable development permitting process</b> - Develop a form-based code that improves the development review and permitting process, increasing its predictability for developers.	Planning & Zoning Dept.
COMMUNITY TRANSPORTATION	LEADER
<b>Improve bicycle and pedestrian infrastructure</b> - Build upon the Complete Streets guidance integrating on-street bicycle and pedestrian facilities into all future infrastructure improvements to City streets.	Dept. of Public Works
<b>Integrated transportation system improvements</b> - Build upon the City's Transportation Plan to implement several improvements of an integrated transportation system including the creation of a downtown transit center, Park and Ride and Auto Intercept lots to capture cars before they enter City neighborhoods, and increased frequency of transit in corridors servicing downtown and auto intercept facilities.	Dept. of Public Works
<b>Create a downtown Transportation Management Association (TMA)</b> - Develop a downtown transportation management association that plans, develops, and manages all employee transportation and parking programs, infrastructure, and related facilities. The goal of the TMA would be to offer and improve cost-effective and convenient alternative transportation services while simultaneously reducing travel demand and traffic congestion and improving air quality.	TBD

<b>COMMUNITY TRANSPORTATION</b>	<b>LEADER</b>
<b>Price parking to maintain 85% utilization</b> - Increase parking rates to market-based rates and to maintain an 85% parking utilization rate. This action will better relate parking supply with demand, increase the likelihood of available spaces, reduce traffic congestion, improve air quality, and increase revenues for the City.	Dept. of Public Works
<b>Develop infrastructure for fuel-efficient vehicles</b> - This proposed action would develop infrastructure and incentives for fuel-efficient vehicles. This might include charging stations for electric and electric-hybrid vehicles and fueling stations for CNG and other alternative fuel vehicles.	Dept. of Public Works
<b>Develop a Citywide Bike/Pedestrian Plan</b> - This proposed action would build upon the City's North/South Bike Plan by taking a more comprehensive look at the City's existing bike/pedestrian infrastructure and designing and implementing necessary improvements.	Dept. of Public Works
<b>GOVERNMENT TRANSPORTATION</b>	<b>LEADER</b>
<b>Develop a government alternative employee commuting program</b> - Reduce government employee commuting miles by encouraging employees to commute through emissions-free modes (telecommuting, walking, and biking), as well as less impactful modes (car pooling, ridesharing, and mass transit). It would also include incentives such as a parking cash-out program.	City Green Team
<b>Develop a government vehicle retirement and replacement program</b> - Retire 5% of the government's vehicle fleet and replacing 25% of the gaso-line-powered vehicles with hybrids; retire twelve vehicles and replace 62 gas-powered vehicles with hybrids over a five year period.	Dept. of Public Works
<b>Develop a government vehicle sharing/fleet management program</b> - Includes vehicle acquisition, assignment and maintenance with a focus on cost-effectiveness and emissions reduction. Could also include other functions, such as vehicle financing, driver management, speed management, fuel management, health and safety management, regulatory compliance, and validating green initiatives.	Dept. of Public Works
<b>LOCAL GARDENS, FARMS AND FOOD PRODUCTION</b>	<b>LEADER</b>
<b>Develop public-private partnerships and infrastructure to support processing, preserving and storage of locally produced foods</b> - Develop public-private partnerships and infrastructure for the processing, preserving and storage of locally produced foods.	TBD
<b>Create and implement a policy for raising non-domesticated animals</b> - Create and adopt a clear and consistent policy for raising non-domesticated animals, for egg, meat, and milk production, in city neighborhoods and urban agriculture areas.	TBD
<b>ENERGY EFFICIENCY IN BUILDINGS</b>	<b>LEADER</b>
<b>Require new residential construction to be Vermont Energy Star for Homes (VESH) qualified</b> - Require new residential construction to be Vermont Energy Star for Homes (VESH) qualified. VESH are designed and built using best practices to save energy by reducing air leaks and thermal bypass, and by requiring high efficiency heating and appliances.	Burlington Electric Dept.
<b>Fully implement BED Advanced Metered Infrastructure (AMI) program</b> - BED is in the process of installing smart meters in all buildings in the City of Burlington. Smart meters will provide data to BED and its customers in 15 minute intervals, and offer two-way communication. This better data can then be used to achieve increased efficiency.	Burlington Electric Dept.
<b>Require new commercial construction to follow Core Performance guidelines</b> - Require new commercial construction to follow Core Performance guidelines, a program offered by BED, and Vermont Gas. Core Performance is a prescriptive guide to reduce energy use in commercial buildings by 20-30%.	Burlington Electric Dept.

ENERGY EFFICIENCY IN BUILDINGS	LEADER
<p><b>Implement the "PACE" Program for residential properties and explore expansion to commercial properties</b> - The PACE program will allow residential property owners to access long term municipal financing to make eligible energy efficiency and renewable energy improvements to their buildings. By opting into a special tax assessment district, property owners pay for these improvements via property taxes over a period up to twenty years.</p>	Burlington Electric Dept.
<p><b>Implement a deep energy efficiency program for government buildings</b> - Perform deep energy efficiency improvements in all municipal buildings. Deep energy retrofits would include extensive renovations to existing structures that use the latest in energy-efficient materials and technologies and results in significant energy reductions.</p>	Burlington Electric Dept.
<p><b>Replace existing streetlights with LEDs</b> - Continue to replace all existing streetlights (approximately 3,300) with LEDs over a 10-year period.</p>	Dept. of Public Works
<p><b>Create a Green Roof policy and incentive program</b> - Create incentives to encourage that all new flat roofs at or under 30 degree-pitch, both private and public have to be vegetated. If old roofs have to be retrofitted, the building owner may be able to receive public financial support for a green roof.</p>	Dept. of Public Works
<p><b>Revise and implement the Time of Sale ordinance</b> - Build upon the existing residential rental housing time of sale energy efficiency ordinance by applying it to all residential and commercial buildings. Furthermore, it proposes that, as a condition of sale, all buildings must receive an energy inspection and rating that is available to prospective buyers.</p>	Code Enforcement Office
<p><b>Implement the Environmental Preferable Purchasing (EPP) Policy city-wide</b> - Fully implement the City's existing environmental purchasing policy, requiring that it be applied to all procurement decisions city-wide.</p>	City Green Team
RENEWABLE ENERGY RESOURCES	LEADER
<p><b>Study the feasibility of McNeil district heating project</b> - Use McNeil power plant as a heat source for a district heating system that would improve McNeil's efficiency, make use of some of its waste heat, and provide heat to consumers at a relatively low and predictable price.</p>	Burlington Electric Dept.
<p><b>Implement additional "Solar on Schools" projects</b> - Put solar PV panels on the City of Burlington schools' roofs. The panels on seven schools will be owned and operated by a private third-party development partner who can take advantage of federal and state tax credits, which the City cannot.</p>	School District
<p><b>Implement BED "Renewable Energy Resource Rider" program</b> - Encourage residents and businesses to install solar PV panels. This is achieved through setting a predictable and stable rate above the retail cost of electricity, and therefore above the rate for standard net metered production.</p>	Burlington Electric Dept.
<p><b>Implement a "Solar City" project on municipal buildings</b> - Install solar photovoltaic panels on appropriate city-owned buildings with the goal of providing 1MW aggregate power and helping to minimize the occurrence of peak load.</p>	Burlington Electric Dept.
<p><b>Develop methane gas capture and Combined Heat and Power (CHP) potential at City's wastewater treatment plants</b> - Fully develop the potential for capturing methane gas and generating electricity and/or heat from the City's decentralized waste water treatment facilities.</p>	Dept. of Public Works
URBAN FORESTRY AND CARBON SEQUESTRATION	LEADER
<p><b>Increase the Urban Tree Canopy (UTC)</b> - This proposed action would increase the urban tree canopy (UTC) by planting a total of 588 trees per year and by maintaining the existing urban tree canopy. This would be achieved both on public and private property.</p>	Parks Department

WASTE REDUCTION AND RECYCLING	LEADER
<p><b>Implement residential organics collection program</b> - Collect residential organic food waste (no yard waste) to be composted and would be modeled after the existing City residential recycling program, thus having a similar infrastructure and cost profile.</p>	<p>Dept. of Public Works</p>
<p><b>Explore a residential Pay As You Throw (PAYT) program</b> - Change the current residential collection payment system to a system in which residents pay per unit of trash collected. Programs like these result in a decrease of solid waste, as well as overall cost savings to participants. The current physical system would remain the same.</p>	<p>Dept. of Public Works</p>
<p><b>Require recycling bins at all public facilities and events</b> - Require that recycling bins are available and maintained at all public facilities and events.</p>	<p>Parks &amp; Recreation Dept.</p>
<p><b>Increase the use of reusable shopping bags</b> - Create incentives for increase usage of reusable shopping bags and the complementary reduction of disposable plastic bags.</p>	<p>Businesses</p>
<p><b>Work to consolidate trash haulers by neighborhood or district</b> - Consolidate trash haulers by neighborhood or district, thereby limiting the number of trucks driving through the city, reducing vehicle miles and congestion, and improving air quality.</p>	<p>Chittenden Solid Waste District (CSWD)</p>
<p><b>Require all major construction and demolition projects to submit a waste management plan</b> - Require construction and demolition (C&amp;D) projects to submit a waste management plan. Such a plan would include: waste recycling, salvage or reuse goals; estimated types and quantities of materials or waste generated from the project site; proposed and intended disposal methods for these materials; and detailed instructions for subcontractors and laborers on how to safely separate or collect the materials at the job site.</p>	<p>Planning &amp; Zoning Dept.</p>

## **ACKNOWLEDGEMENTS**

### **Mayor**

Miro Weinberger

### **Key City Staff**

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Sandrine Thibault, Department of Planning & Zoning

### **Other Key Participants**

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### **Consultants**

Spring Hill Solutions

Shelly Martin, Earth Shift, formerly of Spring Hill Solutions

Funding for this project was largely provided by the Federal Recovery Act – Energy Efficiency and Conservation Block Grants – Formula Grants

## Department of Planning and Zoning

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## MEMORANDUM

TO: Joan Shannon, City Council President  
Burlington City Councilors  
Mayor Miro Weinberger

FROM: Sandrine Thibault, AICP, Comprehensive Planner  
Jennifer Green, Sustainability Coordinator

DATE: Thursday, May 02, 2013

RE: Proposed Municipal Development Plan Amendment: **MDP-12-01 Burlington Climate Action Plan**

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At your May 6, 2013 Council meeting, there will be the **second** public hearing on the *Burlington 2013 Climate Action Plan*. After presentation of the plan to the Council in July 2012 (first public hearing), changes and additions were made to the plan to improve its presentation and bring focus to the policies and strategies the city should implement to reduce its impact on climate change. Included in your packet are:

- A resolution for the adoption of the updated Municipal Development Plan (MDP) Energy Chapter as well as 2013 Climate Action Plan, incorporated as a reference.
- A final copy of the proposed updated Energy Chapter of the MDP as well as a copy of the 2013 Climate Action Plan to be adopted in the MDP as reference.

The *Burlington Climate Action Plan* is the result of a collaborative inter-departmental effort over more than 4-years involving the Legacy Project, Planning & Zoning, Burlington Electric Department and others. The planning process has included the following steps:

- Greenhouse gas (GHG) emissions inventories preparation (2007 & 2011), as well as analysis tool development
- Reduction targets establishment
- GHG mitigation strategies development
- GHG mitigation strategies analysis
- GHG mitigation strategies prioritization
- Plan and website development and preparation

This Plan has received public input beginning with the formation of eight workgroups that generated 200+ mitigation strategies in the fall of 2008. These strategies were presented and refined at the Legacy Town Meeting on December 9, 2008.

The Planning Commission recommended adoption by the Council of the new Energy Chapter of the MDP as well as the Climate Action Plan as reference, back in the summer 2012.

***The Transportation, Energy and Utilities Committee (TEUC) recommends adoption of the 2013 Climate Action Plan and associated Energy Chapter update of the MDP.***

Staff from the Legacy Project and Planning & Zoning Department will be available at Monday's meeting to answer any questions you may have.

Thank you in advance for your consideration.

## **PUBLIC HEARING NOTICE**

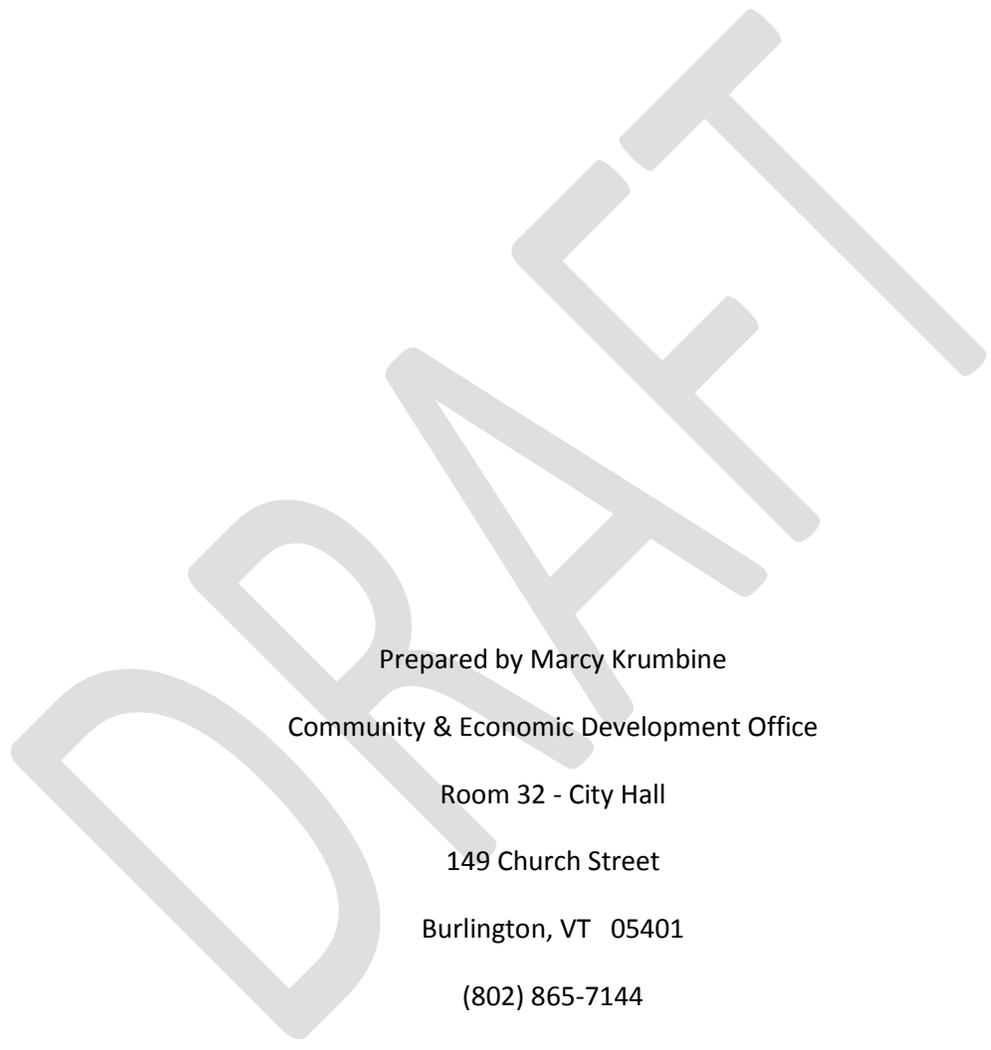
Pursuant to 24 V.S.A. §4387 and §4384, notice is hereby given of a public hearing by the Burlington City Council to hear comments on the following proposed amendment to the City of Burlington's *Municipal Development Plan (MDP)*. This second public hearing will take place on **May 6, 2013** beginning at 7:00 p.m. in Contois Auditorium, Burlington City Hall, 149 Church Street in Burlington, VT.

### **Statement of Purpose:**

The City of Burlington intends to amend its 2011 Municipal Development Plan by updating the Energy Chapter and integrating the 2013 Climate Action Plan. The 2013 Climate Action Plan is a detailed and strategic framework for measuring, planning, and reducing GHG emissions and related climatic impacts. It is a customized roadmap for making informed decisions and understanding where and how to achieve the largest and most cost-effective emissions reductions that are in alignment with other municipal goals. The Climate Action Plans includes an inventory of existing emissions, reduction targets, and prioritized reduction actions. The Plan will be adopted as part of a revised Energy Chapter of the Municipal Development Plan. All City plans and programs which effect land development, including the Zoning Ordinance, Subdivision Regulations, Impact Fees and Capital Improvement Plan, must be in conformance with the policies and directives found in the Municipal Development Plan. The geographic area affected is the entire City of Burlington, Vermont.

Full text copies are available for public review at the following locations: Department of Planning & Zoning, the Burlington City Clerk's Office both in Burlington City Hall, and online at [www.burlingtonvt.gov/cap](http://www.burlingtonvt.gov/cap).

**2013 Consolidated Plan for Housing & Community Development**  
**City of Burlington, Vermont**



Prepared by Marcy Krumbine

Community & Economic Development Office

Room 32 - City Hall

149 Church Street

Burlington, VT 05401

(802) 865-7144

[www.burlingtonvt.gov/CEDO](http://www.burlingtonvt.gov/CEDO)

This document is available upon request in alternative formats for persons with disabilities.

# Executive Summary

## ES-05 Executive Summary

The City is required to have a Consolidated Plan for Housing & Community Development in order to receive funding within two federal programs: the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) programs. The CDBG program grows local economies and improves the quality of lives for low- and moderate-income residents. The HOME program is designed to create affordable housing for low-income households through building, buying, and/or rehabilitating housing for rent or homeownership. The U.S. Department of Housing & Urban Development (HUD) provides direct grants to over 1,200 state and local governments, called entitlement communities, including the City of Burlington, on a formula basis each year. The City, in turn, awards grants and loans to local nonprofits and also provides direct services to residents and businesses through several CDBG-funded programs. In 2012, the City received \$626,689 in CDBG funding and \$340,710 in HOME funding. This Consolidated Plan assumes that these funding streams will be received at diminished levels for the next five years since at the time of this publication the annual allocation has not been released. The Consolidated Plan provides detailed information about city demographics, the local housing market and the local economy. It outlines housing, community and economic development needs and priorities for the City. This Consolidated Plan covers the five-year period beginning in July 2013.

The federal statutes that created the CDBG and HOME programs lay out three basic purposes against which HUD evaluates the Consolidated Plan and the City's performance under the Plan. Those three statutory program purposes are: decent housing, expanding economic opportunities, and providing a suitable living environment for low- and moderate-income persons. In the following section, a more detailed explanation of the three program purposes is provided.

The Consolidated Plan is organized into four sections: Needs Assessment, Market Analysis, Strategic Plan and One Year Action Plan. The Needs Assessment Section provides a concise summary of the City's estimated housing and community development needs for the next five years. The Market Analysis overview provides an analysis of the housing market, homeless housing and facilities and the City's economic characteristics. The Strategic Plan selects priorities among the existing needs, describes the City's specific objectives for the next five years (given available resources), and describes how the City will carry out its action strategies. The Action Plan details how the City plans to spend the CDBG and HOME resources on specific activities.

After the close of each program year, the City prepares a Consolidated Annual Performance Evaluation Report (CAPER) to report on progress and on CDBG and HOME expenditures during the year.

## **CDBG Purposes**

The entitlement funds provided to the City of Burlington allow the City to address the housing, homeless and community development needs of the jurisdiction. The three statutory purposes for the Community Development Block Grant are decent housing, expanded economic opportunities and providing a suitable living environment.

DECENT HOUSING, which includes:

- Assisting homeless persons obtain affordable housing;
- Assisting persons at risk of becoming homeless;
- Retaining the affordable housing stock;
- Increasing the availability of affordable, permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability;
- Increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and
- Providing affordable housing that is accessible to job opportunities.

EXPANDED ECONOMIC OPPORTUNITIES, which includes:

- Job creation and retention;
- Establishment, stabilization and expansion of small businesses (including micro-businesses);
- The provision of public services concerned with employment;
- The provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan;
- Availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices;
- Access to capital and credit for development activities that promote the long-term economic and social viability of the community; and
- Empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

A SUITABLE LIVING ENVIRONMENT, which includes:

- Improving the safety and livability of neighborhoods;
- Eliminating blighting influences and the deterioration of property and facilities;
- Increasing access to quality public and private facilities and services;
- Reducing the isolation of income groups within areas through spatial de-concentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods;
- Restoring and preserving properties of special historic, architectural, or aesthetic value; and

- Conserving energy resources.

## **Summary of the Objectives and Outcomes Identified in the Plan Needs Assessment Overview**

Affordable housing continues to be the City's highest overall priority under this Consolidated Plan. Cost of housing, age of the housing stock and a very low vacancy rate are three significant factors that contribute to the need for affordable housing in Burlington. In the Needs Assessment Section, for both renters and owners, at all income levels and across all household types, cost burden is the most pressing housing problem. Fifty-one percent of all renter households are cost-burdened. Cost burden is most acute among extremely low-income renters with 69% paying more than 30% of their income for housing.

In the Market Analysis Section, it is noted that there are a total of 140 affordable units in the City whose affordability restrictions will expire in the next five years. It is also noted that over 47% of the City's housing stock was built before 1950. The rental vacancy rate, which is measured every six months by the firm of Allen & Brooks, runs well below the national and regional rates, averaging well below 2% over the last three years.

Due to these factors, the following initiatives will be on the City's housing agenda the next five years. Preserving as many affordable units as possible, creating new affordable units, renovating rental and owner-occupied affordable housing, and promoting homeownership among income-qualified households. The City views investment of CDBG resources into activities that help residents to become and/or remain housed and living independently as an effective investment.

Economic opportunity is the City's next highest priority. As the state's largest city, Burlington must continue to be an economic engine for the region and for the state. The City uses CDBG to focus on job creation and retention through technical assistance and gap financing for businesses, and to support low-income residents in business ownership through entrepreneurial training and loans. There will be opportunity in the next five years to invest a small amount of CDBG resources into actual bricks and mortar projects to stimulate economic growth in our Neighborhood Revitalization Strategy Area. These uses of CDBG resources have proven to be effective and cost-efficient in creating and retaining businesses and jobs, in leveraging other resources, in increasing tax revenues to support City services, in supporting local ownership, and in revitalizing neighborhoods.

The City has also historically used CDBG resources to address barriers to economic opportunity and will continue to do so. Affordable, quality early care and education is one example; this is an identified community priority and an activity which has multiple long-term impacts – the ability of parents to get and keep a job and be productive at work; children's success in school; and ultimately, the quality of the local workforce; and even public safety costs. There are other barriers as well, such as limited English proficiency, which will sometimes call for the investment of CDBG dollars. The City chooses to be flexible in its funding choices in this area in order to respond to shifting needs and resources, emerging opportunities and crises, and changing economic conditions.

A suitable living environment is the City's third priority overall. The City has a limited capacity to fund social services out of municipal resources, and has historically used the maximum (15%) available CDBG resources to support the provision of social services by local nonprofits. The City also uses CDBG to support public facilities and infrastructure, as well as nonprofit facilities, where there is support for the project and no other resources. Finally, the redevelopment of brownfields is a priority for the City

because it meets multiple objectives: it increases the tax base, reduces environmental hazards, and often allows for the productive reuse of historic structures.

## **Legacy Plan**

In 2000, City residents came together to build a common vision of Burlington's future. Known as the Legacy Action Plan, this sustainability document (one of the first of its kind in the country) captures the input and hopes of thousands of Burlington residents and their community dreams and aspirations for the future. Unlike traditional sustainability plans, Burlington's Legacy Action Plan reflects our shared understanding and belief that sustainability is not only about the environment, but the nexus between the 4 E's: social **equity**, **economic** vitality, quality **education**, and a healthy natural **environment**.

The Legacy Plan is undergoing an update. This revised version will capture the changing and evolving priorities and interests of Burlington stakeholders while preserving the original vision outlined a decade ago. The update also harmonizes the Legacy Plan with two HUD-funded sustainable communities' initiatives currently underway: the Downtown/Waterfront planning effort known as [planBTV](#) and the regional sustainability planning effort known as the ECOS project.

The updated Plan reflects input from community stakeholders shared at Legacy Town Meetings, the planBTV and ECOS engagement processes, discussions at neighborhood planning gatherings, diversity and equity celebrations, conversations around climate and transportation planning, and through other community engagement activities. The Plan is organized around sectors, goal, and actions. Goals are the general, long-range desired outcomes of the community. Goals are used to help define indicators that will gauge our progress towards achieving these goals. This update also includes new and emerging actions.

The updated Plan not only captures and honors the original structure, it also includes some new and emerging sectors and goals, particularly around diversity and equity, and the role and importance of addressing pressing transportation challenges.

## **planBTV**

PlanBTV, Downtown & Waterfront Plan, is the latest planning effort the City has conducted; concentrating on developing a vision for Burlington's downtown and waterfront areas. The process began in 2011 with a series of existing conditions analyses to help us understand Burlington's realities for: housing, retail & real estate market, public infrastructure, climate change, etc. PlanBTV is the result of an 18-month public engagement process in which more than 2,000 residents, business owners and nonprofit organization members participated, sharing their ideas and vision for the future. Seven place-based themes emerged from the process and mesh very well with the Legacy overarching sustainability goals.

- Vibrant Economy – local food, local business, local character
- Housing Choice – choice, affordability, dignity
- Transportation Choice – walking, biking, transit, driving
- Active and Healthy Living – access to nature, arts, people, entertainment

- Environmental & Cultural Stewardship – access to clean water, clean air, & natural spaces
- Sense of Plan – civic pride, tolerance, community, authenticity
- Creativity & Innovation – innovation, arts, creativity

Specifically relevant to the work of the City under the Consolidated Plan, planBTV calls for more housing in our downtown and entire city. With a less than 3% vacancy in the housing stock, 61% of all renters in Burlington are paying more than 30% of their income for housing. PlanBTV calls for the elimination of certain regulatory barriers to allow for more housing to be built. Additional and more diverse housing will positively affect affordability and allow people to live closer to their workplace, therefore also reducing their transportation costs.

### **Evaluation of Past Performance**

Under the previous Consolidated Plan, we have completed four of five program years. For affordable housing, we are exceeding our target for rental rehab, new transitional housing and lead abatement. We are behind in producing new affordable rental units, promoting homeownership and preserving existing housing. Goals should be met in preserving existing housing this year and rehabilitating owner housing. The low homeownership numbers reflect a decline in the housing market overall and the challenges of mortgage financing. Declining CDBG resources, combined with the highly staff-intensive nature of small projects (necessary to ensure compliance with federal regulations), have meant that we have had to limit assistance for owner rehab and small rental rehab projects. Larger development projects might have taken longer to complete, but they are not stalled.

Under the economic opportunity priority, we have exceeded all of our target goals for business and job creation/retention, enhancing commercial infrastructure and reducing the barriers to economic opportunities.

We are meeting and exceeding all of our public service target goals. In the area of public facilities and brownfields, we are exceeding our targets in some areas and falling short in others. Remediation of brownfields is behind but progressing towards the goal.

## DECENT HOUSING

**GOAL:** All Burlington residents have a range of housing options that offer them safe, decent, appropriate, secure and affordable housing.

**Community Indicators:** Rental Vacancy Rate, Homeownership Rate, # of Foreclosures, # of Affordable Units, Level of Cost Burden, # of Homeless

### STRATEGY: PRODUCE NEW AFFORDABLE RENTAL HOUSING

**Objective:** Develop 128 new units of affordable rental housing over the next five years

**4-Year Progress:** 54 units completed, 34 underway, 63 in predevelopment

### STRATEGY: PROMOTE HOMEOWNERSHIP

**OBJECTIVE:** Develop 41 new units of affordable owner housing over the next five years

**4-Year Progress:** 8 units completed, 8 underway

**Objective:** Help 235 low- and moderate-income residents purchase a home over the next five years

**4-Year Progress:** 73 purchases completed, 3 underway

### STRATEGY: PRESERVE AND UPGRADE EXISTING HOUSING

**Objective:** Preserve 535 units of affordable housing with expiring subsidies over the next five years

**4-Year Progress:** 98 units completed, 141 underway

**Objective:** Rehab 74 units of rental housing over the next five years

**4-Year Progress:** 118 units completed, 14 underway

**Objective:** Rehab 33 units of owner housing over the next five years

**4-Year Progress:** 28 units completed, 7 underway

### STRATEGY: PROTECT THE VULNERABLE

**Objective:** Help 3,585 residents each year over the next five years to remain housed and living independently

**4-Year Progress:** Averaging 4,252 residents annually

**Objective:** Provide 880 homeless residents with shelter and services each year over the next five years

**4-Year Progress:** Averaging 2,250 residents annually

**Objective:** Produce 36 new units of transitional housing over the next five years to help homeless residents move towards permanent housing

**4-Year Progress:** 47 units completed

**Objective:** Develop 88 new units of permanent supportive / special needs housing over the next five years

**4-Year Progress:** 71 units completed, 16u nderway, 39 in predevelopment

**Objective:** Reduce lead hazards in 180 housing units over the next three years

**4-Year Progress:** 203 units completed

## ECONOMIC OPPORTUNITY

**GOAL:** A prosperous Burlington economy provides all Burlington residents with access to livable wage jobs, to the education and training that qualify them for those jobs, to business ownership opportunities, and to the supports necessary to access those opportunities.

**Community Indicators:** Unemployment Rate, # of Jobs in the City, Commercial Vacancy Rates, Sales and Entertainment Revenues, # of Preschoolers Enrolled in Accredited Programs, Children Ready for Kindergarten, Second Grade Reading Scores, Drop Out Rate

### STRATEGY: RETAIN AND INCREASE THE NUMBER OF BUSINESSES AND JOBS IN BURLINGTON BY PROVIDING TECHNICAL ASSISTANCE, ENTREPRENEURIAL TRAINING AND BUSINESS LOANS

**Objective:** Support the start-up of 60 new businesses, the retention/expansion of 60 businesses, the creation of 190 new jobs and the retention of 75 jobs over the next five years by providing technical and financial assistance, information and training to 166 customers each year

**4-Year Progress:** 83 new business start-ups, 62 businesses expanded/retained, 1037 new jobs created, 581 jobs retained, average of 325 customers served annually

### STRATEGY: ENHANCE COMMERCIAL INFRASTRUCTURE TO INCREASE BUSINESS OPPORTUNITIES AND THE CITY'S TAX BASE

**OBJECTIVE:** Support the development of 50,000 new sq. ft. and the retention/renovation of 150,000 sq. ft. of commercial space, the improvement of public infrastructure facilitating business development, and the collection of \$500,000 additional nonresidential property tax dollars over the next five years, with 1,750 associated construction jobs

**4-Year Progress:** 171,918 new sq. ft. developed, 320,168 sq. ft. renovated, 1,728 estimated construction jobs

### STRATEGY: REDUCE BARRIERS TO ECONOMIC OPPORTUNITIES

**Objective:** Help families access quality childcare/early education for 75 children each year over the next five years

**4-Year Progress:** Averaging 123 children annually

**Objective:** Help 50 residents with improved access to economic opportunity each year over the next five years

**4-Year Progress:** Averaging 929 people annually

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## SUITABLE LIVING ENVIRONMENT

**GOAL:** All Burlington residents enjoy livable, attractive neighborhoods, are assured of safety and quality of life in their neighborhoods and in their homes, and have the necessary community supports to thrive.

**Community Indicators:** Crime Rates, Participation in Youth Programming

### **STRATEGY: PROVIDE ACCESS TO SERVICES TO STABILIZE LIVING SITUATIONS; ENHANCE HEALTH, SAFETY AND QUALITY OF LIFE; AND IMPROVE YOUTH DEVELOPMENT**

**Objective:** Help 2,000 residents access nutritious food each over the next five years

**4-Year Progress:** Averaging 5,124 people annually

**OBJECTIVE:** Help 400 youth access after school and summer recreational and educational opportunities each year over the next five years

**4-Year Progress:** Averaging 823 youth annually

**OBJECTIVE:** Help 400 residents access health and public safety services each year over the next five years

**4-Year Progress:** Averaging 1,193 people annually

### **STRATEGY: IMPROVE PUBLIC FACILITIES AND PUBLIC INFRASTRUCTURE TO FOSTER LIVABLE NEIGHBORHOODS AND ACCESS TO PUBLIC AMENITIES**

**OBJECTIVE:** Improve 10 public facilities over the next five years

**4-Year Progress:** 26 facility renovations completed and 5 underway

**OBJECTIVE:** Improve the public infrastructure serving 39,815 residents over the next five years

**4-Year Progress:** College Street Improvements completed, Waterfront North and Side Streets Improvements and Scenic Byways underway

### **STRATEGY: REDEVELOP BROWNFIELDS INTO PRODUCTIVE USE**

**OBJECTIVE:** Redevelop 61.2 acres of contaminated sites into 4 new/renovated public facilities, 61 new units of affordable housing and 8 new/renovated commercial spaces over the next five years

**4-Year Progress:** 8.95 acres completed and 64.20 underway; 2 new facilities completed and 3 underway; 98 new, preserved or renovated housing units completed and 141 underway; 2 new commercial spaces completed and space for 8 new businesses underway

### **Summary of Citizen Participation Process and Consultation Process**

The Community & Economic Development Office is the lead agency responsible for overseeing the development of the Consolidated Plan and for administering the CDBG and HOME programs.

The process of developing the Plan began with a Public Hearing in September 2012 to hear community views on housing and community development needs, as well as comments on prior program year performance.

In December 2012 through March 2103, CEDO consulted with a number of groups and organizations, sharing or asking for data and for input on needs, priorities, inclusion of low-income residents in the CDBG allocation process and other issues. Those groups and organizations included the Continuum of Care, agencies providing health/ mental health services, agencies serving children, agencies serving people living with HIV/Aids, agencies serving seniors and persons with disabilities, agencies serving the homeless, and low-income residents and housing agencies.

CEDO met with each of the Neighborhood Planning Assemblies (NPAs) during December 2012 through March 2013 to discuss the Consolidated Plan. The NPAs are grassroots associations, created by City Charter, which exist in each of the City's wards and which meet monthly as organized, democratic forums where neighbors can learn about public issues that affect them and advise city government of their concerns and needs. CEDO also met separately with the Citywide NPA Steering Committee for additional discussion about the Consolidated Plan.

The draft Consolidated Plan was published online in April 2013. Notice of the draft Plan was published in a local newspaper and on CEDO's website.

A Public Hearing on the Consolidated Plan will be held before City Council on May 6, 2013. The Public Hearing will be televised over the local public access television station. A summary of the public comments which the City receives will be included in the Plan.

The most meaningful way in which Burlington residents participate in the Consolidated Plan process is their involvement in the nuts and bolts of spending decisions. Each of the City's seven wards elects a representative to the CDBG Advisory Board; and collectively, those residents have a majority voice in making recommendations to the Mayor about how to spend the City's CDBG funding each year. The Board's recommendations have traditionally been adopted without change by the Mayor and City Council.

The City engaged in several alternative public involvement techniques during the development of this Plan. The City developed a short survey regarding the needs of the City. This survey was distributed throughout the City to local organizations who serve low-income populations including the homeless, local neighborhoods, online and via an electronic newsletter reaching over 1,200 residents. In addition

to the survey, CEDO appeared on a Live at 5:25 television show on the local government channel. This show explained the Consolidated Plan process, Needs Assessment and Market Analysis and will be broadcast 10 times during the public comment period.

The public comment period begins on April 24, 2013, and ends on May 28, 2013.

### **Summary of Public Comments**

The summary of public comments will be added when the public comment period is completed.

### **Summary of comments or views not accepted and the reasons for not accepting them**

This summary will be added when the public comment period is completed.

### **Summary**

To summarize, the following document represents the housing, community and economic development needs and priorities for the City of Burlington. The Plan is being presented in a new format as required by HUD and contains the information needed by the funding agency.

# The Process

## PR-05 Lead & Responsible Agencies

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	BURLINGTON	

Table 1 – Responsible Agencies

### Narrative

The Community and Economic Development Office (CEDO) is a department within the City of Burlington, Vermont. A Participating Jurisdiction since 1983, CEDO is the responsible entity for preparing the Consolidated Plan and administering the Community Development Block Grant, HOME Initiative Partnership Grant as well as additional Federal and State grants.

CEDO works with the community to: foster economic vitality; preserve and enhance neighborhoods, quality of life and the environment; and promote equity and opportunity for all residents of Burlington. In support of its mission, CEDO works in partnership with citizens, the public and private sector, and other city departments to: strengthen the quality of life in Burlington's neighborhoods; preserve and develop decent, safe and affordable housing opportunities; maintain and improve the vitality of Downtown, the Pine Street area and neighborhood business districts and restore Burlington's waterfront; encourage a thriving small business sector; foster job growth and employment opportunities; increase civic engagement and citizen participation; support the delivery of human services; and practice restorative justice to reduce the impact of crime and conflict in our community without minimizing its significance or long-term effects.

CEDO is funded through Federal and State grants, and with the Housing Trust Fund. CEDO has four divisions: Housing, Economic Development, Community Development and the Community Justice Center. Each division works closely with outside agencies, other departments and also actively engages the citizens of the community.

## Consolidated Plan Public Contact Information

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## **PR-10 Consultation**

### **1. Introduction**

The City of Burlington consults with numerous organizations in the development of the Consolidated Plan. The process includes formal and informal meetings, surveys, discussions and focus groups. The process of developing the Plan began with a Public Hearing in September 2012 to hear community views on housing and community development needs, as well as comment on prior program year performance. Through December 2012 and March 2013, CEDO consulted with a number of groups, organizations and neighborhood assemblies, sharing or asking for data and for input on needs, priorities and other issues. Those groups and organizations included representatives of public and private agencies who serve children, seniors and people with disabilities; people living with HIV/AIDS; and homeless and low-income residents. In addition, multiple housing agencies, health/mental health service agencies and regional and state government agencies were consulted.

#### **Summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies**

The jurisdiction works with numerous organizations, both public and private, to coordinate community development and housing services. Coordination between entities includes serving on joint committees, boards, ongoing communication, annual and long-term strategic planning. Organizations include public institutions on the local, regional, state and federal levels; local and statewide nonprofits; faith-based organizations; and the private sector.

The housing and community development mission of the City of Burlington is carried out by several municipal departments; a restricted revenue account; the Housing Trust Fund, established by the City Council; a municipal board; and two municipal corporations.

Burlington relies on state agencies to fulfill its housing mission. Key agencies have been the Vermont Housing Finance Agency, the Vermont Housing and Conservation Board, and the Department of Housing and Community Affairs. Others include the Agency for Human Services, Agency of Transportation, Department of Labor, Vermont Economic Development Authority and the Chittenden County Transportation Authority.

Federal agencies play important roles with the City to further its community development and housing goals. These agencies include the Corporation for National and Community Service, Department of Commerce- Economic Development Administration, Department of Housing

and Urban Development, Department of Justice, Office of Justice Programs, Environmental Protection Agency and the Small Business Administration.

Since 1983, the City of Burlington has dedicated a large portion of its housing and community development resources to establishing and supporting a network of nonprofit organizations to act as the City's partner in producing and preserving affordable housing and protecting the City's most vulnerable residents. This nonprofit infrastructure functions as the principal housing and social services delivery system through which the City moves towards its goals for affordable housing and for alleviating and reducing poverty.

In addition to local nonprofits, there are numerous statewide nonprofit organizations that deliver housing and social services, economic development and refugee programs. These organizations include Green Mountain Habitat for Humanity, Housing Vermont, Vermont Center for Independent Living, Vermont Community Loan Fund, Opportunities Credit Union, Vermont Energy Investment Corporation, Vermont Manufacturing Extension Center and Vermont Refugee Resettlement Program.

Local, faith-based organizations assist in meeting the emergency needs of homeless and low-income residents through meal programs and assistance with clothing, shelter, utilities and other basic needs. These organizations include Cathedral Square Corporation, Lutheran Social Services of New England, the Salvation Army, the Burlington Ecumenical Action Ministry, the Joint Urban Ministry Project, Mercy Connections, and the Burlington Emergency Shelter.

Additionally, the private sector enhances the City's community development and housing efforts. Architects, engineers and attorneys assist nonprofit developers by providing skills and services to implement housing projects. Burlington's banks have responded to a changing market and changing obligations under the federal Community Reinvestment Act by finding a number of innovative ways to support new housing models, housing organizations and approaches to affordable housing production. Local lenders also support neighborhood revitalization and small business development, financial education and free tax preparation services for low-income taxpayers. The Burlington business community has been actively represented on most community advisory committees. They have provided resources and opportunities for residents to improve their quality of life.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

Chittenden County Continuum of Care (CoC) Alliance, Continuum of Care services for the homeless, are delivered through a consortium of nonprofit organizations, local businesses, and local/state/federal agencies in the Greater Burlington metropolitan area, with the City of Burlington's Community and Economic Development Office (CEDO) serving as the coordinating entity. The Alliance meets monthly and coordinates services for families, youth and single adults who are homeless; coordination between the agencies is enhanced with member participation on both the steering committee and sub-committee levels.

The CoC coordinates the implementation of a housing and service system from outreach to housing to services that meet the needs of homeless individuals and families. Street outreach, Vermont 211, daytime shelter and meals all serve to reach the homeless and identify services/needs, including shelter placement. Housing providers work to rapidly re-house or move from emergency to transitional or permanent housing and stabilize while supportive service agencies provide case management and connect with additional support services. Providers serve the chronically homeless, families with children, veterans, unaccompanied youth and those at risk of homelessness.

Member agencies work together to meet the needs of chronically homeless, and efforts include an improved system of outreach along with increased permanent supportive housing options and support services for the chronically homeless. A strong focus includes housing retention (with services and case management) due to a low vacancy rate. In addition, agencies work with local landlords to reduce the barriers of renting to chronically homeless.

The Continuum providers work to identify, move into stable housing, and provide essential services for households with children who are homeless. Each CoC program that serves children has children's advocates or specially trained staff to ensure that the children's needs for safety, nurturing, education, and stability are met.

The CoC partners with local and state organizations to combat homelessness among veterans. Outreach has increased to local veterans at the local shelters. Previously unidentified veterans were enrolled in VA care, and many are now housed through VA housing programs.

A continuum partner provides emergency services to youth ages 16-22 who have run away, are homeless, or at risk of homelessness. Supported housing includes emergency shelter and transitional housing for youth who have left foster care and are homeless. Youth are provided with individual/family counseling, mental health/substance abuse assessment and treatment, case management, medical services, educational planning, employment support, life skills, jobs training, and mentoring. Another local program provides job and life skills training to at-risk youth while helping them complete their high school education.

When the Homeless Prevention and Rapid Re-housing Program (HPRP) ended in 2011, the State of Vermont created the Housing Replacement Fund (HRF) “to assist individuals and families in jeopardy of losing their housing and support the successful transition of homeless persons into permanent, sustainable housing as quickly as possible.” This Fund continues to provide the supports that were initiated under HPRP: case management, short-term rental subsidies, security deposits, and rental arrearage assistance. The process for applying for services, application review, and eligibility criteria remain unchanged from those established under HPRP. Services are available at two Continuum locations and client referrals come from virtually all continuum partners. This program provides significant support to those persons who are at risk of becoming homeless.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS**

ESG funding allocations are made by the State of Vermont. Several state offices maintain representation in the Chittenden Continuum of Care and on its Steering Committee; also serving on the Steering Committee and active in the CoC are staff members from the Participating Jurisdiction. Discussions on allocations took place at the local Continuum. In addition, CoC members attended and gave input at a presentation at the Vermont Council on Homelessness and during public hearings. In 2012, Essential Solution Grants were provided to two organizations within this Jurisdiction. Funding decisions were based on thorough knowledge of this Continuum’s operations and priorities, with an emphasis on how best to realize value for investment. Moving forward, the State will solicit specific feedback from the CoCs and stakeholders through presentations, discussions, and surveys regarding priorities and how to allocate ESG funds to eligible activities as well provide an annual review of the grantees. The State agency will seek input from Continuum members on the annual review and report to the Continuum its outcome.

**2. Agencies, groups, organizations and others who participated in the process and consultations**

<b>Agency/Group/Organization</b>	<b>Agency/Group/Organization Type</b>	<b>What section of the Plan was addressed by Consultation?</b>	<b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b>
BURLINGTON HOUSING AUTHORITY	Housing	Public Housing Needs	Needs assessment for public housing participants and wait list, market analysis and priorities.
CHAMPLAIN HOUSING TRUST	Housing	Housing Need Assessment	Housing needs assessment and market analysis. More affordable housing projects.

Agency/Group/Organization	Agency/Group/Organization Type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
		Market Analysis	
CATHEDRAL SQUARE CORPORATION	Housing Services-Elderly Persons	Housing Need Assessment Market Analysis	Housing needs assessment for the elderly and special needs and market analysis. Continued partnership for special needs housing.
COMMITTEE ON TEMPORARY SHELTER	Housing Services-homeless	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children	Agency was consulted for homeless needs assessment and strategies. Anticipated outcome of better coordination of data and clarity of numbers, coordination of services.
Agency for Human Services	Other government - State	Homelessness Strategy Homeless Needs - Families with children	Agency was consulted for needs assessment and homeless strategy. Better coordination of services, collection of data are anticipated outcomes.
SPECTRUM YOUTH & FAMILY SERVICES	Housing Services-homeless	Homelessness Strategy Homelessness Needs - Unaccompanied youth	Agency was consulted for homeless needs assessment and strategy for youth and better coordination and data collection are anticipated outcomes.
WOMEN HELPING BATTERED WOMEN	Housing Services-homeless	Housing Need Assessment Homeless Needs - Families with children domestic violence	Consulted agency regarding homeless needs assessment and data for domestic violence victims. Expect a more defined understanding of the needs facing this population.
VERMONT CARES	Services-Persons with HIV/AIDS	Homelessness Strategy Needs Assessment	This agency was consulted for the current information on the number of persons with HIV/AIDS in the jurisdiction and homeless strategy. Expecting clarity of

Agency/Group/Organization	Agency/Group/Organization Type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
		for Persons with HIV/AIDS	data for all populations.
COMMUNITY HEALTH CENTER OF BURLINGTON	Services-homeless Publicly Funded Institution/System of Care	Homeless Needs - Chronically homeless Homeless Needs - Families with children	This agency was consulted for homeless needs assessment and strategy in regards to unsheltered and the anticipated outcomes is more outreach to unsheltered and a better understanding of the community needs.
Champlain Valley Office of Economic Opportunity	Services-homeless Services-Education Service-Fair Housing	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children	This agency was consulted on the needs assessment, population at-risk of homelessness, data collection and strategy. The anticipated outcomes of this consultation are areas of improved data collection, homeless prevention programs and coordination of services.
VERMONT HOUSING FINANCE AGENCY	Housing Other government - State	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children	The consultation with this organization was over data collection and strategy going forward. The organization was invited to distribute surveys and participate in determining needs. Anticipated outcomes include a clearer understanding of needs of community and collection of relevant data.
LUND FAMILY CENTER	Services-Children	Homeless Needs - Families with children Economic Development	This agency was invited to participate in the distribution of the citizen survey and collection of needs assessment. The anticipated outcomes include improved coordination of services and understanding

Agency/Group/Organization	Agency/Group/Organization Type	What section of the Plan was addressed by Consultation?	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
			of the needs for child care.
Vermont Department of Education	Services-Education Other government - State	Homelessness Strategy Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth	This agency was invited to participate in the distribution of the citizen survey and collection of needs assessment. The anticipated outcomes include improved coordination of services and understanding of the education needs of homeless children .

**Table 2 – Agencies, groups, organizations who participated**

**Identify any Agency Types not consulted and provide rationale for not consulting**

There were no agencies that were not consulted for the Consolidated Plan.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Other plans that were considered included: planBTV, Legacy, ECOS, State of Vermont Plan to End Homelessness, State of Vermont Consolidated Plan.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		

**Table 3 – Other local / regional / federal planning efforts**

**Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(I))**

Burlington coordinates with the State and units of local government to ensure cooperation and coordination in the implementation of the Consolidated Plan. The City of Burlington and the State of Vermont benefit from its small scale which helps to facilitate informal working relationships between stakeholders. These agencies play key roles in the Consolidated Plan.

The Agency of Commerce & Community Development has two departments which focus on housing and community development. Housing & Community Affairs administers the Vermont Community Development and Downtown Programs and oversees the state Home Investment Partnership Program (HOME). The Historic Preservation Division reviews state and federally-funded projects and administers the federal Historic Preservation Investment Tax Credit program.

Economic Development works with public and private partners to create quality jobs, encourage competitive businesses and ensure a healthy and sustainable economy.

Agency of Human Services helps to address the needs of lower income households, the homeless and special needs populations through the Department for Children and Families; the Department of Disabilities, Aging and Independent Living; the Department of Health; the Department of Mental Health; the Office of Vermont Health Access; the Department of Corrections; and the Office of Crime Victim Services.

Agency of Transportation (VTRANS) supports community development projects through the Transportation Enhancement Program and the Surface Transportation Program.

Department of Labor administers job search and placement services; specialized programs for people with barriers to employment; veterans' employment services; tax credits to provide incentives for hiring individuals with barriers to employment; and on-the-job and classroom skills training.

Vermont Economic Development Authority administers a wide range of low-cost business lending programs.

Vermont Housing and Conservation Board provides grants, loans and technical assistance to nonprofit organizations, municipalities and state agencies for the development of perpetually affordable housing and oversees land conservation.

Vermont Housing Finance Agency (VHFA) finances and promotes affordable housing opportunities for income-qualified Vermonters and assists nonprofit and private developers to construct and rehabilitate affordable rental housing through other financing opportunities, including the Low Income Housing Tax Credit.

The Chittenden County Transportation Authority, a regional, public transportation agency, offers fixed route bus service; parking lot, supermarket and school shuttles; a county-wide ridesharing program; transportation for Medicaid recipients; and contracted paratransit service.

Chittenden County Metropolitan Planning Organization directs the allocation of federal transportation funds, provides planning oversight and grants in the County.

Chittenden County Regional Planning Commission develops and administers the Regional Plan and certifies that new development is consistent with that Plan in the Act 250 process.

Building Bright Futures of Chittenden County works to make sure that quality programs and supports are available to meet the needs of all families, their young children and the people who care for them.

The State Refugee Coordinator from the Vermont Agency of Human Services coordinates a monthly meeting of the Vermont Refugee Resettlement Program and other agencies providing services to refugees in the local area.

## PR-15 Citizen Participation

### 1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

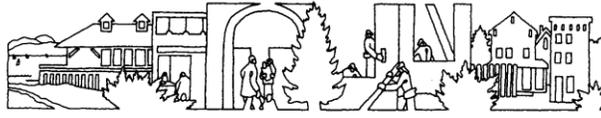
#### Citizen Participation Outreach

Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
Public Meeting	Non-targeted/broad community  Neighborhood Planning Assembly	On February 7, 2013, approximately 12-15 people attended Ward 6 Neighborhood Planning Assembly to learn about the Consolidated Plan process and provide input.	Comments were collectively received and reviewed with all surveys.	Not applicable.	
Public Meeting	Non-targeted/broad community  Neighborhood Planning Assembly	On March 13, 2013, approximately 10 people attended Ward 1 Neighborhood Planning Assembly to learn about the Consolidated Plan process and provide input.	Comments and feedback are included with the Neighborhood Survey. A key concern in this group was the residential housing taken over by university students.	Not applicable.	
Public Meeting	Non-targeted/broad community  Neighborhood	On March 14, 2013, Wards 2 and 3 gathered to hear about the Consolidated Plan	Comments and feedback are included with the Neighborhood		

<b>Mode of Outreach</b>	<b>Target of Outreach</b>	<b>Summary of response/attendance</b>	<b>Summary of comments received</b>	<b>Summary of comments not accepted and reasons</b>	<b>URL (if applicable)</b>
	Planning Assembly	process and provide feedback.	Survey.		
Public Meeting	Non-targeted/broad community  Neighborhood Planning Assembly	On March 27, 2013, residents of the New North End gathered to hear about the Consolidated Plan and share their feedback and priorities for the community.	Comments are included in the Neighborhood Survey.		
Other	Civic leaders	Met with 10-12 civic leaders from around Burlington to discuss the Consolidated Plan process and needs assessment. Attendees were asked to distribute the survey and schedule meetings in their neighborhoods.	Included in subsequent surveys.	Not applicable.	
Other	CoC Member Agencies	On February 7, 2013, 30-40 people representing Continuum of Care agencies heard about the Consolidated Plan process and began to provide feedback. They also wanted to go back to their agencies and have their clientele provide feedback.	Comments and feedback are included with the Neighborhood Survey.	Not applicable.	
Other	Housing and	On March 6, 2013, 25	Comments		

Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
	community development staff	staff members gathered to hear about the Consolidated Plan process and provide feedback. Each member surveyed posters around the room and shared priorities and needs regarding housing, special needs housing, homeless facilities/services and community development.	are included in the Plan.		
Other	Non-targeted/broad community				
Other	Residents of Public and Assisted Housing Seniors	Seniors were invited to participate in the community survey and share their perspective on community needs.	Included with community survey.	Not applicable.	
Newspaper Ad	Non-targeted/broad community				
Internet Outreach	Non-targeted/broad community				<a href="http://www.burlingtonvt.gov/CEDO">www.burlingtonvt.gov/CEDO</a>

**Table 4 – Citizen Participation Outreach**



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## COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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ROOM 32 ▪ CITY HALL ▪ BURLINGTON, VERMONT 05401  
(802) 865-7144 ▪ (802) 865-7142 (TTY) ▪ (802) 865-7024 (FAX)

[www.burlingtonvt.gov/CEDO](http://www.burlingtonvt.gov/CEDO)

### MEMORANDUM

TO: Mayor Miro Weinberger and City Council

FROM: Peter Owens, CEDO Director  
Marcy Krumbine, Assistant Director for Community Development

DATE: May 1, 2013

RE: Proposed 2013 Five Year Consolidated Plan  
Community Development Block Grant Proposed Allocations  
Proposed 2013 Action Plan for Housing & Community Development

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Enclosed is a draft of the new Consolidated Plan for Housing & Community Development. The City is required to have this Plan as a condition of its receipt of Community Development Block Grant (CDBG) and HOME funds from the U.S. Department of Housing & Urban Development (HUD), and must be rewritten every three to five years. The Plan is focused on addressing the needs of low and moderate-income residents. The draft Plan has been published on CEDO's website for public comment.

The Consolidated Plan provides detailed information about city demographics, the local housing market and the local economy. It outlines housing, community and economic development needs and priorities for the City. This Consolidated Plan covers the five-year period beginning in July 2013.

The three goals for the CDBG program are: decent housing, expanding economic opportunities and providing a suitable living environment. The Consolidated Plan, through a Needs Assessment and Market Analysis prioritizes these goals for the City.

- Decent housing continues to be the highest priority under the new Consolidated Plan. With a significant number of renters and owners experiencing cost burden due to housing costs, a very low vacancy rate and an aging housing stock, the need to invest in affordable housing projects continues.
- Creating economic opportunities is the next priority under the new Consolidated Plan. With low-income residents experiencing barriers to employment like affordable and quality childcare and limited English and opportunities to earn a livable wage; and businesses finding it difficult to hire qualified local workers, the need to invest in job

creation, entrepreneurial training, early childcare education and cultural access program remains.

- A suitable living environment is the City's third overall priority. With aging public and nonprofit facilities and infrastructure, brownfields and increased service need among the low-income population, the need to invest in public facility and infrastructure renovation and the 15% cap in Public Services persists.

Also enclosed are the recommendations of the CDBG Advisory Board for allocating the City's 2013 Community Development Block Grant funds. This information has been distributed to all persons and agencies that requested funding, and is available on CEDO's website.

In addition, enclosed is a draft Action Plan for Housing & Community Development. The Action Plan is required each year by HUD. It combines the recommendations of the CDBG Advisory Board with the Priorities, Goals and Objectives of the proposed 2013 Consolidated Plan, and shows how the recommended expenditures of 2013 CDBG and other HUD resources (HOME and Lead Paint Hazard Reduction dollars) correspond with identified needs and action strategies. The draft Action Plan is also available on CEDO's website.

The proposed allocation of CDBG, HOME and Lead Hazard Reduction funds is projected to (among other things):

- Work to complete the Thayer School (DMV) project, add 36 units for seniors
- Work to preserve 140 housing units with expiring subsidies at Rose Street Artists Co-op, Pearl Union SRO, ONE Housing, Burlington Rental Housing Improvement Project and Housing for Homeless Plus.
- Begin predevelopment work on several adjoining properties on Bright Street with the ultimate goal of 30-40 new housing units.
- Help 860 residents to remain housed and living independently through homesharing, home-based and center-based services for seniors, access modifications and other housing retention services.
- Provide 565 homeless residents with emergency shelter, case management and housing placement services.
- Support the creation/retention/expansion of 8 new businesses, with 10 associated permanent jobs, through technical assistance, business loans and entrepreneurial training.
- Provide families with high-quality, affordable childcare and early education for 83 children.
- Provide free tax preparation, clothing and employment services, community integration services to help 1,144 low-income residents (including many with limited English proficiency) increase their self-sufficiency.
- Provide food to 5,601 residents; summer English skills learning programming to 45 youth; and dental care services to 350 homeless residents.

- o Renovate the kitchens of two public facilities including an emergency shelter and senior center.
- o Support the assessment, remediation and redevelopment of 4 brownfields sites, including the Moran Plant, to result in the development of affordable housing units and new commercial/public facility space.

The draft Consolidated Plan, the proposed allocations and the draft One-Year Action Plan will be the subject of a public hearing, scheduled for your regular meeting of Monday, May 6, 2013.

We will ask for your approval of the Consolidated Plan and Action Plan at your following meeting on May 20, 2013, in the form of action on a resolution authorizing submission of the Plans to the U.S. Department of HUD, unless HUD advises us to wait for funding allocations.

**As of the date of this Public Hearing we are utilizing a 5% reduction in funding as directed by the Deputy Secretary of HUD as a proxy until further information is received from HUD. Should the funding level increase or decrease by more than 10%, we will follow the Citizen Participation Plan and amend the Action Plan. We do not plan to add or subtract any activities with a change in funding level.**

Please do not hesitate to contact the Community & Economic Development Office should you have any questions.

# Needs Assessment

## NA-05 Overview

### Needs Assessment Overview

The Needs Assessment portion of this Consolidated Plan, along with information gathered from the citizen participation process and surveys, consultations and other plans, provides a clear picture of the City of Burlington's needs as they relate to affordable housing, community development and homelessness.

The Plan examines housing need in relation to housing problems including cost burdened and also by income level and household type. Under the section termed Disproportionately Greater Need, housing needs based on racial disparities is examined. A summary of the needs of public housing residents is provided. In addition, the nature and extent of unsheltered and sheltered homelessness in the jurisdiction is described. The housing needs of those who are not homeless but require supportive housing, including the elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addictions and persons with HIV/AIDS and their families is examined.

In addition to housing needs, the Needs Assessment examines the City's priority non-housing community development needs including the need for new or renovated public facilities, public improvements and public services.

### General Demographics

The City of Burlington is located on the eastern shores of Lake Champlain. It is the largest city on the state of Vermont. According to the 2010 Census, the population of

of Burlington is 42,417 residents. The City lies 45 miles south of the Canadian border. Burlington is part of Chittenden County and the population of the County is 156,545. Burlington is part of the Burlington-South Burlington metropolitan area, which encompasses the counties of Chittenden, Franklin and Grand Isle. Burlington represents only a small portion, 1.66%, of the County land area.

Burlington is the heart of the largest urbanized region in Vermont and is Vermont's principal economic and cultural engine. Burlington is home to the University of Vermont, Champlain College, the Flynn Theater, Church Street Marketplace and national companies including Burton Snowboards and Lake Champlain Chocolates. Burlington remains the birthplace of Ben and Jerry's Ice Cream and the band Phish.

Of the City residents, 86.5% are ages 18 and older. Those over 65 comprise 9.4% of the population. The percentage of children under 18 is 13.5% of the population and children under 5 are 4.1% of the population. The median age in Burlington is 26.5 years. Although the population of Burlington is becoming more and more diverse, the majority of the population, 88.9% is White. Black/African Americans comprise 3.9% of the population and Asians are 3.6% of the total population. Hispanic or Latino of any race consists of 2.7% of the Burlington population.

Burlington is considered a vibrant city and one of America's most livable communities.

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# NA-10 Housing Needs Assessment

## Summary of Housing Needs

This section of the Plan provides a concise summary of the City's estimated housing needs projected for the next five years. These pre-populated tables have been provided by HUD and these tables describe levels of housing need by income range, family type and type of housing problems. The information in the tables confirm that the City has a high number of both renter and owner-occupied households that are cost-burdened, spending well over 30% of their income in housing. The citizen participation survey also indicated that affordable housing was the most critical need in the City with almost 78% of the respondents listing it as a high priority.

Demographics	2000 Census (Base Year)	2005-2009 ACS (Most Recent Year)	% Change
Population	38,889	38,630	-1%
Households	16,395	15,156	-8%
Median Income	\$33,070.00	\$38,598.00	17%

**Table 1 - Housing Needs Assessment Demographics**

**Data Source:** 2005-2009 ACS Data  
 2000 Census (Base Year)  
 2005-2009 ACS (Most Recent Year)

## Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households *	3,310	2,330	3,190	1,465	
Small Family Households *	750	555	865	3,020	
Large Family Households *	55	90	85	180	
Household contains at least one person 62-74 years of age	239	225	260	155	665
Household contains at least one person age 75 or older	365	290	210	100	315
Households with one or more children 6 years old or younger *	345	275	365	765	
* the highest income category for these family types is >80% HAMFI					

**Table 2 - Total Households Table**

**Data Source:** 2005-2009 CHAS

## Housing Needs Summary Tables for several types of Housing Problems

### 1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Substandard Housing - Lacking complete plumbing or kitchen facilities	50	10	25	0	85	0	0	0	0	0
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	10	0	35	35	80	0	0	0	0	0
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	25	0	25	0	50	0	10	0	0	10
Housing cost burden greater than 50% of income (and none of the above problems)	1,955	700	175	0	2,830	290	205	265	55	815
Housing cost burden greater than 30% of income (and none of the above problems)	445	830	880	75	2,230	45	175	340	365	925
Zero/negative Income (and none of the above problems)	105	0	0	0	105	20	0	0	0	20

**Table 3 – Housing Problems Table**

Data Source: 2005-2009 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Having 1 or more of four housing problems	2,040	710	260	35	3,045	290	215	265	55	825
Having none of four housing problems	805	1,140	1,900	680	4,525	55	270	765	695	1,785
Household has negative income, but none of the other housing problems	105	0	0	0	105	20	0	0	0	20

Table 4 – Housing Problems 2

Data Source: 2005-2009 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Small Related	565	365	230	1,160	70	125	185	380
Large Related	50	65	4	119	0	10	25	35
Elderly	310	165	25	500	95	180	115	390
Other	1,545	935	795	3,275	175	80	275	530
Total need by income	2,470	1,530	1,054	5,054	340	395	600	1,335

Table 5 – Cost Burden > 30%

Data Source: 2005-2009 CHAS

#### 4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Small Related	410	165	50	625	70	90	80	240
Large Related	40	0	0	40	0	10	25	35
Elderly	155	35	0	190	70	45	40	155
Other	1,385	500	125	2,010	155	70	120	345
Total need by income	1,990	700	175	2,865	295	215	265	775

**Table 6 – Cost Burden > 50%**

Data Source: 2005-2009 CHAS

#### 5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Single family households	25	0	0	0	25	0	10	0	0	10
Multiple, unrelated family households	10	0	25	0	35	0	0	0	0	0
Other, non-family households	0	0	35	0	35	0	0	0	0	0
Total need by income	35	0	60	0	95	0	10	0	0	10

**Table 7 – Crowding Information**

Data Source: 2005-2009 CHAS

## **What are the most common housing problems?**

For purposes of the CDBG program, HUD defines extremely low-income households to be those with income less than 30% of the median family income for the local area. Low-income households are those between 30% and 50% of median. Moderate-income households are those between 50% and 80% of median, and middle-income households are those between 80% and 95% of median. (Under the HOME program, the term 'low-income' is defined as at or below 80% of median and 'very low-income' is at or below 50% of median.) HUD receives a special tabulation of data from the Census that analyzes it by income group, household type, and housing problems in data sets called the 'CHAS.' These data sets identify three types of housing problems: cost burden (paying more than 30% of household income for housing), overcrowding (more than one person per room) and lack of complete plumbing or kitchen facilities. Cost burden becomes 'extreme' when households are paying more than 50% of their income for housing. Overcrowding becomes 'extreme' when there are more than one and a half persons per room. In the tables above, it is clear that in Burlington, for both renters and owners, at all income levels and across all household types, cost burden is the most pressing housing problem. Among renters, not surprisingly, the level of cost burden decreases as income increases, with very few middle income renters experiencing problems. However, 51% of all renter households are cost-burdened. Cost burden is most acute among extremely low-income renters with 69% paying more than 30% of their income for housing.

Among homeowners, cost burden is an issue across all income levels, with the highest number of affected homeowners in the moderate-income level.

Overcrowding is not a significant problem in Burlington, even among large families. Overall, there were a total of 95 of renter households experiencing overcrowding, with 45 experiencing severe overcrowding. Although there is no way to measure, it seems likely that most overcrowding may be occurring among student renters. It is also possible that some level of overcrowding occurs among refugee households. Among homeowners, 20 are experiencing overcrowding, with no households experiencing severe overcrowding.

According to the CHAS data, there were 85 renter households and no owner households in Burlington that lacked complete kitchen or plumbing facilities. The city's Code Enforcement Office would not allow this situation to occur, so it is difficult to understand the reported data. The City was unable to determine from HUD whether SROs and boarding houses may be counted here, which would account for some of this data. It is also possible that some units were undergoing renovations and temporarily lacked plumbing or kitchen facilities.

## **Are any populations/household types more affected than others by these problems?**

In Tables 5, 6 and 7 housing need data for different types of household: elderly (age 62 and older), small family (2 to 4 members), large family (5 or more members) and other (mostly single adults) - through

the middle-income level is displayed. The charts show the total number of households experiencing either cost burden > 30%, >50% and overcrowding.

When households are broken out by household type, the large college student population in Burlington affects the data, particularly for renter households. The approximately 6,000 college students living off campus principally show up in the 'other' category of renters and inflate the level of need that appears there. The level of need among small family renter households and elderly renters is more accurately represented. Large family renters are a relatively small group in Burlington. Proportionally, they experience more housing problems than do small family renters, but in overall numbers, the need is less.

Among homeowners, there are roughly equivalent levels of need among small family and "other" households. Elderly homeowners are experiencing the next highest level of need, with large families again being the smallest group among the four types of households.

**Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance**

The populations most at risk of becoming homeless are:

- Extremely low-income households who are extremely cost burdened. According to Table 7, there were 1,955 such households in Burlington. For these households, one emergency - a medical crisis, a car that stops working - or one upswing in expenses - rising heating costs - can mean the difference between remaining housed and becoming homeless.
- Victims of domestic violence. Thirty-two percent of the temporary housing (motel) days paid for by the state during the last fiscal year were related to domestic violence. Domestic violence was the single largest contributing factor to housing insecurity.
- People who are housed only through doubling up or couch surfing with friends or relatives. Although not "homeless" within the federal definition, the housing situation of these residents is highly precarious. Offering a bed or a sofa may also endanger the host's housing situation.
- Those suffering from mental illness and/or co-occurring disorders. Although the existing safety net of supportive housing does not meet all needs, many residents would become homeless - or would return to homelessness - without the housing and services that do exist.
- Youth aging out of foster care. Vermont now allows youth who have reached their legal age of 18 to voluntarily extend supports and services received from the Department of Children and Families through age 22. Hopefully, this extension of services will more realistically allow young people in state custody to become and remain self-sufficient and stably housed.

- Youth thrown out of their homes because of their sexual or gender orientation. The local youth homeless service provider, Spectrum Youth & Family Services, reports that it is seeing a number of youth in this situation.
- People exiting the corrections system. There is an Offender Re-entry Housing Plan in Burlington which seeks to ensure that offenders are not discharged early without a housing plan. The local correctional facility, probation and parole office have entered into a Memorandum of Understanding with the Burlington Housing Authority to work together to ensure that housing is available upon release. In addition, prior to exiting prison, inmates are engaged in a housing search, obtaining proper identification and applying for mainstream resources, such as food stamps. Nonetheless, a criminal history remains a significant barrier in the housing market.

The needs of formerly homeless families and individuals who are receiving rapid re-housing assistance include:

- Credit rebuilding due to lack of credit or poor credit. Most landlords today run credit checks on all applicants and even if the applicant can show they can afford to pay the rent, they may be denied based on their credit history. This especially affects young people looking for their first apartments, and New Americans who have not been here long enough to establish themselves financially. In an attempt to fit into their new communities and role as householders, both of these groups may be especially vulnerable to offers to purchase furnishings from rent-to-own companies without understanding the obligation they are assuming. They may also contract for expensive cable and Internet packages or auto loans which may affect their ability to maintain housing in the long run.
- Asset building for vulnerable families. Asset building is not just a conversation for the wealthy but an important piece of an anti-poverty strategy. Households struggling with day to day survival need to be taught basic budgeting and saving techniques in order to develop an extra economic cushion.
- Advocacy with landlords. Conversations between landlords and tenants are essential to improving unsafe living conditions. Developing good communication with landlords and knowledge of landlord/tenant law are key aspects to secure housing and decreased risk of homelessness.

### **Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness**

There is little evidence that specific housing characteristics such as overcrowding, substandard housing or even high fuel costs are linked with instability and increased risk of homelessness. More prominent would be the characteristics and needs of individuals and families that may contribute to their ability to maintain housing. These characteristics include substance abuse and mental health issues, hoarding, generational poverty, intergenerational conflict within the home and severe cost burden.

However, people desperate to find housing will often take the first place that becomes available to them. Some of the housing available clients being served by local nonprofits do not meet safety code standards. This may create unsafe living conditions for both children and adults. Many tenants report that their landlords are not responsive to requests for repairs. Many apartments have not been weatherized, and some tenants end up paying as much for utilities as they do for rent. If they fall behind with their utilities, they may be evicted for that reason.

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## NA-15 Disproportionately Greater Need: Housing Problems

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

### Introduction

Assessing disproportionate need in Burlington on a percentage basis is complicated by the relatively low number of minority households in the City. In the charts below, HUD's definition of housing problems includes cost burden, overcrowding and lack of complete plumbing/kitchen as the need and the charts demonstrate, by race/ethnicity and income, the households overall which have a housing need compared to the jurisdiction as a whole.

### 0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,820	370	125
White	2,590	300	85
Black / African American	65	55	0
Asian	70	0	40
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	39	15	0

**Table 8 - Disproportionally Greater Need 0 - 30% AMI**

Data Source: 2005-2009 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

### 30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,935	395	0
White	1,710	355	0

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Black / African American	70	4	0
Asian	40	0	0
American Indian, Alaska Native	0	15	0
Pacific Islander	0	0	0
Hispanic	70	0	0

**Table 9 - Disproportionally Greater Need 30 - 50% AMI**

Data Source: 2005-2009 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

#### 50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	1,740	1,445	0
White	1,685	1,335	0
Black / African American	0	25	0
Asian	20	0	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	0	0	0

**Table 10 - Disproportionally Greater Need 50 - 80% AMI**

Data Source: 2005-2009 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

**80%-100% of Area Median Income**

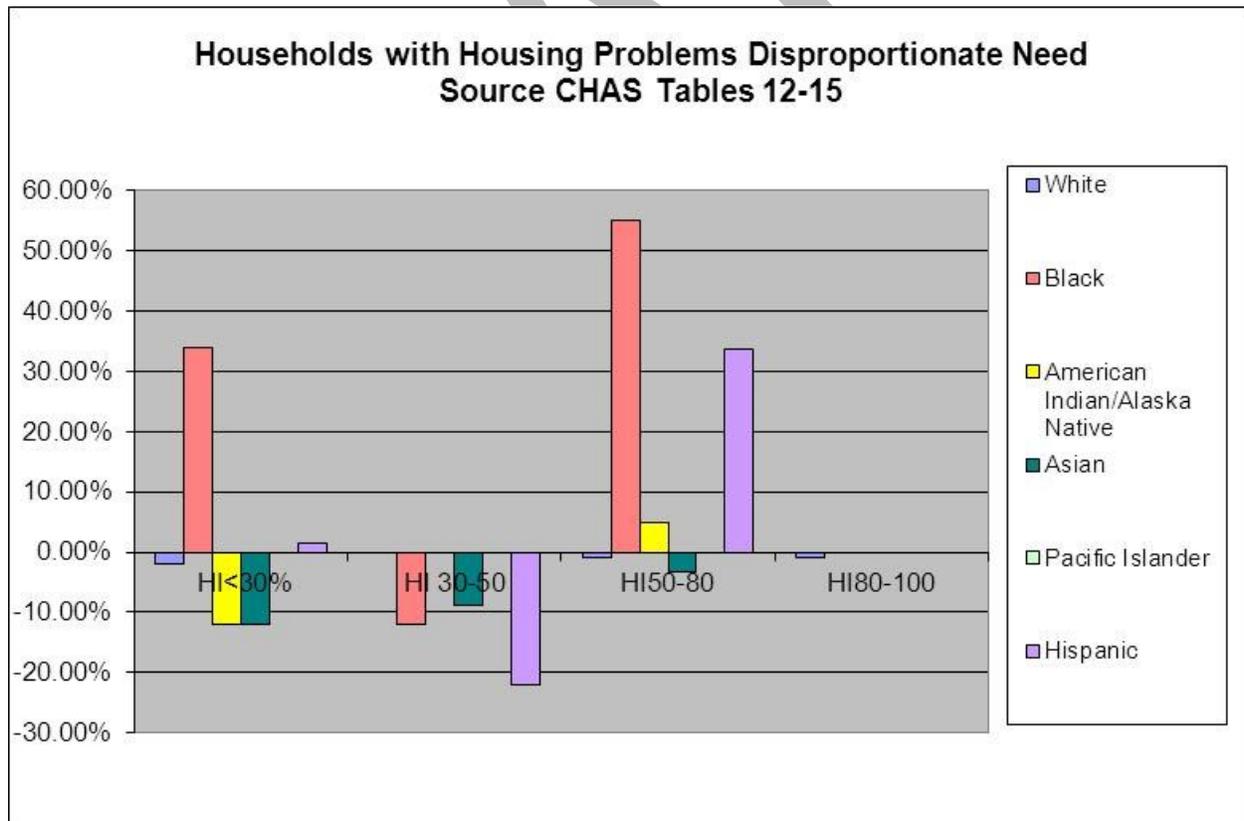
Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	525	940	0
White	470	885	0
Black / African American	0	30	0
Asian	0	15	0
American Indian, Alaska Native	0	4	0
Pacific Islander	0	0	0
Hispanic	20	0	0

**Table 11 - Disproportionally Greater Need 80 - 100% AMI**

Data Source: 2005-2009 CHAS

\*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%



**Graph 1 - Housing Problems: Disproportionate Need**

## Discussion

In Tables 12- 15, households overall, by race/ethnicity, which have an overall need are compared to the jurisdiction as a whole. The graph then displays the difference between the percentage of households overall which have a housing need and the percentage of households in each minority group which have a housing need. Among households in Burlington, on a percentage basis disproportionate need appears among the following groups:

- Asians with household income under 30%. There are 70 households in this category. Also in this category is American Indian/Alaska Native with 10 families.
- Low-income households of Black/African American, Asian and Hispanic descent. In this category, there are a total of 70 Black/African American, 40 Asian and 70 Hispanic households.
- Moderate-income renters of Asian descent. In this category, there are 20 Asian households. This is a considerable decrease from the previous 5-year Plan.
- Hispanic households with household income over 80% identify 20 families in this category.

## NA-20 Disproportionately Greater Need: Severe Housing Problems

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

### Introduction

Assessing disproportionately greater needs in Burlington on a percentage basis is complicated by the relatively low number of minority households in the City of Burlington. Using HUD-defined severe housing problems (i.e., lacks complete kitchen facilities, complete plumbing facilities, more than 1.5 persons per room and a cost burden over 50%) as the definition of need, the charts show, by race/ethnicity and income, the households overall which have a disproportionately greater housing need compared to the jurisdiction as a whole. A disproportionately greater need exists when the percentage of persons in a category of need, who are members of a particular racial or ethnic group is at least 10 percentage points higher than the percentage of persons in a category as a whole.

### 0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,330	860	125
White	2,140	750	85
Black / African American	45	75	0
Asian	60	10	40
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	24	30	0

**Table 12 – Severe Housing Problems 0 - 30% AMI**

Data Source: 2005-2009 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

### 30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	925	1,410	0
White	835	1,230	0
Black / African American	50	25	0
Asian	25	15	0
American Indian, Alaska Native	0	15	0
Pacific Islander	0	0	0
Hispanic	10	60	0

**Table 13 – Severe Housing Problems 30 - 50% AMI**

Data Source: 2005-2009 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

### 50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	525	2,665	0
White	510	2,510	0
Black / African American	0	25	0
Asian	0	20	0
American Indian, Alaska Native	0	10	0
Pacific Islander	0	0	0
Hispanic	0	0	0

**Table 14 – Severe Housing Problems 50 - 80% AMI**

Data Source: 2005-2009 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

### 80%-100% of Area Median Income

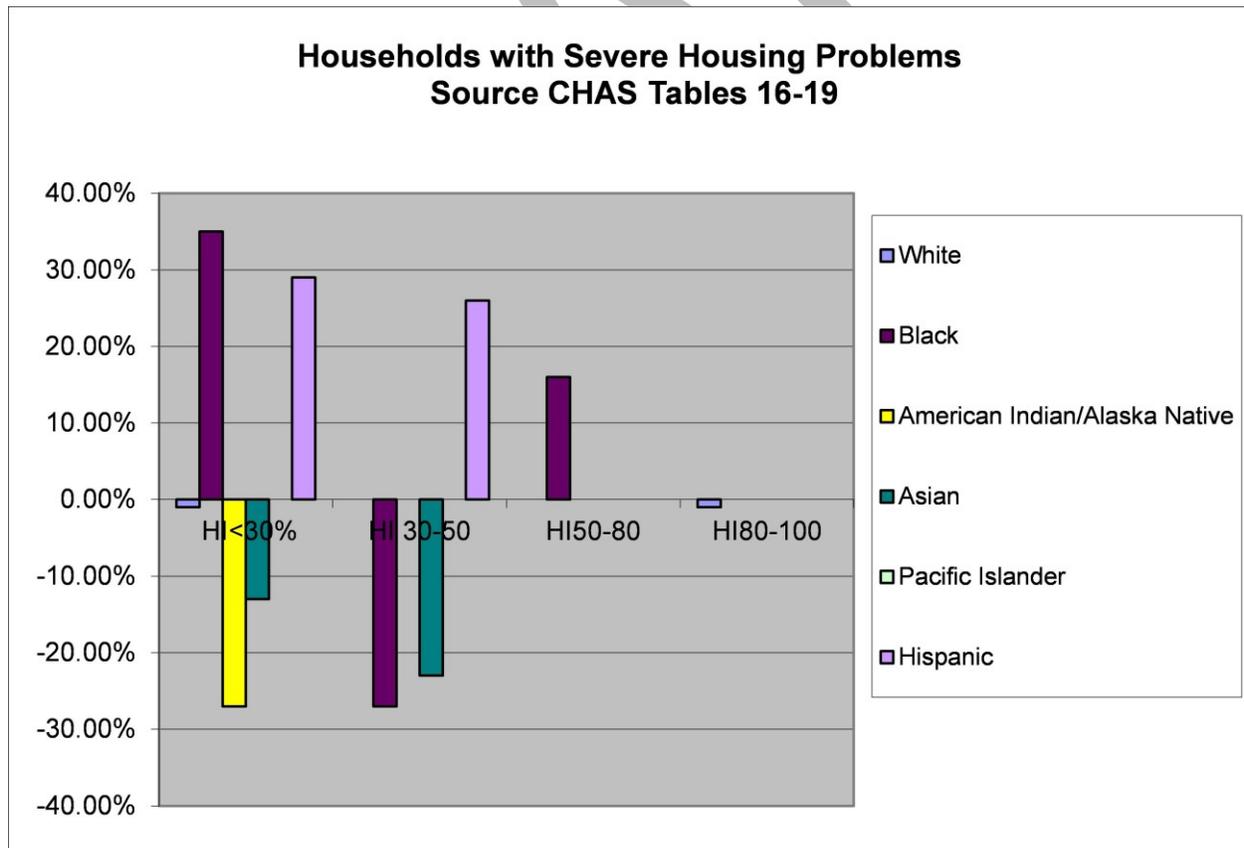
Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	90	1,375	0
White	90	1,265	0
Black / African American	0	30	0
Asian	0	15	0
American Indian, Alaska Native	0	4	0
Pacific Islander	0	0	0
Hispanic	0	20	0

**Table 15 – Severe Housing Problems 80 - 100% AMI**

Data Source: 2005-2009 CHAS

\*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%



**Graph 2 - Households With Severe Housing Problems**

## Discussion

Graph 2 displays the difference between the percentage of households overall which have a severe housing need and the percentage of households in each minority group which have a severe housing need. Among households in Burlington, on a percentage basis, disproportionately greater need appears among the following groups:

- Extremely low-income households of Asian and American Indian/Alaska Native descent. There are 60 Asian and 10 American Indian/Alaska Native households in this category.
- Low-income households of Black/African American and Asian descent. There are a total of 50 Black/African American and 25 Asian households in this category.

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## NA-25 Disproportionately Greater Need: Housing Cost Burdens

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

### Introduction

For the City of Burlington, housing cost burden is the most significant issue. Cost burden is defined as households paying more than 30% of their income for housing. Cost burden becomes extreme when households pay more than 50% of their income for housing. A disproportionately greater need exists when the percentage of persons in a category of need who are members of a particular racial or ethnic group is at least 10 percentage points higher than the percentage of persons in the jurisdiction as a whole.

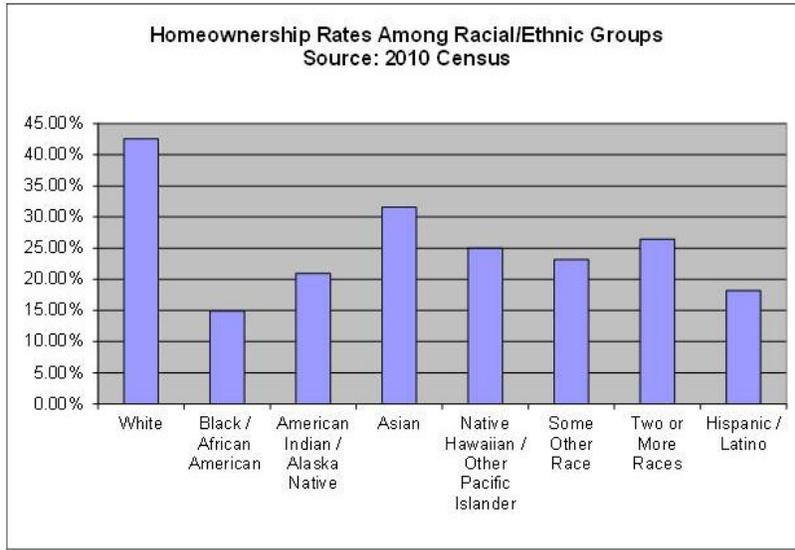
### Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	7,645	3,665	3,715	125
White	7,200	3,345	3,450	85
Black / African American	115	40	95	0
Asian	40	55	85	40
American Indian, Alaska Native	30	0	10	0
Pacific Islander	0	0	0	0
Hispanic	110	105	34	0

**Table 16 – Greater Need: Housing Cost Burdens AMI**

Data Source: 2005-2009 CHAS

### Homeownership by Race



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### Median Family Income by Race

<b>Median Family Income</b>			
Source: Census	<b>1980 - Burlington</b>	<b>2000 - Burlington</b>	<b>2010 Burlington</b>
White	\$18,620	\$47,330	\$41,648
Hispanic	\$17,604	\$29,083	\$22,969
% Difference Hispanic and White	94.54%	61.45%	55.15%
Black	\$15,000	\$25,714	\$40,557
% Difference Black and White	80.56%	54.33%	97.38%

## Discussion

Assessing disproportionately greater needs in Burlington on a percentage basis is complicated by the relatively low number of minority households in the City. Using HUD's definition of cost burden (spending over 30% of income on housing) as the definition of need, the charts show, by race/ethnicity and income, the households overall which have a disproportionately greater need with housing cost burdens compared to the jurisdiction as a whole.

Among households, on a percentage basis disproportionate need appears among the following groups:

- Extremely low-income American Indian/Alaska Natives of which there are 30 in this category.
- Hispanic low-income households who earn between 30 - 50% of the median income. There are 105 households in this category.
- Asian moderate-income households who earn over 50% of the area median income. There are 85 households in this category.

## **NA-30 Disproportionately Greater Need: Discussion**

### **Income categories in which a racial or ethnic group has disproportionately greater need**

Income disparities by race have shifted since 1980. In 1980, the median family income for black City residents was 81% of the median family income for white residents. By 2000, the median family income for black residents had dropped to 54% of the median family income for white residents. However, in 2010, the median family income for black residents has increased to over 97% of the income for white residents. The trend is reversed for the disparity with Hispanic households. In 1980, the median family income for Hispanic households was 95% of the median family income for white residents. The disparity increased to only 61% of the median income for white residents in 2000 and 55% of median income in 2010.

### **Needs not previously identified**

Homeownership for minorities is affected by lower income levels. A disproportionate need exists for all racial/ethnic groups in terms of homeownership. According to the 2010 Census, the homeownership rate for white households is almost 43%. The greatest disparity in homeownership rates exist among Black/African American households at almost 15%. Next is the rate for Hispanic households at 18%. American Indian/Alaska Native households follow with a homeownership rate of 21%. Some other race household totals include a rate for homeownership at 23%. The rate of homeownership for Native Hawaiian/Pacific Islander households is 25%. Households identifying as two or more races maintain a homeownership rate of 26%. Finally, Asian households hold a 31.5% homeownership rate in the City.

### **Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?**

Although the City of Burlington has grown in its diverse population, there is still no high concentration of minority populations in any one neighborhood. In two census tracts, 3 and 11, there is a 15% minority based population. In all other census tracts, the minority population ranges from 4% to 10%. Census tract 3 is home to the Old North End and tract 11 is home to the South End and 148-unit South Meadow apartments which was recently purchased, with assistance from the City of Burlington, by the Champlain Housing Trust to maintain its affordability.

## NA-35 Public Housing

### Introduction

The Burlington Housing Authority (BHA) is Vermont's oldest and largest municipally-based housing authority. Created in 1961, BHA has been providing affordable housing for over fifty years to individuals and families in the City of Burlington and surrounding communities.

BHA's mission is to promote, provide and preserve affordable housing in ways that encourage resident self-sufficiency and support healthy neighborhoods.

BHA is governed by a five-member Board of Commissioners, appointed by Burlington's Mayor. Their policies and priorities are established through a Five-Year/Annual Plan. Most funding is received from the U.S. Department of Housing and Urban Development, which has rated BHA as a High Performer.

BHA manages over 600 affordable apartments and provides rental assistance to over 1,700 families living in the City of Burlington and a number of surrounding communities.

Resident services programs help families assisted in maintaining their housing, achieving economic self-sufficiency and working toward homeownership.

### Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	0	343	1,707	133	1,158	0	260	105

\*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five\_year, and Nursing Home Transition

Table 17 - Public Housing by Program Type

Data Source: PIC (PIH Information Center)

## Characteristics of Residents

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Average Annual Income	0	0	15,508	15,048	13,635	14,752	0	15,585	14,725
Average length of stay	0	0	7	5	3	6	0	6	6
Average Household size	0	0	2	2	1	2	0	3	2
# Homeless at admission	0	0	0	4	0	3	0	1	0
# of Elderly Program Participants (>62)	0	0	95	271	21	231	0	3	12
# of Disabled Families	0	0	146	737	51	526	0	45	93
# of Families requesting accessibility features	0	0	343	1,707	133	1,158	0	260	105
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0	0
<b>*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition</b>									

**Table 18 – Characteristics of Public Housing Residents by Program Type**

Data Source: PIC (PIH Information Center)

## Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	279	1,476	110	993	0	227	97
Black/African American	0	0	41	140	8	107	0	21	4
Asian	0	0	15	62	11	42	0	4	4
American Indian/Alaska Native	0	0	8	28	4	15	0	8	0
Pacific Islander	0	0	0	1	0	1	0	0	0
Other	0	0	0	0	0	0	0	0	0

**\*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

**Table 19 – Race of Public Housing Residents by Program Type**

Data Source: PIC (PIH Information Center)

## Ethnicity of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	4	30	0	21	0	6	2
Not Hispanic	0	0	339	1,677	133	1,137	0	254	103

**\*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

**Table 20 – Ethnicity of Public Housing Residents by Program Type**

Data Source: PIC (PIH Information Center)

## BHA Wait List

Waiting Lists Source: Burlington Housing Authority	Public Housing			Tenant-Based Section 8		
	# of families	% of total families	Annual Turnover	# of families	% of total families	Annual Turnover
Waiting list total	463		45	1929		176
Extremely low income (<=30% AMI)	365	79%		1513	78%	
Very low income (>30% but <=50% AMI)	79	17%		375	19%	
Low income (>50% but <80% AMI)	19	4%		41	2%	
Families with children	201	43%		726	38%	
Elderly families	74	16%		327	17%	
Families with Disabilities	188	41%		710	37%	
Black	65	14%		253	13%	
Asian	86	18%		187	10%	
Indian/Alaskan	11	2%		53	3%	



## **Section 504 Needs Assessment**

### **Needs of public housing tenants and applicants on the waiting list for accessible units**

The Burlington Housing Authority (BHA) conducted its first Section 504 Needs Assessment in July of 1990 and updated the Needs Assessment in 2000. In 2004, the U.S. Department of Housing and Urban Development completed a review of their Low Income Public Housing and Section 8 Housing Choice Voucher programs administered by BHA. The program, viewed in its entirety, is in compliance with Section 504 in the area of accessibility, employment and other HUD regulatory provisions.

Of their 343 units, 18 (5.2%) are accessible. In Riverside Apartments and Champlain Apartments, 10% of the units are accessible. In Decker Towers and Hillside Terrace, the number of accessible units is 4% and 8% respectively. There are no accessible units in the Franklin Square 60 multi-story townhouse units. To achieve full UFAS compliance, the Housing Authority lowered mirrors and coat racks, reconfigured some parking spaces and signage, lowered some cabinets, reassigned mail boxes and modified some kitchen counters and sinks.

For the Housing Choice Voucher Program, BHA maintains a list of landlords and property managers that often have apartments available to be rented under the Section 8 program. The list indicates which of the properties have accessible apartments. In addition, the BHA staff will assist in searches for accessible apartments or apartments that meet special needs.

There are currently 11 households on the waiting list in need of accessible units. As with the analysis of all renter households, the greatest need as reflected in the waiting lists appears among extremely low-income households. The waiting lists reflect higher needs among families with children and families with disabilities than among elderly families.

### **Most immediate needs of residents of Public Housing and Housing Choice voucher holders**

There are a total of 1,929 families on the wait list for the Burlington Housing Authority. This situation will be exacerbated as vouchers are lost to sequestration cuts.

The most immediate need of residents of Public Housing and Housing Choice Voucher holders is to find and retain affordable housing units. With a vacancy rate of less than 1% in Burlington, it is difficult to find affordable units in which to use a voucher for housing. Once a unit is secured, it is imperative for the voucher holder to retain the housing. Issues that can impact their housing stability include hoarding and squalor, high heating costs, mental health and substance abuse issues and poor rental habits (like not paying rent in a timely manner). Critical components to housing retention include a tenant's ability to interface successfully and appropriately with property managers and neighbors, case management, identified support services and education for first time or previously unsuccessful renters.

Public housing tenants need to learn how to live independently, and the Family Self-Sufficiency Program helps to increase their employment skills, savings and other life skills. Residents might need access to affordable child care and transportation to and from work. These immediate needs impact their day to day success and ability to maintain housing and employment.

### **How do these needs compare to the housing needs of the population at large**

In many ways, the housing needs of the general population are the same as those in public housing. Depending on the location in the Burlington area, the rental vacancy rate can range between 1% and 3%. In addition, accessible public transportation is dependent on housing location. However, affordable housing is the same nut to crack and our extremely low income residents have less disposable income.

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## NA-40 Homeless Needs Assessment

### Introduction

The Chittenden County Homeless Alliance is a coalition of individuals, organizations, and government who support the vision of a safe, decent, affordable, stable home for every person and family in Chittenden County. Its mission is to end homelessness in Chittenden County by being a forum for gathering information, building consensus, coordinating efforts, and advocating the end to homelessness through prevention, early intervention, and remediation. Beginning in early 2012, the City was chosen to serve as the Lead Agency for the Chittenden County Continuum of Care. The City's Assistant Director for Housing co-chairs the monthly meetings of the Chittenden County Continuum of Care. Beginning in 2013, the City, as the Collaborative Applicant, coordinated the submittal of the comprehensive CoC application for the Continuum, working in conjunction with the local partners to stimulate community-wide planning and coordination of programs for individuals and families who are homeless.

### Homeless Needs Assessment

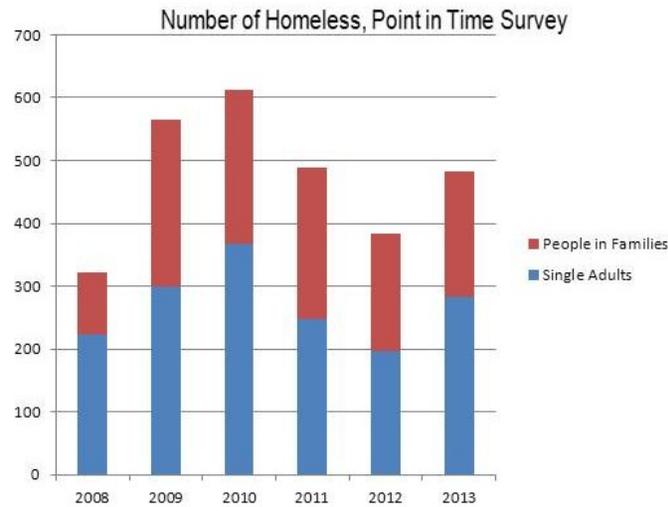
Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	197	4	717	516	428	210
Persons in Households with Only Children	1	0	1	1	0	0
Persons in Households with Only Adults	206	75	338	190	218	200
Chronically Homeless Individuals	48	54	38	27	16	206
Chronically Homeless Families	7	1	1	1	0	0
Veterans	23	7	15	10	7	187

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Unaccompanied Child	1	0	0	0	0	0
Persons with HIV	0	0	17	10	9	22

Table 21 - Homeless Needs Assessment

Data Source Comments:

### Homeless Point-In-Time Graph



### **Jurisdiction's Rural Homeless Population**

Chittenden County is part of the Burlington-South Burlington Metropolitan Statistical Area and therefore not considered rural.

#### **For persons in rural areas who are homeless or at risk of homelessness, describe the nature and extent of unsheltered and sheltered homelessness with the jurisdiction**

Chittenden County is part of the Burlington-South Burlington Metropolitan Statistical Area and therefore not considered rural.

#### **If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):**

The data for the number of persons becoming homeless and exiting homeless are listed in the chart. These numbers were derived from HMIS and APR's.

## **Nature and Extent of Homelessness by Racial and Ethnic Group**

According to the 2010 Census, the racial composition of the City of Burlington includes 88.9% White persons, 3.9% Black/African American persons, 3.6% Asian persons, 2.6% persons reporting two or more races, and .3% American Indian and Alaska Native persons. Ethnicity is comprised of 87.3% White persons not Hispanic and 2.7% Hispanic/Latino origin.

The nature and extent of homelessness by racial and ethnic group presents a different picture thereby accentuating the disparity with minority groups being overrepresented among the homeless. The information on race and ethnicity of the homeless is available from the Annual Homeless Assessment Report.

The percentage of White persons in families utilizing emergency shelters decreased from 73% to 65% between 2010 and 2012. The percentage of Hispanic/Latino persons in families increased from 3% to 5% during the same timeframe. Black/African American persons in families demonstrate significant disparity. In 2010, 13% of Black/African American persons in families utilized shelters; this number increased to 20% in 2011 and then 26% in 2012. The percentage of Asian persons in families utilizing emergency shelters increased from 0% to 1% in the past three years. American Indian/Alaska Native decreased from 2% to 1% over the three-year period. Finally, those reporting as several races decreased from 8% to 0% which may be attributed to better self-reporting of race. In 2012, the percentages of individuals without children utilizing shelters follows the similar race and ethnic trends as those with children: 79% White individuals, 15% Black/African American persons, 2% of Asian, Hispanic/Latino, American Indian and Alaska Native with Native Hawaiian/Pacific Islander and several races rounding out at 0%.

## **Nature and Extent of Unsheltered and Sheltered Homelessness, including Rural Homelessness**

By using the data compiled in the Continuum of Care Homeless Cumulative Report Book, it is possible to understand the nature and extent of unsheltered and sheltered homelessness in Chittenden County. The profile includes data from the Point-In-Time Count, Housing Inventory Count and the Annual Homeless Assessment Report entered into the Homelessness Data Exchange.

The unsheltered population in Chittenden County has grown by 240% in the past 4 years. This trend could be attributed to the increase in outreach during the Point-In-Time County and also a downturn in the economy. The majority of the unsheltered population consists of individuals without children. However, it does appear that this population's count has remained consistent the past two years. The number of households with children who are counted as unsheltered is very low, but the highest percentage (15.5%) remains in 2012. This number should be watched for a trend in unsheltered families. The Point-In-Time Subpopulations for the unsheltered accentuate the specific need for supportive housing and services. The Continuum documented an increase in unsheltered Veterans in the past two years and a sharp increase in persons fleeing domestic violence in 2012. Unsheltered persons identifying with chronic substance abuse is the largest subpopulation for each year followed closely by severely mentally ill. In fact, these two subpopulations represent 66% of the unsheltered population in 2011 and as high as 91% in 2012.

The nature and extent of sheltered homelessness in Chittenden County presents a different trend. The sheltered population has decreased over the past four years by 43% through 2012. The significant decrease could be attributed to the change in the definition of homelessness, as well as who was counted in past years. In addition, an influx of Federal and State resources for prevention of homelessness and rapid-rehousing during the same time period, could account for the decrease. However, in 2013, there was a significant increase in the number of sheltered homeless and increase of over 30%. The increase is in the number of persons accessing the Agency of Human Services Emergency Assistance Motel Voucher program. Cold weather exemptions and relaxed standards led to increased usage. It is not clear as to whether this represents an actual increase in literal homelessness in Burlington.

The sheltered count by household type remains almost constant with a slightly higher population of persons with children versus those without children. The Point-In-Time Subpopulations for the sheltered accentuate the specific need for supportive housing and services. The Continuum documented an increase in sheltered Veterans in the past year and a sharp increase in persons fleeing domestic violence in 2012. Sheltered persons identifying with chronic substance abuse is the largest subpopulation, however it is showing a significant decrease of 230% over the past 3 years. A significant decrease of 247% is also documented with the severely mentally ill.

## **Discussion**

The lack of affordable housing options combined with a very low vacancy rate in the City continue to demonstrate that the provision of safe and decent affordable housing for our low-income residents is the most pressing need. Since the vacancy rate is so low, it is imperative to utilize rental assistance, landlord advocacy and support and other retention services to keep this vulnerable population housed. Equally critical is a need to move long-term shelter residents into transitional or permanent supportive housing in order to utilize the emergency shelters appropriately for short-term, emergency needs. High need subpopulations are identified as victims of domestic violence, chronically homeless, severely mentally ill and veterans.

In order to use the current federal, state and local resources more efficiently, the City will work together with the Continuum of Care and HUD technical assistance providers to create a centralized intake and assessment system. This will also help to meet the needs of this population.

## **NA-45 Non-Homeless Special Needs Assessment**

### **Introduction**

The Special Needs populations of the City include seniors over 65, those living with both physical and developmental disabilities, and those with substance abuse and mental health needs. Over the past five years, some Special Needs populations have increased, while others have decreased. This population generally needs additional supports, or wraparound services to accompany their housing needs.

### **Characteristics of Special Needs Populations**

As of the 2010 Census, there were 3,986 Burlington seniors, age 65 and older, living in the City. Not all of those residents have supportive service or supportive housing needs. However, 36.6% of Burlington seniors (a total of 1,460) reported having some kind of disability. That includes mental illness as well as physical disabilities. Thirty-six percent were living alone, 20.6% with an independent living difficulty, and 16% had no vehicle.

The Vermont State System of Care uses a prevalence rate of 2.1% of the City's general population who have intellectual disabilities and Pervasive Development Disorders. Applying the overall percent to Burlington's population, there are an estimated 890 residents with developmental disabilities. As defined by the Centers for Disease Control and Prevention, people with developmental disabilities have problems with major life activities such as language, mobility, learning, self-help, and independent living. Developmental disabilities begin anytime during development up to 22 years of age and usually last throughout a person's lifetime. Currently, 17% of this population, or 152, are being served with Home and Community Based Waiver supports in Burlington. The vast majority of people with developmental disabilities are supported by families or other non-Developmental Services Waiver supports.

According to an analysis by the Substance Abuse and Mental Health Services Administration (SAMHSA), about 4.7% of Vermont's population over age 18 has a severe mental illness, defined as a mental illness that caused substantial functional impairment with one or more major life activities. Using this estimate, around 1760 Burlington residents suffer from severe mental illness. It is estimated that roughly half of those who suffer from severe mental illness are also affected by substance abuse.

According to the 2006 National Survey on Drug Use and Health prepared by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA), an estimated 9.6% of the population, ages 12 and older, need treatment for a substance abuse problem. Applying that percent to Burlington's population, there are 3,319 residents, age 12 and older, in need of substance abuse treatment.

## Housing and Supportive Service Needs and Determination

According to the 2010 Census, 821 individuals, ages 65+ in the City, identified an independent living difficulty. In addition, 1,179 senior households, or 29.5% of the population over 65 are paying over 30% of their income for housing and are cost burdened. According to Cathedral Square Corporation, a key housing provider serving the elderly and individuals or families with special needs, their waiting list hovers between 700 and 1,000 people which demonstrates a high need for special needs/senior housing. By 2017, one in three Vermonters will be 55 years of age or older. Services needed for older adults range from chronic care self-management, to prevention, to nursing home level of care in their homes.

Eligibility requirements often force seniors to “spend down” assets in order to access housing and care. Other challenges for the elderly in maintaining an independent living environment include reliance on fixed incomes, juggling housing costs with medical care, special transportation needs, in-home care and assistance with daily tasks and the physical aspects of aging in place. A more detailed list of challenges faced by these populations can be found below.

Non-elderly residents with mobility and self-care limitations share many of the same challenges as their elderly counterparts. Also, as residents with mental illness and developmental disabilities age, they also share the challenges of changing medical and physical conditions.

Residents with developmental delays are dependent upon a fixed social security payment as their primary source of income and rely on subsidized housing options. Those who choose to live in a family living situation or in one of a few remaining supportive group homes can access funding support. Those who choose an independent living situation are accommodated by Section 8 and other subsidized housing programs; they do not have preferential status on the waiting lists for those programs but do have other housing options while they wait.

Service-enriched housing needs for the population with severe mental illness range from affordable, independent apartments with support services provided by visiting mental health workers to 24-hour supervised “group home” settings. Right now, there is a need for additional supportive housing at all levels for those living with severe mental illness. There is a need for at least 12 additional community care home beds, with 24 hour, 7 day a week double staffing and for at least 20 more permanent supportive housing units.

Substance abuse treatment and recovery for the 3,300 + residents require affordable, appropriate, alcohol-free and drug-free housing with a range of management and supportive services, from a high level of on-site management (for treatment and early recovery) to self-management in housing such as Oxford Houses to self-management in an at-home setting. Housing that does not require a lease will often not qualify for assistance, creating additional burdens for this population.

## Public Size and Characteristics of Population with HIV / AIDS

The State of Vermont estimates that there are 716 cases of AIDS in Vermont and 233 cases in Chittenden County. Although it is not known if all of these people are still living in the state, the number is higher than those who are under care. Because of confidentiality concerns arising from the small population numbers, an estimate of the number of Burlington residents living with HIV/AIDS is not available.

Those living with HIV/AIDS need stable and medically appropriate housing in order to comply with complex medical and medication regimens and avoid costly inpatient hospitalizations.

## Discussion

These Special Needs populations, and specifically those over 65+ face many challenges listed below.

- Living in an independent housing setting with the challenges of cognitive impairments including Alzheimers - according to a nonprofit housing provider, 49% of the residents at one independent housing setting failed one or two components of a cognitive screen;
- Fixed incomes, which limit their ability to pay rising rent, maintenance, utilities and property tax costs;
- Paying for and managing medical care and prescription medications (including assistance with administering medications);
- Special transportation needs due to medical and physical conditions;
- Lack of 24-hour protective oversight to assist with unscheduled needs;
- Needing help with meal preparation, housekeeping, shopping and other activities of daily living;
- Housing that accommodates, or is made to accommodate, changing physical needs;
- Being 'overhoused' as they age in place in the homes in which they raised their families, but which are now large and expensive to maintain;
- Social isolation, which leads to depression - according to a local provider, around 70% of those receiving home health visits are suffering from clinical depression;
- Unavailable housing options, with local waiting lists for supportive housing that can be as long as two and a half years; and
- Housing decisions often precipitated by sudden changes in circumstances that further limit choices and options.

## NA-50 Non-Housing Community Development Needs

### Public Facilities

For the City, restoration and rehabilitation projects for municipally-owned public facilities are given priority over new construction whenever possible. A description of facilities owned by the City is available in the 2006 Municipal Development Plan. Nonprofits balance renovation with new construction based on factors such as cost, financing, organizational needs and capacity. These facilities, both new and renovated, support and improve a suitable living environment for many of our low and moderate income citizens.

Homeless facilities present some current needs. A local daytime shelter for the homeless was destroyed by a flood in 2011; although the service is temporarily relocated, the facility itself will need to be replaced. Shelters dedicated to victims fleeing domestic violence are in need of renovation. There is also a current discussion regarding a need for a low-barrier homeless shelter for those facing substance abuse and/or co-occurring disorders.

Two senior centers supported largely in part by the City's general fund, need ongoing repair and renovations.

Two local childcare/youth centers have either outgrown their facilities or are faced with aging facilities that are no longer meeting their needs.

The rehabilitation of the Moran Plant site, on the waterfront of Lake Champlain, presents economic development opportunities with potential job creation, access to goods and services and recreation depending on the final project.

The redevelopment of the Memorial Auditorium Complex presents significant economic development opportunities with potential job creation along with providing access to goods and services.

The most needed facility investment for Chittenden County Transit Authority's (CCTA) system is the replacement of the Cherry Street Station by a new Downtown Transit Center in the downtown core of Burlington. The current passenger environment at Cherry Street Station, without a climate-controlled waiting area or other passenger amenities, is insufficient to attract new riders to transit and unpleasant for current riders. A new facility will have a climate controlled waiting area and other passenger amenities such as bike racks, restrooms, real-time passenger information and Wi-Fi. It will create the crucial link of mobility for employment and access to good and services.

Park improvement projects and recreational facilities are part of the Pennies for Parks renovations.

Community gardens are an important part of the community fabric, with more community garden plots per capita in the City than in any other community across the country. The Municipal Plan identifies

securing long-term access to garden space and making new gardens available across the City as important priorities. Also, many of the established gardens are aging and in need of renovation.

The City uses CDBG to support public and nonprofit facilities where there is identified community support for the project and where there are not other sufficient, more appropriate resources. It is not a large enough pool of money to fund major projects but can play a vital role in filling a gap, leveraging other funds or meet a renovation need.

### **Need Determination**

Several sources were considered to determine these public facilities' needs. A citizen survey was distributed to all CDBG subgrantees, CoC member agencies and local citizens and published online. Approximately 100 citizens responded with their top ten priorities. Other municipal plans and documents were examined including PlanBTV, 2006 Municipal Development Plan, Waterfront Revitalization Plan, Vermont Council on Homelessness Plan to End Homelessness, Committee on Accessibility and the 2000 Legacy Action Plan and update.

The City will use CDBG to support public facilities and nonprofit facilities where there is a need and obvious community support for the project and also where there are not other sufficient resources. In overall priorities, a suitable living environment is the City's third priority, CDBG funding for these types of projects can be used as leverage for other resources, for small community generated projects as funds are available, or to meet a renovation need.

### **Public Improvements**

Several public improvement projects have been identified to revitalize critical City infrastructure. CDBG funds will be leveraged with transportation dollars and other federal, state and local resources to accomplish these improvements. The redevelopment of brownfields is a priority for the City with most vacant commercial properties left being suspected brownfields, with excavations performed in the Old North End, downtown, waterfront or Pine Street typically revealing contamination issues. There are also dozens of undiscovered underground storage tanks in the City, often beneath sidewalks and Rights-of-Way.

Burlington's Transportation Plan is a multi-modal transportation improvement plan that provides a comprehensive and coordinated list of roadway, transit, bicycle and pedestrian friendly streetscape and land use recommendations for implementation that satisfy the overall vision of the City developed in the Burlington Municipal Development Plan and the Burlington Legacy Project.

The Transportation Plan offers new Street Design Guidelines and ensures that Complete Streets practices and principles are considered on all applicable projects as a goal that is now mandated by Vermont's Act 34 of 2011. There are 120 miles of public streets in Burlington and 200 miles of sidewalks. The Department of Public Works publishes a five-year and an annual street paving plan as well as an annual sidewalk repair plan.

Transportation improvement projects target more transit (bus) improvements, creation of easier pedestrian and bicycle access and complete streets.

The Railyard Enterprise Project (REP) consists of revitalizing an underutilized area of the City by developing a new grid system of complete streets, green infrastructure and stormwater improvements, thereby increasing opportunities for affordable housing and additional economic opportunities.

Waterfront Access North project will provide the utility and transportation infrastructure to support the redevelopment and public access to the Moran Plant and the Urban Reserve.

The Waterfront Bike Path improvements are needed along the central section of the bike path in the Neighborhood Revitalization Strategy Area and will improve livability and access for all residents including our low-income residents.

Utility and transportation infrastructure improvements on the Cherry Street corridor include complete streets, green infrastructure and stormwater improvements. These improvements will also increase opportunities for affordable housing and additional economic opportunities and/or job creation and increase access to good and services.

Depot Street & Sherman Street Stairway will provide critical transportation infrastructure to provide residents of the NRSA and Old North End access to Burlington's waterfront and bike path.

### **Need Determination**

Several sources were considered to determine these public facilities needs. A citizen survey was distributed to all CDBG grantees, local citizens and published online. Approximately 100 citizens responded with their top ten priorities. Other municipal plans and documents were examined including planBTV, 2006 Municipal Development Plan, Waterfront Revitalization Plan, Committee on Accessibility, the Transportation Plan and the 2000 Legacy Action Plan and update.

CDBG is not a large enough pool to fund major projects, but it can play a vital role in some of the larger improvement projects such as Railyard Enterprise Project and Waterfront Access North where a small investment of CDBG funds can leverage large amounts of state and federal funding, where the project significantly contributes to community revitalization, and where CDBG can effectively be used for program delivery costs.

### **Public Services**

The City has traditionally used the entire 15% allocation for Public Services to support the provision of public services by local nonprofits. CDBG funding has been used for child care, youth, health, public safety and housing and homeless services. Programs being funded meet community needs and priorities, and CDBG has been used previously to fill gaps in funding or to leverage other funds.

Over the course of several years, the CDBG allocation has decreased significantly, yet the needs in the community continue to increase. Grantee allocations decreased to such insignificant levels, the funding was no longer effective, sustainable or making a difference.

The City and its Citizen Advisory Board have selected key priorities for the next five years for funding public services. These priorities include: funding programs that coordinate with other programs or organizations; fund efficiency and innovative initiatives; and fund programs with high impact towards the anti-poverty strategy.

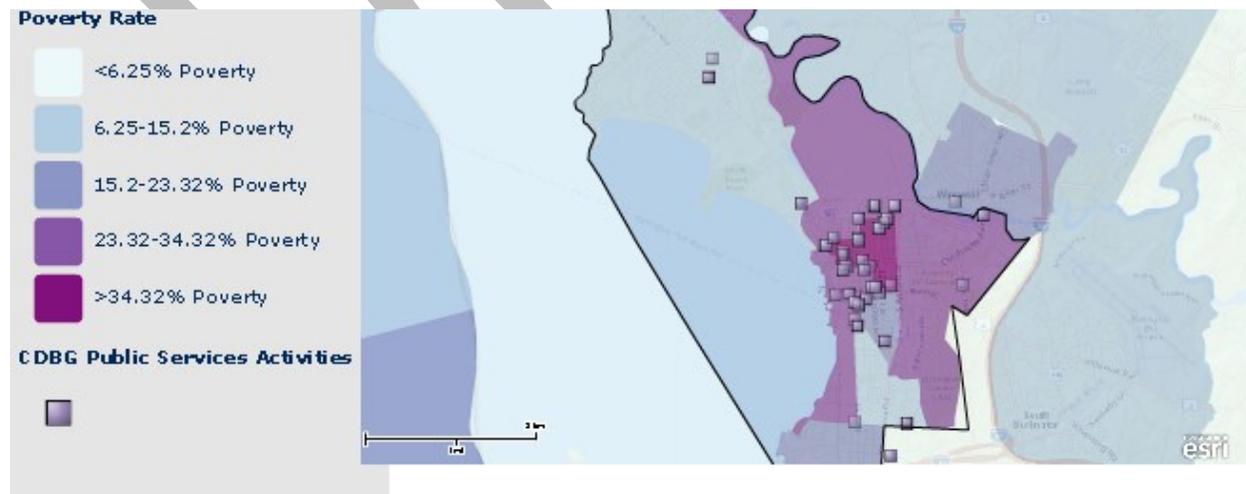
### Need Determination

The City has a limited capacity to fund social services out of municipal resources and has historically used the maximum (15%) available CDBG resources to support the provision of social services by local nonprofits. However, with the significant decrease of federal funds, it is critical to prioritize and target these funds to maximize their impact on the City's low-income citizens.

Several sources were considered to determine these public service needs. A citizen survey was distributed to all CDBG subgrantees, CoC member agencies and local citizens and published online. Approximately 100 citizens responded with their top ten priorities. Other municipal plans and documents were examined including planBTV, 2006 Municipal Development Plan, Waterfront Revitalization Plan, Committee on Accessibility, and the 2000 Legacy Action Plan and update.

In addition to these plans, public service needs were also determined and discussed within the homeless and special needs sections, the child care assessment and transportation needs subsequently.

CPD Maps



## Child Care Needs Assessment

As of the 2011 American Community Survey, 66.5% of all Burlington children under six - and 74.1% of all children ages 6 to 17 - were living with parents who were all working. Those were higher percentages than the national averages of 64.6% and 70.6%, respectively.

Available, affordable child care is a prerequisite to labor force participation for many households, and particularly for female-headed households. The availability of child care also affects the ability of parents to upgrade their skills through career education and vocational training.

The remaining information in this section comes from Child Care Resource and the Child Development Division of the Vermont Department for Children and Families.

The affordability of child care for families is a pressing issue. The income eligibility levels to qualify for child care subsidy are set to offer help to families up to 200% of the poverty level. The program now offers help to fewer and fewer eligible families. The first chart gives a sense of the percent of subsidy paid at various income levels. In 2008, there were 503 Burlington children receiving a subsidy; in March 2013, there are 637 Burlington children receiving a subsidy and 1,687 in Chittenden County.

The second chart shows the covered subsidy amount versus the weekly market rate for child care. There continues to be a significant gap between the actual market rate for care and the amount covered by the child care subsidy. For example, at the infant level for a child care center, a single mom with two children would end up paying an additional \$75 a week from or more than 20% of her gross pay.

According to Child Care Resource, as of July 2012, during a typical week, approximately 6,800 children birth through 12 attend a regulated child care program in Chittenden County. The availability for space in these programs ranges from 1% to 4% adding to the uncertainty of finding reliable child care. Over 63% of child care searches are for the small group of children ages birth to two, demonstrating the difficulty of finding child care for infants and toddlers. The third chart shows the vacancy rate for local programs and the current need as of July 2012.

Programs may be recognized for quality in the child care field through accreditation with the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care (NAFCC) or be recognized for quality through the State of Vermont Step Ahead to Recognition System (STARS). Across all programs, 84 in Chittenden County are recognized for high quality and 58 have received formal accreditation.

The affordability and availability of child care are based on federal and state subsidy issues as well as industry employment standards. The City will continue to work with the child care community to find solutions including current efforts with Building Bright Futures and providing technical assistance to providers.

### Vermont Child Care Subsidy Program

% of Subsidy Paid by the State	Family Size			
	3 or Fewer	4	5	6 or more
100%	\$18,300	\$22,044	\$25,788	\$29,532
50%	\$29,100	\$35,040	\$40,992	\$46,956
10%	\$36,600	\$44,088	\$51,576	\$59,064

### Weekly Child Care Subsidy Amount

Type of Care: Full Time	Weekly Subsidy - 100%	Weekly Market Rate	Weekly out of pocket expense: 100% eligible	Annual out of pocket expense: 100% eligible	Gap	Weekly out of pocket expense: 50% eligible	Annual out of pocket expense: 50% eligible
<b>Family Child Care</b>							
Infant	\$114.29	\$162.00	\$47.71	\$2,481	29%	\$95.42	\$4,962
Toddler	\$110.00	\$153.00	\$43.00	\$2,236	28%	\$86.00	\$4,472
Preschool	\$98.86	\$152.00	\$53.14	\$2,763	35%	\$106.28	\$5,527
<b>Child Care Center</b>							
Infant	\$137.14	\$212.00	\$74.86	\$3,893	35%	\$149.72	\$7,785
Toddler	\$133.43	\$201.00	\$67.57	\$3,514	34%	\$135.14	\$7,027
Preschool	\$129.60	\$188.00	\$58.40	\$3,037	31%	\$116.80	\$6,074

### Child Care Vacancy Rate

Type of Program	# of Programs	# of Slots	# of Openings	Chittenden Vacancy Rate
Child Care Center	53	2,817	122	4%
Family Child Care Home	160	1,238	94	7%
Preschool	56	1,541	48	5%
School Age (After-School)	41	1,733	67	4%

### Transportation Needs/Services

According to the Citizen Participation Survey for this Consolidated Plan, the need for transportation services ranked 4th in the list of services. This narrative explains the transit system and services as well as alternative car programs in the City.

As of the 2010 Census, around 4,220 residents – or 19.4% of the Burlington workforce – were walking to work, and around 1100 Burlington residents were using public transportation to get to work. For

workers who use the bus to get to work, there is fairly good coverage Monday through Saturday during regular work hours. Service during second and third shift hours and on Sundays and holidays is limited.

Chittenden County Transit Authority's (CCTA) network of 19 bus routes extends throughout eight cities and towns in the greater Burlington area.

CCTA measures its success on the percentage of trips in the region that is made on public transportation, also known as the transit mode share. In 2000, the transit mode share was estimated to be 1.4% of all trips made within the six core communities of Chittenden County. By 2010, it is estimated that the transit mode share has increased to 2.4% based on the growth of CCTA ridership compared to overall traffic growth.

Public transportation to areas outside the City does not reach a number of significant job centers because CCTA is dependent on local property tax revenues from only five local participating municipalities – Burlington, South Burlington, Essex, Winooski, and Shelburne – and its services are concentrated in those member communities. CCTA does offer ridesharing services in other communities, bus service outside the county to Middlebury, Montpelier and St. Albans, a fixed-route segment in Colchester, and services in the town of Williston under the Job Access and Reverse Commute (JARC) program. CCTA provides ADA complementary paratransit and some Medicaid transportation services through a contract with the Special Services Transportation Agency (SSTA), a private non-profit organization that provides van transportation services for people with specialized mobility needs, primarily the elderly and persons with disabilities. Bus passes are available to low-income residents and students and children ride free.

Single-occupancy vehicles remain a primary means of transportation to work. According to the 2010 Census, 65% of Burlington workers drove alone in their cars to get to work. The American Community Survey 2009-2011 notes that 10% of Burlington workers carpooled to work and on the average, those who commuted by car spent an average of 17 minutes to get to work. Transportation costs for those who drive to work are increasing. The average retail price of a gallon of gasoline in April of 2011 was \$3.70 and in April of 2012, the price rose to \$3.915. There are two programs that assist low and moderate income citizens to have access cars and can reduce the need to own a car.

The Good News Garage provides donated refurbished vehicles to low-income workers, including vehicles to Reach Up program participants, as well as job-related rides to low-income workers and to and from childcare in their Ready to Go program.

# Housing Market Analysis

## MA-05 Overview

### Housing Market Analysis Overview:

Burlington's housing market is marked by an imbalance between supply and demand, as reflected in low rental vacancy rates and limited inventory of homes for sale – much lower than regional, national and “balanced” levels. A rental housing market where supply and demand are more balanced ensures an adequate supply of both units and renters who can afford the available units. The rental housing imbalance translates into high housing costs (relative to income) and lower quality rental housing stock. These factors indicate a continuing need to produce new affordable units and to preserve the affordability of existing units. An imbalanced rental housing market also impedes economic growth since employers have trouble recruiting and retaining their workforce.

The US Census 2009-2011 American Community Survey found 17,687 housing units in the City. This represents an increase of slightly over 7% in the last decade. Of these units, only 17,024 are occupied with the remaining 663 units considered vacant. However, homes being marketed for sale and rental units undergoing tenant turnover make this figure much higher than the reality of the market.

In fact, the real estate appraisal and consulting firm Allen & Brooks found a 0.5% urban rental vacancy rate in December 2012. While the suburban rental vacancy rate for December 2012 was 3.0%, this was higher than typical due to several new suburban developments coming on the market at around the same time period.

In Burlington, there are new units under construction as this plan is being developed: 33 market rate units (5 Inclusionary units) at 187 St. Paul St.; 14 efficiencies for extremely low-income individuals at 30-42 King St.; 25 market units (4 Inclusionary units) at 237 North Ave.; 36 affordable senior units and 49 market rate units at the former Thayer School on North Ave. There are 2 major rental housing projects in the permitting stage: Handy Properties is seeking to build 55 units on Riverside Avenue, and SD Ireland has begun initial permitting for 200-250 rental units on Grove Street near the South Burlington border.

Affordable housing is a balance to economic development. In boom times, affordable housing ensures that there is housing for workers and that rising prices do not displace residents. In a troubled economy, affordable housing development is an economic engine and its subsidies ensure that low-income residents are not made homeless. Finally, the use of affordable housing to redevelop distressed neighborhoods prevents the loss of value of the surrounding properties and encourages long-term investment by other property owners.

# MA-10 Number of Housing Units

## Introduction

The number of housing units that make up the Burlington inventory include both market rate and affordable units. Numerous federal, state and local programs are used to make the City's housing stock more affordable for low- and moderate income families. Around 25% of Burlington's rental housing, and around 4% of the City's owner housing, is made affordable - meaning that the occupants do not pay more than 30% of their income for housing - through public subsidies, regulation and/or property deed restrictions. Affordable housing may be publicly- or privately-owned, or ownership may lie in the nonprofit sector. Assistance may be tied to a specific property or it may move with the person. Housing may be perpetually affordable, or it may have a limited period of affordability. It may be available to all lower-income residents, or it may be targeted to a specific group (such as the homeless or those with disabilities) or a specific income category. As the various forms of assistance are explained, understand that it is not unusual for them to overlap. For example, households receiving Section 8 vouchers occupy some, if not most, of the rental units assisted through the Low Income Housing Tax Credit and the City's Inclusionary Zoning Ordinance. There are units that have limited or expiring affordability provisions. Units which are privately-owned and have Section 8 project-based or substantial rehab contracts are either at high risk of loss or will definitely be lost as affordable units. Units which are owned by nonprofits, or by Low Income Housing Tax Credit partnerships, and that will presumably be sold to nonprofits, are assumed to be at low risk of loss.

## All residential properties by number of units

Property Type	Number	%
1-unit detached structure	5,670	32%
1-unit, attached structure	740	4%
2-4 units	5,995	34%
5-19 units	3,581	20%
20 or more units	1,555	9%
Mobile Home, boat, RV, van, etc.	146	1%
<b>Total</b>	<b>17,687</b>	<b>100%</b>

Table 1 – Residential Properties by Unit Number

**Alternate Data Source Name:**

American Community Survey 2009-11 3 year Estimates

**Data Source Comments:**

## Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	0	0%	656	7%

	Owners		Renters	
	Number	%	Number	%
1 bedroom	184	3%	3,345	33%
2 bedrooms	1,920	27%	3,844	38%
3 or more bedrooms	4,922	70%	2,153	22%
<b>Total</b>	<b>7,026</b>	<b>100%</b>	<b>9,998</b>	<b>100%</b>

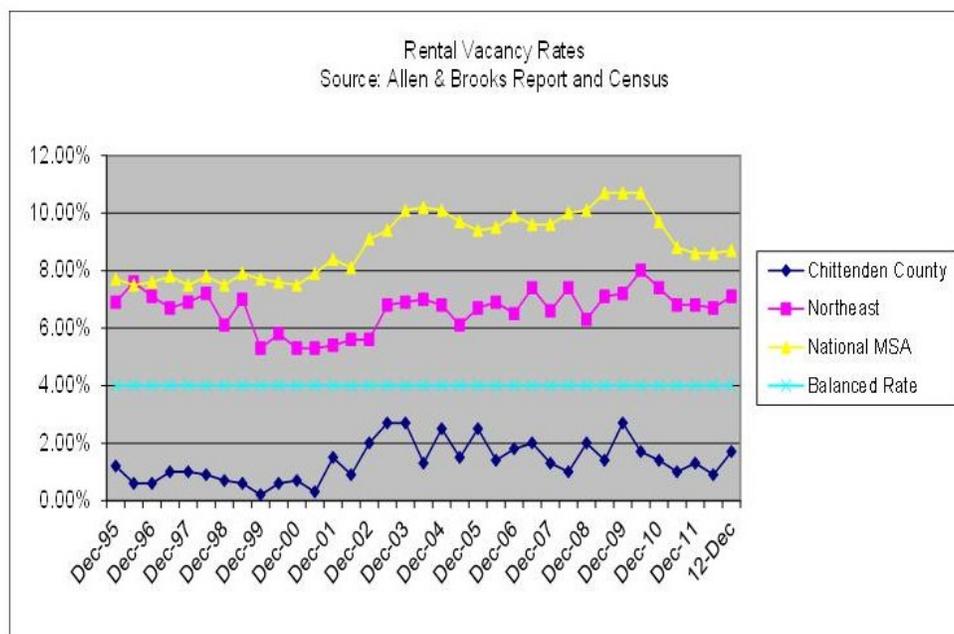
**Table 2 – Unit Size by Tenure**

**Alternate Data Source Name:**

American Community Survey 2009-11 3 year Estimates

**Data Source Comments:**

### Rental Vacancy Rate



### Number and Targeting of Units

Affordable units consist of both rental and homeownership and target low, extremely low and moderate income households.

For rental units:

There are over 1,700 BHA Section 8 tenant-based vouchers in use in the City and surrounding communities. Approximately one-half of the vouchers are used in apartments located outside of Burlington but within a 6-mile radius of City limits. Vouchers pay a private landlord the difference between the amount that a low-income tenant household can afford to pay (i.e., no more than 30% of their income) and the Fair Market Rent for the unit as determined by HUD. The tenants keep the

assistance as long as they are income-eligible and meet other HUD requirements. With tenant-based Section 8 vouchers, the subsidy isn't tied to any specific apartment; it moves with the tenant.

The City encourages BHA to fully utilize its ability to use its project-based Section 8 vouchers in support of new affordable housing development.

Some property-specific assistance is dedicated to certain groups of residents with special needs. The Section 202 Elderly Housing and Section 811 Housing for Persons With Disabilities are housing construction programs that provide a capital advance to assist with the cost of developing a housing project and a renewable 5-year Project Rental Assistance Contract to assist with the project's operating costs. Funds are made available through a national competition, and only nonprofits are eligible to apply.

The New Construction and Substantial Rehabilitation Programs provide rental assistance for up to 20 years in connection with the development of newly constructed or substantially rehabilitated privately-owned rental housing. The Section 8 Mod Rehab SRO program helps homeless individuals find affordable Single Room Occupancy (SRO) housing. Landlords who complete moderate rehabilitation of their properties and then rent them to homeless individuals receive payments which cover the difference between a portion of the tenant's income (normally 30 percent), and the unit's "eligible rent." Rental assistance contracts for the SROs are provided for ten years, with the option to renew the contract through the Section 8 program. The Shelter Plus Care Program provides rental assistance for hard-to-serve homeless persons with disabilities in connection with supportive services funded from sources outside the program.

The Low Income Housing Tax Credit (LIHTC) program makes tax credits available to owners of rental housing who make that housing available to low-income residents. The federal LIHTC program provides an annual allocation of tax credit authority to each state, which then makes these credits available to support affordable housing projects in accordance with each state's Qualified Allocation Plan. In Vermont, the LIHTC is administered by the Vermont Housing Finance Agency. Vermont has a matching state Low Income Housing Tax Credit.

The Housing Development Grant Program (HoDAG), a HUD program in the 1980's, no longer exists. As the HoDAG loan period expires at City housing projects, the City will reinvest these funds to keep those housing units affordable.

Homeownership programs and units are discussed in a following section.

### **Units Expected to be Lost from Inventory**

It is the City's policy to retain units with expiring tax credits or subsidies within the affordable unit inventory. It is more cost efficient to invest in the retention of units rather than the construction of units. To this end, over the past 5 years, several expiring complexes have been purchased and their affordability has been retained. Over 300 affordable units have been retained in Bobbin Mill, Salmon

Run, South Meadow, and Wharf Lane. In fact, as a result of these preservation projects, the number of permanently affordable units has increased by 20 at Salmon Run and 24 at South Meadow. Another 24 market rate rental units at South Meadow will gradually be converted to permanently affordable ownership units.

In the next five years, it is expected that approximately 140 affordable units might have affordable subsidies that will expire. These include the following housing units: Thelma Maple Co-op, Park Place, Bus Barns, Rose Street, Pearl Street, ONE, and BRHIP. Local housing partner, Champlain Housing Trust will plan to renovate, refinance and maintain affordability of those units; together with the City of Burlington and the Vermont Housing Finance Agency, they will monitor other potential units and work to retain as many units as possible.

In addition, the Housing Authority is expecting to lose approximately 150 vouchers due to sequestration in the next year.

### **Does the availability of housing units meet the needs of the population?**

No, the availability of current housing units does not meet the needs of the population.

In a healthy local housing market, the rental vacancy rate would be between 3% and 5%. That is generally considered by most experts to be “balanced” between supply and demand. When it falls below that level, a lack of supply will lead to rent increases, inability to find housing and a limit to economic growth.

The rental vacancy rate for the county is measured every six months by the Allen & Brooks Report©. For five years (between December 2007 and June 2012), the rental vacancy remained quite low. The rental vacancy rate in Chittenden County peaked in December 2009 at 2.7%. In December of 2008, it was 2.0%. All the other years, the rate was below 2.0% with the lowest occurring in June 2012 at .9%. It consistently runs well below national and regional rates, which are reported by the Census Bureau.

In the downtown area, according to planBTV, housing stock is limited to a few common building types, including single family homes, duplexes, apartments above shops, and condo buildings. Residential neighborhoods surrounding the downtown consist of mainly 4+ bedrooms units in converted historic homes at prices that only students can afford at a per bedroom price ranging from \$700-\$800/month..

Since 2009, there has been an above average number of new apartment units constructed in Chittenden County, the average number of new units being 182 according to the Allen & Brooks Report©. In 2013, it is expected that 428 new units will be constructed. Although there is an increase in units, these new units are leasing quickly due to the low vacancy rate. For example, a new project in Burlington, Thayer Commons, leased 47 units within two months of opening. It is expected that the demand for rentals will remain high.

## **Need for Specific Types of Housing**

A community consensus emerged as part of the Plan BTV process that “downtown Burlington has an extreme shortage of housing priced for young families, singles and others with a moderate income.” On a citywide level, the need persists for more housing serving all income levels. There continues to be a need for more student housing, but the type and location of these units has changed. In their recent housing study, UVM found that the housing market for juniors and seniors has been saturated on campus. According to the study, UVM juniors and seniors are looking for apartment living that is close to campus but not located on campus. The City seeks to facilitate the creation of market-based rental housing targeting students in areas near the downtown in hopes that the residential areas adjacent to downtown can return to more stable, long-term occupancy. With over 60% of all Burlington renter households paying greater than 30% of their income on rent, there continues to be an acute need for affordable and mixed-income rental housing.

## **Discussion**

For affordable homeownership, the following programs and units are used for income qualified households:

The City’s Inclusionary Zoning Ordinance applies to all new market-rate developments of five or more homes and to any converted non-residential structures that result in at least ten homes. The affordable housing set aside is 15% to 25% of the units, depending on the average price of the market-rate homes – with the higher percentage placed on the most expensive developments. The ordinance does not allow fee in-lieu payments or land donations, but will allow developers to provide the affordable housing off-site at 125% of the on-site obligation. The ordinance provides a range of incentives including fee waivers and a 15% to 25% density and lot coverage bonus. Affordable homes are targeted to homebuyer households earning 75% or less of area median income and rental households earning 65% or less of median and are price controlled for 99 years.

BHA’s Section 8 Mortgage Assistance Program has been in operation since 1999 with over 98 households successfully transitioning from renting to homeownership.

The Burlington Community Land Trust started up in 1984 with municipal assistance through the City’s general fund and through a line of credit from the City municipal retirement fund. (In October 2006, the Land Trust merged into the Champlain Housing Trust (CHT).) Today, it is the largest community land trust (CLT) in the country, both in terms of membership and in terms of number of community land trust units. In Burlington alone, CHT boasts over 200 perpetually affordable single-family homes and condos. When CHT homeowners sell their homes, CHT generally rebuys them from the homeowner and shares the appreciation with the homeowner/seller to keep the home affordable for the next buyer. A study of CHT resales between 1984 and 2008 showed that the CLT model does contribute to wealth-building (the average period of occupancy for a CHT owner was just over 5 years, and upon resale, the average annualized rate of return to the homeowner was 30%); housing mobility (67% of CHT owners

moved into market rate homeownership); and preservation of affordability (on resale, homes were affordable to buyers at 53% of median family income).

Habitat for Humanity builds and rehabilitates houses with the help of the homeowner (partner) families, volunteer labor and donations of money and materials. Habitat houses are sold to partner families at no profit and financed with affordable loans. The homeowners' monthly mortgage payments are used to build still more Habitat houses.

The Vermont Housing Finance Agency (VHFA) makes low-rate mortgages available to income-eligible borrowers through participating lenders located throughout the state. VHFA offers a variety of programs, including fixed-rate products, down payment assistance and limited refinancing. VHFA mortgages often overlap with other forms of affordable homeownership.

DRAFT

# MA-15 Cost of Housing

## Introduction

In this section the cost of housing is reviewed. It is noted that the median value of owner occupied homes has increased steadily; however, the rental costs have increased at a higher rate. The most recent Out of Reach study for Vermont places the state in 16th place for the ability to afford a two-bedroom Fair Market Rate apartment. The cost of housing directly impacts the cost burden need analysis discussed in the previous section.

## Cost of Housing

	2005-07 ACS (Base Year)	2009-2011 ACS (Most Recent Year)	% Change
Median Home Value	243,700	253,700	4%
Median Contract Rent	726	845	16%

**Table 3 – Cost of Housing**

**Alternate Data Source Name:**  
American Community Survey 2009-11 3 year Estimates  
**Data Source Comments:**

Rent Paid	Number	%
Less than \$500	1,591	19.3%
\$500-999	3,877	54.1%
\$1,000-1,499	2,827	17.9%
\$1,500-1,999	1,597	6.6%
\$2,000 or more	0	2.2%
<b>Total</b>	<b>9,892</b>	<b>100.0%</b>

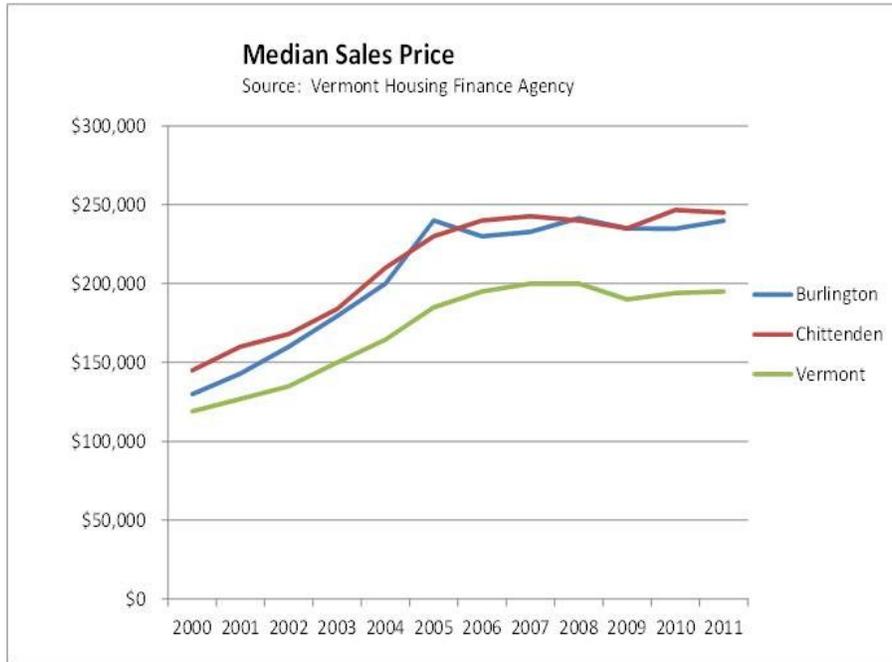
**Table 4 - Rent Paid**

**Alternate Data Source Name:**  
American Community Survey 2009-11 3 year Estimates  
**Data Source Comments:**

## Average Rent 2000-2012

Average Rent	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Source: Allen & Brooks, 2012 <sup>8</sup>													
One BR	\$562	\$600	\$636	\$652	\$675	\$660	\$674	\$703	\$714	\$743	\$749	767	809
Two BR	\$719	\$749	\$803	\$837	\$872	\$860	\$872	\$888	\$935	\$990	\$997	\$1,003	\$1,054
Three BR	\$971	\$1,039	\$1,096	\$1,115	\$1,180	\$1,213	\$1,247	\$1,336	\$1,446	\$1,540	\$1,550	\$1,604	\$1,600

### Median Sales Price Comparison



### Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	850	No Data
50% HAMFI	1,835	120
80% HAMFI	5,115	615
100% HAMFI	No Data	889
<b>Total</b>	<b>7,800</b>	<b>1,624</b>

Table 5 – Housing Affordability

Data Source Comments:

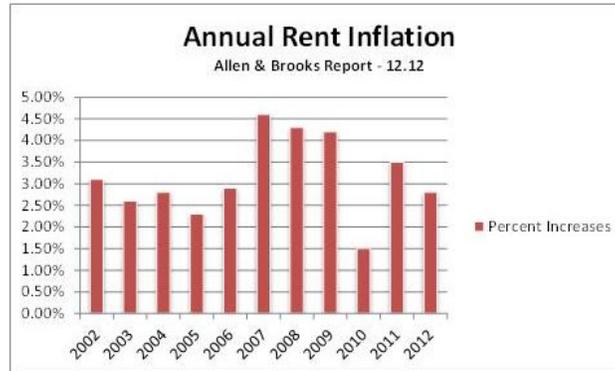
### Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	809	896	1,124	1,439	1,613
High HOME Rent	841	903	1,086	1,245	1,370
Low HOME Rent	662	710	852	984	1,098

Table 6 – Monthly Rent

Data Source: HUD FMR and HOME Rents

## Annual Rent Inflation



### Availability of Sufficient Housing

No, there is not sufficient housing at all income levels. In a healthy local housing market, the rental vacancy rate would be between 3% and 5%. In Burlington, the rental vacancy rate for the county is measured every six months by the Allen & Brooks Report© and often falls below 2%. It consistently runs well below national and regional rates, which are reported by the Census Bureau.

According to planBTV, "almost 30% of the housing units in the downtown and waterfront are considered affordable under typical definitions. These units provide for the needs of many low-income, senior and disabled tenants. On the other end of the spectrum, condominium development in recent years has demonstrated the ability of the market to provide higher-end housing. Yet in the middle there is a gap - a growing number of prospective residents who can't afford the high-end market-rate units, yet have too much income to qualify for subsidized 'affordable' units. And very few units of any kind - low, middle or high - are coming on-line to meet the demand.

### Expected Change of Housing Affordability

Both the rental and housing markets in the area have seen strong increases over the past 10 years. As tracked by the Allen & Brooks Report©, the average annual increase for rent in Chittenden County is 3.5% but remains highest for 3 - bedroom units at 4.2%. The highest year for rent increases was in 2006. With larger numbers of units coming on board in 2013, the increase in rent should be tempered over the next year. However, the cost burden to households in the City will still remain significantly high. Home prices leveled off from 2005 to 2007, and then began fluctuating and decreasing to reflect the housing downturn experienced in most of the United States. To afford a home purchase at the 2011 median price of \$239,875, a Burlington buyer would have needed an annual income of \$71,963. That is well above the median family income in Burlington as estimated by the 2011 American Community Survey 5 - year estimates (\$60,848) as well as the City of Burlington median wage for male/female full time workers (\$39,604/\$35,862). The number of homes sold showed a dramatic decline from 2006 to 2009, with that trend appearing to reverse in 2010. However, according to Allen & Brooks, there has been an

increase of home sales under \$250,000 this past year which may indicate new homebuyers entering the homeownership market. This might give some relief to the rental market.

## **Rent Comparison**

According to the 2013 Out of Reach Study for Vermont, the State ranked 16th in the nation for the housing wage needed to rent a two-bedroom apartment at the Fair Market Rent rate. In Vermont, the Fair Market Rent (FMR) for a two-bedroom apartment is \$964. In order to afford this level of rent and utilities – without paying more than 30% of income on housing – a household must earn \$3,212 monthly or \$38,541 annually which translates to an average hourly wage of \$18.53. Unfortunately, the average wage for a renter is \$11.32, so in order to afford the FMR for a two-bedroom apartment at this wage, a renter must work 66 hours per week. The situation is exacerbated in the Burlington-South Burlington Metropolitan Statistical Area (MSA) where the hourly wage for a renter to afford the same two-bedroom apartment at the FMR of \$1,029 is \$19.79 but the average wage for a renter is \$12.33. In reality, the Burlington renter can only afford a monthly rent of \$641 at this average wage.

HOME Rents/Fair Market Rents are significantly below area median rents.

The newly reduced FMRs will result in HOME rent limits that under represent the local housing market. While the HOME program protects against decreasing rents in existing projects, developers of new HOME units in Vermont's highest cost/lowest rental vacancy area will face the added hurdle of falling high HOME rents. Since the new projects would be perpetually hampered by artificially low initial HOME rents, this will jeopardize the financial viability of new HOME-funded projects. Given the declining amount of HOME allocated to Burlington, increasing the per-unit HOME subsidy is not a viable option to address this barrier.

## **Discussion**

According to the Allen & Brooks December 2012 Report, average rent inflation has increased at an annual rate of 3.5% over the past 10 years. This is considerably higher than the rate of regular inflation during this time period. However, rent inflation declined sharply in 2010 and resumed to a more typical rate of 2.8% in 2012. The report said, "In 2013, we anticipate an even greater surge in new (apartment) construction, with over twice as many units coming to the market than the long-term annual average. The new growth will help to temper the rate of rent increases over the next year."

## MA-20 Condition of Housing

### Introduction

Housing conditions vary widely by housing type, location and investment objectives of rental property owners. It has been noted that Vermont has the 7th oldest housing stock in the nation. Overall, Burlington's housing stock is predominately older, renter-occupied homes and apartments. Burlington has five times as many housing units over 50 years old than any other municipality in Chittenden County, and over 50% of the rental units are found by Code Enforcement to be out of compliance with minimum housing code. Over 47% of Burlington's housing units were built before 1950. These homes need energy efficiency upgrades, lead-based paint hazard reduction, and other rehabilitation to make them safe, affordable and sustainable over the long-term.

### Definitions

Substandard housing is any residential property that does not meet local building code or does not meet the Minimum Housing Standards Ordinance of the City of Burlington.

### Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	2,271	37%	5,223	58%
With two selected Conditions	12	0%	104	1%
With three selected Conditions	0	0%	0	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	3,805	63%	3,741	41%
<b>Total</b>	<b>6,088</b>	<b>100%</b>	<b>9,068</b>	<b>100%</b>

Table 7 - Condition of Units

Data Source: 2005-2009 ACS Data

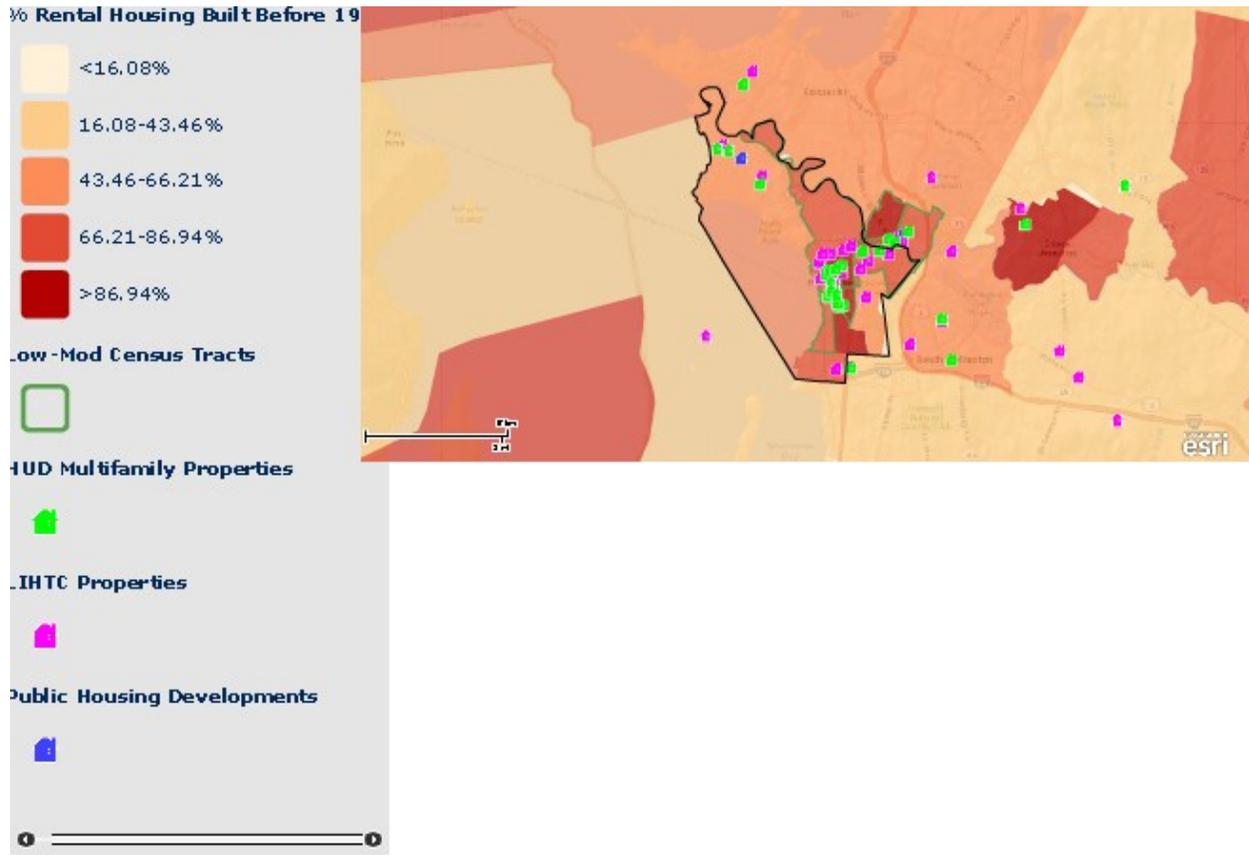
### Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	216	4%	313	3%
1980-1999	1,108	18%	1,350	15%
1950-1979	2,527	42%	2,777	31%
Before 1950	2,237	37%	4,628	51%
<b>Total</b>	<b>6,088</b>	<b>101%</b>	<b>9,068</b>	<b>100%</b>

**Table 8 – Year Unit Built**

Data Source: 2005-2009 CHAS

**% Rental Housing Built Before 1980**



**Risk of Lead-Based Paint Hazard**

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	4,764	78%	7,405	82%
Housing Units build before 1980 with children present	1,340	22%	705	

**Table 9 – Risk of Lead-Based Paint**

Data Source: 2005-2009 ACS (Total Units) 2005-2009 CHAS (Units with Children present)

**Vacant Units**

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	12	1	13
Abandoned Vacant Units	0	0	0
REO Properties	7	0	7
Abandoned REO Properties	0	0	0

**Table 10 - Vacant Units**

**Alternate Data Source Name:**

Vacant Units

**Data Source Comments:** City of Burlington Code Enforcement Office, April 2013

## **Need for Owner and Rental Rehabilitation**

As noted previously, Burlington's housing stock is among the oldest in the nation. Over 45% of the City's housing units were built before 1950. These older units generally mean higher costs for maintenance, heat and insurance and a high incidence of lead paint. Given the age of the housing stock, most housing units, whether owner-occupied or rental units, are in need of some level of repair or rehabilitation. According to a 2013 report from the City of Burlington's Assessor's Office, there are 24 single family homes whose need for rehabilitation exceeds the appraised value of the home; some of these homes were built in the 1800's. There are also 8 two-family and 2 three-family homes in the same category.

There is an acute need to help low-income homeowners make repairs that allow them to improve and retain their housing, and to help make the homes of low-income tenants and homeowners accessible. Creating new homeowners and retaining existing homeowners is the single best way for low and moderate-income households to build family wealth, maintain economic independence and move out of poverty. Providing technical and financial assistance for rehab allows low-income families to spend their money on other essential needs and enables personal savings. The overall impact of assisting with housing rehab for both owners and renters extends far beyond the house to improve the overall health and stability of low-income households and neighborhoods. With affordable and stable housing costs, people living in poverty are better able to meet their basic needs and achieve their self-sufficiency goals while improving their credit ratings and enjoying a better standard of living.

## **Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards**

'Target housing' under the Residential Lead-Based Paint Hazard Reduction Act of 1992, means any housing constructed prior to 1978. The closest census data breakout point is housing units built prior to 1980. Using that cut-off point to estimate the number of units which may contain lead-based paint hazards, the following are occupied by families with children ages 6 and younger: Based on the age of housing, for owner-occupied housing, the greatest risks for families overall would appear to be in the New North End (census tracts 1 and 2) and in census tract 8, which includes the 'Five Sisters' neighborhood. For rental housing, the greatest risks for families would appear to be in census tract 2, the Old North End (census tracts 3 and 4), Ward One (census tract 6) and the King Street and Lakeside neighborhoods (census tract 10). However, Northgate, in census tract 2, with 336 units, has been tested to be lead-free, so the risk of lead paint hazards in that census tract is less than the age of housing would indicate. In 1995, over 19% of the children ages one and two tested in the City had elevated levels of lead in their blood. Of those children, 3.6% had severely elevated levels. Those percentages have declined significantly, though cases of severe poisoning still occur.

## Discussion

The housing market in Burlington remains strong despite the prolonged national and regional recession. Despite the age of the housing stock in Burlington, there are few vacant or abandoned buildings.

Because property values are so high, abandonment is not an issue in Burlington. And, in 1999, the Burlington City Council adopted an ordinance designed to discourage vacant and abandoned buildings. At that time, there were approximately 20 to 30 such buildings scattered throughout the City. The Code Enforcement Office re-committed to enforcing the ordinance in 2005. The Code Enforcement Office manages the Vacant Building Program in order to ensure public safety, protect property values and preserve the existing housing stock. The number of vacant buildings is estimated at twelve. Nearly all of the remaining vacant properties are deemed suitable for housing rehabilitation. Due to the strong local economy and an award-winning vacant building program, Burlington has avoided the abandonment and widespread vacant building situation that plagues many cities.

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## MA-25 Public and Assisted Housing

### Introduction

The Burlington Housing Authority (BHA) continues to be a designated "High Performer" for the Section 8 Housing Choice Voucher Program. BHA supports an affiliate nonprofit organization, Burlington Supportive Housing Initiatives, Inc. (BSHI), which has 501(c)(3) status. The purpose of this nonprofit is to develop affordable, supportive housing initiatives and to expand the resident service programs of the BHA. In FY2009, BSHI became the fiduciary for the HELP Fund, a community partnership serving people who are homeless or at risk of homelessness.

The BHA maintained a 99% lease-up rate at its public housing properties during the last fiscal year. The Authority leased-up 50 new Family Unification Vouchers under the Section 8 Housing Choice Voucher Program while fully utilizing existing Section 8 voucher resources. Over 100 households sought to achieve financial self-sufficiency through the Family Self-Sufficiency program and over 30% of these families built savings accounts for homeownership or other goals.

### Totals Number of Units

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project-based	Tenant-based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available	0	0	343	1,581	150	1,431	0	2,700	3,556
# of accessible units									
# of FSS participants									
# of FSS completions									

\*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 11 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

### Burlington Housing Authority - Public Housing Units

Riverside	48	Families
Hillside Terrace	26	Families
Franklin Square	60	Families
Decker Towers	159	Elderly/Disabled
No. Champlain	50	Elderly/Disabled
Total	343	

### Supply of Public Housing Development

The Burlington Housing Authority (BHA) has an approved five year and annual Public Housing Agency plan which covers all of the 343 units of public housing in the City:

The Public Housing units are all in good physical condition, as evidenced by the HUD Real Estate Assessment Center physical inspections conducted in September 2012, with a score of 97 for elderly/disabled housing and 89 for family housing.

BHA has been designated a High Performer under the Public Housing Assessment System (PHAS) advisory score, with a score of 97 on 9/20/2012.

Because of the age of the buildings, extensive capital improvements are required over the next ten years. BHA is challenged in its efforts to appropriately maintain its public housing developments due to the continuing reductions in Capital Fund awards and HUD's recapture of its reserves. The City supports BHA's Capital Improvement Strategy and the preservation of these public housing units in the community.

BHA conducted an updated 504 analysis of its public housing developments and rental assistance program in fiscal year 2001 and has implemented recommendations contained in that analysis.

## Public Housing Condition

Public Housing Development	Average Inspection Score
Public Housing Assessment System	97

Table 12 - Public Housing Condition

## Restoration and Revitalization Needs

The Burlington Housing Authority's public housing developments are fully occupied. Capital improvement planning for the next five years focuses on interior renovations of kitchens and bathrooms, appliance replacement, roof replacements at Decker Towers and 10 N. Champlain Street and baseboard heat replacement at Decker Towers. BHA's ability to stay current on capital improvement needs is compromised by the continued reduction in Capital Fund grants and the impact of sequestration.

## Strategy of Improving the Living Environment of low- and moderate Income Families

BHA endeavors to provide a good living environment in its family developments through effective screening and strict lease enforcement. The Housing Authority supports programs such as the DREAM mentoring program and the Summer Lunch program. BHA seeks additional grant opportunities, such as the HUD ROSS program, in order to be able to provide support for families trying to achieve economic self-sufficiency.

In its public housing for elderly and disabled households, BHA provides the Wellness and SASH program, which encourage community building and coordinate supports to enable individuals to continue to live independently. Seniors and people with disabilities living in our high-rise units have access to in-house social activities, workshops, and community service referrals through the Wellness Programs. Low cost housekeeping assistance is also available in some locations.

Through the support of HUD Neighborhood Networks funding, BHA was able to open four Technology Centers, located at Decker Towers, Franklin Square, North Champlain Street apartments, and Riverside Apartments. These centers are open to residents of BHA public housing and Section 8, as well as people referred by our partnering agencies (Vocational Rehabilitation and VT Works for Women).

The Authority continued a program to address the housing and service needs of a growing African immigrant population.

## MA-30 Homeless Facilities

### Introduction

The facilities and housing available to the homeless are described in this section. Emergency shelters are designed for short-term stays for individuals and families. There are two emergency shelters serving single adults including veterans: COTS Waystation and Burlington Emergency Shelter. COTS operates the Firehouse and Main Street Family Shelters for households with children. COTS Daystation is a drop-in center for homeless adults and families and is the central location for accessing support services. The confidential shelter operated by Women Helping Battered Women serves homeless women and children fleeing domestic violence. Spectrum Youth and Family Services operates a shelter for homeless youth. Each shelter offers case management and housing search assistance to help participants move quickly out of shelter into transitional or permanent housing, with necessary follow-up support for maintaining housing.

COTS provides transitional housing to homeless individuals and families. The Howard Center's Transitional Housing Programs provide transitional housing for homeless persons with mental illnesses. Spectrum provides transitional housing for youth in the community. Transitional housing is available for women exiting corrections, for victims of domestic violence as well as veterans.

Burlington's inventory of permanent supportive housing includes a range of SRO housing. In addition, a wide variety of permanent housing options exist due to the collaborative efforts of city government, local public housing authorities, nonprofit housing developers, and private landlords.

### Facilities Targeted to Homeless Persons

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	59	0	34	4	0
Unaccompanied Youth	56	0	32	56	14
Households with Only Adults	0	0	15	45	0

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Chronically Homeless Households	0	0	35	0	0
Veterans	8	0	8	9	0

**Table 13 - Facilities Targeted to Homeless Persons**

**Alternate Data Source Name:**  
 VT - 501 2013 Housing Inventory Chart  
**Data Source Comments:**

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### Preliminary 2013 Housing Inventory Chart

Year	Prog. Type	Organization Name	Program Name	Inventory Type	Bed Type	Target Pop. A	Target Pop. B	CH Beds	Year-Round Beds	PIT Count	Total Beds	Utilization Rate
2013	ES	Burlington Emergency Shelter	Burlington Emergency Shelter	C	Facility-based beds	SMF	NA		20	10	20	50%
2013	PSH	Burlington Housing Authority	HowardCenter (SPC) 20 South Willard SRO	C		SMF	NA	0	6	6	6	100%
2013	PSH	Burlington Housing Authority	HowardCenter (SPC) New Horizons	C		SMF	NA	0	8	8	8	100%
2013	PSH	Burlington Housing Authority	Pathways to Housing (SPC) VT ACTS	C		SMF	NA	7	7	7	7	100%
2013	PSH	Burlington Housing Authority	Safe Harbor/CHCB (SPC) Housing First	C		SMF+HC	NA	8	13	13	13	100%
2013	PSH	Burlington Housing Authority	Spectrum (SPC) 141 Maple SRO	C		YMF	NA	0	9	9	9	100%
2013	PSH	Champlain Housing Trust	Sarah Cole House SRO	C		SF	NA	0	12	12	12	100%
2013	TH	Committee on Temporary Shelter	Canal Street	C		SMF+HC	VET		26	24	26	92%
2013	ES	Committee on Temporary Shelter	Firehouse Family Shelter	C	Facility-based beds	HC	NA		16	16	16	100%
2013	ES	Committee on Temporary Shelter	Main Street Family Shelter	C	Facility-based beds	HC	NA		33	33	33	100%
2013	TH	Committee on Temporary Shelter	Smith House	C		SMF	NA		7	6	7	86%
2013	PSH	Committee on Temporary Shelter	Smith House	C		HC	NA	0	4	2	4	50%
2013	PSH	Committee on Temporary Shelter	St. John's Hall ModRehab SRO	C		SMF	NA	15	21	21	21	100%
2013	PSH	Committee on Temporary Shelter	The Wilson	C		SM	NA	15	22	22	22	100%
2013	ES	Committee on Temporary Shelter	Waystation	C	Facility-based beds	SMF	NA		36	33	36	92%
2013	TH	Howard Center	Branches	C		SMF	NA		6	6	6	100%
2013	TH	Howard Center	Safe Haven	C		SMF	NA		7	5	7	71%
2013	ES	Spectrum	Emergency Shelter	C	Facility-based beds	YMF	NA		8		8	
2013	TH	Spectrum	Pearl Street SRO	N		YMF	NA		8	6	8	75%
2013	ES	VT Agency of Human Services	Emergency Motel Voucher Program	C	Voucher beds	SMF+HC	NA			219		
2013	PSH	VT State Housing Authority	VASH	C		SMF+HC	VET	25	25	25	25	100%
2013	ES	Women Helping Battered Women	Safehome	C	Voucher beds	SFHC	DV		18	18	18	100%
2013	TH	Women Helping Battered Women	Scattered Site	C		SFHC	DV		6	6	6	100%
2013	TH	Women Helping Battered Women	Sophie's Place	C		SFHC	DV		24	24	24	100%
2013	ES	Women Helping Battered Women	WHBW Shelter	C	Facility-based beds	SFHC	DV		14	9	14	64%
								Sum : 70	Sum : 356	Sum : 540		



## **Describe mainstream services, such as health, mental health, and employment services to the extent those services are used to complement services targeted to homeless persons**

The Continuum of Care's participating agencies and direct service personnel ensure that homeless persons receive all mainstream benefits for which they are qualified. Non-cash benefits include food stamps, WIC, TANF Child Care Services, TANF Transportation Services, temporary rental assistance, Section 8/Public Housing, and health care. Over 60% of participants who exit the CoC programs receive mainstream non-cash benefits. Cash mainstream benefits include Social Security/Disability, unemployment insurance, Veteran's disability/pension or other Veteran benefits, TAF, general assistance and child support. The success of this initiative is due in part to a single form utilized for the State of Vermont within our Agency of Human Services, Economic Services Division. Participants, along with their case managers, can fill out this application online for 12 mainstream benefit programs. The online process also allows for ongoing follow up by the participant and case manager. This user-friendly system has contributed to the success for our participants. CoC agencies can receive training from Hunger Free VT to increase the use of this application and resulting mainstream benefits.

The State also offers Mental Health and Rental Subsidies and leads the nation in a single payer health care model. The City is home to the Community Health Centers of Burlington, a Federally Qualified Health Care Center which includes the Safe Harbor Health Center, which offers dental services and Homeless Health Care Program services and walk-in appointments for adults and families experiencing homelessness.

Meaningful employment that offers a living wage and opportunities for growth and advancement is a key part of long-term housing stability, can have a stabilizing effect on mental health and/or substance abuse recovery, and helps prevent future homelessness. Continuum of Care agencies offer an array of employment services to increase self-sufficiency through employment, training, and career opportunities for homeless and formerly homeless individuals. Agency programs include:

- Job skills development
- Support groups for job seekers
- Job bank/positions with 'friendly' employers

Partnerships with existing employment/training agencies and programs include:

- ReSOURCE (a poverty relief agency and CoC member), which provides low-income and homeless students with job training, life skills and career development classes, and job search support.
- Job Placement/Training: CoC will work with the Department of Labor and Voc Rehab to increase employment, training, and educational advancement for homeless and formerly homeless individuals by increasing employment service connections with housing providers, cross-training between housing and workforce staff, and job retention services.

**List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.**

Continuum of Care services for the homeless in Greater Burlington are delivered through a consortium of nonprofit organizations, faith-based organizations, housing developers, government agencies and the Burlington Housing Authority. Components include homeless prevention, outreach, emergency shelter, supportive services, transitional and permanent supportive housing.

Local agencies provide outreach and support services including food, shelter, and health care for the chronically homeless. Using the Housing First model, the Continuum expects to increase the number of permanent supportive housing units for this population. In addition, there are programs that work with local landlords to reduce the barriers of renting to the chronically homeless. Several current programs house the chronically homeless. The Burlington Housing Authority is committed to increasing the number of Non-Elderly Disabled Housing Choice Vouchers for this homeless population.

There are 3 Emergency Shelters, 2 Transitional Housing and 2 Permanent Supportive Housing programs that provide housing and services for families with children. The children in these programs have access to education, proper nutrition, health care and transportation to and from school. Families are housed together in the same room at the shelters. Local agencies also provide homeless prevention services for families to keep them housed which includes security deposits, financial counseling, case management and other supportive services. The incidence of unsheltered families in the City is very rare.

The CoC partners with local and state organizations and landlords to combat homelessness among veterans. Many veterans have transitioned into permanent housing. Canal Street in Winooski houses 28 veterans in both transitional and permanent housing. Twenty-one VASH vouchers are administered in Chittenden County. Outreach increased to local veterans at our local shelters due to a local VA Case Manager who serves on the CoC steering committee. Previously unidentified veterans were enrolled in VA care and many are housed through VA housing programs. Calls coming into the National Call Center for Homeless Veterans are connected to the HUD VASH Case Manager. In the future, the Housing First approach will be implemented within HUD VASH. Also housing retention and rapid re-housing with low income veteran families will be addressed with two Supportive Services for Veteran Families grants awarded to two organizations in Vermont.

The CoC includes a partner, Spectrum Youth & Family Services, which provides emergency services to youth ages 16-22 who have run away, are homeless, or at risk of homelessness. They provide supported housing through their Emergency Shelter (8 beds), the Maple Street Program (SRO - in partnership with BHA) (9 beds) and the Pearl Street Program (8 beds) for youth who have left foster care and are homeless. All Spectrum youth are provided with individual/family counseling, mental health/substance abuse assessment and treatment, case management, medical services, educational planning,

employment support, life skills, job training, and mentoring. Spectrum places a high value on helping youth identify and stay connected to positive family/adults. Spectrum works in partnership with more than 35 local providers and institutions, including CoC programs, law enforcement, schools, colleges, and workforce services.

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## MA-35 Special Needs Facilities and Services

### Introduction

This section of the Plan describes the facilities and services that assist persons who are not homeless but require supportive housing. This population includes the elderly, frail elderly, persons with disabilities (mental, physical and developmental), persons with alcohol or other drug addictions and persons with HIV/AIDS and their families. Also included in this section are those being discharged from systems of care, ensuring they are not discharged into homelessness.

### **Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs**

The elderly population in the City is faced with challenges to maintain an independent living environment. The supportive housing needs include in home care, assistance with daily tasks and personal care, special transportation, meals and nutritional support, and the physical aspects of aging in place. Cathedral Square has 348 units in 12 locations in Burlington. These homes serve the elderly and individuals or families with special needs. The waiting list for these units hovers between 700 and 1,000 people. Cathedral Square is opening Phase II of Thayer House in Burlington during the summer of 2013. Three hundred seniors have expressed an interest in applying for this affordable housing or over 8 people for each unit. The need for additional affordable housing for this sector is extremely high. Cathedral Square has created the Support And Services at Home (SASH) initiative which is an integrated network of home and community-based providers, Fletcher Allen Health Center and Blueprint for Health primary care providers to meet this growing need.

Service-enriched housing needs for the population with severe mental illness range from affordable, independent apartments with support services provided by visiting mental health workers to 24-hour supervised “group home” settings. Right now, there is a need for additional supportive housing at all levels for those living with severe mental illness.

Substance abuse treatment and recovery for the 3,300+ residents require affordable, appropriate, alcohol-free and drug-free housing with a range of management and supportive services, from a high level of on-site management (for treatment and early recovery) to self-management in housing such as Oxford Houses to self-management in an at-home setting.

Twenty-one individuals are served with HOPWA through three member agencies of the CoC - Vermont Cares, Champlain Housing Trust and the Burlington Housing Authority.

## **Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing**

The recently approved statewide 10-Year VT Plan to End Homelessness included a goal to create an accountability system to ensure all institutions, including mental health care, do not routinely discharge people into homelessness or homeless program. In 2012, the State of VT created a new state-funded Mental Health Subsidy & Care Program, modeled on the HUD Shelter+Care Program. The DMH S&C Program targets assistance towards homeless persons in hospitals to ensure a successful discharge into housing, not homelessness or McKinney-Vento funded programs. DMH S&C supplements existing state-funded MH housing programs (VT Housing Contingency/Recovery Funds) through the provision of one-time housing-related costs and/or ongoing rental assistance.

Hospital staff prepare a discharge plan for the homeless person with psychiatric and/or co-occurring substance use disorders to return to the community. The goal of the process is to provide individuals with full access to available mainstream resources, supportive services and appropriate housing.

Persons routinely discharged from a mental health treatment or community bed receive state-funded assistance through the VT Dept. of Mental Health Subsidy & Care Program, VT DMH Housing Contingency Fund and the VT DMH Housing Recovery Fund. In addition, the VT DMH and Community Mental Health Agencies collaborate with the Burlington Housing Authority and other affordable housing agencies to utilize Section 8 Housing Choice Voucher Programs for tenant-based rental assistance and project-based rental assistance units funded by the Low-Income Housing Tax Credit Program.

Patients are routinely discharged to HowardCenter transitional or step-down programs such as Second Spring, Meadowview, Next Door Program, and 72 No. Winooski group home which are not McKinney Vento funded programs.

### **Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)**

Within the next 12 months, the Burlington Housing Authority is building 14 units of permanent supportive housing and renovating two units for a total of 16 new units. In addition, 39 new units for the elderly are being constructed at Thayer Commons. These units will be leased by Cathedral Square; and in this mixed income and mixed use property, there is convenient access to a grocery store and public transportation. At least one access modification will be performed by the Burlington Housing Initiatives Program. Champlain Housing Trust will be overseeing significant capital improvements on four properties that are used to house 39 people with mental disabilities and/or substance abuse dependencies. Champlain Valley Area Agency on Aging will provide case management and options counseling for seniors to help them identify resources, goals and options to remain independent with dignity in the setting of their choice. HomeShare Vermont will provide housing and caregiving matches

to seniors or persons with disabilities to enable them to remain in their homes. All these projects and activities will be undertaken during this next year to address the housing and supportive services needs for persons with special needs.

DRAFT

## MA-40 Barriers to Affordable Housing

### Negative Effects of Public Policies on Affordable Housing and Residential Investment

The cost of housing is affected by public policies controlled at the local level in the following ways:

- Imposing requirements for parking and limiting the height, maximum lot coverage and housing density certainly affect the cost of new housing.
- PlanBTV asserts that the City’s “Inclusionary Housing requirements can make it difficult for developers to provide moderately-priced housing as the subsidy required to provide the affordable units pushes the cost of the market-rate units out of reach for many young professionals and empty-nesters.”
- PlanBTV also asserts that “development in Burlington is hindered by a highly uncertain approval process.”
- A private developer has recently argued that the City’s zoning application fees are excessive and constitute a barrier to new development.
- The City Council is currently considering an amendment to the Zoning Ordinance that would eliminate the requirement that all new buildings in the downtown must be at least 50% commercial. This is viewed as a barrier to new housing development.
- Housing rehab is sometimes made more costly by the City’s requirements in these areas:
  - Historic preservation
  - Energy efficiency
  - Lead-based paint
  - Accessibility
  - Fire safety

## MA-45 Non-Housing Community Development Assets

### Introduction

This section of the Plan provides a wealth of data and information regarding the local economic condition of the City of Burlington and compares the ability of the local workforce to satisfy the needs of local businesses. It analyzes the industry sectors by size and growth, the labor force and unemployment rates, commuting trends, education attainment, workforce training initiatives and economic development initiatives.

As the State's largest city, Burlington must continue to be an economic engine for the region and the State. Burlington is the largest job center in Chittenden County with 26% of the County's workforce, according to the American Community Survey 2009-2011. Thirty percent of Burlington's workforce has attained a Bachelor's degree, and conversely only 2% of the population did not complete high school. Based on the tables below, those workers who attained a high school diploma or less have median earnings of significantly less than their educated counterparts.

According to the 2009 American Community Survey, 55% of Burlington's workers drove to work alone and 10% carpooled. The commute time for 84% was less than 30 minutes as noted below.

Economic development initiatives will combine assistance to large businesses and microenterprises to stimulate job creation and retention, policy and planning efforts to enable development, workforce training initiatives to educate the workforce to meet local needs, and facilitate large scale development and infrastructure projects to stimulate economic development.

### Economic Development Market Analysis

#### Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	167	20	1	0	-1
Arts, Entertainment, Accommodations	3,342	1,865	16	6	-10
Construction	589	1,052	3	4	1
Education and Health Care Services	6,629	16,809	31	56	25

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Finance, Insurance, and Real Estate	731	1,121	3	4	1
Information	579	695	3	2	-1
Manufacturing	1,523	1,025	7	3	-4
Other Services	1,045	832	5	3	-2
Professional, Scientific, Management Services	1,775	1,463	8	5	-3
Public Administration	520	620	2	2	0
Retail Trade	3,043	3,108	14	10	-4
Transportation and Warehousing	480	971	2	3	1
Wholesale Trade	706	250	3	1	-2
Total	21,129	29,831	--	--	--

**Table 15 - Business Activity**

Data Source: 2005-2009 ACS (Workers), 2010 ESRI Business Analyst Package (Jobs)

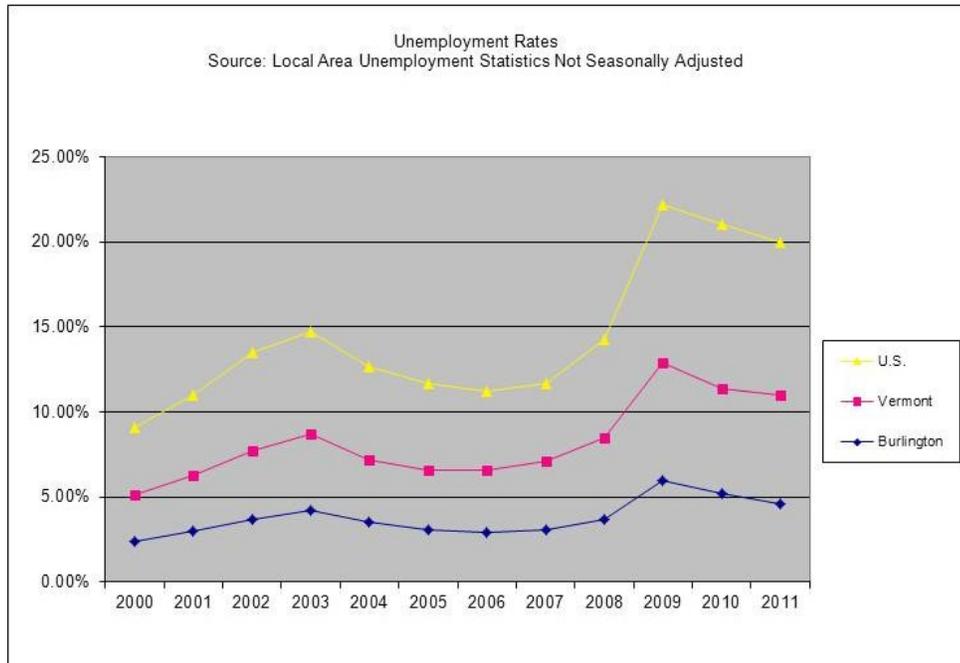
## Labor Force

Total Population in the Civilian Labor Force	22,805
Civilian Employed Population 16 years and over	21,129
Unemployment Rate	7.35
Unemployment Rate for Ages 16-24	20.53
Unemployment Rate for Ages 25-65	4.07

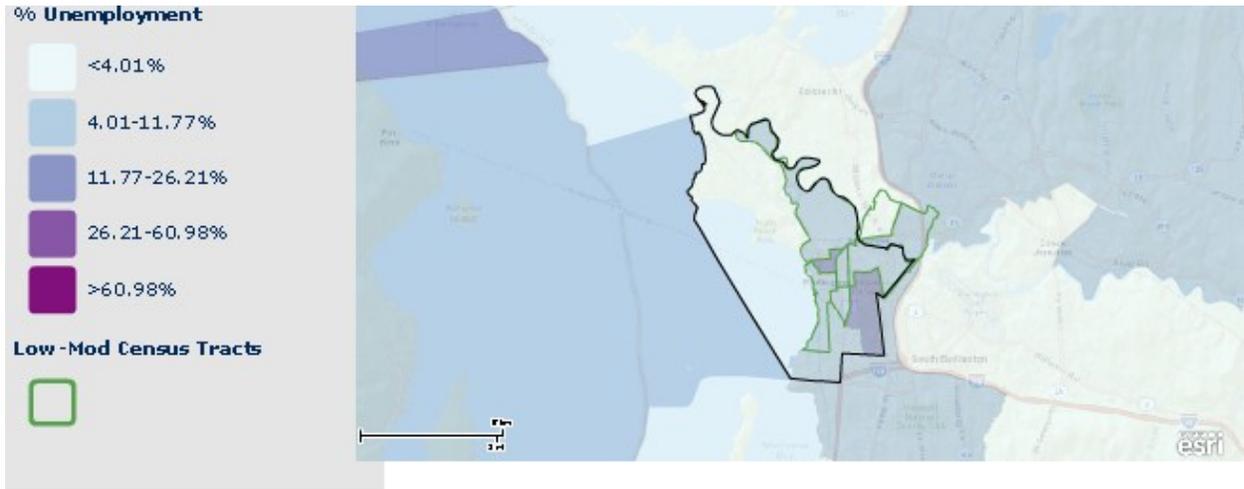
**Table 16 - Labor Force**

Data Source: 2005-2009 ACS Data

## Unemployment Rate Comparison



## % of Unemployment



## Occupations by Sector

Management, business and financial	7,753
Farming, fisheries and forestry occupations	104
Service	4,901
Sales and office	5,669
Construction, extraction, maintenance and repair	1,009
Production, transportation and material moving	1,693

**Table 17 – Occupations by Sector**

Data Source: 2005-2009 ACS Data

## Travel Time

Travel Time	Number	Percentage
< 30 Minutes	16,503	84%
30-59 Minutes	2,600	13%
60 or More Minutes	461	2%
<b>Total</b>	<b>19,564</b>	<b>100%</b>

**Table 18 - Travel Time**

Data Source: 2005-2009 ACS Data

**Education:**

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	502	81	683
High school graduate (includes equivalency)	2,781	191	648
Some college or Associate's degree	3,447	206	785
Bachelor's degree or higher	6,504	212	885

**Table 19 - Educational Attainment by Employment Status**

Data Source: 2005-2009 ACS Data

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	18	27	121	311	331
9th to 12th grade, no diploma	244	236	163	408	415
High school graduate, GED, or alternative	1,521	813	1,004	1,803	1,373
Some college, no degree	8,682	1,086	583	1,357	546
Associate's degree	349	465	348	610	192
Bachelor's degree	1,396	2,027	1,256	1,554	476
Graduate or professional degree	9	702	873	1,198	520

**Table 20 - Educational Attainment by Age**

Data Source: 2005-2009 ACS Data

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	16,646
High school graduate (includes equivalency)	25,480
Some college or Associate's degree	27,093
Bachelor's degree	32,116
Graduate or professional degree	44,673

**Table 21 – Median Earnings in the Past 12 Months**

Data Source: 2005-2009 ACS Data

**Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?**

Education and Health Care services continue to dominate the employment sector in Burlington. Other important sectors include retail trade, and arts, entertainment and accommodations.

According to planBTV, Burlington is celebrated as one of the most creative cities in the country. “Burlington’s arts, culture and creative economy are central to the City’s identity and economic vitality. Burlington has successfully nurtured many small and emerging businesses into national prominence. Burlingtonians enthusiastically celebrate the arts, locally-produced products, crafts and foster a creative spirit...”

**Describe the workforce and infrastructure needs of the business community**

Investments in the workforce and infrastructure needs of the business community going forward are necessary to grow the local economy.

Entrepreneurs and small businesses (who in aggregate employ thousands of people in Burlington), increasingly find it difficult to find start-up capital. Capitalization of a small business loan pool is necessary to harness the creative energy and economic drivers coming out of our local universities. Creative partnerships with funders and those universities could lead to assistance for entrepreneurs and small businesses.

Large businesses as well are experiencing difficulty in accessing long-term capital to grow. Revolving loan funds and creative sources of capital are needed to increase their ability to grow and employ Vermonters. New tools to stimulate downtown investment at a state level are needed to replace cuts to the Vermont Downtown Program and in tax credit allotments.

Burlington employers are now experiencing difficulty attracting talented workers from outside the region due to the high cost of housing and unavailability of housing units in the urban core. Burlington needs more units at all price points. From an infrastructure standpoint, much of the space in vacant upper stories of existing buildings is not functional because it is not currently accessible nor in compliance with current building codes. There are insufficient dollars to bring old buildings built to old codes into a useable state. The tax system, overall, discourages reinvestment and redevelopment. Many current sites that would otherwise be viable sites for investment are undevelopable due to uncertainty created by the City's appeals process which needs to be examined and changed to enable smarter redevelopment choices.

Lack of downtown parking – or a perceived lack of parking – can be an obstacle to attracting businesses and visitors. New technology, infrastructure, pilot projects, and installation of a comprehensive parking management district are necessary to enable downtown economic growth.

A strategy, funding vehicles, and political cooperation must be assembled to transition underutilized land to productive uses.

Streetscapes in downtown Burlington and the Pine Street Corridor are mostly in deteriorating condition, and/or inhibitors to business growth. Sidewalks are in disrepair, lighting is antiquated and inadequate, crosswalks are unsafe, and street trees are often nonexistent. A comprehensive streetscape standard is necessary to facilitate improvements to streetscapes citywide.

The South End of Burlington is growing as a business corridor, but links to regional transportation networks are inadequate. Funding and political enthusiasm for the Champlain Parkway project is critical to the area's continued success, as are investments in infrastructure upgrades to the signalization of the corridor.

Continued investment in our City parks is also critical to provide the amenities that small and large businesses look for when seeking places to grow, particularly in Waterfront and City Hall Parks.

**Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create**

In the next decade, there are several significant investments and initiatives that will affect job and business growth.

- The Champlain Parkway will bring needed connectivity to Burlington, particularly its South End and the Pine Street Corridor
- The Public Investment Action Plan will determine how millions of dollars of Tax Increment Financing will be spent along the Waterfront and in the Downtown
- Redevelopment of City Hall Park will energize Burlington's downtown core
- PlanBTV will continue to be a guiding force leading to collaboration of investments and energy
- Harbor and marina investments will grow the economic vitality of our lakeshore
- Brownfield remediation and permitting work will unlock the development potential of the Railyard Enterprise Zone, the Barge Canal area, and potentially parts of the Urban Reserve
- Creation of a comprehensive parking management district, coupled with zoning changes, could unlock downtown development, and possibly bring new revenues to the City

- An evaluation and changes to the permitting and zoning system could make it easier for developers to make investments
- Investments by the local universities in their physical plants and curriculum will add new skilled labor to the workforce
- Public/private partnerships at the airport could create new industries and jobs in the aviation sector
- Large growth by some of our larger employers, including Fletcher Allen Health Care, Dealer.com, Blodgett, Mywebgrocer, City Market, Green Market Coffee Roasters and Burton could add new economic vitality to the region, but also strain local infrastructure

There will be need for infrastructure improvements including transportation, waterfront, stormwater, streets, utilities and parking for many of the projects listed. Brownfield remediation will be needed in the Railyard Enterprise zone, Barge Canal and Urban Reserve. Partnerships with local employers will be coordinated with Champlain Parkway, Harbor and Marina upgrades and universities. These investments add economic opportunities, improve the living environment and access to goods and services for low and moderate income residents and more.

Workforce development will be a key component of large employer growth including the following:

- Fletcher Allen Health Care – workforce development and coordination, site development
- Dealer.com - workforce development and coordination, site development, streetscape improvements, parking
- Blodgett – connections to transportation infrastructure
- My Web Grocer - workforce development and coordination
- City Market expansion - workforce development and coordination, site development, streetscape improvements, parking
- Green Mountain Coffee Roasters - workforce development and coordination, site development, streetscape improvements, parking
- Burton - workforce development and coordination, site development, streetscape improvements, parking

### **How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?**

The workforce training system is also not always as nimble as it needs to be in responding to workforce needs. Growing employers such as Dealer.com, My Web Grocer, and VEIC increasingly are looking beyond Vermont’s borders for workers with the skills to get and retain jobs within the tech industry. The local universities graduate hundreds of students annually who want to remain in Vermont – but those graduates do not have the necessary business skills and/or specific skills needed to get the jobs being produced locally. There is a severe disconnect. A strategy to better incent the universities and trade schools to meet the needs of local employers is needed as well as collaboration (and possibly

funding) between employers and specific job readiness programs. More local control of and community input into job training programs would make those programs more responsive to local needs.

Large numbers of unemployed and underemployed residents have significant skill deficits and barriers to employment that prevent them from successfully attaching to the workforce. Public workforce training funding, however, is usually subject to successful outcome requirements which promote risk aversion and make it easier to fund training for laid off high wage earners than for disadvantaged, at-risk individuals.

In addition, federal funding for workforce training has been shrinking almost to the vanishing point. While the recent work of Vermont's Next Generation Commission has increased state resources in this area, there is still insufficient funding to address many barriers to economic self-sufficiency.

**Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan**

There are a number of local business associations and organizations, which include:

The Burlington Business Association (BBA), a nonprofit organization whose purpose is to maintain and enhance the economic vitality of the Burlington Central Business District and the waterfront. BBA assists with most economic development initiatives, but will have a special focus on parking and downtown growth.

GBIC, a nonprofit regional development corporation which fosters industrial and economic growth in Chittenden County. GBIC specifically will work with CEDO on large employer growth, as well as linking CEDO to state resources.

The Lake Champlain Regional Chamber of Commerce develops, coordinates and sustains a regional network of educational and career opportunities through the School-to-Work collaborative and promotes a healthy economic environment in the region.

The South End Arts & Business Association (SEABA) preserves and promotes the artistic and economic viability of the "South End" of Burlington, including providing technical assistance and linking arts and technical-based businesses. SEABA will continue to have a specific focus on the Pine Street Corridor, and thus the Champlain Parkway, Barge Canal, and Railyard Enterprise Project.

Vermont Businesses for Social Responsibility (VBSR), which fosters a business ethic that recognizes the opportunity and responsibility of the business community to set a high standard for protecting the natural, human and economic environments of Vermont's citizens.

The Vermont Software Developers' Alliance is a trade association dedicated to fostering a healthy software industry. VTSDA will continue to help specifically in workforce strategy around the growing tech sector.

The Workforce Investment Board (WIB) is responsible for coordinating and facilitating the implementation of regional workforce development strategies.

There are a number of nonprofit workforce and business training and technical assistance organizations, which include:

The Burlington Technical Center (BTC) provides technology and career education to high school and adult students in a number of areas. The BTC is particularly active moving forward aviation programs.

The CVOEO Micro Business Development Program provides technical assistance and training to low- to moderate-income Vermonters who own or intend to start a small business, including free one-on-one business counseling.

The Intervale Center supports financially viable and environmentally sustainable agriculture, managing 354 acres of farmland, nursery, compost production, trails, and wildlife corridors along the Winooski River.

Vermont HITEC offers workforce training programs in the field of information technology.

Vermont Works for Women helps women and girls explore, pursue and excel in nontraditional careers that pay a livable wage.

**Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?**

**If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.**

Yes.

The following initiatives are noted in the CEDS and coordinate with the Consolidated Plan to remediate brownfields, create greater access to and a more suitable living environment for recreation and quality of life, improve infrastructure, transportation access, public facilities and create economic growth.

- Railyard Enterprise District - Develop and build out new street grid including bike/ped/, mixed use, greenspace and connections to the lake and bike path

- Redevelopment of 453 Pine to allow growth in the South End. Redevelopment of King Street Dock Site / Ferry Yard Relocation - Relocation of maintenance yard, and redevelopment of King Street dock site and ferry terminal - mixed use development
- Marina Expansion and Long-term Improvements - In conjunction with planBTV, the Parks Master Plan, and an assessment of the existing Boathouse, improve/renovate/replace the Boathouse, increase transient and seasonal boater slips, and improve land side amenities.
- Town Center Mall redevelopment - Mixed use redevelopment and streetscape improvement
- Cherry Street Streetscape - Creating walkable environment and links between the waterfront and Church Street Marketplace; creating links from Battery Street at foot of Cherry Street down to Lake Street
- City Hall Park - Imagine City Hall Park master planning process completed; park slated for major reconstruction; Expand amenities
- Gateway Block Redevelopment at Main and North Winooski. Properties include Memorial Auditorium, municipal surface lot, motel and firehouse.
- Moran Plan & Waterfront Redevelopment - To redevelop one of the last parcels/vacant buildings on the shores of Lake Champlain in downtown Burlington
- Urban Reserve Planning and Redevelopment - Develop new conservation map that includes a land use/land cover analysis
- Urban Reserve and potentially brownfield remediation
- Waterfront North - Providing modern infrastructure to support the northern end of Burlington's waterfront including new road surfaces, sidewalks, streetlighting (increasing multi-modal access and public safety), stormwater, parking, skatepark and undergrounding of overhead utilities
- Grocery Store site in South End - Working with brokers and local grocery store to find a suitable location in the south end of the City
- Pine Street Corridor Redevelopment - Ongoing work with businesses along Pine Street
- Vermont Aviation Center - Working with VTC, Heritage Aviation and the Airport to establish a facility housing the Burlington Aviation Tech Program, Vermont Flight Academy
- General utility upgrades in waterfront district to prepare sites for development and enhanced public space
- Realignment of Birchcliff Parkway and Sears Lane infrastructure to facilitate better, safer traffic connections

## **Discussion**

PlanBTV builds a strong argument for building a vibrant economy in downtown Burlington as a key path forward for economic expansion.

“Downtown Burlington is a vibrant and dynamic economic engine for not just the City, but the entire region. From retail and hospitality, to the arts and special events, our downtown and waterfront create a gravitational force in northwestern Vermont that draws residents, visitors, and entrepreneurs, and underpins our quality of life and economic base.

Our downtown provides significant employment and revenue that helps to provide many of the services Burlington residents and visitors have come to enjoy. The Downtown Improvement District comprises only 2% of the City's total acres but generates 22% of the total property tax revenue. More than two-thirds of all the City's jobs are found within a half-mile of the intersection of Church and Main Street. These downtown employees play a critical role in our downtown's economy by purchasing millions of dollars each year in goods and services, attending community events and activities..."

However, Burlington has been losing its share of retail and office space to the suburbs due to high rents, smaller floor plates and parking challenges. A lack of available and affordable housing options make it difficult to move into Burlington and unattractive to relocating businesses.

PlanBTV notes that "Burlington's downtown offers a diversity of uses and services that attract and support a very wide range of needs and interests. It is essential to have a balance of the residential, commercial and social services that are necessary to sustain our downtown's economic vitality."

## **MA-50 Needs and Market Analysis Discussion**

### **Are there any populations or households in areas or neighborhoods that are more affected by multiple housing problems?**

Low, very low and extremely low-income households living in the Old North End and King Street neighborhoods are more affected by the following multiple housing problems:

- limited housing availability
- high rental costs
- energy-inefficient buildings
- lead-based paint hazards
- multiple minimum housing code violations
- over-crowding

### **Are there areas in the Jurisdiction where these populations are concentrated?**

Low, very low and extremely low-income households are more concentrated in the Old North End and King Street neighborhoods than elsewhere in Burlington.

A higher concentration of minorities also exists in census tracts 3 and 11. Census tract 3 is located in our Neighborhood Revitalization Strategy Area and also in the Old North End neighborhood discussed previously.

### **What are the characteristics of the market in these areas/neighborhoods?**

The housing market in these neighborhoods has characteristics similar to the overall Burlington market.

### **Are there any community assets in these areas/neighborhoods?**

These areas are close to downtown and the waterfront; growing cultural, racial and ethnic diversity; improving public schools, quality parks and green space, convenient social services, retail and banking services and mixed-use and mixed-income areas.

### **Are there other strategic opportunities in any of these areas?**

The strategic opportunities in these areas include the potential for additional owner-occupied housing; infill development sites; growing social, cultural and economic diversity; and potential for neighborhood-based economic development.

# Strategic Plan

## SP-05 Overview

### Strategic Plan Overview

The Strategic Plan establishes priorities based on the Needs Assessment, outlines specific objectives for the next five years and identifies geographic priority areas. Priority needs are listed in each of the three statutory areas – decent housing, economic opportunity and a suitable living environment. The strategies to remove or ameliorate some of the negative effects of public policy are addressed. The Plan describes strategies for reducing and ending homelessness through homeless prevention, outreach, emergency shelter and permanent supportive housing. Lead-based paint hazards are discussed. The Plan provides a summary of the City's anti-poverty strategy. How the City monitors its housing and community development projects to ensure long-term compliance with program and comprehensive planning requirements is described.

Burlington's housing policy is shaped around the concept of a housing tenure ladder. The ladder is an affordable housing system that combines security and mobility, one that guarantees both a "right to stay put" and a "chance to move on." The rungs of the housing tenure ladder consist of a wide range of living situations, including single room occupancy (SRO), family-sized apartments, detached homes, cooperatives, condominiums, group homes and co-housing. This housing includes a wide range of tenures, including public ownership, for-profit rental, nonprofit rentals, cooperative ownership, limited equity condominiums and houses, and market-priced condominiums and houses.

The many different rungs allow residents to change their housing when their needs or circumstances change, from living situations that are precarious to those that are more secure; from situations that are cramped to those that are more commodious; from situations requiring a resident to go it alone to those that provide support or allow more cooperative sharing of residential responsibilities. At each rung, the tenure of residents must be secure and opportunities must be created, with an easy process for moving from one rung to another. The City will continue to support new models of housing tenure that create additional rungs on the housing tenure ladder, bridging the gap between for-profit rental housing and market-priced homeownership.

Priorities for economic opportunity are based on the opportunities for economic development in the City and on the barriers faced by local residents. The City nurtures small companies (which often hire residents within walking distance or who take the bus) and entrepreneurs to thrive and grow in Burlington by providing affordable gap financing and technical assistance to meet a range of business needs. Assistance is given to larger businesses to grow and thereby create new jobs. Facilitating large-scale development on the Waterfront and Downtown as well as policy and planning efforts will stimulate economic opportunities. These uses of CDBG result in the creation and retention of businesses and jobs, increase tax revenues to support City services, and revitalize neighborhoods.

Under suitable living environment, the City's priorities include the redevelopment of brownfields and using CDBG to support public facilities and infrastructure as well as nonprofit facilities. There must be an identified community support for these projects and no other sufficient or more appropriate resources. The City also supports the provision of public services by local nonprofits to protect the health, safety and well-being of our vulnerable residents.

### **Allocating CDBG Funds for Affordable Housing**

The City uses its CDBG funds in the affordable housing arena principally to support “soft costs,” i.e., project staff and predevelopment expenses. This use of funds best fits the City’s housing objectives because (a) there are other, larger fund sources available for “hard” project costs, i.e., bricks and mortar; (b) there often are not other, or are insufficient, fund sources available to pay for program delivery costs; and (c) the amount of CDBG funds available is not large enough to accomplish much if used for hard project costs. The City does use CDBG funds for hard project costs on small housing rehab projects and emergency repairs, for access modifications, for free paint and for special projects (such as shelter renovations), where other funds are often not available. Funding for “hard” project costs for acquisition, new construction and large-scale rehab of affordable housing comes principally through the HOME program; the Low Income Housing Tax Credit (allocated through the Vermont Housing Finance Agency); the Vermont Housing & Conservation Board; the state Community Development Block Grant program; special needs HUD programs such as the 202 and 811 programs (for housing for the elderly and disabled); bank debt; and/or the Section 108 program (a federal loan program where in the addition to the property serving as collateral, the loan is guaranteed by the City’s future CDBG allocations).

## SP-10 Geographic Priorities

### Geographic Area

**1. Area Name:** NEIGHBORHOOD REVITALIZATION STRATEGY AREA

**Area Type:** Strategy area

**Identify the neighborhood boundaries for this target area.**

The City of Burlington's Neighborhood Revitalization Strategy Area was approved in January 2006 and covers census tracts 3, 4, 5, 6 and 10. The City is resubmitting that strategy with no change. As of the 2010 Census, there were 16,109 residents in the Target Area. The Area as a whole is primarily residential, though within the designated census tracts are also several commercial corridors, the Central Business District and the Intervale (several hundred agricultural acres). As of the 2000 Census the Target Area contains a composite low/mod percentage of low- and moderate-income residents of 71.1%. The census data has not been updated. However, the poverty level data for the target area, using the 2005-2009 American Community Survey shows that of the total population in the target area, 37% are living below poverty level. For children under 18, 40.8% are living below poverty level. For the adult category ages 18-64, 37.5% are living below poverty level. For the category of seniors over the age of 65, 29.4% of the population is living below poverty level. The highest concentration of households living below poverty level exists in census tract 5 where half the population is living below poverty level.

**Include specific housing and commercial characteristics of this target area.**

The NRSA housing stock is dominated by older, renter-occupied 2-4 family homes. Many of the homes are in need of general rehabilitation, energy-efficiency upgrades and lead-based paint hazard reduction. Certain areas have seen an increase in owner-occupancy, but the area overall is more than approximately two-thirds renter-occupied. CEDO continues to target the project area with economic development, community organizing and housing programs to move the project towards other revitalization goals envisioned by the neighborhood's planning effort. There has also been continued reinvestment in residential properties, from new paint to new siding to new roofs. The target area has several diverse commercial areas that include:

North Street: The North Street commercial district neighborhood is home to a number of small businesses that serve the immediate neighborhood. It has played a critical role in Burlington's economic development for over one hundred years, as the commercial corridor connecting the working class neighborhoods of the Old North End with the factories on Lake Champlain and the textile mills on the Winooski River, and as a center of new immigrant life in Burlington and Vermont. The District is listed on the National Register of Historic Places. It is the only district in the City zoned Neighborhood Commercial and is identified as a Neighborhood Activity Center in the Municipal Plan, allowing for a 50%+ administrative parking waiver and a greater range of permitted uses to serve the neighborhood.

Riverside Avenue/Intervale: Riverside Avenue infrastructure improvements enhanced the northern

commercial corridor into the Target Area and the City and offered the potential for improved business development. The Intervale (Burlington's 200+ acre agricultural breadbasket, opening off of Riverside Avenue) is home to market farming, a garden center, community supported agriculture, community gardens, farmer training, and composting.

Pine Street Corridor: This is the City's industrial core. Although Burlington's industrial past has left the area with a legacy of brownfields and aging infrastructure, the City is working to make this a target area for redevelopment. The revitalization of this area included repurposing of several old industrial buildings, and now the area is home to a creative arts community and annual South End Art Hop as well as one of the City's largest employers, Dealer.com. Old warehouses now house incubator spaces for emerging artists who bring their creative ideas and energy to foster the creative economy in Burlington.

Downtown: The ability to enhance and maintain the vitality of Burlington's downtown is a core economic development strategy for the City. A strong and vital downtown with a mix of retail, cultural, office and housing development can generate substantial state and local tax revenues. Also, a strong and vital downtown enhances the "quality of life" for local residents. In addition to these four commercial areas, Burlington's waterfront, adjacent to the City's downtown, is one of the community's most important visual and recreational resources. Over the last two decades, it has been transformed from an industrial wasteland into our crown jewel and single most important asset according to planBTV. A priority for the City is to continue redevelopment of the waterfront as a mixed-use neighborhood accessible to all City residents for business, housing, and recreation needs, encouraging a mix of year-round activity. During this Plan, millions of Tax Increment Financing dollars will be invested into waterfront projects.

**How did your consultation and citizen participation process help you to identify this neighborhood as a target area?**

The City held two public meetings, one during the day and one in the evening, to inform residents and businesses about the strategy and to gather comments. In addition, the City published the strategy online to gather public input. The City consulted with the CASH Coalition (a group of nonprofit and for-profit agencies that meet monthly to discuss ways to help low- and moderate- income families build assets); the Housing Gang (a group of housing developers that meets monthly to discuss increasing and preserving affordable housing); and the Continuum of Care (the local homeless alliance) about the strategy.

**Identify the needs in this target area.**

In the housing arena, there is need for rehabilitation of structures and the creation of new, in-fill housing to meet the needs of the low income residents. Economic development, by way of microenterprise and technical assistance to local businesses is needed to create new jobs for local residents. Public improvements, infrastructure projects and brownfield remediation are necessary to improve the quality of life and improve access to facilities and goods and services in the area.

**What are the opportunities for improvement in this target area?**

There are numerous opportunities for improvement in this target area. The City and its partners work together to stimulate and support business growth and development on Riverside Avenue, Pine and North Street areas, all areas of the NRSA and downtown by providing technical assistance, economic development strategies and microenterprise assistance as well as remediation of brownfields. To support workforce development and asset building opportunities for low- and moderate-income residents, nonprofits deliver job training and microenterprise programs, equal access and asset building projects partially funded with CDBG/HOME dollars. The City, housing providers and nonprofits work together to create and preserve decent, safe and affordable housing in the Target Area by preserving units with expiring subsidies; renovating older, existing units; and developing new affordable units. Along with local nonprofits and community residents, the City develops a suitable living environment in Target Area neighborhoods through infrastructure improvements and public safety and quality of life organizing efforts.

**Are there barriers to improvement in this target area?**

The barriers to improvement in this target area begin with the low vacancy rate for housing overall and the lack of affordable housing. The local residents are now competing with students who have discovered this target area to be more affordable than the university area. There are a larger number of unemployed or underemployed residents who have significant skill deficits and barriers to employment that prevent them from successfully attaching to the workforce and/or moving into livable jobs. Parts of this target area also contain the most diverse members of our community including the influx of New Americans, and over 5,000 refugees have resettled in this area (not all in the target area but the majority) in the last thirty years from Vietnam, Tibet, Bosnia, Congo, Somalia, Sudan, Bhutan, Burundi, Iraq and dozens of other countries of origin. Recent trends show growing race-based disparities in income, access to resources, homeownership and even in homelessness. This is a significant barrier to improvement in the target area.



**Table 1 - Geographic Priority Areas**

## General Allocation Priorities

Describe the basis for allocating investments geographically within the area.

The City of Burlington has a Neighborhood Revitalization Strategy Area that was approved in 2006 and covers census tracts 3, 4, 5, 6 and 10. These areas receive a significant portion of the CDBG and HOME investments. The City will continue to allocate resources in this area for affordable housing; creating economic opportunities through microenterprises, job creation and retention; brownfield remediation and public services.

In addition to this area, the City has several low-income census tracts noted on the map below.



## SP-25 Priority Needs

### Priority Needs

Priority Need Name	Priority Level	Population	Goals Addressing
Preserve and Upgrade Existing Housing	High	Extremely Low Low Moderate Large Families Families with Children Elderly Individuals Families with Children Mentally Ill Elderly Frail Elderly Persons with Physical Disabilities	Preserve and Upgrade Existing Housing
Production of new affordable housing units	High	Extremely Low Low Moderate Large Families Families with Children Elderly Elderly Frail Elderly Persons with Physical Disabilities	Produce new affordable rental units. Protect the Vulnerable
Promote Homeownership	Low	Low Moderate Middle Large Families Families with Children Elderly Public Housing Residents	Promote Homeownership
Retain and Increase Number of Jobs	High	Extremely Low Low Moderate Middle Large Families	Retain/Create Jobs/MicroEnterprises Enhance Commercial Infrastructure

		Families with Children Public Housing Residents	
Enhance Commercial Infrastructure	Low	Extremely Low Low Moderate Middle	Enhance Commercial Infrastructure
Reduce Barriers to Economic Opportunities	High	Extremely Low Low Moderate Large Families Families with Children	Reduce Barriers to Economic Opportunities
Homeless Shelters - ES/TH	High	Extremely Low Families with Children Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth	Protect the Vulnerable Provide Public Services for At-Risk Populations
Produce/Improve Public Facilities/ Infrastructure	Low	Extremely Low Low Moderate Middle Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse Victims of Domestic Violence Elderly Frail Elderly Victims of Domestic	Improve Public Facilities and Infrastructure

		Violence Non-housing Community Development	
Housing Special Needs	High	Extremely Low Low Elderly Elderly Frail Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Persons with Alcohol or Other Addictions Victims of Domestic Violence	Protect the Vulnerable
Provide Public Services to At Risk Population	High	Extremely Low Low Moderate Large Families Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth Elderly Frail Elderly Non-housing Community Development	Protect the Vulnerable Provide Public Services for At- Risk Populations

Rental Assistance	Low	Extremely Low Low Families with Children Elderly Elderly Persons with Mental Disabilities Persons with Physical Disabilities Persons with Developmental Disabilities Victims of Domestic Violence	Preserve and Upgrade Existing Housing
Clean up of Contaminated Sites	High	Extremely Low Low Moderate Middle Non-housing Community Development	Produce new affordable rental units. Improve Public Facilities and Infrastructure Enhance Commercial Infrastructure Protect the Vulnerable Redevelop Brownfields
Homeless Outreach and Prevention	High	Extremely Low Low Families with Children Elderly Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Persons with HIV/AIDS Victims of Domestic Violence Unaccompanied Youth	Protect the Vulnerable
Rapid Re-housing	Low	Extremely Low Families with Children Chronic Homelessness	Protect the Vulnerable

**Table 2 – Priority Needs Summary**

## **Narrative (Optional)**

The Needs Assessment, Market Analysis and Citizen Survey all confirm that the City of Burlington's priorities for this Consolidated Plan continue to be in order of priority: first and foremost, affordable housing; secondly, economic opportunities; and thirdly, suitable living environment through public facilities, public services and public infrastructure. These priorities benefit extremely low, low and moderate income persons as defined by HUD, along with special needs populations. The only geography area of priority in the City is the Neighborhood Revitalization Strategy Area.

Housing is the essence of Burlington's neighborhoods. Support for affordable housing allows elders to remain in the homes and neighborhoods they know. Homebuyer purchase and rehabilitation programs allow the next generation of residents to own and modernize older homes.

Affordable housing is a balance to economic development. In boom times, affordable housing ensures that there is housing for workers and that rising prices do not displace residents. In a troubled economy, affordable housing development is an economic engine and its subsidies ensure that low-income residents are not made homeless. Finally, the use of affordable housing to redevelop distressed neighborhoods prevents the loss of value of the surrounding properties and encourages long-term investment by other property owners.

All the citizens of Burlington have the right to live and raise their families in homes that are safe and sound, at a cost that allows them to afford the other necessities of life. The free market for housing is often not a fair market for low-income residents, including the elderly and disabled, as well as many workers whose wages have not kept up with housing costs. Without rehabilitation and/or general housing assistance, housing conditions will deteriorate or become too expensive to maintain and push people from their homes and leave others with no homes at all.

Economic development continues to be the next priority after affordable housing. The City supports the growth of microenterprise businesses and farms through CDBG funding, adding critical jobs and elements of quality of life to our competitive region. Job training programs for adults and youth, as well as facilitation between employers and education programs, ensures local companies can hire a local and skilled workforce. By providing technical assistance to the City's larger businesses, valuable economic development activity is increased along with the City's tax base.

As a third priority, the City's suitable environment and projects improve neighborhoods and access to facilities, support our nonprofit sector in the delivery of human services and leverage a small portion of CDBG dollars with large amounts of state, federal and/or private funding for large infrastructure and public facility projects.

“High” priority means that activities to address this need will be funded by the City with its CDBG and/or HOME funds, either alone or in conjunction with the investment of other public or private funds, during the period beginning July 1, 2013. “Low” priority means that the City will either not fund activities to

address this need with CDBG or HOME funds or will allocate a lesser amount on these activities, but will consider certifications of consistency for other entities' applications for federal assistance.

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## SP-30 Influence of Market Conditions

### Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	Although the need for rental subsidies is very high, the City has never used HOME funds for tenant-based rental assistance but may do so in the next five years. The State of Vermont has two rental subsidy programs in use by local residents including the Vermont Rental Subsidy Program and the Mental Health Subsidy & Care program modeled on the HUD Shelter+Care Program.
TBRA for Non-Homeless Special Needs	Again, although the need for tenant-based rental assistance is very high, the City has never used HOME funds for this type of project. As noted previously, the State of Vermont administers several rental subsidy programs. The Department of Mental Health Subsidy Program targets assistance towards homeless persons in hospitals to ensure a successful discharge into housing and it supplements other existing state funded mental health housing programs.
New Unit Production	<p>The market characteristics that will influence the use of funds available to new housing unit production are numerous: Since HOME and CDBG are concerned with housing for low- and moderate- income households, the primary factor that limits new unit production of affordable rental housing is the availability of funding. The City's annual allocation of HOME and CDBG funds has decreased by approximately 40% since 2010. When paired with a reduction of funding to Public Housing Authorities for operating capital and for the Section 8 program and the limit on Low-Income Housing Tax Credits, the resources for new unit production fail to meet the need.</p> <p>Another market force that influences the use of funds available for affordable housing is the increasing land values in certain areas of Burlington. Chronically low vacancy rates combined with relatively high rents push private sector to develop only high-end units. In areas surrounding downtown, increased pressure has resulted from Champlain College acquiring two key parcels for creation of student housing. This has limited the availability of land for low- and moderate- income housing production in these areas. In the coming years, it is expected that private developers will respond to the housing shortage by creating market rate rental housing catering to the student population. Since this is most likely to occur in the areas between UVM and Church Street, land values will escalate even further in these areas.</p>
Rehabilitation	Again, chronically low vacancy rates combined with relatively high rents is a disincentive to rehabilitate housing. If rental property owners can command top rents without having to make capital improvements, the level of rehabilitation investment is relatively low. However, the nonprofit housing organizations are continually upgrading their existing rental portfolios. Since they are in the

	<p>business of owning, managing and stewarding property in perpetuity, the nonprofit housing organizations are continually investing in renovation. Older housing stock and the existence of a HUD-funded lead hazard control program also ensure that roughly a half million dollars of lead-related rehab occurs each year.</p>
<p>Acquisition, including preservation</p>	<p>Several large Project-Based Section 8 developments and one HoDAG project have come on the market as the owners are opting out of the subsidy programs. Rather than allow these projects to be lost from the affordable housing inventory, the City has devoted a substantial portion of HOME funds for preservation purchases by nonprofit organizations. Burlington Housing Authority purchased Wharf Lane apartments in 2010 (37 units) and Bobbin Mill in 2012 (51 units). Champlain Housing Trust acquired 148 units at South Meadow in 2012.</p>

**Table 3 – Influence of Market Conditions**

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## SP-35 Anticipated Resources

### Introduction

In this section, the City identifies the federal, state, local, and private resources expected to be available to the jurisdiction to address the priority needs and specific objectives in the Strategic Plan. The City's Entitlement includes CDBG and HOME funds. The City has also received a \$2.475 million dollar Healthy Homes Lead Grant. There are two local agencies that receive Essential Services Grant funding. The City is the coordinating entity for the McKinney-Ventor Homeless Assistance Act funds but does not receive this funding; it goes directly to the local providers.

### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	595,355	22,500	300,000	917,855	2,350,000	The City expects to leverage significant federal, state, local and private resources over the course of the Consolidated Plan.
HOME	public - federal	Acquisition Homebuyer assistance	323,675	1,100	0	324,775	1,200,000	

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
		Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA						

**Table 4 - Anticipated Resources**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The City anticipates that approximately \$10 million in Low Income Housing Tax Credits, \$8 million in Section 8 resources, and \$899,750 in McKinney-Vento Homeless Assistance Act will be available to address needs and objectives identified in the Plan. (These are not resources that the City receives or controls.) The City also received a \$2.475 million dollar Healthy Homes Lead Grant.

Overall, the City expects to leverage \$36,892,000 in state, local, private and other federal resources for its CDBG- and HOME-funded activities. These are funds that the City and its subgrantees expect to raise for their budgeted activities as well as funds that the City expects outside entities to invest in development activities.

The City will meet or exceed the requirement that “contributions must total not less than 25% of funds drawn from the jurisdiction’s HOME Investment Trust Fund Treasury account in that fiscal year,” excluding funds drawn for administrative and planning costs pursuant to 24 CFR 92.207. Sources of matching funds include, but are not limited to, the Vermont Housing and Conservation Trust Fund, the Burlington Housing Trust Fund, waiver of impact fees, and private debt financing secured by property owners and nonprofit organizations.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

There is no City owned land or property that is appropriate to be used to address the needs identified in the Plan.

**Discussion**

At the time this Consolidated Plan is being written and published, the annual allocations have not yet been published. Pursuant to the direction of the Deputy Secretary of HUD, allocations are being approximated at a five percent reduction from the 2012 allocation.

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## SP-40 Institutional Delivery Structure

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

The Community and Economic Development Office (CEDO) of the City of Burlington is the Lead Agency responsible for the administration of the CDBG and HOME Entitlement Programs, the development of the Consolidated Plan, annual Action Plan and annual performance evaluation reports. In addition, CEDO provides direct service to local residents in the areas of microenterprise assistance, economic development, housing rehabilitation, repair and lead abatement. The City then partners with a variety of local nonprofits and agencies to deliver the project activities outlined in the Action Plan to meet the priority goals. Two key partners are listed below and other subrecipients are mentioned in the Annual Action Plan.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
Burlington Housing Authority	PHA	Homelessness Ownership Public Housing Rental	Region
CHAMPLAIN HOUSING TRUST	Non-profit organizations	Ownership Rental	Jurisdiction

**Table 5 - Institutional Delivery Structure**

### Assessment of Strengths and Gaps in the Institutional Delivery System

Because Vermont and Burlington are small communities, there is overall good coordination and little duplication of services locally. The local nonprofit infrastructure is diverse, and the local public housing authority and housing trust have the capacity to acquire, rehabilitate, construct and manage an expanding supply of perpetually affordable housing.

There is room for improvement. For example, the immigrant population where language and culture are often barriers to service, improved access to services, better outreach, and communication to residents is needed. There is a clear need for coordinated intake and assessment among Continuum of Care agencies and improved data collection for all programs including those run by the State of Vermont. In addition, the service delivery structure is weakened by the year-to-year unpredictability of operational funding and uncertain state and federal funding. The Community and Economic Development Office has in previous years, relied solely on CDBG funding to implement all of the City's economic development activities. Due to the reduction of funding, this is no longer possible. New funding mechanisms must be explored. In times of economic uncertainty, needs and demand exceed available resources. Nonprofit partners experience different levels of management and experience, especially in their capacity to

expand projects and secure other funding. Private sector partners are not always well-informed on low-income and poverty issues.

**Availability of services targeted to homeless persons and persons with HIV and mainstream services**

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
<b>Homelessness Prevention Services</b>			
Counseling/Advocacy	X	X	
Legal Assistance	X	X	
Mortgage Assistance	X		
Rental Assistance	X	X	
Utilities Assistance	X		
<b>Street Outreach Services</b>			
Law Enforcement			
Mobile Clinics	X	X	
Other Street Outreach Services	X	X	
<b>Supportive Services</b>			
Alcohol & Drug Abuse	X	X	
Child Care	X	X	
Education	X	X	
Employment and Employment Training	X	X	
Healthcare	X	X	
HIV/AIDS		X	X
Life Skills	X	X	X
Mental Health Counseling	X	X	X
Transportation	X	X	
<b>Other</b>			

**Table 6 - Homeless Prevention Services Summary**

**Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)**

The CoC coordinates the implementation of a housing and service system from outreach to housing to services that meet the needs of homeless individuals and families in the County. Street outreach, Vermont 211, daytime shelter and meals all serve to reach the chronically homeless, identify services and housing needed. Housing providers work to rapidly re-house and stabilize, especially using the Housing First model for the chronically homeless. Supportive service providers add case management and assess needs for services. A standard HMIS intake form allows for referral and coordination of services. Vermont 211 provides a basis for centralized/coordinated assessment, and the Continuum as a whole will work towards a more comprehensive coordinated intake to enhance the current service delivery system.

Families with children are housed in several family specific shelters and are provided the appropriate services including education, proper nutrition, counseling and transportation.

Veterans and their families have both transitional and permanent housing options and services available to them along with specialized outreach, assessment and additional services to meet their unique needs. The National Hotline refers calls directly to the area case manager; VASH vouchers are administered locally and through new grant programs, and a Housing First model will be implemented for any chronically homeless veterans.

Unaccompanied youth have emergency shelter, transitional and permanent housing options available to them along with specialized outreach and services to assist them in learning to live independently, set goals and complete their education.

**Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above**

The strengths of the service delivery system for special needs population and persons experiencing homelessness include the coordination between providers, the overall experience of long-term agencies and their caring and compassionate staff, and the advantage of being a small state and a small community to facilitate coordination of services.

There are gaps in the system and room for improvement.

The average stay in the emergency shelter has increased and the exit options for guests have been limited thereby creating a bottleneck in our delivery of services. More options for transitional and permanent housing are needed.

There has been a huge increase in 2012-2013 in the usage of the Emergency Assistance Motel Voucher Program administered by the State of Vermont but a lack of reliable data to analyze regarding the population utilizing this program. The Continuum, through reliable data, must be able to differentiate

between cold weather exemption and homelessness to evaluate actual gaps in service delivery and needs.

A coordinated or centralized in-take process, in addition to a coordinated HMIS with the Balance of State Continuum would allow for better quality data, efficiency of service and benefits to the population served.

Many who are actively using/abusing alcohol and/or drugs are unwilling or unable to meet the short-term sobriety requirements of local shelters, to participate in treatment, to maintain sobriety, or to obtain/maintain employment. Those who come to the attention of law enforcement (and, sometimes, those who self-refer) compete for the six detox beds available at Act One, a 24-hour supervised shelter for clients who are intoxicated and incapacitated by drugs and/or alcohol. There is increased conversation around the need for a low-barrier emergency shelter for this population.

Clients of the Lund Family Center who do not maintain custody of their children can no longer receive agency services – and are then at risk of becoming homeless, as they often have other barriers to stable housing which brought them to the agency in the first place. Additional transitional housing could serve these women. The Continuum of Care has created a focused committee to explore this issue and develop possible solutions in 2013.

The availability of transportation is often an obstacle to independent living for residents with special needs, who need safe and affordable transportation to get to meals sites, to doctor's appointments, or to shop. Specialized transportation, the kind provided by SSTA, is expensive.

There is also a gap in bringing medical services into the community for residents with special needs, especially for residents with mental illness who are unwilling to go to a hospital for services.

There is a shortage of housing for seniors who want to downsize and remain in their neighborhood – either in an age-specific or multi-generational setting. The lack of options for downsizing contributes to a lack of turnover in the housing market and leaves fewer homes available for purchase by the next generation.

### **Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs**

The Chittenden Continuum of Care has created committees that are tasked with examining these gaps and possible solutions during the course of one year. These committees report on their progress at monthly meetings and also review any new grant opportunities to investigate possible connections to new programs and funding.

One committee was tasked specifically addressing the needs of homeless parents at risk of losing their children (or who have lost their children already) and are involved with the Department of Corrections.

The committee will identify the barriers faced and identify the local partners involved in serving and housing these households. Together they will propose a solution that addresses the barriers identified.

Another committee is reviewing the performance measures for CoC and ESG programs and how to 'peer' assist agencies in improvement. There is also an HMIS exploratory group, assisted by TA provided by HUD, to investigate a combined HMIS between the local and state Continua's and the potential of a coordinated intake and assessment system.

CEDO is part of a multi-stakeholder group initially organized by the United Way of Chittenden County (UWCC) to actively seek opportunities to convene, facilitate and support multi-stakeholder groups to explore and develop solutions to complex community problems. When appropriate, group members also provide or help secure funding for projects or programs that show promise. Consistent with other communities across the country and world, key players in Burlington and Chittenden County have agreed to work together utilizing a collective impact strategy. As described by John Kania and Mark Kramer in the Winter 2011 Stanford Social Innovation Review, *"Collective Impact Initiatives are long-term commitments by a group of important actors from different sectors to a common agenda for solving a specific social problem. Their actions are supported by a shared measurement system, mutually reinforcing activities, and ongoing communication, and are staffed by an independent backbone organization."* Collective Impact is a relatively new initiative that partners community organizations, civic leaders, government organizations and United Way, with a common agenda of addressing the community's biggest needs. This model is about collaboration, more measurement and more significant results. This initiative will play a key role in overcoming gaps in the service delivery for Burlington's priorities.

## SP-45 Goals Summary

### Goals Summary Information

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Promote Homeownership	2013	2017	Affordable Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Promote Homeownership		Homeowner Housing Added: 30 Household Housing Unit  Direct Financial Assistance to Homebuyers: 90 Households Assisted
Produce new affordable rental units.	2013	2017	Affordable Housing Non-Homeless Special Needs	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Production of new affordable housing units Clean-up of Contaminated Sites		Rental units constructed: 75 Household Housing Unit
Preserve and Upgrade Existing Housing	2013	2017	Affordable Housing Non-Homeless Special Needs	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Preserve and Upgrade Existing Housing Rental Assistance		Rental units rehabilitated: 156 Household Housing Unit  Homeowner Housing Rehabilitated: 50 Household Housing Unit
Retain/Create Jobs/MicroEnterprises	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs		Jobs created/retained: 40 Jobs

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
							Businesses assisted: 20 Businesses Assisted
Improve Public Facilities and Infrastructure	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Produce/Improve Public Facilities/ Infrastructure Clean-up of Contaminated Sites		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 17000 Persons Assisted
Enhance Commercial Infrastructure	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs Enhance Commercial Infrastructure Clean-up of Contaminated Sites		Facade treatment/business building rehabilitation: 3 Business  Jobs created/retained: 25 Jobs  Businesses assisted: 5 Businesses Assisted
Protect the Vulnerable	2013	2017	Affordable Housing Homeless Non-Homeless Special Needs	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Production of new affordable housing units Homeless Shelters - ES/TH Housing Special Needs Provide Public Services to At Risk Population Clean-up of		

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
					Contaminated Sites Homeless Outreach and Prevention Rapid Re-housing		
Reduce Barriers to Economic Opportunities	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Reduce Barriers to Economic Opportunities		Public service activities other than Low/Moderate Income Housing Benefit: 750 Persons Assisted
Redevelop Brownfields	2013	2017	Affordable Housing Non-Housing Community Development		Clean-up of Contaminated Sites		Brownfield acres remediated: 5 Acre  Rental units constructed: 56 Household Housing Unit
Provide Public Services for At-Risk Populations	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Homeless Shelters - ES/TH Provide Public Services to At Risk Population		

**Table 7 – Goals Summary**

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)**

The following are the goals for providing affordable housing, as defined by HOME 91.315(b)(2) :

Extremely low-income: 400

Low-income: 600

Moderate-income: 175

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## **SP-50 Public Housing Accessibility and Involvement**

### **Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)**

The Burlington Housing Authority's program, when viewed in its entirety, is considered in compliance with Section 504 in the area of program accessibility. Although there is no need to increase the number of accessible units, the Agency did implement the majority of recommendations regarding physical modifications of the housing units and community space.

### **Activities to Increase Resident Involvements**

Burlington Housing Authority has not formed a resident management corporation for any of its projects, nor does BHA plan to do so in the near future. This form of direct resident management of public housing units is far less practical in small projects such as those owned by the Housing Authority than in large projects such as those that are found in major metropolitan areas. Practicality aside, no interest has been expressed by the residents of BHA housing in playing such a direct role in the management of their housing.

BHA has attempted to encourage public housing residents to become more involved in managing their housing indirectly. These activities continue, including:

- The BHA board meetings are periodically held at public housing developments so that every resident can conveniently attend a meeting, if they so choose.
- BHA has formed a Resident Advisory Board (RAB) with representatives from all its public housing developments and from the Section 8 program. The RAB meets periodically to provide input on BHA's Plans and Policies.
- BHA will provide continuing financial and staff support to any active resident association in its public housing developments.
- One BHA program participant serves on the BHA Board of Commissioners.

### **Is the public housing agency designated as troubled under 24 CFR part 902?**

No

### **Plan to remove the 'troubled' designation**

There is no need to plan to remove the troubled designation as the Agency has been designated a High Performer under the Public Housing Assessment System (PHAS) advisory score, with a score of 97 on 9/20/2012.

## **SP-55 Barriers to affordable housing**

### **Barriers to Affordable Housing**

The cost of housing is affected by public policies controlled at the local level in the following ways:

- Imposing requirements for parking and limiting the height, maximum lot coverage and housing density certainly affect the cost of new housing.
- PlanBTV asserts that the City's "Inclusionary Housing requirements can make it difficult for developers to provide moderately-priced housing as the subsidy required to provide the affordable units pushes the cost of the market-rate units out of reach for many young professionals and empty-nesters."
- PlanBTV also asserts that "development in Burlington is hindered by a highly uncertain approval process."
- A private developer has recently argued that the City's zoning application fees are excessive and constitute a barrier to new development.
- The City Council is currently considering an amendment to the Zoning Ordinance that would eliminate the requirement that all new buildings in the downtown must be at least 50% commercial. This is viewed as a barrier to new housing development.
- Housing rehab is sometimes made more costly by the City's requirements in these areas:
  - Historic preservation
  - Energy efficiency
  - Lead-based paint
  - Accessibility
  - Fire safety

### **Strategy to Remove or Ameliorate the Barriers to Affordable Housing**

The City will undertake a comprehensive review of the local regulatory barriers to facilitate a greater level of new development of both affordable and market rate housing. This will include, but not be limited to, a review of the following policies:

- Parking requirements limitations on height, setbacks, maximum lot coverage and density
- Inclusionary housing requirements with an emphasis on addressing the challenges most often raised by developers
- All aspects of the development review process
- Zoning application fees
- Historic preservation

## **SP-60 Homelessness Strategy**

### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

Continuum of Care services for the homeless in the Greater Burlington metropolitan area are delivered through a consortium of nonprofit organizations, faith-based organizations, housing developers, government agencies and the Burlington Housing Authority.

The CoC utilizes several outreach procedures to engage homeless individuals and families. These include services and outreach from the local food shelf, daytime drop-in shelter, and Salvation Army. These agencies provide meals every day in our community and are the only service providers that the homeless population routinely seeks out. Daystation is a low-barrier shelter open 365 days a year that allows service resistant individuals a place to receive mail, eat, and make phone calls. A SAMHSA funded PATH grant funds outreach work in our community for two outreach positions to find and connect with the homeless who are mentally ill and difficult to engage, offering persons who are experiencing homelessness community-based services. A street work team, funded by our Police Department and local businesses, provides outreach to individuals, families with children, and youth sleeping on the streets in our downtown area. An Adult Local Interagency Team helps to identify unsheltered persons and provide consultation and expertise to help resolve difficult situations involving chronically homeless persons with multiple physical or emotional issues in securing and utilizing services. The goal of the team is to help keep these clients within the community and out of the correctional system, hospital, or residential services, while helping them get the support and services they need to be safe and successful. Pathways to Housing also has an outreach team.

These teams identify individuals and families who are homeless and connect them with appropriate programs, services and housing options. Many agencies use the same intake form, and Vermont 211 also plays a significant role in centralized intake of this population.

### **Addressing the emergency and transitional housing needs of homeless persons**

Emergency shelters are designed for short term stays for individuals and families. There are two emergency shelters serving single adults including veterans: COTS Waystation and Burlington Emergency Shelter. COTS operates the Firehouse and Main Street Family Shelters for households with children. COTS Daystation is a drop-in center for homeless adults and families and is the central location for accessing support services. The confidential shelter operated by Women Helping Battered Women serves homeless women and children fleeing domestic violence. Spectrum Youth and Family Services operates a shelter for homeless youth. Each shelter offers case management and housing search assistance to help participants move quickly out of shelter into transitional or permanent housing, with necessary follow-up support for maintaining housing.

Transitional Housing is provided by several member agencies of the Continuum. COTS provides transitional housing to homeless individuals and families. The Howard Center's Transitional Housing Programs provide housing for homeless persons with mental illnesses. Spectrum provides transitional housing for youth in the community. Women Helping Battered Women delivers transitional housing options for victims of domestic violence. Transitional housing is available for women exiting corrections. Veterans have transitional housing opportunities in nearby Winooski.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.**

The City of Burlington is committed to the retention of affordable housing units with expiring tax credits and commits local, state and federal resources to this goal. Keeping the inventory of affordable units as well as increasing the number of affordable housing units are key to helping our most vulnerable residents remain housed.

The Continuum and its local partners are committed to transitioning homeless persons into permanent housing and independent living and shortening the time individuals experience homelessness.

To increase the percentage of transitional housing participants moving to permanent housing, case managers review transition plans every two weeks with participants.

Agencies such as Pathways to Housing implement the Housing First model and rapidly re-house chronic homeless with a high success to retaining permanent housing.

Burlington agencies utilize a range of housing retention programs to assist at risk households in maintaining their housing. These services include any wrap-around support services, a hoarding task force, landlord advocacy, and a Risk Guarantee Fund used to mitigate risks on the most hard to house persons.

Our local Continuum continues to advocate for increased state resources such as the Rental Subsidy Program and the Mental Health Subsidy Program that can be used to help keep at-risk families housed.

New programs like the Family Supportive Housing and the Community Housing Grant, from the State of Vermont, will be key components of the system of care in facilitating access to and retaining affordable housing.

Community-based organizations provide job training and placement, substance abuse counseling and referrals for treatment, medical and dental care, legal advocacy and representation, mental health

counseling and residential treatment programs, child care, housing search assistance and security deposit assistance to help homeless families transition to permanent housing and independent living.

The CoC partners with local and state organizations and landlords to combat homelessness among veterans. Previously unidentified veterans were enrolled in VA care and many are housed through VA housing programs. Canal Street in Winooski houses 28 veterans in both transitional and permanent housing. Twenty-one VASH vouchers are administered in Chittenden County. Outreach increased to local veterans at our local shelters due to a local VA case manager who serves on the CoC steering committee. In the future, the Housing First approach will be implemented within HUD VASH. Also, housing retention and rapid re-housing with low-income veteran families will be addressed with two Supportive Services for Veteran Families grants awarded to two organizations in VT.

**Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs**

Several agencies administer prevention services that include back rent assistance, home heating fuel aid, transportation, tenants' rights advocacy and legal representation. The Housing Replacement Fund, provided by the State of Vermont, continues where HPRP left off by providing case management, short-term rental subsidies, security deposits, and rental arrearage assistance for those low-income individuals and families at risk of losing their housing.

The recently approved statewide 10-Year VT Plan to End Homelessness includes a goal to create an accountability system to ensure all institutions do not routinely discharge people into homelessness or a homeless program through a clear state policy and mandate.

Youth exiting foster care in Vermont have two primary supports that protect them from being discharged into homelessness as they exit legal custody at age 18: Youth Development Program funded with federal Chafee Foster Care Independence Program and state funds & Act 74 Youth in Transition Extended Care Program. These programs are in addition to the programming run directly by the VT AHS-Dept. of Children & Families Services. In this program, a number of youth formerly in foster care are supported with case management and connected to long-term rental assistance with local Housing Authorities, including a VT State Housing Authority Sect. 8 HCV waitlist preference for youth aging out of foster care as part of the HUD Family Unification/Youth-in-Transition Programs. Some live on campus at area colleges to pursue education. The College of St. Joseph in Vermont specifically helps foster youth transition to college by providing year-round housing and support services, and the Adult Living Program provides a stipend for households willing to host an 18 to 22 year old leaving foster care.

Hospital patients are routinely discharged to their previous residence, a nursing home, or medical respite beds. McKinney Vento funded programs used as needed include emergency shelters and some transitional/permanent housing programs when appropriate.

Persons discharged from a mental health treatment or community bed receive state-funded assistance through the VT Dept. of Mental Health Subsidy & Care Program, VT DMH Housing Contingency Fund and the VT DMH Housing Recovery Fund. In addition, state agencies collaborate with the Burlington Housing Authority, and other affordable housing agencies to utilize Section 8 Housing Choice Voucher Programs for tenant-based and project-based rental assistance units funded by the Low-Income Housing Tax Credit Program. Patients are routinely discharged to HowardCenter transitional or step-down programs such as Second Spring, Meadowview, Next Door Program, and 72 North Winooski group home which are not McKinney Vento funded programs.

Some persons leaving corrections can go to their previous residence, a transitional housing program for offenders, or to live with family. Northern Lights is an 11 bed supportive home for women returning from prison. The women's rent is subsidized while in the house (if they qualify), and upon successful completion of the program, they are given a Burlington Housing Authority (BHA) Section 8 housing choice voucher to take into the community. Dismas House serves 10 residents. Phoenix House RISE houses men out of prison and in early recovery from substance abuse for 3 to 24 months.

## **SP-65 Lead based paint Hazards**

### **Actions to address LBP hazards and increase access to housing without LBP hazards**

The City of Burlington has received a \$2.8 million Lead-Based Paint Hazard Control grant from the Department of Housing and Urban Development. These funds will be administered through the Community and Economic Development Office by the Burlington Lead Program to reduce lead-based paint hazards in eligible housing units to eliminate childhood lead poisoning. Funding runs through October 2014. Program goals include evaluating 240 units for lead-based paint hazards, reducing lead-based paint hazards in 180 housing units, and training over 300 individuals in lead-safe work practices, as well as providing outreach and education to the community.

### **How are the actions listed above related to the extent of lead poisoning and hazards?**

Enrolled units will receive X-Ray Fluorescence testing to determine the presence of lead-based paint, risk assessments, project design and planning, project monitoring and clearance testing. Units enrolled in the Burlington Lead Program will have all lead-based paint hazards addressed, and typical interventions consist of: aggressive treatment of friction surfaces such as window sash replacement and removal of lead-based paint on doors and jambs, lead-based paint removal on chewable surfaces such as windowsills as well as interior and exterior paint stabilization. Other services that are provided to the community include the use of HEPA vacuums to clean lead dust generally missed by non-HEPA vacuums, education on (lead dust) cleaning techniques, guidance to rental property owners on how to comply with the Vermont Lead Law (Act 165), and free classes on Lead Law compliance and Lead-Safe Work Practices. The Burlington Lead Program will also be proceeding with the development and implementation of a citywide lead ordinance, which will help protect future generations from childhood lead poisoning.

### **How are the actions listed above integrated into housing policies and procedures?**

Housing projects funded with local and federal funds are required to comply with state and federal lead laws. In addition, the City ensures that HOME and CDBG funded housing projects comply with the Lead Safe Housing Rule (LSHR) regulations at Title 24 Part 35 of the Code of Federal Regulations. Given that the additional cost of addressing lead hazards can make some rental, duplex acquisition, and homeowner rehab projects infeasible, the city grants a portion of the cost to comply with the LSHR using Burlington Lead Program, CDBG, or HOME funds. Further, the Burlington Lead Program provides technical assistance to City staff for projects which trigger the LSHR.

## SP-70 Anti-Poverty Strategy

### Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

Poverty is a regional, national and sometimes generational issue and many factors contributing to poverty lie outside of local control. According to the American Community Survey 2009- 2011, 26% of Burlington residents overall and 40% of families with a female head of household live in poverty. The highest concentration of poverty exists in census tract 5 where over 50% of the residents live below the poverty level; in addition, the remaining census tracts that comprise our Neighborhood Revitalization Strategy Area (NRSA) also show significant pockets of poverty. The City invests a substantial portion of its Entitlement funding (over 70% in 2012) into programs serving the NRSA. These programs are designed to both prevent vulnerable City residents from falling into long-term poverty and provide the necessary supports to enable vulnerable City residents to pull themselves out of long-term poverty. Key components of the City's anti-poverty strategy include:

- Meeting basic needs and stabilizing living situations, including access to and retention of affordable housing and to income supports
- Increasing and protecting asset accumulation and resident net worth
- Providing access to employment opportunities, affordable child care options
- Decreasing social isolation and increasing social capital

City policies directed towards this strategy include:

- The Burlington Housing Trust Fund (tax revenues dedicated for affordable housing);
- The City's Livable Wage Ordinance;
- The City's Women in Construction Trades Ordinance (aimed at increasing opportunities for women in the construction trades); and
- The City's Inclusionary Zoning Ordinance (which makes affordable housing an integral part of every newly constructed residential project in the City).

City-run programs which are aimed at reducing poverty include:

#### **With CDBG:**

**Micro Enterprise Assistance** - City economic development staff provide loans and technical assistance to low-income entrepreneurs who want to move into business ownership. Clients include refugees as well as other residents, and the program offers ongoing support to help them sustain their businesses.

**Housing Initiatives Program** - The City assists with renovation and access modifications for low-income residents.

## **With other funding:**

**AmeriCorps Program and the Community Justice Program** are described in subsequent sections.

Consistent with its guiding principle of nurturing a strong local nonprofit infrastructure that can sustain itself across changing political landscapes, the City has supported the start-up of a number of programs aimed at increasing the economic and social capital of low-income families. These include the Champlain Housing Trust, Good News Garage, Step Up (now incorporated into Vermont Works for Women) and ReSOURCE.

## **How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan**

There are numerous examples within the City of how this anti-poverty strategy coordinates with the City's affordable housing plan. The City targets funding for housing projects in the NRSA and again, the majority of CDBG funds are directed into the same area for housing improvements, preservation of affordable housing and the creation of new units. The City's Housing Trust Fund and the Inclusionary Zoning Ordinance are key City policies which create and retain affordable housing units. Recognizing the importance of other components needed to pull vulnerable residents out of long-term poverty, the City invests in targeted neighborhood revitalization that includes increasing economic development opportunities, removing barriers to economic opportunities and supporting the Livable Wage Ordinance.

**Sustainable Economic Development Strategies** – City economic development staff assist local businesses in growth and expansion to create and retain livable wage jobs.

**Brownfield Remediation** – City project staff coordinate the redevelopment of brownfields into both affordable housing and commercial space.

**Neighborhood Revitalization Program** – City project staff work to revitalize the NRSA by improving infrastructure and facilities.

Going beyond programs for which the City is responsible, here are examples of other programs to include. The City-supported Northern Lights project is transitional housing program for women exiting corrections which includes employment support and mentoring. The Burlington Housing Authority integrates housing with economic opportunity through its Family Self-Sufficiency Program. The Chittenden Emergency Food Shelf, while providing food and groceries to the most needy families, also operates a Community Kitchen Academy program in conjunction with Vermont Foodbank to prepare low-income residents for entry level employment within the culinary-hospitality industry. The City supports, through CDBG, the Volunteer Income Tax Assistance programs, providing free tax preparation assistance to low-income taxpayers. This includes helping residents tap into the federal and state Earned Income Tax Credits, income-based property tax relief and the state renter's rebate, with residents receiving tax refunds often amounting to thousands of dollars.

A key focus in selecting projects during the term of this Consolidated Plan will be the impact programs and services have on the population served.

### **AmeriCorps: We All Belong Program**

The City administers the We All Belong Program which works with Burlington area nonprofits, schools and City departments to create more inclusive workplaces and effectively serve our diversifying community. Since 2008, the City has partnered with 18 agencies to provide this anti-poverty program complete with a unique package of training, coaching and capacity building tools. These tools include 24 hours of professional development training to 70 leaders from the participating agencies. We All Belong also awards 14 full and part-time AmeriCorps members to serve in these agencies. AmeriCorps members help people access existing services and influence systems changes to reduce race-based disparities. The City has successfully recruited AmeriCorps members from our marginalized populations in order to promote leadership and to create solutions directly from the beneficiary communities. This program helps meet the basic needs of the AmeriCorps members as well as the low-income participants being directly served by participating agencies. Additionally, We All Belong is building social capital for members, participating agencies and marginalized populations.

### **Community Justice Center Programs**

The City's Community Justice Center (CJC) provides a community-based response to crime and conflict utilizing the principles of restorative justice to mend the harm crime and conflict causes to victims, the community and offenders.

The CJC partners with the Burlington Police Department (BPD). Together they have developed several programs.

BPD has employed Community Policing since 1999. The BPD partners with stakeholders from other City departments, the community and service sectors to implement agreed upon solutions to problems. Examples include: compliance with liquor control laws and ordinances; quality of life in the downtown area; noise issues in neighborhoods near the University; and working citywide to reduce drug activity and keep roads and highways safe. The BPD still utilizes this model and in 2009 completed a community survey to assess the model and the community's most pressing safety concerns.

**Graffiti Removal** emerged as a top concern for survey respondents. The presence of graffiti can make a neighborhood feel unsafe. Graffiti-plagued neighborhoods can also lead to unnecessary decreases in property values, loss of business and tourism, resulting in a downward economic spiral.

The **Community Support Program** makes a certified mediator available to City residents to help resolve neighborhood or neighbor disputes. The *Restorative Noise Program* provides a way for individuals to reduce their noise ticket fines by participating in an education and community service program.

**The Parallel Justice for Victims of Crime** program provides an innovative approach to serving crime victims. An advocate contacts every individual who reports a crime. Last year, the advocate and volunteers contacted 2,887 victims of crime. If individuals opt to receive services, the program brings supports from local businesses and community members to restore victims' safety, basic needs, and their connection and faith in the community.

The **Restorative Justice Panels** are comprised of community-based volunteers who meet with low-level offenders to assist them in restoring the harm that they caused to the victim and the community.

The **Offender Reentry Program** assists individuals returning to the community after a period of incarceration. Services include workforce development, short-term case management and highly facilitated team mentoring for high risk/high needs individuals.

These CJC programs are seen as a cost-effective way to prevent individuals from entering the criminal justice system and/or preventing their costly re-incarceration after they've been released from prison. Its accomplishments for this past year:

- Provided 387 victims of crime with direct services and support through the Parallel Justice for Victims of Crime.
- Provided 237 low-level offenders with an alternative way to be held accountable for their actions by participating in Restorative Justice Panels. Participants met with a group of community volunteers, the victim (or proxy) of their crime and made amends for their actions.
- Developed workforce opportunities to gain soft and marketable skills for 197 offenders returning to the community following their incarceration by partnering with Vermont Association for Business Industry and Rehabilitation. Forty-two enrolled in intensive training programs developed in collaboration with our program and community partners and 26 have jobs.
- Remediated graffiti by cleaning tags as quickly as possible to avoid more occurring in the same location with volunteers and City staff. This three-year program has seen a marked decrease in graffiti vandalism in Burlington.

## **SP-80 Monitoring**

**Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements**

Each agency funded through CDBG in this Consolidated Plan will receive an on-site visit. Visits include a fiscal and programmatic review of the agency's activities. Subrecipients are monitored for compliance with CDBG regulations and for success in carrying out the goals and objectives defined in their CDBG contract. Areas routinely reviewed include overall administration, program delivery methods, compliance with client eligibility determination, reporting systems, progress toward achieving contractual goals, adequacy of financial systems, and appropriateness of expenditures. Following the monitoring visit, agencies receive a follow up letter detailing any concerns or findings. Agencies are normally given 30 days to provide the City with corrective actions taken to address any noted findings

HOME subrecipients are monitored through annual project reports to ensure compliance with rent and income levels and Housing Quality Standards. The City ensures compliance with HOME requirements via contracts, and reviews audits and project financials annually. Income eligibility of beneficiaries is reviewed along with the continuing affordability.

The City performs the following risk assessment and oversight activities for HOME Projects: financial statements and project pro formas are reviewed along with assets and management performance. The City ensures that taxes for all properties owned/managed by the applicant are current. Debt service coverage ratio must be 1:1 or better. The loan to value after rehab projects must not exceed 100%. No single loan/grant may exceed the HUD limit.

All HOME units must conform to Burlington's minimum housing code and to HUD's housing quality standards. Energy conservation improvements may be required per the City's HOME Program Property Rehab Standards. Contractors must bid in accordance with federal, state and city requirements.

The City, as a local government, assesses a developer's capacity to complete a HOME project and the project's long-term viability before committing HOME funds. The City allocates HOME funds only to nonprofit organizations. The nonprofit housing organizations are very seasoned and have earned recognition from HUD and other national and international organizations. As part of the assessment, we review the staff and boards of all potential HOME recipients. Being a small community, there is familiarity with these organizations. The projects are also reviewed in conjunction with the current and future market capacity for the project. Based on this analysis, monitoring of subrecipients and previous record of success, the City determines whether the HOME-funded developers have sufficient capacity to complete projects and ensure the long-term viability of HOME projects. There has not been a single failed HOME project since the City began administering HOME funds in 1992.

The Community & Economic Development Office (CEDO) has developed a web-based registry of self-certified DBEs and does outreach to local businesses to make them aware that the registry can help them access contracting opportunities. This registry, together with the state's online DBE registry, is available to city departments and to subrecipients for their procurement processes. Periodically CEDO publishes a public notice soliciting MBE, DBE, and Section 3 contractors for inclusion on the online registry. Further, CEDO's Housing Division works closely with the Economic Development team to reach out to known MBE, DBE and Section 3 contractors to include on the list. Finally, HOME recipients are required in the written agreements to use the CEDO and State of Vermont registries, and to make the HOME-assisted project bidding opportunity available to MBE, DBE and Section 3 contractors.

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## **CITIZEN PARTICIPATION PLAN**

The City of Burlington, through its Community & Economic Development Office, strongly encourages public involvement in the Consolidated Plan process and use of Community Development Block Grant money, including Section 108 guarantee loan funds. This Citizen Participation Plan outlines the city's policies and procedures regarding that public involvement.

The Citizen Participation Plan, together with the Consolidated Plan, the Annual Action Plans, any substantial amendments to these Plans, and the annual performance reports on the progress of the Consolidated Plan, are available at the Community & Economic Development Office and on its website.

This Plan, together with all other materials relating to the City's CDBG and HOME programs, are available in alternative formats for persons with disabilities. For information, contact the Community & Economic Development Office at 865-7144.

### **Citizen Advisory Board**

1. A Citizen Advisory Board will make recommendations each year to the Mayor and City Council on the allocation of CDBG funds for projects administered by subgrantees.
2. The Board will include:
  - Elected representatives from each of the City's wards, chosen through the Neighborhood Planning Assemblies;
  - Possible representatives from community partners like United Way and the State of Vermont;
  - Up to three appointments by the Mayor; the Mayor will attempt to ensure to the fullest extent possible that the Board represents the existing racial and economic diversity of the community.
3. The members of the City Council Community Development & Neighborhood Revitalization Committee will serve as *ex officio* members of the Board.

## ***Public Hearings***

1. The City will hold at least two public hearings during the year to obtain citizen's views about housing and community development needs, development of proposed activities and review of program performance.
2. The City will ensure adequate public notice before each public hearing, with sufficient information published about the subject of the hearing to permit informed comment. Public hearings will be announced online and in the newspaper. Citizens will be notified of the public hearings at least two weeks before they are held.
3. Advanced public notice will also be given of all public meetings relating to the Consolidated Plan and performance progress.
4. The City will hold all public hearings at times and locations convenient to potential and actual beneficiaries and accommodations will be made for people with disabilities. All hearings will be held in accessible locations, and sign language interpreters will be made available upon advance request. Public hearings will be televised on the local public access channel.
5. The City will provide interpretation services for non-English speaking residents at public hearings upon advance request, provided such services are available in the community.

## ***Development of the Consolidated Plan***

1. The City, through CEDO, will make a concerted effort to notify citizens, agencies and organizations of the development of the Consolidated Plan and the availability of CDBG funds through mailings, online postings and public notices in the newspaper. In addition, CEDO will notify the Steering Committees of the city's Neighborhood Planning Assemblies.
2. CEDO will conduct workshops at various and convenient times to inform and educate citizens on the development of the Consolidated Plan and the availability of funds. CEDO will provide technical assistance to all applicants, with special efforts to assist groups which represent predominately low and moderate income persons.
3. Before the City adopts the Consolidated Plan, the City will make available to citizens, public agencies and other interested parties information that includes the amount of assistance

the City expects to be made available and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income.

4. The City will publish its proposed Consolidated Plan for review and comment. The City will publish a newspaper summary describing the contents and purpose of the Consolidated Plan and listing the locations where the entire plan may be examined. The entire plan will be made available for review and examination at the Community & Economic Development Office and on its website.
5. The City will receive and consider comments on the proposed Consolidated Plan for 30 days before preparing the final Consolidated Plan.

### ***Amendments to the Consolidated Plan***

1. The City will consider the following changes to be amendments to the Consolidated Plan, and the Annual Action Plan, and subject to the citizen participation process, in accordance with its Citizen Participation Plan. A substantial change is defined as one of the following occurrences:

- A change that adds a new activity not previously mentioned in the Action Plan
- A change that cancels an activity that involves more than 10% or more of the fiscal year's funding allocation,
- A change of the purpose, scope, location, or beneficiaries of an activity,
- A change in the allocation priorities or change in method of distribution of funds.

2. Substantial amendments to the approved Consolidated Plan must be authorized by the Mayor and the Board of Finance, and will be made public by postings and public notices in the newspaper.

3. The City will receive and consider comments on substantial amendments to the Consolidated Plan for 30 days before implementing those amendments.

### ***Performance Reports***

1. The City will prepare a performance report each year on the progress of the Consolidated Plan in accordance with the requirements of the U.S. Department of Housing & Urban Development.

2. Citizens will be afforded notice of the performance report through online postings and newspapers. The performance report will be available at CEDO and on its website for review.
3. The City will receive and consider comments on the performance report for 15 days before the report is submitted to HUD.

### ***Access to Information and Records***

1. The City, through CEDO, will provide citizens, public agencies and other interested parties with reasonable and timely access to information and records relating to the City's Consolidated Plan and the City's use of funds under the CDBG and HOME programs during the preceding five years.
2. The City, through CEDO, will regularly communicate with citizens and applicants for CDBG funds regarding the progress of the Consolidated Plan. Neighborhood Planning Assembly representatives of the Citizen Advisory Board will be encouraged to communicate with the Neighborhood Planning Assemblies on the progress of the Advisory Board.

### ***Comments and Complaints***

1. The City will consider any comments or views of citizens received in writing, or orally at public hearing, in preparing this Citizen Participation Plan, the final Consolidated Plan, substantial amendments to either Plan, and the annual performance reports. A summary of these comments or views will be attached to the Citizen Participation Plan, the final Consolidated Plan, substantial amendment or performance report.
2. The City, through CEDO, will respond to written complaints received by CEDO relating to the Consolidated Plan, any amendments to the Plan, and the annual performance reports. Upon request, CEDO will transcribe oral complaints for signature by the complaining person or organization. Where practicable, CEDO will respond to complaints within 15 working days of receiving the written complaint.

### ***Displacement***

The City will minimize displacement of persons (families, individuals, businesses, nonprofit organization and farms) and will assist any persons displaced as a result of projects assisted with CDBG and/or HOME funds in accordance with the City of Burlington's Housing Initiatives Program Displacement Policy. That policy is available upon request from CEDO.

**2013 CDBG Applicants - Public Service**

Proj #	Project/Program	Description	Organization	2013 Amount Requested	2013 Recommended Award	2012 Award
<b>Homeless &amp; Housing Services</b>						
PS1	Daystation	Daytime shelter and services for 950 homeless persons	Committee on Temporary Shelter	\$10,000	\$0	\$3,750
PS2	Families in Transition	Case management for 100 homeless families	Committee on Temporary Shelter	\$12,000	\$5,000	\$5,000
PS3	Housing Assistance Program	Help 450 residents avoid housing loss or become rehoused	Champlain Valley Office of Economic Opportunity	\$12,000	\$5,000	\$4,750
PS4	Safe Tonight	Shelter, transitional housing and services for 463 victims of domestic abuse	Women Helping Battered Women	\$12,000	\$8,000	\$10,516
PS5	Waystation	Overnight shelter for 250 homeless single adults	Committee on Temporary Shelter	\$10,000	\$0	\$5,000
<b>Food Security</b>						
PS6	Chittenden Emergency Food Shelf	Groceries and meals for 5,621 low-income residents	Champlain Valley Office of Economic Opportunity	\$12,000	\$8,000	\$5,242
<b>Seniors &amp; Persons w/Disabilities</b>						
PS7	Case Management for Seniors	Benefits counseling, adult neglect intervention and connection to services for 140 seniors	Champlain Valley Area Agency on Aging	\$15,000	\$5,000	\$6,250
PS8	Heineberg Senior Center	Operational funding for senior services for 200 residents	Chittenden County Senior Citizens Alliance, Inc.	\$8,000	\$0	\$2,000
PS9	Homesharing & Caregiving	Match 150 home/job seekers and elders/persons with disabilities needing help to stay in their homes	HomeShare Vermont	\$12,000	\$12,000	\$4,386
<b>Childcare / Early Education</b>						
PS10	Building Community Preschool	Early care and education for 22 preschoolers	King Street Center	\$6,500	\$5,000	\$6,500
PS11	Lund Early Childhood Program	Early care and education for 64 infants and toddlers	Lund Family Center	\$8,000	\$0	\$5,000
PS12	Burlington Children's Space Tuition Support	Early care, education and food for 47 children	Burlington Children's Space	\$12,000	\$5,000	\$5,750
PS13	Sara Holbrook Preschool Program	Early care and education for 14 preschoolers	Sara Holbrook Community Center	\$6,000	\$5,000	\$6,000
<b>Youth Services</b>						
PS14	New Arrivals	Maintain English learning skills during the summer for 45 children	Sara Holbrook Community Center	\$5,000	\$5,000	\$5,000
PS15	Teen Program	Summer and afterschool programming for 600 youth	Sara Holbrook Community Center	\$10,000	\$0	\$5,000
<b>Equal Access and Literacy</b>						
PS16	Cultural Integration and Preservation Project for New Americans in the Old North End	Cultural support, access to education and scholarships for 210 New Americans	Vermont Performing Arts League	\$8,250	\$0	N/A
PS17	Dress for Success Burlington	Provide clothing and employment retention services for 360 job-ready women	Dress for Success Burlington	\$20,000	\$7,000	N/A
PS18	Project Integration	Referral case management and cultural orientation services for 84 newly arrived refugees & immigrants	Association of Africans Living in Vermont, Inc.	\$10,000	\$8,000	\$4,500
PS19	Volunteer Income Tax Assistance Program	Help 700 households access \$2 million in refunds without fees	Champlain Valley Office of Economic Opportunity	\$6,000	\$6,000	\$2,500
<b>Health and Public Safety</b>						
PS20	Dental Care Services for Homeless Residents	Provide 350 homeless residents with dental care	Community Health Center	\$12,000	\$5,303	\$0
PS21	Support, Workshops and Training for People Living with HIV/AIDS	Case management for 22 Burlington residents	Vermont CARES	\$9,800	\$0	\$0
				TOTAL AMOUNT REQUESTED	\$214,550	
				TOTAL AMOUNT AVAILABLE	\$89,303	\$87,144
				DIFFERENCE	(\$125,247)	

**2013 CDBG Applicants - Development (NON-CEDO)**

Proj #	Project/Program	Description	Organization	2013 Amount Requested	2013 Recommended Award	2012 Award
<b>Housing</b>						
D1	Preserving & Increasing Affordable Housing Opportunities in Burlington	Preserve affordability of 233 units in Burlington; redevelop a block in the Old North End resulting in 30-40 apartments	Champlain Housing Trust	\$85,000	\$70,000	\$65,000
D2	ReTRAIN YouthBuild Energy Efficiency Project	Train 12 Burlington youth in energy efficiency and building skills; weatherize 6 homes	ReSOURCE (formerly Recycle North)	\$35,000	\$35,000	\$35,000
<b>Economic Development</b>						
D3	Intervale Farms Program: Microenterprise Development for a Sustainable Burlington	Increase the number of successful farms in the Intervale	Intervale Center	\$7,000	\$5,000	\$5,450
D4	Womens Small Business Program	Entrepreneurial training for 25 women	Mercy Connections	\$10,000	\$5,000	\$6,000
<b>Neighborhood Development</b>						
D5	Heineberg Senior Center Kitchen Renovation	Continued renovation of kitchen for senior center	Chittenden Senior Citizens Alliance, Inc.	\$15,000	\$14,257	N/A
D6	Emergency Shelter Kitchen Renovation	Renovate kitchen at domestic violence emergency shelter	Women Helping Battered Women	\$19,141	\$19,141	N/A
				TOTAL AMOUNT REQUESTED	\$171,141	
				TOTAL AMOUNT AVAILABLE	\$148,398	\$111,450
				DIFFERENCE	\$22,743	

**2013 CDBG Applicants - Development (CEDO)**

Proj #	Project/Program	Description	Organization	2013 Amount Requested	2013 Recommended Award **	2012 Award
<b>Housing</b>						
	Burlington Housing Initiatives Program	Technical assistance, grants and loans for access modifications, emergency repairs, exterior paint, rental-occupied rehab, and emergency shelter and transitional housing improvements	Community & Economic Development Office	\$46,107	\$46,107	\$48,000
<b>Economic Development</b>						
	Microenterprise Assistance	Provide targeted business assistance to create/retain 25 jobs, create 5 new businesses and retain 2 businesses	Community & Economic Development Office	\$85,000	\$68,000	\$79,450
	Burlington Sustainable Economic Development Strategies Program (BSEDSP)	Technical assistance to create 50 jobs	Community & Economic Development Office	\$63,800	\$60,000	\$112,948
<b>Neighborhood Development</b>						
	Burlington Brownfields Program	Assess and remediate properties for creation/rehab of affordable housing units, creation of new jobs and waterfront improvements	Community & Economic Development Office	\$25,000	\$25,000	\$30,000
	Neighborhood Revitalization Strategy (NRS)	Improve infrastructure, public facilities and businesses in Burlington's Neighborhood Revitalization Strategy Area.	Community & Economic Development Office	\$39,475	\$39,475	\$25,500
				TOTAL AMOUNT REQUESTED	\$259,382	\$295,898

\*\* CEDO applications were reviewed internally, including the CEDO Director and the Mayor's Office.

2013 Action Plan for Housing & Community Development  
City of Burlington, Vermont

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## Executive Summary

This document explains how the City plans to spend the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) funds that the City receives from the U.S. Department of Housing & Urban Development (HUD), together with other leveraged resources, during the upcoming program year beginning on July 1, 2013. The national CDBG program is a principal revenue source to grow local communities and improve the quality of lives for low- and moderate- income residents. The HOME program is designed to create affordable housing for low-income households through building, buying, and/or rehabilitating housing for rent or homeownership.

The overall goal of these community planning and development programs is to develop viable communities by providing decent housing, expanded economic opportunities and a suitable living environment, principally for low- and moderate-income persons. HUD administers these programs on a national basis and awards grants to entitlement communities and participating jurisdictions – including the City of Burlington – each year on a formula basis. The City in turn awards grants and loans to local nonprofits as well as providing direct services to residents and businesses through several CDBG-funded programs.

With this year’s estimated CDBG and HOME formula funding of \$ 919,030 – together with resources obtained through the Burlington Housing Trust fund, the Lead-Based Paint Hazard Control grant and other leveraged resources – the City and its subgrantees plan to:

- o Work to complete the Thayer School (DMV) project, anticipated to produce 96 new mixed-income rental units, 1,195 construction jobs and \$100,000 in increased annual property tax collections.
- o Work to preserve 140 housing units with expiring subsidies at Rose Street Artists Co-op, Pearl Union SRO, ONE Housing, Burlington Rental Housing Improvement Project and Housing for Homeless Plus.
- o Begin predevelopment work at the Bright Street /114 Archibald site, with refinancing / renovation of 30 housing units.
- o Help 860 residents to remain housed and living independently through homesharing, home-based and center-based services for seniors, access modifications and other housing retention services.
- o Provide 565 homeless residents with emergency shelter, case management and housing placement services.
- o Support the creation/retention/expansion of 8 new businesses, with 10 associated permanent jobs, through technical assistance, business loans and entrepreneurial training.
- o Provide families with high-quality, affordable childcare and early education for 83 children.
- o Provide free tax preparation, clothing and employment services, community integration services to help 1,144 low-income residents (including many with limited English proficiency) increase their self-sufficiency.

- o Provide food to 5,601 residents; summer English skills learning programming to 45 youth; and dental care services to 350 homeless residents.
- o To renovate the kitchens of two public facilities including an emergency shelter and senior center.
- o Support the assessment, remediation and redevelopment of 4 brownfields sites, including the Moran Plant, to result in the development of affordable housing units and new retail commercial space.

These activities are intended to further the City's five-year goals, strategies, objectives and outcomes which are identified in the 2013 Consolidated Plan for Housing & Community Development.

## Expected Resources

### AP-15 Expected Resources

#### Introduction

In this section, the City identifies the federal, state, local, and private resources expected to be available to the jurisdiction to address the priority needs and specific objectives in the Strategic Plan. The City's Entitlement includes CDBG and HOME funds. The City has also received \$2,475,000 for a Healthy Homes Lead Grant. There are two local agencies that receive Essential Services Grant funding. The City is the coordinating entity for the McKinney-Vento Homeless Assistance Act funds but does not receive this funding; it goes directly to the local providers. In the past four years, the City has experienced a 40% reduction in Entitlement funding.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	595,355	22,500	300,000	917,855	2,350,000	The City expects to leverage significant federal, state, local and private resources over the course of the Consolidated Plan.
HOME	public - federal	Acquisition Homebuyer assistance	323,675	1,100	0	324,775	1,200,000	

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
		Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA						

**Table 1 - Expected Resources – Priority Table**

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

The City anticipates that approximately \$10 million in Low Income Housing Tax Credits, \$8 million in Section 8 resources, and \$899,750 in McKinney-Vento Homeless Assistance Act will be available to address needs and objectives identified in the Plan. (These are not resources that the City receives or controls.) The City also received a \$2,475,000 Healthy Homes Lead Grant. The City will also receive \$200,000 for an area-wide planning grant for the Railyard Enterprise Project from the Environmental Protection Agency.

Overall, the City expects to leverage \$36,892,000 in state, local, private and other federal resources for its CDBG- and HOME-funded activities. These are funds that the City and its subgrantees expect to raise for their budgeted activities as well as funds that the City expects outside entities to invest in development activities.

The City will meet or exceed the requirement that “contributions must total not less than 25% of funds drawn from the jurisdiction’s HOME Investment Trust Fund Treasury account in that fiscal year,” excluding funds drawn for administrative and planning costs pursuant to 24 CFR 92.207. Sources of matching funds include, but are not limited to, the Vermont Housing and Conservation Trust Fund, the Burlington Housing

Trust Fund, waiver of impact fees, and private debt financing secured by property owners and nonprofit organizations.

**If appropriate, describe publicly-owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

There is no City-owned land or property that is appropriate to be used to address the needs identified in the Plan.

**Discussion**

At the time this Consolidated Plan is being written and published, the annual allocations have not yet been published. Pursuant to the direction of the Deputy Secretary of HUD, allocations are being approximated at a five percent reduction from the 2012 allocation.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Promote Homeownership	2013	2017	Affordable Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Preserve and Upgrade Existing Housing Promote Homeownership		Homeowner Housing Added: 32 Household Housing Unit
Produce new affordable rental units.	2013	2017	Affordable Housing Non-Homeless Special Needs	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Production of new affordable housing units		Rental units constructed: 143 Household Housing Unit
Preserve and Upgrade Existing Housing	2013	2017	Affordable Housing Non-Homeless Special Needs	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Preserve and Upgrade Existing Housing Production of new affordable housing units	CDBG: \$151,107	Rental units rehabilitated: 236 Household Housing Unit
Retain/Create Jobs/MicroEnterprises	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs	CDBG: \$78,000	Jobs created/retained: 5 Jobs Businesses assisted: 5 Businesses Assisted

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
Improve Public Facilities and Infrastructure	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Homeless Shelters - ES/TH Produce/Improve Public Facilities/ Infrastructure	CDBG: \$72,873	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 200 Persons Assisted Homeless Person Overnight Shelter: 465 Persons Assisted
Enhance Commercial Infrastructure	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs Enhance Commercial Infrastructure	CDBG: \$60,000	Jobs created/retained: 5 Jobs Businesses assisted: 3 Businesses Assisted
Protect the Vulnerable	2013	2017	Affordable Housing Homeless Non-Homeless Special Needs	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Homeless Shelters - ES/TH Housing Special Needs	CDBG: \$30,000	Public service activities for Low/Moderate Income Housing Benefit: 290 Households Assisted Rental units constructed: 36 Household Housing Unit Homeless Person Overnight Shelter: 363 Persons Assisted Housing for Homeless added: 14 Household Housing Unit
Reduce Barriers to Economic Opportunities	2013	2017	Non-Housing Community	NEIGHBORHOOD REVITALIZATION	Reduce Barriers to Economic	CDBG: \$36,000	Public service activities other than Low/Moderate

Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
			Development	STRATEGY AREA	Opportunities Provide Public Services to At Risk Population		Income Housing Benefit: 1227 Persons Assisted
Redevelop Brownfields	2013	2017	Affordable Housing Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Production of new affordable housing units Retain and Increase Number of Jobs Enhance Commercial Infrastructure	CDBG: \$25,000	Brownfield acres remediated: 5 Acre
Provide Public Services for At-Risk Populations	2013	2017	Non-Housing Community Development	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Provide Public Services to At Risk Population	CDBG: \$23,303	Public service activities other than Low/Moderate Income Housing Benefit: 5,996 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 450 Households Assisted

Table 2 – Goals Summary

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b)**

The City expects to provide affordable housing, as defined by HOME 91.215(b) to the following households in the next year:

Extremely low-income households – 480

Low-income households – 189

Moderate-income households - 135

## Projects

### AP-38 Project Summary

#### Project Summary Information

#	Project	Goals Supported	Geographic Areas	Needs Addressed	Funding
1	<b>Intervale Farm Program</b>	Retain/Create Jobs/MicroEnterprises	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs	CDBG: \$5,000
	Description	Increase the number of successful farms in the Intervale.			
	Planned Activities	Technical assistance, business plan review, equipment provision for applicants and farm microenterprises.			
2	<b>Women's Small Business Program</b>	Retain/Create Jobs/MicroEnterprises	NEIGHBORHOOD REVITALIZATION STRATEGY AREA -	Retain and Increase Number of Jobs	CDBG: \$5,000
	Description	Entrepreneurial training for 25 women.			
	Planned Activities	Coordinate education and training programs that helps women gain the necessary skills and confidence to move into self-employment.			
3	<b>Heineberg Senior Center Renovations</b>	Improve Public Facilities and Infrastructure		Produce/Improve Public Facilities/ Infrastructure	CDBG: \$14,257
	Description	Continued kitchen renovations at the senior center to better serve 200 seniors annually with nutrition and meal site programs.			
	Planned Activities	Continue renovating old, inefficient and unsafe kitchen.			
4	<b>Emergency Shelter Kitchen Renovation</b>	Improve Public Facilities and Infrastructure	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Homeless Shelters - ES/TH Produce/Improve Public Facilities/ Infrastructure	CDBG: \$19,141
	Description	Renovate kitchen at domestic violence emergency shelter serving up to 19 people at any given time.			

	Planned Activities	Renovate a 27-year old kitchen for improved efficiency.		
5	<b>Preserving and Increasing Affordable Housing Opportunities in Burlington</b>	Preserve and Upgrade Existing Housing Produce new affordable rental units. Promote Homeownership	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Preserve and Upgrade Existing Housing Production of new affordable housing units Promote Homeownership  CDBG: \$70,000
	Description	Provide development and stewardship of permanently affordable homes.		
	Planned Activities	To preserve and/or renovate up to 233 apartments and rooms scattered about Burlington to maintain affordability. To create an estimated 30-40 new rental units in the Old North End. To convert existing townhomes into affordable homeownership.		
6	<b>ReSOURCE YouthBuild Energy Efficiency Project</b>	Preserve and Upgrade Existing Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Preserve and Upgrade Existing Housing Reduce Barriers to Economic Opportunities  CDBG: \$35,000
	Description	To build and/or weatherize affordable housing units while training at-risk youth in fields that provide a livable wage.		
	Planned Activities	Train 12 Burlington youth in energy efficiency and building skills; weatherize 6 homes.		
7	<b>Families in Transition</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA - Strategy area	Homeless Shelters - ES/TH  CDBG: \$5,000
	Description	Provides outreach and support services through case management to help homeless families transition from homelessness to permanent housing.		
	Planned Activities	Case management for 100 homeless families.		
8	<b>Housing Assistance Program</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations		Provide Public Services to At Risk Population Homeless Outreach and Prevention  CDBG: \$5,000

	Description	Assist low-income families to find or maintain safe, affordable and permanent housing. Provide Successful Renter's class.		
	Planned Activities	Help 450 residents avoid housing loss or become re-housed. Provide financial assistance, advocacy, budgeting. Successful renter's class.		
9	<b>Safe Tonight: Shelter and Housing for Victims of Domestic Violence</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA - Strategy area	Homeless Shelters - ES/TH Provide Public Services to At Risk Population  CDBG: \$8,000
	Description	Provide housing ranging from emergency shelter to longer-term housing for victims of domestic violence and their children. Provide wrap-around services for program participants.		
	Planned Activities	Provide shelter, transitional housing and services for 463 victims of domestic abuse.		
10	<b>Chittenden Emergency Food Shelf Community Kitchen Academy</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA - Strategy area	Provide Public Services to At Risk Population Homeless Outreach and Prevention  CDBG: \$8,000
	Description	Provides groceries, meals and snacks to low-income residents; culinary and technical skills to under and unemployed through Community Kitchen; and financial literacy.		
	Planned Activities	Provide groceries and meals for 5,621 low-income residents; culinary and technical skills instruction to 20 students.		
11	<b>Options Counseling/Case Management for Seniors</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations		Housing Special Needs Provide Public Services to At Risk Population  CDBG: \$5,000
	Description	Provides case management and options counseling to seniors to help them remain independent with dignity in their setting of choice.		
	Planned Activities	Benefits counseling, adult neglect intervention and connection to services for 140 seniors.		
12	<b>Homesharing &amp; Caregiving</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations		Preserve and Upgrade Existing Housing Housing Special Needs  CDBG: \$12,000

	Description	Provides an affordable place for low-income people to live in exchange for providing time, caregiving skills and household help to seniors/disabled so they remain in their homes.		
	Planned Activities	Match 150 home/job seekers and elders/persons with disabilities needing help to stay in their homes.		
1 3	<b>Burlington Children's Space Tuition Support</b>	Reduce Barriers to Economic Opportunities Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Reduce Barriers to Economic Opportunities Provide Public Services to At Risk Population  CDBG: \$5,000
	Description	Provides services and sliding scale tuition to children ages six weeks to five years of age.		
	Planned Activities	Early care, education and food for 47 children.		
1 4	<b>Sara Holbrook Community Center Preschool</b>	Reduce Barriers to Economic Opportunities Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Reduce Barriers to Economic Opportunities Provide Public Services to At Risk Population  CDBG: \$5,000
	Description	Provides educational activities for at-risk pre-school children in preparation for their successful entry into kindergarten.		
	Planned Activities	Early care and education for 14 preschoolers.		
1 5	<b>Burlington Housing Initiatives Program</b>	Promote Homeownership Preserve and Upgrade Existing Housing	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Preserve and Upgrade Existing Housing Promote Homeownership  CDBG: \$46,107
	Description	Help low-income homeowners make repairs to retain housing and make homes accessible for disabled tenants and/or homeowners.		
	Planned Activities	This project provides grants, loans and technical assistance to preserve existing housing, protect vulnerable residents through access modifications, emergency repairs, free paint grants, rental and homeowner rehab, special needs housing grants and rehab project management.		
1 6	<b>Building Community Preschool</b>	Reduce Barriers to Economic Opportunities Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Reduce Barriers to Economic Opportunities Provide Public Services to At Risk Population  CDBG: \$5,000

	Description	King's Street's Building Community Preschool provides full day full year early education services for children ages 3-5.			
	Planned Activities	Full-day and full year, early care and education for 22 children ages 3-5.			
17	<b>Burlington Brownfields Program</b>	Produce new affordable rental units. Redevelop Brownfields	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Production of new affordable housing units Clean up of Contaminated Sites	CDBG: \$25,000
	Description	This project will remediate and expand the redevelopment of the City's brownfields sites focusing on affordable housing development, small/medium business growth and green space creation.			
	Planned Activities	Assess and remediate properties for the creation/rehabilitation of affordable housing units, creation of new commercial space and waterfront improvements.			
18	<b>New Arrivals</b>	Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA - Strategy area	Provide Public Services to At Risk Population	CDBG: \$5,000
	Description	Summertime learning experience for English Language Learners from Burlington.			
	Planned Activities	Maintain English learning skills for 45 New Americans during the summer.			
19	<b>Dress for Success Burlington</b>	Reduce Barriers to Economic Opportunities Provide Public Services for At-Risk Populations		Reduce Barriers to Economic Opportunities Provide Public Services to At Risk Population	CDBG: \$7,000
	Description	Dress for Success Burlington offers clothing and employment retention services to low and moderate income, job-ready women.			
	Planned Activities				
20	<b>Project Integration</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA - Strategy area	Provide Public Services to At Risk Population	CDBG: \$8,000
	Description	Project Integration connects recently arrived refugees and former refugees living in poverty with services and resources they needs to provide for their households' basic needs.			

	Planned Activities	Referral case management and cultural orientation services for 84 newly arrived refugees and immigrants.		
2 1	<b>Volunteer Income Tax Assistance Program</b>	Reduce Barriers to Economic Opportunities Provide Public Services for At-Risk Populations		Reduce Barriers to Economic Opportunities Provide Public Services to At Risk Population CDBG: \$6,000
	Description	The Volunteer Income Tax Assistance Program offers free basic tax preparation to help low-income taxpayers access tax refunds (including the Earned Income Tax Credit) without fees and without associated predatory consumer products such as refund anticipated loans.		
	Planned Activities	Help 700 households access \$2 million in tax refunds without fees. Growing Money financial coaching.		
2 2	<b>Dental Care Services for Homeless Residents</b>	Protect the Vulnerable Provide Public Services for At-Risk Populations	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Provide Public Services to At Risk Population Homeless Outreach and Prevention CDBG: \$5,303
	Description	The Community Health Centers of Burlington offers a dental services program for the homeless. This unique treatment model offers access to care with the goals of establishing a long-term, health care home.		
	Planned Activities	Provide 350 homeless residents with dental care. Transforming dentures and partial bridges as needed.		
2 3	<b>Microenterprise Assistance</b>	Retain/Create Jobs/MicroEnterprises Reduce Barriers to Economic Opportunities	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs Reduce Barriers to Economic Opportunities CDBG: \$60,000
	Description	Help over 200 people with microenterprise assistance, starting at least 3 businesses.		
	Planned Activities	Assists low and moderate income persons with starting microenterprises. Retain and grow businesses with technical assistance, helping with permitting and licensing process, and locating space.		
2 4	<b>Burlington Sustainable Economic Development Strategies Program</b>	Retain/Create Jobs/MicroEnterprises Enhance Commercial Infrastructure	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Retain and Increase Number of Jobs Enhance Commercial Infrastructure CDBG: \$68,000
	Description	This project will provide technical assistance, business planning, access to loans and assistance with site		

		selection and planning for area businesses. This project will help to create and retain jobs, increase commercial and industrial space.		
	Planned Activities	Provide targeted business assistance to create or retain at least 5 jobs and expand or assist 5 businesses.		
2 5	<b>Neighborhood Revitalization Strategy</b>	Improve Public Facilities and Infrastructure Enhance Commercial Infrastructure	NEIGHBORHOOD REVITALIZATION STRATEGY AREA	Enhance Commercial Infrastructure Produce/Improve Public Facilities/ Infrastructure CDBG: \$39,475
	Description	This project addresses the revitalization of critical city infrastructure and public facilities that will support the quality of life and economic development in the Neighborhood Revitalization Strategy Area.		
	Planned Activities	Improve infrastructure, public facilities and businesses in Burlington's Neighborhood Revitalization Strategy Area.		
2 6	<b>Bobbin Mill - Acquisition and Rehab of Rental Housing</b>	Preserve and Upgrade Existing Housing		Preserve and Upgrade Existing Housing HOME: \$250,000
	Description	This project will preserve and renovate 51 units of existing affordable rental housing.		
	Planned Activities	To acquire and rehabilitate 51 units of affordable rental housing for low income residents.		
2 7	<b>Lafountain Street Rehabilitation</b>	Preserve and Upgrade Existing Housing Promote Homeownership		Preserve and Upgrade Existing Housing Promote Homeownership HOME: \$90,000
	Description	Rehabilitation of an owner-occupied single family home.		
	Planned Activities	Assist one low-income single family homeowner in the much needed rehabilitation of property.		
2 8	<b>CDBG Planning and Administration</b>			CDBG: \$119,071
	Description	CDBG Planning and General Program Administration		
	Planned Activities	Support the capacity of the nonprofit institutional delivery structure in the City; pursue state and federal resources in support of City initiatives; administer community and economic development programs; support fair housing efforts in the City; and coordinate Continuum of Care application.		

2 9	<b>HOME Planning and Administration</b>				HOME: \$32,368
	Description	Program management and coordination.			
	Planned Activities	To coordinate, monitor and evaluate HOME projects and activities to ensure program compliance.			

**Table 3 – Project Summary**

## AP-35 Projects

### Introduction

This part of the Action Plan provides a summary of the eligible projects and activities that will take place during the program year to address the priority needs and specific objectives outlined in the Strategic Plan. The eligible projects are associated with at least one priority need and at least one or more goals. In addition, HUD has provided Goal Outcome Indicators to describe the planned accomplishments for each project.

#	Project Name
1	Intervale Farm Program
2	Women's Small Business Program
3	Heineberg Senior Center Renovations
4	Emergency Shelter Kitchen Renovation
5	Preserving and Increasing Affordable Housing Opportunities in Burlington
6	ReSOURCE YouthBuild Energy Efficiency Project
7	Families in Transition
8	Housing Assistance Program
9	Safe Tonight: Shelter and Housing for Victims of Domestic Violence
10	Chittenden Emergency Food Shelf Community Kitchen Academy
11	Options Counseling/Case Management for Seniors
12	Homesharing & Caregiving
13	Burlington Children's Space Tuition Support
14	Sara Holbrook Community Center Preschool
15	Burlington Housing Initiatives Program
16	Building Community Preschool
17	Burlington Brownfields Program
18	New Arrivals

#	Project Name
19	Dress for Success Burlington
20	Project Integration
21	Volunteer Income Tax Assistance Program
22	Dental Care Services for Homeless Residents
23	Microenterprise Assistance
24	Burlington Sustainable Economic Development Strategies Program
25	Neighborhood Revitalization Strategy
26	Bobbin Mill Acquisition and Rehab of Rental Housing
27	Lafountain Street Rehabilitation
28	CDBG Planning and Administration
29	HOME Planning and Administration

**Table 4 – Project Information**

**Describe the reasons for allocation priorities and any obstacles to addressing underserved needs**

The all-volunteer CDBG Advisory Board followed both the City's Anti-Poverty Strategy and Resource Allocation Policy in their review of project applications. In addition, the Advisory Board was tasked with funding fewer grantees but awarding funding amounts that would truly make an impact. The Board was faced with challenging decisions among very worthy projects. The Board chose to allocate to projects where funding was critical; projects were innovative; project impact was significant in regards to anti-poverty strategies or met multiple goals; it helped families; it was a one-time allocation.

*The funding or absence of funding of projects in no way signified a lack of support for the very important work being accomplished in all of these organizations.* Rather, the change signifies a move on behalf of the City to streamline CDBG funding, especially in the area of Public Services during this Consolidated Plan. More focus will be placed on impact and moving people out of poverty and not numbers served. In addition, emphasis will be placed on projects that demonstrate efficiencies or coordination of services or a project proposal seeking to implement such efficiencies.

## AP-50 Geographic Distribution

### Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Approximately 75% of the City's CDBG resources are directed to activities that target the City's Neighborhood Revitalization Strategy Area. As of the 2010 Census, there were 16,109 residents in the NRSA. The Area as a whole is primarily residential, though within the designated census tracts are also several commercial corridors, the Central Business District and the Intervale (several hundred agricultural acres). The poverty level data for the NRSA, using the 2005-2009 American Community Survey, shows that of the total population in the area, 37% are living below poverty level. For children under 18, 40.8% are living below poverty level. For the adult category ages 18-64, 37.5% are living below poverty level. For the category of seniors over the age of 65, 29.4% of the population is living below poverty level. The highest concentration of households living below poverty level exists in census tract 5 where half the population is living below poverty level.

### Geographic Distribution

Target Area	Percentage of Funds
NEIGHBORHOOD REVITALIZATION STRATEGY AREA	75

Table 5 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

The rationale for allocating investments into the NRSA is based on the levels of distress and high incidence of households living below poverty level in those census tracts. According to the Needs Assessment in the Consolidated Plan, there is a disproportionate need existing among several minority groups, and specific census tracts housed more minorities than others. Special needs housing resources are also targeted to the New North End as a "Naturally Occurring Retirement Community." However, CDBG and HOME resources may be directed outside of the target areas based on individual household needs and on the City's desire to continue to have affordable housing, economic opportunity and a suitable living environment available to low- and moderate-income residents throughout the City.

All of the CDBG and HOME resources will be invested to serve low- and moderate-income persons living in Burlington.

## **Discussion**

Unfortunately, the low/moderate census tract data has not been updated from the 2000 census. Therefore, the City is using the same low/moderate census tract data from the 2008 Consolidated Plan.

# Affordable Housing

## AP-55 Affordable Housing

### Introduction

This section of the Action Plan specifies the goals for the number of homeless, non-homeless, and special needs households to be provided affordable housing within the program year.

<b>One Year Goals for the Number of Households to be Supported</b>	
Homeless	368
Non-Homeless	0
Special-Needs	290
Total	658

**Table 6 - One Year Goals for Affordable Housing by Support Requirement**

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	450
The Production of New Units	175
Rehab of Existing Units	92
Acquisition of Existing Units	140
Total	857

**Table 7 - One Year Goals for Affordable Housing by Support Type**

## **AP-60 Public Housing**

### **Introduction**

The Burlington Housing Authority (BHA) has an approved five year and annual PHA plan which covers all of the 343 units of public housing in the City.

The public housing units are all in good physical condition, as evidenced by the HUD Real Estate Assessment Center physical inspections conducted in September 2012, with a score of 97 for elderly/disabled housing and 89 for family housing.

### **Actions planned during the next year to address the needs to public housing**

Capital improvement planning for the next five years focuses on interior renovations of kitchens and bathrooms, appliance replacement, roof replacements at Decker Towers and 10 N. Champlain Street, and baseboard heat replacement at Decker Towers. These actions will begin in the next year and continue to address the need to restore these units.

BHA endeavors to provide a good living environment in its family developments through effective screening and strict lease enforcement. The Housing Authority supports programs such as the DREAM mentoring program and the Summer Lunch program. BHA seeks additional grant opportunities, such as the HUD ROSS program, in order to be able to provide support for families trying to achieve economic self-sufficiency.

In its public housing for elderly and disabled households, BHA provides the Wellness and SASH program, which encourage community building and coordinate supports to enable individuals to continue to live independently. Seniors and people with disabilities living in our high-rise units have access to in-house social activities, workshops, and community service referrals through the Wellness Programs. Low cost housekeeping assistance is also available in some locations.

Through the support of HUD Neighborhood Networks funding, BHA was able to open four Technology Centers, located at Decker Towers, Franklin Square, North Champlain Street apartments, and Riverside Apartments. These centers will continue to open to residents of BHA public housing and Section 8, as well as people referred by our partnering agencies (Vocational Rehabilitation and VT Works for Women).

The Authority will continue a program to address the housing and service needs of a growing African immigrant population.

## **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

BHA has not formed a resident management corporation for any of its projects, nor does BHA plan to do so in the near future. This form of direct resident management of public housing units is far less practical in small projects such as those owned by BHA than in large projects such as those that are found in major metropolitan areas. Practicality aside, no interest has been expressed by the residents of BHA housing in playing such a direct role in the management of their housing. BHA has attempted to encourage public housing residents to become more involved in managing their housing indirectly, however, and these activities will continue, including:

- The BHA board will continue to rotate its monthly meetings among BHA projects so that every resident can conveniently attend a BHA board meeting (if they so choose).
- BHA has formed a Resident Advisory Board (RAB) with representatives from all its public housing developments and from the Section 8 program. The RAB meets periodically to provide input on BHA's Plans and Policies.
- BHA will provide continuing financial and staff support for all active resident associations in its public housing developments.
- BHA will provide matching funds for projects carried out by these resident associations.
- One BHA program participant serves on the BHA Board of Commissioners.

## **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

The Burlington Housing Authority is designated as a high performer and does not need financial assistance from the City of Burlington.

## **Discussion**

BHA supports an affiliate nonprofit organization, Burlington Supportive Housing Initiatives, Inc. (BSHI), which has 501(c)(3) status. The purpose of this nonprofit is to develop affordable supportive housing initiatives and to expand the resident service programs of the BHA. CEDO's Assistant Director for Housing has been appointed as the City's representative on the founding BSHI Board and presently serves as the Board President. The City will work with BSHI to increase funding for resident service programs for BHA program participants, including the Family Self-Sufficiency Program, youth mentoring, homeownership, independent living and service-enriched housing.

BHA operates a very successful Section 8 Housing Choice Voucher Homeownership Option Program. Eligible Section 8 Voucher holders who complete a homeownership course with the Champlain Housing Trust assists families with mortgage financing. Public Housing residents are eligible

and are encouraged to participate in this program. Three scattered site public housing units have been converted to homeownership. BHA's Section 8 Mortgage Assistance Program has been in operation since 1999 with over 98 households successfully transitioning from renting to homeownership. The City supports the implementation and continued availability of BHA's Section 8 Homeownership Option Program.

The Burlington Housing Authority's Family Self-Sufficiency Program moves families toward economic self-sufficiency through access to career counseling, job training, child care and other services, and through escrow accounts with funds made available to participants at the end of the enrollment period. As of March 2013, the program had 104 participants, 46% of whom have escrow accounts. The City supports BHA's Family Self-Sufficiency Program.

## **AP-65 Homeless and Other Special Needs Activities**

### **Introduction**

Activities that will address outreach, emergency shelter, transitional housing, homeless prevention, housing placement, supportive housing and independent living are listed below and also under the project section of the Action Plan. Major special needs housing projects include projected new 36 units of senior housing at the Thayer School (DMV) site. In addition to the services and referrals available at the Daystation, the Street Outreach team will continue to connect the homeless (especially those who are unsheltered) with service assessment and referrals. All of the City's funded homeless programs provide permanent housing placement services. A risk guarantee pool is in place with the Champlain Housing Trust to help offset the risk to the landlord of accepting homeless tenants who do not meet regular criteria for credit and eviction histories, and may be expanded to other landlords. The City continues to provide funding from the Burlington Housing Trust Fund to the Housing Resource Center, which assists the homeless and those at imminent risk of becoming homeless with back rent, security deposits and short-term subsidies.

The City is now the Lead Agency for the Chittenden County Continuum of Care and will continue to support its applications for HUD and other funding to address both chronic and non-chronic homelessness. As part of the HUD Continuum of Care, the City and its Continuum partners have identified the need to better understand and improve performance measurements for participating agencies. The CoC is also working towards a coordinated assessment system and a unified HMIS with the Balance of State Continuum.

Specific efforts aimed at eliminating chronic homelessness include a set-aside of vouchers for chronically homeless clients of a Pathways program with services funded through a SAMHSA grant, using a "Housing First" model. In addition, the Burlington Housing Authority will complete 14 new units of permanent supportive housing on King Street, primarily for the homeless. Transitional housing for veterans is available in the adjoining City of Winooski. Unaccompanied youth will continue to be served by Spectrum Youth & Family Services.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The jurisdiction has a number of outreach programs to connect to homeless persons, especially unsheltered persons, and assess their needs. These include services and outreach from the local food shelf, daytime drop in shelter, and the Salvation Army. These agencies provide meals every day in our community and are the only service providers that the homeless population routinely seeks out.

Some of the goals for outreach this year include the following goals funded by a myriad of resources:

- Providing outreach, daytime shelter and support services to 950 homeless individuals.
- To investigate and implement a coordinated assessment system for homeless services.
- Coordinate a Stand Down for Veterans to receive warm meals, free clothing, toiletries and access to services.
- Fund two outreach positions with SAMHSA PATH grant to find and connect with the 70+ unsheltered homeless who have mental illness or substance abuse issues and offer them community-based services.
- Explore the community need for a low barrier shelter.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Through CDBG funding, the following goals will be realized: The confidentially located shelter for victims fleeing domestic violence will undergo a renovation of its kitchen facilities. Also, 100 families in transition from homelessness to stable housing will receive case management, shelter and services through the Committee on Temporary Shelter (COTS). Over 450 adults and children fleeing domestic violence will receive shelter and services through Women Helping Battered Women. CDBG funds will also be provided to the Champlain Housing Trust to refinance and renovate 39 TH/PSH units.

Through McKinney-Vento funding, the following goals will be accomplished: Thirteen persons with mental illness and/or substance abuse issues will be housed in transitional housing through the Safe Haven and Branches programs through HowardCenter; and fifty-six individuals will be housed in permanent supportive housing, shelter+care, or SRO's through the Burlington Housing Authority and Champlain Housing Trust.

With local, state and other federal funding, two emergency family shelters will house up to 49 individuals through COTS. COTS will also house 11 individuals or family members in their transitional housing, Smith House. Twenty-four Veterans have transitional housing at Canal Street. Spectrum will house up to 8 youth in their emergency shelter and 8 in their Pearl Street SRO transitional housing.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

During the next year, the Burlington Housing Authority will open 14 new units of permanent, affordable housing for chronically homeless individuals.

With CDBG funding, the Housing Assistance Program will assist 450 households to remain in their housing by providing back rent or other assistance or provide security deposits to help them re-house quickly.

With McKinney-Vento funding, the Advocacy Project, which consists of a network of 5 nonprofit organizations, provides case management and support services to 900 homeless individuals and families to stabilize their housing.

With our CoC partners, the goal is to increase the percentage of transitional housing participants exiting into permanent housing to 55%. An additional goal is to increase the percentage of participants that are employed at program exit to 20%.

With CDBG and other resources, the affordability of 140 units of housing will be maintained to facilitate access for homeless individuals and families to affordable housing units.

The City will continue to provide funding to the Housing Resource Center which annually prevents 125 households from becoming homeless and provides 150 households with financial assistance and counseling to facilitate a move from homelessness to permanent housing.

With ESG funding, 70% of households at risk of homelessness will have their housing stabilized or be safely re-housed within 28 days and 70% will continue to be in stable housing at least 90 days following assistance. In addition, at least 70 % of homeless households will be safely re-housed in transitional or permanent housing within 28 days, and 70% of the above households will continue to be in stable housing at least 90 days following assistance.

Under the new State of Vermont Family Supportive Housing Demonstration program, local providers will serve 12 families with supportive and therapeutic services, permanent supportive housing and subsidy assistance to move families with complex needs from emergency shelter and into secure and permanent housing.

Under the new State of Vermont Community Housing Grant, prevent 165 households from becoming homeless with financial assistance and rapidly re-house 220 households.

With the commitment to end veteran homelessness by the end of 2015, the VA hopes to increase the number of vouchers for veterans by 10-20% this year and focus on the Housing First model to place veterans directly into permanent housing. As for the prevention piece, that ties into the Supportive Services for Veteran Families (SSVF) grant that is currently facilitated by Vermont Veterans Services and Veterans Inc. The VA money is targeted for individuals/families who are eligible veterans meeting at least 50% AMI and either currently homeless or at imminent risk. They provide prevention and Rapid Re-housing case management for individuals and families in need.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

CDBG funds will be used with housing projects to weatherize and renovate housing for 6-8 low-income households to help them from becoming homeless.

ReSOURCE, operating the YouthBuild program, with CDBG funds and other sources, will train 11 at-risk youth in construction skills so that they might live independently.

This year, a laser-like focus committee of the CoC was tasked with specifically addressing the needs of homeless parents at risk of losing their children (or who have lost their children already) and are involved with the Department of Corrections. The committee will identify the barriers faced and identify the local partners involved in serving and housing these households. Together they will propose a solution that addresses the barriers identified.

The CoC will continue to look at the discharge policies of the systems of care to ensure no one is discharged into homelessness.

## **Discussion**

The CoC coordinates the implementation of a housing and service system, from outreach to housing to services, that meets the needs of homeless individuals and families in the County. Street outreach, Vermont 211, daytime shelter and meals all serve to reach the chronically homeless, identify services and housing needed. Housing providers work to rapidly re-house and stabilize, especially using the Housing First model, for the chronically homeless. Supportive service providers add case management and assess needs for services. A standard HMIS intake form allows for referral and coordination of services. Vermont 211 provides a basis for centralized/coordinated assessment, and the Continuum as a whole will implement a coordinated intake and assessment to enhance the current service delivery system.

Families with children are housed in several family specific shelters and are provided the appropriate services including education, proper nutrition, counseling and transportation. The new FSH program will provide permanent supportive housing for 12 of our most motivated families.

Veterans and their families have both transitional and permanent housing options and services available to them along with specialized outreach, assessment and additional services to meet their unique needs. The National Hotline refers calls directly to the area case manager; VASH vouchers are administered

locally and through new grant programs, and a Housing First model will be implemented for any chronically homeless veterans.

Unaccompanied youth have emergency shelter, transitional and permanent housing options available to them along with specialized outreach and services to assist them in learning to live independently, set goals and complete their education.

## **AP-75 Barriers to affordable housing**

### **Introduction**

The City has addressed the barriers to affordable housing under Market Analysis and also under the Strategic Plan. In conjunction with planBTV, these public policies will be examined in order to facilitate infill development and diversified housing options in the City and especially in the downtown area. From planBTV: "Despite an incredibly low vacancy rate and a high demand for more housing downtown, the current zoning for the downtown core prohibits new development from having more than 50% housing. While originally intended to maintain a balance between residential and non-residential uses, this stipulation effectively prevents the creation of any meaningful mixed-use development, and has got to go if Burlington's economic potential is ever to be realized."

### **Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

The City plans to undertake a comprehensive review of the local regulatory barriers to facilitate a greater level of new development of both affordable and market rate housing. This will include, but not be limited to, a review of the following policies:

- Parking requirements limitations on height, setbacks, maximum lot coverage and density
- Inclusionary housing requirements with an emphasis on addressing the challenges most often raised by developers
- All aspects of the development review process
- Zoning application fees
- Historic preservation

## **AP-85 Other Actions**

### **Introduction**

The City anticipates that 100% of its CDBG resources this year will be spent to benefit low- and moderate-income residents, and that none of its CDBG resources will be spent on the alternative national objectives of (i) preventing /eliminating slums or blight or (ii) addressing community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

The City will continue its commitment to the preservation of affordable housing units and actions that will foster and maintain affordable housing in Burlington.

In addition, the City, through the Community and Economic Development Office, will diligently work to reduce lead-based paint hazards in the homes of local residents.

The activities listed in this Action Plan work to reduce the number of households in poverty; and with enhanced coordination with nonprofit partners, services will have a greater impact on this goal.

### **Actions planned to address obstacles to meeting underserved needs**

As identified in the Consolidated Plan, the principal obstacle to meeting underserved needs is insufficient resources. The City will continue to pursue additional federal, state and private resources, but does not expect to overcome the obstacle of shrinking public resources. The City will also continue to work with partners to examine obstacles such as benefits cliffs and to advocate for appropriate policy changes. In addition, the City will encourage local agencies to explore ways to deliver services in a more cost-effective and efficient manner, as well as cooperate between agencies.

### **Actions planned to foster and maintain affordable housing**

During the next program year, the City will continue to implement its Inclusionary Zoning and Housing Preservation and Replacement ordinances; to provide CDBG and HOME funding to nonprofit housing developers to develop, renovate and preserve affordable housing; and to support the Burlington Housing Authority as the lead agency in facilitating the transfer of ownership of housing with expiring subsidies from the private sector to nonprofit ownership, thus assuring their perpetual use as affordable housing. Approximately 140 affordable units will be preserved in the coming year.

### **Actions planned to reduce lead-based paint hazards**

The City of Burlington has received a \$2,475,000 Lead-Based Paint Hazard Control grant from the Department of Housing and Urban Development. These funds are administered through the Community and Economic Development Office by the Burlington Lead Program to reduce lead-based

paint hazards in eligible housing units to eliminate childhood lead poisoning. Through October 2014, the Burlington Lead Program plans to evaluate 155 units for lead-based paint and other health hazards, reduce lead-based paint and health hazards in 135 housing units, and train over 200 individuals in lead-safe work practices, as well as providing outreach and education to the community.

### **Actions planned to reduce the number of poverty-level families**

All of the activities funded through the City's CDBG and HOME programs are ultimately directed at reducing the number of people living in poverty in Burlington. In addition, the City will continue to enforce its Inclusionary Zoning and Livable Wage ordinances and, if funded, to run an AmeriCorps program which supports greater access for low-income and minority residents to basic services; helps build the capacity of schools and social service agencies to better serve the needs of low-income, minority and other underserved populations; and creates a community that is welcoming, inclusionary and provides equitable opportunities for children and youth in and out of school time. In addition, the City will continue to support the Community Justice Center and its anti-poverty programs in the areas of community and restorative justice.

### **Actions planned to develop institutional structure**

A definite challenge for the Community and Economic Development Office over the next five years will be to effectively adapt its institutional structure to meet the changing needs of a challenging fiscal environment. In a time of budget reduction, the Office will need to find ways to implement, oversee and monitor programming more efficiently and more effectively to meet increasing demands for services and funding with significantly fewer resources.

Another initiative this year that will continue to develop more institutional structure includes the Collective Impact, multi-stakeholder group initially organized by the United Way. Key partners are collaborating to address the community's most pressing needs.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

The Community & Economic Development Office will continue to host monthly meetings of the local nonprofit housing developers and to facilitate the monthly meetings of the Chittenden County Continuum of Care to address homelessness (including for-profit and nonprofit housing entities and service providers). The City will participate in technical assistance provided by HUD for the purpose of enhanced coordination and assessment for the Continuum as well as a unified HMIS program between the Chittenden and Balance of State Continua.

## **Discussion**

The challenge for the City's citizens over the next five years will be to make the hard choices among competing needs as they allocate funds through the citizen-based CDBG decision-making process. The challenge for the City and its partners, including our nonprofit agencies, will be to become even more creative in stretching resources and finding new solutions to funding and to meeting local needs.

## Program Specific Requirements

### AP-90 Program Specific Requirements

#### Introduction

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220.(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	22,500
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>22,500</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

#### HOME Investment Partnership Program (HOME)

##### Reference 24 CFR 91.220.(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

All HOME funds are invested in a manner consistent with 24 CFR 92.205(b)(1). Specifically, HOME

funds are invested in interest-bearing and non-interest-bearing amortizing loans and in deferred loans and grants.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

For its Owner-Occupied Duplex Program, the City of Burlington provides no interest, deferred payment loans for eligible homebuyers to assist with down payment and closing costs. This program uses "recapture" provisions per 92.254(a)(5)(ii) when HOME funds are used for these projects. These loans are secured by subordinate mortgages. When properties assisted with HOME funds for this purpose are sold or transferred, the full amount of the loan plus any accrued interest is recaptured out of net proceeds. This full recapture occurs whether the resale occurs during the HOME Affordability Period or after it has expired. Per 92.254(a)(5)(ii)(A)(1), recapturing the entire amount of the HOME investment is an acceptable form of recapture for HUD. The HOME Program uses these funds according to the HUD rules governing HOME program income. When a property owner assisted with HOME funds for this purpose refinances their principal mortgage, the City will consider executing a subordination agreement upon receiving a written request with sufficient documentation on current fair market value and proposed refinancing amount. When considering such requests to subordinate its HOME mortgage, the City requires that the loan-to-value ratio be no greater than 100%.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Resale Policy for HOME Subsidy on Owner-Occupied Homes For homebuyer projects which are developed by nonprofits and which have perpetual affordability, the City uses "resale" provisions per 92.254(a)(5)(i) when HOME funds are used. During the HOME affordability period, the property must be sold to a low-income homebuyer. The original buyer of the HOME unit shall receive fair return on investment. The Burlington HOME program defines "fair return" by the following formula: Fair Return = Sale Price - Outstanding Mortgage Debt - 75% of the market appreciation (if any) + the capital improvement credit. This is the equity sharing formula used by both the Champlain Housing Trust and Green Mountain Habitat for Humanity. The Burlington HOME program defines "affordable to a reasonable range of buyers" as a home where a) the sale price is below the 203(b) limit and b) where the sum of the annual loan principal, interest, taxes, and insurance is less than 33% of the household's annual gross income.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Multi-family projects developed by locally-based housing organizations that receive HOME funds for rehabilitation may utilize HOME funds to refinance existing debt, consistent with 24 CFR 92.206(b)(2), if they meet the following guidelines:

- Refinancing is necessary to permit or to continue affordability under 24 CFR 92.252;
- Rehabilitation is the primary eligible activity. A minimum of \$7,500 of rehabilitation per unit is required;
- The grantee must demonstrate management capacity and practices that ensure that the long-term needs of the project can be met, and the targeted population can be served over an extended affordability period;
- The grantee must demonstrate that the new investment is being made to maintain current affordable units, to create greater affordability in current affordable units, or to create additional affordable units;
- The minimum HOME affordability period shall be 15 years, and all HOME-assisted projects developed by locally-based housing organizations are required to be perpetually affordable;
- Refinancing will be limited to projects that have previously received an investment of public funds;
- HOME funds may be used for refinancing anywhere in the City of Burlington;
- HOME funds cannot be used to refinance multi-family loans made or insured by any Federal program, including CDBG.

## Discussion

It is the policy of the City of Burlington HOME Program to provide information and otherwise attract eligible persons in the housing market area to available housing constructed or rehabilitated under the HOME Program without regard to race, color, national origin, sex, religion, sexual orientation, familial status, receipt of public assistance or disability. The City of Burlington HOME Program incorporates the Equal Housing Opportunity logo in its letterhead, press releases and advertisements. For projects where five or more units are being assisted with HOME funds, grantees receiving HOME funds are required to contact one or more of the following agencies before filling vacancies during the HOME affordability period as stated in the HOME Program Loan/Grant agreement: local or State Housing Authority, Community Action agencies, area Mental Health and Mental Retardation agencies, area Office on Aging agency, area homeless shelters, the Department of Social Welfare, Committee on Temporary Shelter, Vermont Center for Independent Living or any statewide handicapped accessibility clearinghouse, area AIDS service organizations, medical centers, schools, municipalities and any other social service

agencies. Any advertisement of vacant rental or ownership units during the HOME affordability period must include the equal housing opportunity logo or statement. Advertising media may include newspapers, radio, television, brochures, leaflets, or simply a sign in a window. Housing borrowers, grantees or property management agents must display the fair housing poster in areas that are accessible to the public. Property owners or their management agents must maintain a file containing a record of all marketing efforts (e.g., copies of newspaper ads, copies of letters. The City's HOME Program monitors compliance as part of its ongoing monitoring process. Where noncompliance is discovered, the HOME Program will provide technical assistance to secure voluntary compliance. If this proves unsuccessful, the HOME Program will refer aggrieved parties to appropriate entities to seek redress.



legals

(CONTINUED)

Adopted and approved at a meeting of the Board of Trustees of the Jericho Underhill Library District held on March 21, 2013. Received for record and recorded in the records of the Jericho Underhill Library District on March 22, 2013.

Bernadette Howard  
Clerk, Jericho Underhill  
Library District

Deb Weinberg  
Mary Jane Dickerson  
Bernadette Howard  
Joann Osborne  
Bev Frank  
Ann Broekhuizen  
Marie Findhorn  
Dan Novembrino  
Gail Schemer  
Board of Trustees

**LEGAL NOTICE  
CITY OF BURLINGTON  
CONSOLIDATED PLAN  
ONE-YEAR ACTION PLAN**

The City of Burlington is soliciting input on housing and community development needs in connection with the development of its 2013 Consolidated Plan for Housing & Community Development and on activities to be undertaken as part of its 2013 One-Year Action Plan, as part of its federal requirements under 24 CFR Part 91.105 for consolidated planning and allocation of federal funds from CDBG, HOME and other HUD administered programs. The City anticipates receiving \$595,355 in CDBG dollars and \$323,675 in HOME dollars to support housing community and economic

commercialworks

**ATTENTION REALTORS: LIST YOUR PROPERTIES HERE FOR ONLY \$35 (INCLUDE 40 WORDS + PHOTO)**  
SUBMIT TO: [ASHLEY@SEVENDAYSVT.COM](mailto:ASHLEY@SEVENDAYSVT.COM)  
BY MONDAYS AT NOON

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**Black Door Bistro, Main Street**  
Turnkey opportunity. 39 years continuous operation. Ready for business. Seats +/- 100. Beautiful outside deck seats additional 40+/. Fully equipped, fully operational, excellent condition. Licensed, permitted, liquor, food, live entertainment. For information contact Montpelier Property Management 802.223.3166 or centralvtrentals@gmail.com

development activities, however, funding has not yet been confirmed.

On Monday, May 6, 2013, at 7:00 pm, there will be a Public Hearing before the Burlington City Council to hear comments on housing and community development needs, on the draft Consolidated Plan and on the funding recommendations of the CDBG Advisory Board, which serve as the basis for the One-Year Action Plan. The Consolidated Plan, Action Plan and Advisory Board's recommendations are available online at [www.burlingtonvt.gov/CEDO](http://www.burlingtonvt.gov/CEDO). The public is encouraged to review the Plans and funding recommendations, attend the Public

Hearing, and comment. Written comments will also be accepted on the Plans through the close of business on May 28, 2013, at the Community & Economic Development Office, 149 Church Street, Room 32, City Hall, Burlington, VT 05401 or [mkrumbine@burlingtonvt.gov](mailto:mkrumbine@burlingtonvt.gov).

For more information, or information on alternative access, contact Marcy Krumbine, Community & Economic Development Office, at 865-7171.

**OFFICIAL TOWN WARNING  
CHARLOTTE TOWN  
SCHOOL DISTRICT  
APRIL 29, 2013 AND APRIL 30, 2013  
BALLOT QUESTIONS**

The legal voters of the Charlotte Town School District are hereby notified and warned that the Charlotte Town School District will hold a public hearing on Monday, April 29, 2013, at the Charlotte Central School multi-purpose room in said Town, at 6:30 p.m., to discuss the revised 2013-2014 school district budget proposal to be voted on Tuesday, April 30, 2013.

The legal voters of the Charlotte Town School District are hereby notified and warned to meet on Tuesday, April 30, 2013, at the Charlotte Central School multi-purpose room in said Town, at 7:00 a.m., at which time the polls will open, until 7:00 p.m., at which time the polls will close, to vote by Australian ballot upon:

**ARTICLE V:** The total proposed budget of Seven Million, Three Hundred Fifty-Four Thousand, Three Hundred Forty Dollars (\$7,354,340) is the amount determined by the Charlotte School Board to be necessary to support the school district's educational program. State law requires the vote on this budget to be divided because (i) the school districts spending per pupil last year was more than the statewide average and (ii) this year's proposed budget is greater than last year's budget adjusted for inflation.

**Part A:** [Voters previously approved] Approved March 5, 2013  
**Part B:** Shall the voters of the Charlotte Town School District authorize the school board to expend Two Hundred Thirty Thousand, Two Hundred Thirty-Two Dollars (\$230,232) which is the remainder of the amount the school board has determined to be necessary?

Dated this 28th day of March, 2013.  
Kristin C. Wright, Chair

person, Clyde E. Baldwin, Director, Eborah J. Frazer, Director, Erik Beal, Director, Mark McDermott, Director Received for record and recorded prior to posting this 29th day of March, 2013. Mary Mead, Charlotte Town Clerk

**STATE OF VERMONT  
SUPERIOR COURT  
CHITTENDEN UNIT  
CIVIL DIVISION  
DOCKET NO. S0361-12 CNC**  
U.S. Bank National Association, Plaintiff  
v.  
Armand A. LeClerc, Linda L. LeClerc, RBS Citizens, N.A. f/k/a Citizens Bank N.A. and Occupants residing at 15 Lamore Road, Essex, Vermont, Defendants

**NOTICE OF SALE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Armand A. LeClerc and Linda L. LeClerc to Mortgage Electronic Registration Systems, Inc., as nominee for Merrimack Mortgage Company, Inc. dated October 26, 2007 and recorded in Volume 733, Page 52, which mortgage was assigned from Mortgage Electronic Registration Systems, Inc., as nominee for Merrimack Mortgage Company, Inc. to U.S. Bank National Association by an instrument dated March 20, 2012 and recorded on March 29, 2012 in Volume 866, Page 894 of the Land Records of the Town of Essex, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purposes of foreclosing the same will be sold at Public Auction at 8:30 A.M. on May 7, 2013, at 15 Lamore Road, Essex, Vermont all and singular the premises described in said mortgage:

U.S. Bank National Association  
By: Joshua B. Lobe, Esq., Lobe & Fortin, PLC  
30 Kimball Ave., Ste. 306  
South Burlington, VT 05403

**STATE OF VERMONT  
SUPERIOR COURT  
CHITTENDEN UNIT  
CIVIL DIVISION  
DOCKET NO. S0921-10 CNC**  
Wells Fargo Bank, N.A., Plaintiff  
v.  
Donald J. Bearor, Sheila A. Bearor and Occupants residing at 15 Chriseimly Lane, Milton, Vermont, Defendants

**NOTICE OF SALE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Donald J. Bearor and Sheila A. Bearor to Mortgage Electronic Registration Systems, Inc., as nominee for Merrimack Mortgage Company, Inc. dated August 6, 2009 and recorded in Volume 380, Page 731, which mortgage was assigned from Mortgage Electronic Registration Systems, Inc. to U.S. Bank National Association by an instrument dated May 24, 2010 and recorded on July 28, 2010 in Volume 392, Page 783 of the Land Records of the Town of Milton, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purposes of foreclosing the same will be sold at Public Auction at 9:00 A.M. on May 14, 2013, at 15 Chriseimly Lane, Milton, Vermont all and singular the premises described in said mortgage:

To Wit:  
Being a portion of the lands

and premises conveyed to Armand A. and Linda L. LeClerc by virtue of a Warranty Deed from Raymond Parizo dated November 17, 1975 and recorded November 19, 1975 in Volume 122, Page 362 of the Town of Essex Land Records.

Terms of Sale: \$10,000.00 to be paid in cash or cashier's check by purchaser at the time of sale, with the balance due at closing. The sale is subject to taxes due and owing to the Town of Essex.

The mortgagor is entitled to redeem the premises at any time prior to the sale by paying the full amount due under the mortgage, including the costs and expenses of the sale.

Other terms to be announced at the sale or inquire at Lobe & Fortin, 30 Kimball Avenue, Ste. 306, South Burlington, VT 05403, (802) 660-9000.

DATED at South Burlington, Vermont this 4th day of April, 2013.

U.S. Bank National Association  
By: Joshua B. Lobe, Esq., Lobe & Fortin, PLC  
30 Kimball Ave., Ste. 306  
South Burlington, VT 05403

**STATE OF VERMONT  
SUPERIOR COURT  
CHITTENDEN UNIT  
CIVIL DIVISION  
DOCKET NO. S0921-10 CNC**  
Wells Fargo Bank, N.A., Plaintiff  
v.  
Donald J. Bearor, Sheila A. Bearor and Occupants residing at 15 Chriseimly Lane, Milton, Vermont, Defendants

**NOTICE OF SALE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Donald J. Bearor and Sheila A. Bearor to Mortgage Electronic Registration Systems, Inc., as nominee for Merrimack Mortgage Company, Inc. dated August 6, 2009 and recorded in Volume 380, Page 731, which mortgage was assigned from Mortgage Electronic Registration Systems, Inc. to U.S. Bank National Association by an instrument dated May 24, 2010 and recorded on July 28, 2010 in Volume 392, Page 783 of the Land Records of the Town of Milton, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purposes of foreclosing the same will be sold at Public Auction at 9:00 A.M. on May 14, 2013, at 15 Chriseimly Lane, Milton, Vermont all and singular the premises described in said mortgage:

To Wit:  
Being all and the same lands and premises conveyed to Dino May, Irene E. May and James Garde by virtue of a Warranty Deed from Thomas E. Hallett and Darlene M. LaRose dated February 28, 2001 and recorded March 6, 2001 in Volume 444, Page 853 of the Essex Land Records. Said lands and premises conveyed to Dino May and Irene May by virtue of a Quitclaim Deed from James Garde, dated June 15, 2006 and recorded January 31, 2007 in Volume 710, Page 336-337 of the Essex Land Records.

Terms of Sale: \$10,000.00 to be paid in cash or cashier's check by purchaser at the time of sale, with the balance due at closing. The sale is subject to taxes due and owing to the Town of Essex Junction.

The mortgagor is entitled to redeem the premises at any time prior to the sale by paying the full amount due under the mortgage, including the costs and expenses of the sale.

Other terms to be announced at the sale or inquire at Lobe & Fortin, 30 Kimball Avenue, Ste. 306, South Burlington, VT 05403, (802) 660-9000.

161, Page 400 of the Town of Milton Land Records.

Terms of Sale: \$10,000.00 to be paid in cash or cashier's check by purchaser at the time of sale, with the balance due at closing. The sale is subject to taxes due and owing to the Town of Milton.

The mortgagor is entitled to redeem the premises at any time prior to the sale by paying the full amount due under the mortgage, including the costs and expenses of the sale.

Other terms to be announced at the sale or inquire at Lobe & Fortin, 30 Kimball Avenue, Ste. 306, South Burlington, VT 05403, (802) 660-9000.

DATED at South Burlington, Vermont this 11th day of April, 2013.

Wells Fargo Bank, N.A.  
By: Joshua B. Lobe, Esq., Lobe & Fortin, PLC  
30 Kimball Ave., Ste. 306  
South Burlington, VT 05403

**STATE OF VERMONT  
SUPERIOR COURT  
CHITTENDEN UNIT  
CIVIL DIVISION  
DOCKET NO. S856-11 CNC**  
Deutsche Bank National Trust Company, as Trustee of the Residential Asset Securitization Trust 2007-A5, Mortgage Pass-Through Certificates, Series 2007-E under the Pooling and Servicing Agreement dated March 1, 2007, Plaintiff  
v.  
Dino May, Irene E. May, Walter May, Daybreak Building Services, Inc., Thomas Drilling & Blasting, Gregory Supply Co., a Division of Curtis Lumber, Clear Water Filtration, Inc., Chevalier Drilling Co., Inc., Middlebury Fence Company, LLC, Adam Miller and Occupants residing at 55 Catella Road, Essex Junction, Vermont, Defendants

**NOTICE OF SALE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Dino May, Irene E. May and Walter May to Mortgage Electronic Registration Systems, Inc., as nominee for Clearlight Mortgage Corp. dated January 24, 2007 and recorded in Volume 710, Page 338, which mortgage was assigned from Mortgage Electronic Registration Systems, Inc. to Deutsche Bank National Trust Company, as Trustee of the Residential Asset Securitization Trust 2007-A5, Mortgage Pass-Through Certificates, Series 2007-E under the Pooling and Servicing Agreement dated March 1, 2007 by an instrument dated August 15, 2008 and recorded on August 22, 2008 in Volume 755, Page 700 of the Land Records of the Town of Essex, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purposes of foreclosing the same will be sold at Public Auction at

9:00 A.M. on May 7, 2013, at 55 Catella Road, Essex Junction, Vermont all and singular the premises described in said mortgage:

To Wit:  
Being all and the same lands and premises conveyed to Dino May, Irene E. May and James Garde by virtue of a Warranty Deed from Thomas E. Hallett and Darlene M. LaRose dated February 28, 2001 and recorded March 6, 2001 in Volume 444, Page 853 of the Essex Land Records. Said lands and premises conveyed to Dino May and Irene May by virtue of a Quitclaim Deed from James Garde, dated June 15, 2006 and recorded January 31, 2007 in Volume 710, Page 336-337 of the Essex Land Records.

Terms of Sale: \$10,000.00 to be paid in cash or cashier's check by purchaser at the time of sale, with the balance due at closing. The sale is subject to taxes due and owing to the Town of Essex Junction.

The mortgagor is entitled to redeem the premises at any time prior to the sale by paying the full amount due under the mortgage, including the costs and expenses of the sale.

Other terms to be announced at the sale or inquire at Lobe & Fortin, 30 Kimball Avenue, Ste. 306, South Burlington, VT 05403, (802) 660-9000.

SEVENDAYSVT.COM  
04.24.13-05.01.13  
SEVEN DAYS  
C-6 CLASSIFIEDS

**PUZZLE ANSWERS**

I	D	C	A	R	D	S		W	A	S	H	P	O	T		A	T	L	A	S						
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FROM P.C-5

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FROM P.C-4

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2013 APR 30 P 4:21

April 22, 2013

BURLINGTON CLERK  
TREASURER'S OFFICE

**Peter Owens**

Director

Community and Economic Development Office (CEDO)

City Hall,

149 Church St.

Burlington, VT 05401

Dear Mr. Owens,

Lund has received Community Development Block Grant (CDBG) funding for the past six years, supporting the provision of affordable, high quality, year-round early education and care for low-income Burlington families. Given our excellent track record for effective management of these funds over the years, our century long commitment to the Burlington community, the recent expansion of our Early Childhood Education Program (LECP), and our strong application for FY14 we were surprised by the CDBG Advisory Board's recent recommendation to zero fund our recent request. Lund values its partnership with and support from the City of Burlington in providing economic opportunity to 'at risk' families. We are concerned that withdrawal of this support publicly signals a break between the City and Lund – a break which would be damaging to Lund and Burlington families.

While we understand that the CDBG Advisory Board's recommendation is firm, we would welcome the opportunity to work with CEDO and City Hall to design a stronger, more transparent process for CDBG resource allocation. Lund is supportive of the FY13 attempts to increase the impact of the scarce Public Service resources. We appreciated the thoughtful changes to the application format for FY14, valuing innovation and expansion among funded public service programs. We also think it is important to continue stimulating discussions for innovations to the funding cycle and process. Parallel to increasing impact in the community, Lund would appreciate the opportunity to contribute to the development and encourage the adoption of a transparent scoring and decision making system that would serve as a grounding principle for the competitive process.

We thank you for your attention to this communication and look forward to continued and growing collaboration surrounding our special partnership that helps Burlington's most vulnerable children and families thrive.

Yours sincerely,

Barbara Rachelson  
Executive Director

Lisa Pizzagalli  
Board Chair

Cc. Honorable Miro Weinberger, Mayor; Carina Driscoll, Assistant to the Mayor for Open Government, Innovation & Mayoral Initiatives; Ms. Marcy Krumbine, Assistant Director, Community Development, CEDO; **Joan Shannon, President, Burlington City Council**

LIVE UNITED



United Way of  
Chittenden County

76 Glen Road • PO Box 4009 Burlington, VT 05406-4009 P 802-864-7467 800-639-1741 F 802-864-1619 TTY/TTD 800-253-0191 [lundvt.org](http://lundvt.org)



## Office of Mayor Miro Weinberger

### MEMORANDUM

To: City Councilors  
From: Mayor Miro Weinberger   
Date: May 1, 2013  
Re: Appointment of Chief Administrative Officer

---

I respectfully submit for your consideration and approval Bob Rusten as the next Chief Administrative Officer (CAO) for the City of Burlington. I am requesting City Council approval of this appointment at your May 6, 2013 meeting.

Bob is exceptionally qualified for the CAO position and will bring exactly the skills, experiences, and character to the office that Burlington needs right now.

**Bob has 17 years of experience in municipal and state government.**

- For the past 2 and 1/2 years, Bob has served as the Deputy City Manager and Chief Financial Officer, and for the last year as City Treasurer of neighboring South Burlington.
- For 4+ years, Bob served as the Town Manager of Wilmington, Vermont. While in Wilmington, Bob lowered the town tax rate three years in a row while investing in town infrastructure and growth. Bob helped create and lead the "Tri-Town Economic Development Committee" - three towns working together to create and implement economic development strategy.
- In 1996, Bob successfully ran for the Vermont State House, getting elected as the Representative from Halifax. Bob won re-election four times, opting not to run for re-election in 2006 after 10 years of service as a State Representative. While in the Legislature, Bob served on the Ways and Means Committee from 2001-06, serving as the Vice Chair and Ranking Member, and on the Governmental Operations Committee from 1997-2000.
- For 15 years (the last 10 overlapping with his time in the Legislature), Bob had his own management consulting company. His practice involved work with many local and state public sector clients, including the Vermont Secretary of State's Office, Brattleboro Area Middle School, Windham South West School District, and the Vermont Labor Department Management Team.

**Bob has successfully led financial turnarounds.**

- When Bob began his service in South Burlington, the City was experiencing a period of financial strain and turmoil. Together with the City Manager, Bob was part of a team that successfully unearthed the severe nature of South Burlington's financial troubles. Bob co-led the development of a plan to restore the City's fiscal stability after cumulative fiscal problems exceeding \$17 million and skillfully co-led the implementation of that plan which turned the City's finances around. Within two years, the City had gone from running deficits to running surpluses, while resolving an over \$6 million cumulative deficit in the City's General Fund and Enterprise Funds budgets. Additionally, for the first time in South Burlington, Bob created ten-year capital and seven-year debt service plans to promote the long-term fiscal stability of the City. The finance team instituted internal controls that addressed previous audit findings, leading to the most recent audit finding no "Significant Deficiencies" or "Material Weaknesses."
- Bob performed another turnaround in Wilmington, where he served as Town Manager for more than four years. There too, he inherited significant financial challenges. Within the first year of his service, Bob created a more transparent and understandable budget that reflected accurately the Town's true expenses and revenues.

**Bob has valuable experience with pension reform and leading union negotiations.**

- In South Burlington, Bob co-led a management contract negotiating team with all four City bargaining units. This experience included working with bargaining unit leadership to identify ways to reduce costs and to modify membership benefits that saved the City money, while holding harmless unit members.
- Bob co-negotiated an \$8.2 million refunding of an underfunded pension program. Stabilizing the pension fund involved both long-term benefit changes to lower the cost of the plan and a City Council-approved pension obligation bond.
- Bob has had the valuable experience of sitting at both ends of the collective bargaining negotiating table. Bob worked as a laborer in a steel mill early in his working career and was a member of the United Steelworkers of America, serving as a union officer who participated in collective bargaining negotiations on behalf of the union.

**Bob has served his communities with distinction and has an ability to work across partisan lines.**

- In 2004, Bob was recognized as the Legislator of the Year by the non-partisan Vermont League of Cities and Towns.
- After voting in favor of Civil Unions in 2000, Bob was re-elected to his House seat in 2001 although his district included two towns that opposed Civil Unions, one in an official Town Meeting vote and the other in a non-official vote.

Further details of Bob's career can be found in the attached resume. If confirmed, Bob would be appointed at Step 7 and receive a starting annual salary of \$121,506, and would begin his service to the City on June 3, 2013. As Bob has shared with those of you whom he has met, he will establish residency in Burlington and become a Burlington voter, fulfilling the City's residency requirement for a CAO, while also retaining his recently-purchased home in Hinesburg.

Thank you for your consideration of Bob Rusten as the next Burlington CAO.

**ROBERT RUSTEN**  
**1816 Silver Street**  
**Hinesburg, VT 05461**  
**Phone: (802) 482-5095**  
**E-mail: brusten179@gmail.com**

**WORK EXPERIENCE:**

**October 2010 – Present**

**South Burlington, Vermont**  
**Deputy City Manager, Chief Financial Officer and City Treasurer**

Responsibilities/Accomplishments:

- Co-leading management contract negotiating team with all four city bargaining units.
- Instituting internal financial controls to address audit findings prior to tenure with city.
- As Chief Financial Officer, overseeing and re-organizing department operations and responsibilities.
- Instituting financial transparency and reporting systems to City Manager and City Council.
- Leading development of new budgeting and capital improvement program processes to conform to charter requirements.
- Co-leading development of plan to restore city fiscal stability after cumulative fiscal problems exceeding \$17 million were unearthed. Resolving issues within two years of being hired.
- Reducing City's long-term debt while developing fiscal strategy for long-desired city projects.
- Co-negotiating \$8.169 million refunding of underfunded pension program.
- Serving as in-house consultant to management team on leadership development, team building and other strategic management needs.
- Leading implementation of pension advisory committee efforts in public reporting, education of staff and on-going effort to explore opportunities for financial management of pension funds exceeding \$22 million (including city schools).
- Identifying ways to raise non-property tax revenue, cut costs without negatively impacting services, plan for future needs and resolve revenue and expenditure issues creatively.
- Understanding health insurance issues resulting in improved insurance plans at lower city costs.

**June 2006 – October 2010**

**Wilmington Vermont**  
**Town Manager**

Responsibilities/Accomplishments:

- Overseeing daily operations of resort town with approximately 2,300 residents and 10,000 visitors.
- Writing draft General Fund, Highway, and Wastewater Treatment budgets and administering town-meeting approved final expenditures and revenues budgets.
- Lowering town tax rate three years in a row while investing in town infrastructure and growth.
- Helping Listers organize town-wide reappraisal.
- Creating numerous citizens' committees such as Town Beautification and Memorial Hall Board.
- Structuring Tri-Town Economic Development Committee (Wilmington, Dover and Whitingham): three towns working together to create and implement economic development strategy.
- Instituting energy efficiency plans supported with town revenue and grants which reduced costs and carbon footprint.
- Involving staff to generate cost-saving ideas.
- Assisting town Emergency Management Director's response to a major flood, fire and ice storm.
- Improving town human resource systems such as job descriptions and performance appraisals.
- Analyzing a variety of health insurance plans to balance needs of town and employees.

Recognition:

- Elected to Vermont League of Cities and Towns (VLCT) Board of Directors, 2008 to 2010.
- Chair of VLCT Finance, Administration and Intergovernmental Affairs Committee, 2010.
- Appointed to Vermont Legislative Education Financing and Effectiveness Committee, 2009.
- Appointed to Vermont Economic Development and Planning Services Oversight Committee, 2010.

**January 1997 – 2006**  
(Did not run for re-election)

**State of Vermont**  
**State Representative**

Responsibilities/Accomplishments:

- Serving on Ways and Means Committee 2001 to 2006, (Vice Chair and Ranking Member) and Governmental Operations Committee 1997 to 2000 (Clerk).
- Writing and negotiating process resulting in new state education funding law.
- Facilitating two-year successful collaboration between two school districts.
- Helping design and enact overhaul of Vermont Income Tax System – personal and corporate.
- Initiating and leading successful efforts between state, federal and local agencies to reconstruct highway – one of the largest highway projects in recent state history that had stalled for 20 years.
- Working with Governor, Republican and Democratic House leaders, negotiated and implemented largest tax cut in Vermont history.
- Serving as Vice Chair of Legislative Committee on Administrative Rules.
- Analyzing state health insurance issues, assessing solutions, and recommending funding plans.

Recognition:

- Legislator of the Year award by non-partisan Vermont League of Cities and Towns.

**April 1991 – 2006**

**21<sup>st</sup> Century Consulting**  
**President**

Responsibilities:

- Creating and implementing customer relations/quality management processes in the private, public and governmental sectors.
- Designing and presenting interactive training sessions covering areas such as total quality management, re-organization re-engineering, team building, personnel practices, customer satisfaction, quality costs and standards, problem-solving tools and preventing harassment.
- Assessing skill level of management staff; creating and conducting appropriate training to upgrade management staff's abilities.
- Facilitating strategic planning and other types of organizational meetings.
- Conducting employee and customer surveys: goal; design; compilation; and assessment.
- Facilitation conflict resolution efforts between individuals and groups.

**August 1989 – April 1991**

**New Directions Management Services, Inc.**  
**Senior Project Associate**

Responsibilities:

- Designing and presenting multi-session workshops, including Total Quality Management, personnel practices and basic/advanced supervision.
- Conducting one-on-one skill development trainings for managers and supervisors.
- Researching and writing personnel policy and performance appraisal manuals and job descriptions.

**August 1988 – August 1989**

**Mount Snow Ltd.**  
**Recruitment and Training Supervisor**

Responsibilities:

- Developing and implementing plan to hire 800 seasonal employees.
- Training supervisors in interviewing techniques and legal technicalities of hiring and firing.

**EDUCATION:**

Lower Merion High School  
Temple University, Philadelphia, PA

	<b>05/02/13 Accountability List</b>		
<b>Prepared by: Lori Olberg, Licensing, Voting &amp; Records Coordinator</b>			
<b>Meeting Date</b>	<b>Type of Document</b>	<b>Action Requested</b>	<b>Return to Council</b>
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
7/16/2012	Resolution: Appointment of Airport Strategic Planning Committee	progress report and a final report and recommendations due back to the City Council	10/29/12; on or before 1/7/13
8/13/2012	Resolution: Strategic Plan Re Fiscal Health of the City	Board of Finance and the C/T Office will work to produce a strategic plan and present said plan to the Council in a worksession	1/7/13; 1/28/13
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	by 04/15/13; by 04/29/13
1/7/2013	Resolution: Charter Change to Prohibit Assault Weapons and High Capacity Clips	Public Safety Committee to convene a series of public hearings and work together with the BSD, BPD, Howard Services and the State Attorney's Office and other relevant organizations to make our schools and City as safe as can be	not-specified
1/28/2013	Resolution: Changes to the Composition of the Ward Redistricting Committee	report on timeline for the redistricting process	4/15/2013
3/11/2013	Resolution: Commission and Board Appointment Process	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/11/2013	Resolution: Survey to Determine if Commissions and Boards are Functioning Optimally	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified
4/15/2013	Resolution: Proposed Amendments to Appendix B Rules and Regulations of The City Council	postpone action for now	post City Council Retreat
4/29/2013	Resolution: Mandatory Wheeled Covered Recycling Toters	report due back from the Ordinance Committee with a proposed Ordinance Change	15-Jul-13

1  
2 **Resolution Relating to**

**RESOLUTION**  
Sponsor(s): Councilors Blais,  
Tracy, Ayres: License Com.  
Introduced: \_\_\_\_\_  
Referred to: \_\_\_\_\_  
Action: \_\_\_\_\_  
Date: \_\_\_\_\_  
Signed by Mayor: \_\_\_\_\_

3  
4  
5  
6  
7 AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT  
8 TO MAINTAIN TABLES AND CHAIRS ON A PORTION OF THE  
9 CITY’S RIGHT-OF-WAY WITH BERN GALLERY

10  
11  
12 **CITY OF BURLINGTON**

13  
14 In the year Two Thousand Thirteen.....

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

16  
17 That WHEREAS, BERN NATION, INC. d/b/a BERN GALLERY of Burlington, Vermont (hereinafter  
18 BERN GALLERY) is an establishment doing business in a commercial building located at 135 Main  
19 Street in the City of Burlington, Vermont; and

20 WHEREAS, BERN GALLERY desires to place a total of 3 tables and 12 chairs in the public  
21 right-of-way in front of its establishment at 135 Main Street; and

22 WHEREAS, BERN GALLERY wishes to enter into a License Agreement with the City for such  
23 tables and chairs; and

24 WHEREAS, the placement of the respective tables and chairs has been reviewed and approved by  
25 the Department of Public Works with conditions to address public safety concerns; and

26 WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec.  
27 27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess  
28 of thirty (30) days;

29 NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes BERN  
30 GALLERY to place 3 tables and 12 chairs covering an area of 150 sq. ft. on a portion of the public right-  
31 of-way adjacent to its establishment at 135 Main Street as indicated in and pursuant to its License  
32 Agreement upon entering into the License Agreement in substantially the form attached hereto; and

33 BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to  
34 execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a  
35 term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.



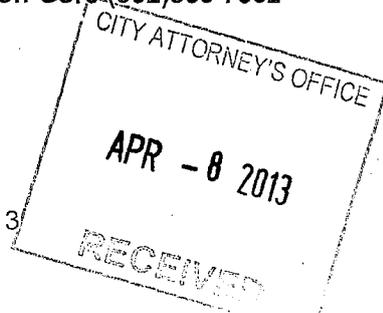
OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance Application / Renewal**

Effective 04/30/2013 - 04/30/2014

ADAM GROSS  
 BERN NATION INC  
 PO BOX 967  
 BURLINGTON VT 05401

DATE: Tuesday, February 5, 2013  
 PHONE: 802-453-2414  
 FAX: 802-453-2414  
 EMAIL:



DBA NAME: BERN NATION INC

COMPANY: BERN GALLERY

LOCATION: 135 MAIN ST

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Placement of Encumbrance: 10x15 Roped Off area with 3 tables and 12 chairs located outside of 135 Main Street.

Conditions: Keeping public ways clear

Total Square Feet (\$1.00 per SF): 150

**PLEASE ATTACH:**

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: 175 -

Signature

ADAM GROSS

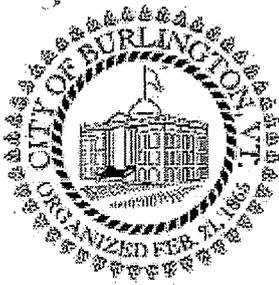
Date

3/14/13

For office use only: Amount received \$ 175.00 on 3/21 Check # 5440

Sent to Attorney: 4/5

*Exhibit A*



OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance DPW Approval Form**

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: BERN NATION INC

DATE: Thursday, March 21, 2013

COMPANY: BERN GALLERY

PHONE: 802-453-2414

LOCATION: 135 MAIN ST

FAX: 802-453-2414

MAILING ADDRESS: ADAM GROSS  
 PO BOX 967  
 BURLINGTON VT 05401

**RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC**

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes  No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes  No

3. Additional Comments: TABLE / CHAIR NEXT TO BUILDING

4. A 150 square foot placement of 10x15 ROPED OFF AREA WITH 3 TABLES AND 12 CHAIRS LOCATED OUTSIDE OF 135 MAIN ST. at 135 MAIN ST

**DEPARTMENT OF PUBLIC WORKS**

Approved? Yes

No

Explain: APPROVED RENEWAL SAME AS PREVIOUS

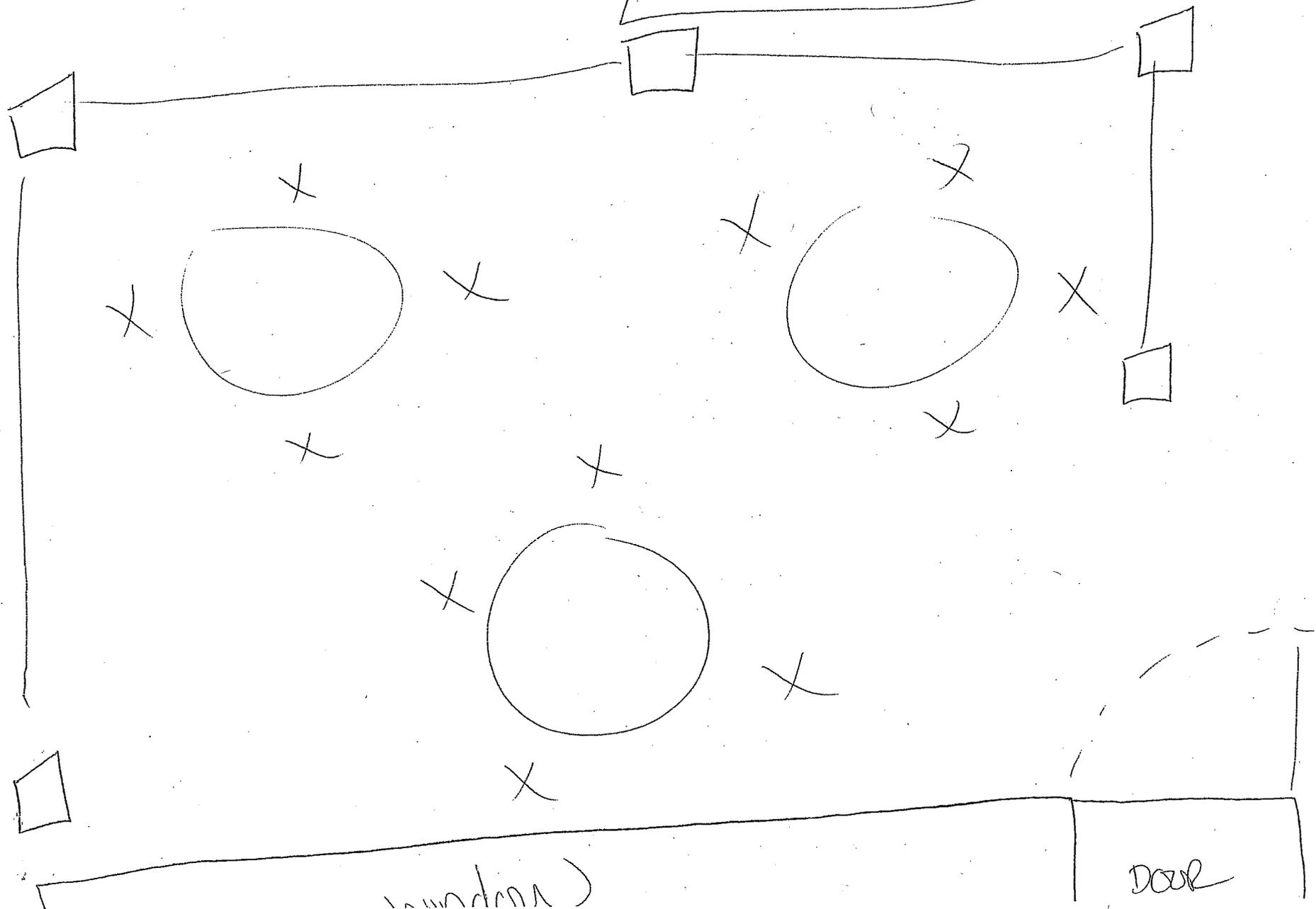
Signature Ron Gore

Date: 04/09/13

*Exhibit B*

X = chair  
O = Table  
□ = Post

EXERCISE C



WINDING)

DOOR



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/14/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>		<b>CONTACT NAME:</b>	
Williston Insurance Agency		PHONE (A/C, No, Ext): (802) 879-0119	
33 Blair Park, Ste 102		FAX (A/C, No): (802) 879-0376	
Williston, VT 05495		E-MAIL ADDRESS: davepalmer@palmarinsurancevt.com	
Phone (802) 879-0119 Fax (802) 879-0376		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A:</b> Union Mutual Fire Insurance Company	
		<b>INSURER B:</b>	
		<b>INSURER C:</b>	
		<b>INSURER D:</b>	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	
<b>INSURED</b>			
Bern Nation, Inc DBA The Bern Gallery & Bern Systems			
PO Box 967			
Burlington, VT 05402			

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			BOPD005327-07	09/01/2012	09/01/2013	EACH OCCURRENCE \$ 1,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000.00 MED EXP (Any one person) \$ 5,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 2,000,000.00 PRODUCTS - COMP/OP AGG \$ 2,000,000.00 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/>						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

Retail sale of art/glass blowing located at 135 Main Street in Burlington, VT 05401  
 10X15 roped off area with 3 tables and 12 chairs  
 The City of Burlington is listed as an Additional Insured with respect to General Liability  
 Faxed to: 865-7014

**CERTIFICATE HOLDER****CANCELLATION**

City of Burlington City Clerk's Office Encumbrance Application Division 149 Church Street Burlington, VT 05401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Julie A. Byrne - Agent
--	---

Exhibit D

forward



POLICY NUMBER: BOP0005327-07

**BUSINESSOWNERS**  
BP 04 48 01 06

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – DESIGNATED PERSON  
OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

**SCHEDULE**

**Name Of Additional Insured Person(s) Or Organization(s):**

CITY OF BURLINGTON, ENCUMBRANCE APPLICATION DEPT  
149 Church St, Burlington, VT 05401-8429

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph C. Who Is An Insured in Section II – Liability:

- 3. Any person(s) or organization(s) shown in the Schedule is also an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf in the performance of your ongoing operations or in connection with your premises owned by or rented to you.

*Exhibit E*



**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **VERMONT CHANGES**

This endorsement modifies insurance provided under the following:

### **BUSINESSOWNERS COVERAGE FORM**

**A. Section I – Property** is amended as follows:

**1. The following is added to Paragraph E.4. Legal Action Against Us Property Loss Condition:**

However, your right to bring legal action against us is not conditioned upon your compliance with the provisions of the Appraisal Property Loss Condition, if any.

**2. The following is added to Paragraph E.5. Loss Payment Property Loss Condition and replaces any provision to the contrary:**

We will pay for covered loss or damage within 10 working days after we reach agreement with you on the amount of loss, provided all other terms of the Loss Payment Property Loss Condition are satisfied.

**B. Section III – Common Policy Conditions** is amended as follows:

**1. Paragraph A. Cancellation** is replaced by the following:

**A. Cancellation**

**1.** The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.

**2. Cancellation Of Policies In Effect For Less Than 60 Days.**

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

**a.** Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or

**b.** Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

**3. Cancellation Of Policies In Effect For 60 Days Or More.**

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a.** Nonpayment of premium;
- b.** Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c.** Violation of any provisions of this policy; or
- d.** Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a.** By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b.** By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
6. If notice is mailed, proof of mailing will be sufficient proof of notice.

2. Paragraph C. **Concealment, Misrepresentation Or Fraud** is replaced by the following:

**C. Concealment, Misrepresentation Or Fraud**

We will not pay for any loss or damage in any case of:

1. Concealment or misrepresentation of a material fact; or
  2. Fraud;
- committed by you at any time and relating to coverage under this policy.

3. The following paragraphs are added:

**M. When We Do Not Renew**

1. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:
  - a. Expiration of the policy; or
  - b. Anniversary date of this policy if this policy has been written for a term of more than one year.

2. This provision does not apply:
  - a. If we have indicated a willingness to renew;
  - b. In case of nonpayment of premium;
  - c. If you do not pay any advance premium required by us for renewal; or
  - d. If any property covered in this policy is insured under any other insurance policy.

**N. Renewal**

1. If we:
  - a. Elect to renew this policy; and
  - b. Have the necessary information to issue a renewal policy,we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.
2. If we do not comply with the provisions of Paragraph 1., you will have renewal coverage. The renewal coverage will be at the rates:
  - a. In effect under the expiring or expired policy; or
  - b. In effect on the expiration date, that have been approved by the Commissioner,whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph 2. does not apply.

C. The following paragraph is added to the Business-owners Coverage Form:

**1. Statutory Liability**

- a. In addition to paying and satisfying judicial judgments rendered against the insured in consequence of claims to which this policy applies, we will protect the insured against the levy of executions issued on such judgments or claims against the insured.

1  
2  
3  
4  
5  
6 AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT  
7 TO MAINTAIN A SIGN EXTENDING OVER A  
8 PORTION OF THE CITY’S RIGHT-OF-WAY WITH  
9 LIEBLING  
10  
11  
12  
13

14 In the year Two Thousand Thirteen.....  
15 Resolved by the City Council of the City of Burlington, as follows:  
16

17 That WHEREAS, ITEM, LLC d/b/a LIEBLING of Burlington, Vermont (hereinafter  
18 LIEBLING ) is an establishment doing business in a commercial building located at 198 College  
19 Street in the City of Burlington, Vermont; and

20 WHEREAS, LIEBLING desires to maintain a sign extending over the public right-of-  
21 way on its building located at 198 College Street; and

22 WHEREAS, LIEBLING wishes to enter into a License Agreement with the City for such  
23 sign; and

24 WHEREAS, the placement of the sign has been reviewed and approved by the  
25 Department of Public Works with conditions to address public safety concerns; and

26 WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of  
27 Ordinances Sec. 27-32 require authorization by the City Council for such use of a public  
28 thoroughfare for periods in excess of thirty (30) days;

29 NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes  
30 LIEBLING to maintain a sign covering an area of 4 sq. ft. extending over a portion of the public  
31 right-of-way on its building located at 198 College Street as indicated in and pursuant to its  
32 License Agreement upon entering into the License Agreement in substantially the form attached  
33 hereto; and

34 BE IT FURTHER RESOLVED that Mayor Weinberger be and hereby is authorized to  
35 execute a License Agreement, in substantially the form attached, on behalf of the City of  
36 Burlington for a term commencing on the date of execution of the License Agreement and  
37 terminating on April 30, 2014.

**LICENSE AGREEMENT FOR SIGN**  
**WITH LIEBLING**  
**2013-2014 SEASON**

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and ITEM, LLC d/b/a LIEBLING, a commercial establishment located at 198 College Street, Burlington, Vermont (hereinafter LIEBLING or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 198 College Street; and

WHEREAS, LIEBLING stated on its application (attached hereto as Exhibit A) that it wishes to maintain a sign on the building overhanging the public right-of-way directly in front of 198 College Street as shown in the attached photo (hereinafter "sign"); and

WHEREAS, LIEBLING has stated in its permit application that there are no physical barriers around the sign and it will cover a 4 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and LIEBLING enter into the following License Agreement:

1. TERM

The CITY grants to LIEBLING (hereinafter LICENSEE) a license to maintain a sign extending over the public right-of-way adjacent to 198 College Street covering an area of 4 sq. ft. for a term commencing as of the date of execution of this Agreement and terminating on

April 30, 2014 or sooner as provided herein.

2. LOCATIONS

LICENSEE may use and maintain a sign extending over the public right-of-way (hereinafter referred to as the premises) for advertising purposes. The sign is to be attached to the building and it must be exactly as described and placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the sign in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the sign and any damage to the sign is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the sign, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The sign shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.
- d. The sign shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.
- e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the sign. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the sign and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

- a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.
- b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the

CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the sign.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE’S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this \_\_\_\_\_ day of \_\_\_\_\_,

2013.

CITY OF BURLINGTON

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Miro Weinberger, Mayor  
Duly Authorized

ITEM, LLC d/b/a.  
LIEBLING

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Duly Authorized

lb/c: GM 2013/License Agree for Encumbrance – LIEBLING, LLC, 198 College St. (Sign on Building) 2013  
4/29/13



OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance Application / Renewal**

Effective 04/30/2013 - 04/30/2014

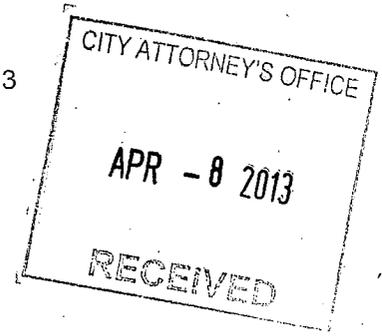
KARA ALNASRAWI  
 LIEBLING  
 124 WILD ROSE CIR.  
 SHELBURNE, VT 05482

DATE: Tuesday, February 5, 2013

PHONE: 802-503-5411

FAX:

EMAIL:



DBA NAME: LIEBLING

COMPANY: ITEM LLC

LOCATION: 198 COLLEGE ST.

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Placement of Encumbrance: ONE 2X2 SIGN PROJECTING OUT OF FACADE TOP OF SIGN WILL BE 10 FEET OFF THE GROUND OVER SIDEWALK.

Conditions: Keeping public ways clear

Total Square Feet (\$1.00 per SF): 4

**PLEASE ATTACH:**

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: 29.5

Signature

*[Handwritten Signature]*  
 KARA ALNASRAWI

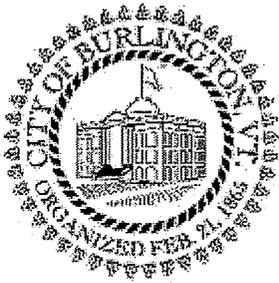
Date

3/13/13

For office use only: Amount received \$ 29.00 on 3/21 Check # 1084

Sent to Attorney:

*Exhibit A*



OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
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 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance DPW Approval Form**

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: LIEBLING

DATE: Thursday, March 21, 2013

COMPANY: ITEM LLC

PHONE: 802-503-5411

LOCATION: 198 COLLEGE ST.

FAX:

MAILING ADDRESS: KARA ALNASRAWI  
 124 WILD ROSE CIR.  
 SHELBURNE, VT 05482

**RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC**

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes  No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes  No

3. Additional Comments: SIGN ABOVE SIDEWALK - APPROVED HEIGHT

4. A 4 square foot placement of ONE 2X2 SIGN PROJECTING OUT OF FACCEDE. TOP OF SIGN WILL BE 10 FEET OFF THE GROUND OVER THE SIDEWALK. at 198 COLLEGE ST.

**DEPARTMENT OF PUBLIC WORKS**

Approved? Yes

No

Explain: APPROVED RENEWAL - SAME AS PREVIOUS

Signature Ron Gore

Date: 04/09/13

*Exhibit B*





# CERTIFICATE OF LIABILITY INSURANCE

LIEBL-1 OP ID: SSP

DATE (MM/DD/YYYY)

07/19/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Access Insurance Agency LLC 80 Midas Dr 3rd floor S Burlington, VT 05403 Access Insurance Agency LLC	802-864-6962  802-864-6955	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"><b>CONTACT NAME:</b></td> </tr> <tr> <td><b>PHONE (A/C, No, Ext):</b></td> <td><b>FAX (A/C, No):</b></td> </tr> <tr> <td colspan="2"><b>E-MAIL ADDRESS:</b></td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>INSURER(S) AFFORDING COVERAGE</b></td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>INSURER A: National Grange Mutual</b></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>NAIC #</b></td> </tr> <tr> <td colspan="2" style="text-align: right;">14788</td> </tr> <tr> <td colspan="2"><b>INSURER B:</b></td> </tr> <tr> <td colspan="2"><b>INSURER C:</b></td> </tr> <tr> <td colspan="2"><b>INSURER D:</b></td> </tr> <tr> <td colspan="2"><b>INSURER E:</b></td> </tr> <tr> <td colspan="2"><b>INSURER F:</b></td> </tr> </table>	<b>CONTACT NAME:</b>		<b>PHONE (A/C, No, Ext):</b>	<b>FAX (A/C, No):</b>	<b>E-MAIL ADDRESS:</b>		<b>INSURER(S) AFFORDING COVERAGE</b>		<b>INSURER A: National Grange Mutual</b>		<b>NAIC #</b>		14788		<b>INSURER B:</b>		<b>INSURER C:</b>		<b>INSURER D:</b>		<b>INSURER E:</b>		<b>INSURER F:</b>	
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<b>INSURER F:</b>																										
<b>INSURED</b> Liebling 198 College St Burlington, VT 05402																										

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			BPT9669E	07/01/12	07/01/13	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	X					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS  <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ Included GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$      RETENTION \$						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS      OTHER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Ladies retail clothing store

**CERTIFICATE HOLDER**

**CANCELLATION**

City of Burlington Clerk/Treasurer's Office Encumbrance Application Dept 149 Church Street Burlington, VT 05401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Access Insurance Agency LLC
---	--

*Exhibit D*

BUSINESSOWNERS  
BP 01 34 01 06

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## VERMONT CHANGES

This endorsement modifies insurance provided under the following:

### BUSINESSOWNERS COVERAGE FORM

**A. Section I - Property is amended as follows:**

1. The following is added to Paragraph E.4. **Legal Action Against Us Property Loss Condition:**

However, your right to bring legal action against us is not conditioned upon your compliance with the provisions of the Appraisal Property Loss Condition, if any.

2. The following is added to Paragraph E.5. **Loss Payment Property Loss Condition** and replaces any provision to the contrary:

We will pay for covered loss or damage within 10 working days after we reach agreement with you on the amount of loss, provided all other terms of the Loss Payment Property Loss Condition are satisfied.

**B. Section III - Common Policy Conditions is amended as follows:**

1. Paragraph A. **Cancellation** is replaced by the following:

**A. Cancellation**

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.

**2. Cancellation Of Policies In Effect For Less Than 60 Days.**

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

**3. Cancellation Of Policies In Effect For 60 Days Or More.**

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Exhibit E

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
  5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
  6. If notice is mailed, proof of mailing will be sufficient proof of notice.
2. Paragraph C. Concealment, Misrepresentation Or Fraud is replaced by the following:
- C. Concealment, Misrepresentation Or Fraud**
- We will not pay for any loss or damage in any case of:
1. Concealment or misrepresentation of a material fact; or
  2. Fraud;
- committed by you at any time and relating to coverage under this policy.
3. The following paragraphs are added:

**M. When We Do Not Renew**

1. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:
  - a. Expiration of the policy; or
  - b. Anniversary date of this policy if this policy has been written for a term of more than one year.

2. This provision does not apply:
  - a. If we have indicated a willingness to renew;
  - b. In case of nonpayment of premium;
  - c. If you do not pay any advance premium required by us for renewal; or
  - d. If any property covered in this policy is insured under any other insurance policy.

**N. Renewal**

1. If we:
  - a. Elect to renew this policy; and
  - b. Have the necessary information to issue a renewal policy,

we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.
2. If we do not comply with the provisions of Paragraph 1., you will have renewal coverage. The renewal coverage will be at the rates:
  - a. In effect under the expiring or expired policy; or
  - b. In effect on the expiration date, that have been approved by the Commissioner;

whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph 2. does not apply.

**C. The following paragraph is added to the Business-owners Coverage Form:**

**1. Statutory Liability**

- a. In addition to paying and satisfying judicial judgments rendered against the insured in consequence of claims to which this policy applies, we will protect the insured against the levy of executions issued on such judgments or claims against the insured.

- b. We may, without the insured's consent, continue litigation after a judgment has been rendered with respect to the insured's legal liability under this policy for damages in particular instance. In that event, no limitation of our liability will be valid where the matter of that litigation is concerned.
- c. Under Coverage Forms to which this endorsement applies any legal action against us to recover for loss under this policy must be brought within one year after amount of loss is finally established. The amount of loss can be established only by:
- (1) Judicial judgment; or
  - (2) An agreement between the parties involved with our written consent.
- d. In the event of the insured's bankruptcy or insolvency, an injured person or claimant who has obtained a judgment against the insured may bring suit against us, provided:
- (1) The judgment was for damages covered by this policy; and
  - (2) The suit is for damages in amounts no greater than the applicable Limits of Insurance of this policy.
- e. Payment by the insured of any judicial judgment or claim for any of our liability under this policy will not deprive the insured of the right to bring action against us.



THE  
MAIN  
STREET  
AMERICA  
GROUP

Policy Number: BPT9669E

THIS ENDORSEMENT CHANGES THE POLICY  
PLEASE READ IT CAREFULLY  
BUSINESSOWNERS POLICY CHANGE ENDORSEMENT  
MAIN STREET AMERICA ASSURANCE COMPANY

Endorsement No. 001

Named Insured: ITEM, LLC

Endorsement Effective Date: 07-19-12

Agent Name: ACCESS INSURANCE AGENCY LLC

Agent No. 440085

This endorsement will not be used to decrease coverages, increase rates or deductibles or alter any terms or conditions of coverage unless at the sole request of the insured.

BUSINESSOWNERS POLICY CHANGE DESCRIPTIONS

THE POLICY IS AMRNDENED AS FOLLOWS:

THE FOLLOWING ADDITIONAL INTEREST (LIAB-STATE OR POLITICAL  
SUBDIVISIONS - PERMITS) HAS BEEN ADDED TO THE POLICY:

CITY OF BURLINGTON  
CLERK/TREASURER'S OFFICE  
ENCUMBRANCE APPLICATION DEPT  
149 CHURCH ST  
BURLINGTON, VT 05401-8429

ALL OTHER TERMS AND CONDITIONS REMAIN THE SAME

The changes described result in a change in premium as follows:

No Changes     To be Adjusted at Audit    Additional NO CHARGE    Return NO CHARGE

Changes in Taxes, Fees and Surcharges

Additional

Return

Countersigned By:

\_\_\_\_\_  
AUTHORIZED AGENT

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**AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT  
TO MAINTAIN TABLES AND CHAIRS ON A PORTION OF  
THE CITY’S RIGHT-OF-WAY WITH PHO HONG RESTAURANT**

In the year Two Thousand Thirteen.....

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

That WHEREAS, PHO HONG RESTAURANT of Burlington, Vermont (hereinafter PHO HONG) is an establishment doing business in a commercial building located at 325 No. Winooski Ave. in the City of Burlington, Vermont; and

WHEREAS, PHO HONG desires to place 2 tables with umbrellas and 6 chairs in the public right-of-way in front of its establishment at 325 No. Winooski Ave.; and

WHEREAS, PHO HONG wishes to enter into a License Agreement with the City for such tables and chairs; and

WHEREAS, the placement of the respective tables and chairs has been reviewed and approved by the Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec. 27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes PHO HONG to place 2 tables with umbrellas and 6 chairs covering an area of 42 sq. ft. on a portion of the public right-of-way adjacent to its establishment at 325 No. Winooski Ave. as indicated in and pursuant to its License Agreement upon entering into the License Agreement in substantially the form attached hereto; and

BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

**LICENSE AGREEMENT FOR TABLES AND CHAIRS**  
**WITH PHO HONG RESTAURANT**  
**2013-2014 SEASON**

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and PHO HONG RESTAURANT a commercial establishment located at 325 No. Winooski Ave., Burlington, Vermont (hereinafter PHO HONG or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 325 No. Winooski Ave.; and

WHEREAS, PHO HONG stated on its application (attached hereto as Exhibit A) that it wishes to place 2 tables with umbrellas and 6 chairs on the sidewalk area in front of the building at 325 No. Winooski Ave.; and

WHEREAS, PHO HONG has stated in its permit application that there are no physical barriers around the tables and chairs and they will cover a 42 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and PHO HONG enter into the following License Agreement:

1. TERM

The CITY grants to PHO HONG (hereinafter LICENSEE) a license to place 2 tables with umbrellas and 6 chairs covering an area of 42 sq. ft on the public right-of-way for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014

or sooner as provided herein.

2. LOCATION

LICENSEE may use and maintain tables and chairs on the public right-of-way (hereinafter referred to as the premises) for the consumption of food and beverage. Licensee must ensure that at all times there is a 5 ft. right-of-way for pedestrian traffic. The tables and chairs shall be placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the tables and chairs in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the tables and chairs and any damage to the tables and chairs is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the tables and chairs, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The tables and chairs shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.
- d. The tables and chairs shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.
- e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the tables and chairs. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the tables and chairs and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

- a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.
- b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the

CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the tables and chairs.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE’S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this \_\_\_\_\_ day of \_\_\_\_\_,

2013.

CITY OF BURLINGTON

\_\_\_\_\_  
Witness

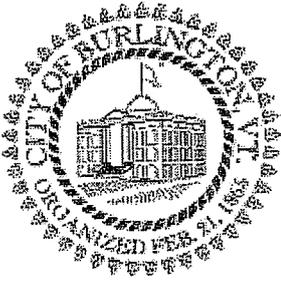
By: \_\_\_\_\_  
Miro Weinberger, Mayor  
Duly Authorized

PHO HONG RESTAURANT

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Duly Authorized

lb/c: GM 2013/License Agree for Encumbrance – PHO HONG, 325 No. Winooski Ave. (Tables & Chairs) 2013  
4/29/13



OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance Application / Renewal**

Effective 04/30/2013 - 04/30/2014

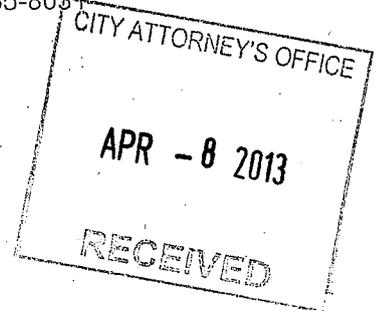
PHO HONG RESTAURANT  
 325 NORTH WINOOSKI AVENUE  
 BURLINGTON

DATE: Tuesday, February 5, 2013

PHONE: 802-881-5417 802-865-8031

FAX:

EMAIL:



DBA NAME: PHO HONG RESTAURANT

COMPANY: PHO HONG RESTAURANT

LOCATION:

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Placement of Encumbrance: 2 Tables, 6 chairs, 2 umbrellas in front of restaurant at 325 n. winooski ave.

Conditions: Keeping public ways clear

Total Square Feet (\$1.00 per SF): 42

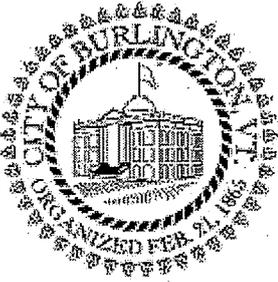
**PLEASE ATTACH:**

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: \_\_\_\_\_

Signature *Aslan* Date 3/11/13

For office use only: Amount received \$ 67.00 on 3/11/13 Check # cash  
 Sent to Attorney: 4/5

*Exhibit A*



OFFICE OF THE CLERK AND TREASURER  
149 CHURCH STREET  
BURLINGTON, VT 05401  
Voice (802)865-7000  
FAX (802)865-7014  
TTY (802)865-7142  
Amy Bovee (802)865-7019  
Ron Gore (802)865-7562

### Encumbrance DPW Approval Form

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: PHO HONG RESTAURANT

DATE: Thursday, April 4, 2013

COMPANY: PHO HONG RESTAURANT

PHONE: 802-881-5417 802-865-8031

LOCATION:

FAX:

MAILING ADDRESS:

325 NORTH WINOOSKI AVENUE  
BURLINGTON

#### RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes  No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes  No

3. Additional Comments: \_\_\_\_\_

4. A 42 square foot placement of 2 tables, 6 chairs, 2 umbrellas in front of restaurant at 325 N. Winooski Ave. at

#### DEPARTMENT OF PUBLIC WORKS

Approved? Yes

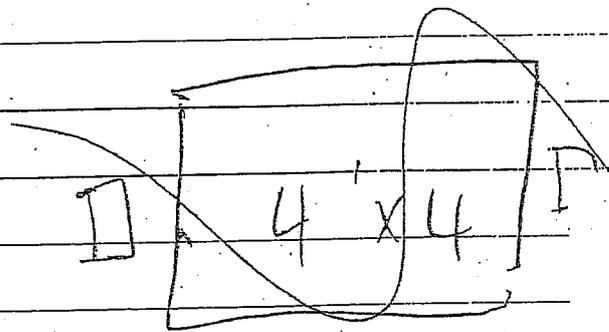
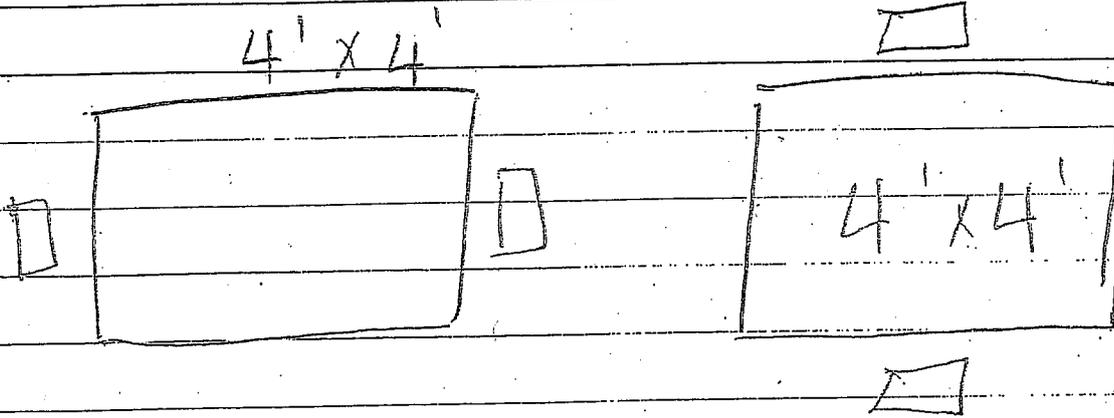
No

Explain: APPROVED RENEWAL AS PREVIOUS

Signature Ron Gore

Date: 04/04/13

EXHIBIT B



2 ~~3~~ tables  
 6 chairs  
 2 ~~3~~ umbrellas

<http://www.nc.gov/nclicensing>

enseID=32237

4'  
 28'

2009

City of Burlington  
 148772

Date: 04/27/2009 Time: 13:29:06

Clerk: sncsh3n

Name: Pho Hong Restaurant

Comments: encumbrance

Description	Amount
OTHER LICENSES &	37.00

CASH PAYMENT

EXHIBIT C



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/13/2013

<b>PRODUCER</b> Arrowhead Mountain Insurance Agency 160 River Street Sjenkins@arrowheadinsurancevt.com Burlington VT 05468 TEL 802-893-4521	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
<b>INSURED</b> PHO HONG RESTAURANT 325 NORTH WINDOOSKI AVE  BURLINGTON VT 05401	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURERS AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A: acceptance indemnity</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: acceptance indemnity		INSURER B:		INSURER C:		INSURER D:		INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC #												
INSURER A: acceptance indemnity													
INSURER B:													
INSURER C:													
INSURER D:													
INSURER E:													

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	CP 00075833	02/05/2013	02/05/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
		EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		OTHER				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

CITY OF BURLINGTON CITY CLERKS OFFICE/INCUMBRANCE APPLICATION DIV 149 CHURCH STREET RM 20 BURLINGTON VT 05401 IS LISTED AS ADDITIONAL INSURED HAS RENTAL OR USE OF 42 SQUARE FOOT AREA IN FRONT OF RESTURANT LOCATED AT 325 NO WINDOOSKI AVE BURLINGTON VT AND HAS 2 TABLE 6 CHAIRS AND 2 UMBRELLA IN FRONT FOR CUSTOMER TO SIT DOWN AND EAT NO ALCHOLOLIC BEVERAGE COV ON POLICY

<b>CERTIFICATE HOLDER</b>  CITY OF BURLINGTON CLERKS / TREASURE OFFICE ENCUMBRANCE DIV 149 CHURCH STREET BURLINGTON VT 05401 ATTN AMY BOVEE 802-865-7014	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Shawn Jenkins</i> <SMJ>
--	--

Exhibit D

**IMPORTANT**

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**DISCLAIMER**

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## VERMONT CHANGES - CANCELLATION AND NONRENEWAL

This endorsement modifies insurance provided under the following:

CAPITAL ASSETS PROGRAM (OUTPUT POLICY) COVERAGE PART  
COMMERCIAL AUTOMOBILE COVERAGE PART  
COMMERCIAL GENERAL LIABILITY COVERAGE PART  
COMMERCIAL INLAND MARINE COVERAGE PART  
COMMERCIAL LIABILITY UMBRELLA COVERAGE PART  
COMMERCIAL PROPERTY COVERAGE PART  
CRIME AND FIDELITY COVERAGE PART  
EMPLOYMENT-RELATED PRACTICES LIABILITY COVERAGE PART  
EQUIPMENT BREAKDOWN COVERAGE PART  
FARM UMBRELLA LIABILITY POLICY  
LIQUOR LIABILITY COVERAGE PART  
MEDICAL PROFESSIONAL LIABILITY COVERAGE PART  
POLLUTION LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

- A. The Cancellation Common Policy Condition is replaced by the following:

### CANCELLATION

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. Cancellation Of Policies In Effect For Less Than 60 Days.  
If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:
  - a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
  - b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation Of Policies In Effect For 60 Days Or More.

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

*Exhibit E*

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
6. If notice is mailed, proof of mailing will be sufficient proof of notice.

**B. Any When We Do Not Renew Condition is deleted.**

The following Conditions are added:

**1. WHEN WE DO NOT RENEW**

- a. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:
  - (1) Expiration of the policy; or
  - (2) Anniversary date of this policy if this policy has been written for a term of more than one year.

**b. This provision does not apply:**

- (1) If we have indicated a willingness to renew;
- (2) In case of nonpayment of premium;
- (3) If you do not pay any advance premium required by us for renewal; or
- (4) If any property covered in this policy is insured under any other insurance policy.

**2. RENEWAL**

**a. If we:**

- (1) Elect to renew this policy; and
- (2) Have the necessary information to issue a renewal policy,

we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.

**b. If we do not comply with the provisions of Paragraph a., you will have renewal coverage. The renewal coverage will be at the rates:**

- (1) In effect under the expiring or expired policy; or
- (2) In effect on the expiration date, that have been approved by the Commissioner,

whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph b. does not apply.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED -  
STATE OR POLITICAL SUBDIVISIONS - PERMITS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Political Subdivision:

City of Burlington  
Clerks Office/Incumbrance Application Div.  
149 Church St  
Room 20  
Attn: Susan Meehan  
Burlington VT 05401  
802-865-7014

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

**Section II - Who Is An Insured** is amended to include as an insured any state or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

2. This insurance does not apply to:

- a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
- b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

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**AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT  
TO MAINTAIN A ROOFLINE CORNICE OVERHANGING A  
PORTION OF THE CITY’S RIGHT-OF-WAY WITH  
SHOELESS KONSTRUCTION**

In the year Two Thousand Thirteen.....  
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, SHOELESS KONSTRUCTION of Burlington, Vermont (hereinafter  
SHOELESS) is an establishment doing business in Burlington and is the owner of an apartment  
complex located at 142-144 No. Champlain St. in the City of Burlington, Vermont; and

WHEREAS, SHOELESS has re-built an apartment complex situated on the same footprint as  
the building that previously burned and in doing so constructed a roofline cornice on the building that  
overhangs a portion of the sidewalk area within the City’s right-of-way at 142-144 No. Champlain St.;  
and

WHEREAS, SHOELESS wishes to enter into a License Agreement with the City to maintain  
such roofline cornice overhang; and

WHEREAS, the placement of the overhang has been reviewed and approved by the  
Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances  
Sec. 27-32 require authorization by the City Council for such use of a public thoroughfare for periods  
in excess of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes  
SHOELESS to maintain a roofline cornice overhanging a portion of the public right-of-way covering  
an area of 76 sq. ft. on the building located at 142-144 No. Champlain St. as indicated in and pursuant  
to its License Agreement upon entering into the License Agreement in substantially the form attached  
hereto; and

AUTHORIZATION TO ENTER INTO LICENSE  
AGREEMENT TO MAINTAIN A ROOFLINE CORNICE  
OVERHANGING A PORTION OF THE CITY’S RIGHT-OF-  
WAY WITH SHOELESS KONSTRUCTION

BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

lb/GM/c: Resolutions 2013/License Agree for Encumbrance – Shoeless Konstruction, 142-144 No. Champlain St. (Roofline Cornice overhanging Sidewalk) 2013  
4/30/13

**LICENSE AGREEMENT FOR A ROOFLINE CORNICE  
OVERHANGING THE SIDEWALK WITH SHOELESS KONSTRUCTION  
2013-2014 SEASON**

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and Shoeless Konstruction, a business having an office in Burlington, Vermont (hereinafter SHOELESS KONSTRUCTION or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way in front of the property occupied by CHAMPLAIN APARTMENTS located at 142-144 No. Champlain St. as depicted on the attached "Site Plan/Roof Plan; and

WHEREAS, SHOELESS KONSTRUCTION stated on its application (attached hereto as Exhibit A) that it wishes to maintain a building with a portion of the roofline cornice overhanging the public right-of-way directly in front of 142-144 No. Champlain St. as shown on the attached Site Plan/Roof Plan (hereinafter "cornice"); and

WHEREAS, SHOELESS KONSTRUCTION has stated in its permit application that the cornice is situated 3 stories above the street and sidewalk right-of-way and it will cover a 76 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and SHOELESS KONSTRUCTION enter into the following License

Agreement:

1. TERM

The CITY grants to SHOELESS KONSTRUCTION (hereinafter LICENSEE) a license to maintain a roofline cornice situated 3 stories high overhanging the street and sidewalk right-of-way for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATION

LICENSEE shall maintain a cornice overhanging the public right-of-way (hereinafter referred to as the premises) as described in the Site Plan/Roof Plan attached. The cornice must be exactly as described and placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

a. LICENSEE shall maintain the cornice in proper condition.

b. LICENSEE shall be responsible for the maintenance and upkeep of the cornice and any damage to the cornice is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the cornice, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.

c. The cornice shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.

d. The cornice shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.

e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable on or before May 1 of each year to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the cornice. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the cornice and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance and endorsement are on file with the CITY at all times. **Failure to furnish a current certificate of insurance and endorsement will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the cornice.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition

imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this \_\_\_\_\_ day of \_\_\_\_\_,

2013.

CITY OF BURLINGTON

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Miro Weinberger, Mayor  
Duly Authorized

SHOELESS KONSTRUCTION

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
John Stuart McGowan,  
Duly Authorized

1b/c: GM 2013/License Agree for Encumbrance – Shoeless Konstruction, 142-144 No. Champlain St. Apts. (Roofline Cornice Overhang)  
4/30/13



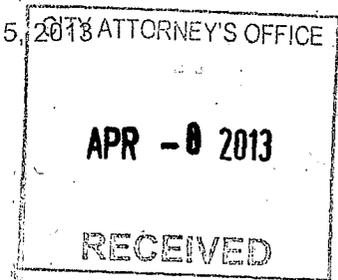
OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance Application / Renewal**

Effective 04/30/2013 - 04/30/2014

JOHN STUART MCGOWEN  
 JOHN STUART MCGOWEN  
 107 INTERVALE AVE

DATE: Tuesday, February 5, 2013  
 PHONE: (802)598-7576  
 FAX:  
 EMAIL:



DBA NAME: JOHN STUART MCGOWEN

COMPANY: SHOELESS KONSTRUCTION

LOCATION: 142-144 NORTH CHAMPLAIN ST.

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Placement of Encumbrance: ROOF OVERHANGING SIDEWALK

Conditions: Keeping public ways clear

Total Square Feet (\$1.00 per SF): 76

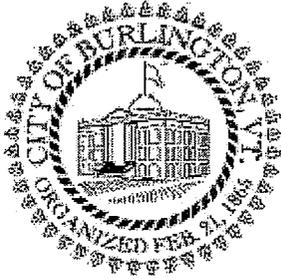
**PLEASE ATTACH:**

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee 107

Signature John Stuart McGowen Date 3/11/13  
 JOHN STUART MCGOWEN

For office use only: Amount received \$ 101 on 3/11 Check # 10761  
 Sent to Attorney:

*Exhibit A*



OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance DPW Approval Form**

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: JOHN STUART MCGOWEN                      DATE: Wednesday, March 13, 2013  
 COMPANY: SHOELESS KONSTRUCTION                      PHONE: (802)598-7576  
 LOCATION: 142-144 NORTH CHAMPLAIN ST.                      FAX:  
 MAILING ADDRESS: JOHN STUART MCGOWEN  
 107 INTERVALE AVE

**RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC**

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property?    Yes     No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk?    Yes     No

3. Additional Comments: ROOF OVER HANG ABOVE SIDEWALK  
APPROX 4 FEET

4. A 76 square foot placement of ROOF OVERHANGING SIDEWALK at 142-144 NORTH CHAMPLAIN ST.

**DEPARTMENT OF PUBLIC WORKS**

Approved?    Yes   
                   No

Explain: RENEWAL - PART OF BUILDING

Signature Ron Gore

Date: 03/09/13

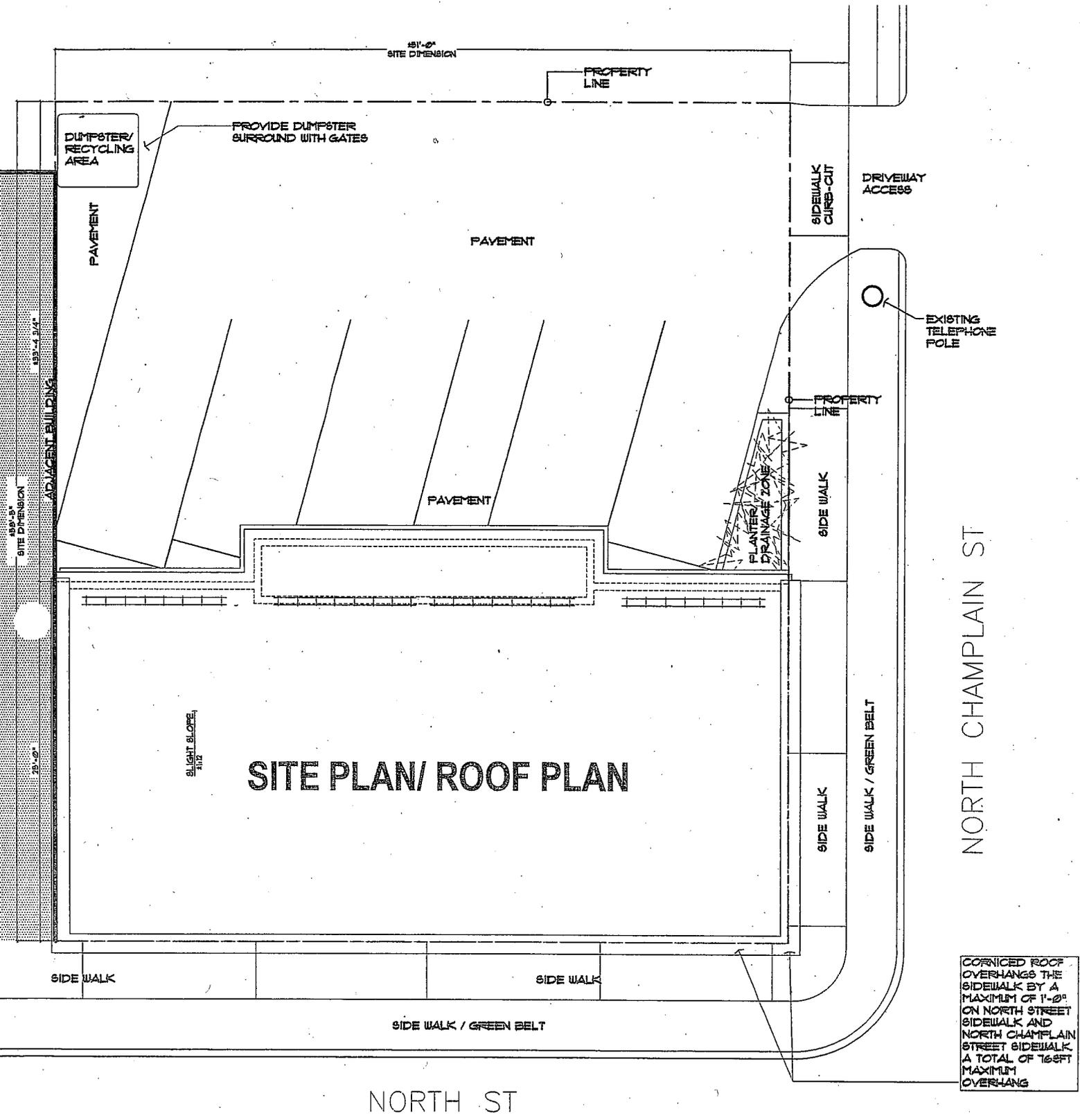
*Exhibit B*

**Encumbrance Description:**

The 142-144 No Champlain Street Apartments are being built on the same footprint of the existing building that burned down previously. It is a corner lot located on the corner of North Street and North Champlain Street.

The foundation is being built with a 'turned in' footing to make sure not to disrupt the sidewalk, although the building is being built up to the edge of the property line/ sidewalk edge. The portion that will overhang the sidewalk is the roof cornice located 3 stories high. This is similar to the surrounding buildings and should have no interference with pedestrian flow or plow vehicles. The amount overhanging should be very similar to what was already there. Some window trim and or lower trim and building details may overhang a small amount, as it will be built up to the sidewalk edge; yet it will be with-in the width of the overhang of the roof/cornicing above. The overhang will occur on the North street side and the North Champlain street side with a maximum overhang width of 1'-0" with a total of no more than 76sft overhanging the sidewalk. See attached plan.

**Total Maximum Encumbrance: 76sft**



**142-144 NO. CHAMPLAIN ST**  
 NOTE: THIS IS NOT A SURVEY.  
 PROPERTY LINES INDICATED ARE  
 BASED ON THE TOWN OF  
 WASHINGTON TAX MAPS

*Exhibit C*



# CERTIFICATE OF LIABILITY INSURANCE

OP ID: CR

DATE: (MM/DD/YYYY)

02/19/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER T.S. Peck Insurance 41 IDX Drive Suite 135 So. Burlington, VT 05403 T.S. Peck Ins. Agency	802-865-8000	CONTACT NAME:	
	802-863-7889	PHONE (A/C, No, Ext):	FAX (A/C, No):
		E-MAIL ADDRESS:	
		PRODUCER CUSTOMER ID #:	MCGOW-1
		INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED John McGowan & Joan Watson 105 Intervale Ave Burlington, VT 05401	INSURER A: Granite Mutual Insurance Co.		14095
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR LTR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	X	BP31013501	04/29/12	04/29/13	EACH OCCURRENCE	\$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person)	\$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY	\$ 2,000,000
	<input checked="" type="checkbox"/> POLICY	<input type="checkbox"/> PRO-JECT				GENERAL AGGREGATE	\$ 4,000,000
	<input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG	\$ 2,000,000
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS						\$
	<input type="checkbox"/> NON-OWNED AUTOS						\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE	\$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE	\$
	DEDUCTIBLE						\$
	RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y/N	N/A			WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Property location: 142-144 No. Champlain St, Burlington, VT 05401  
 The City of Burlington is named as additional insured with regard to general liability.

CERTIFICATE HOLDER	CANCELLATION
CITYBUR	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
City of Burlington Clerk/Treasurer's Office Encumbrance Application Dept 149 Church St Burlington, VT 05401	AUTHORIZED REPRESENTATIVE T.S. Peck Ins. Agency <i>Maggie Mullin</i>

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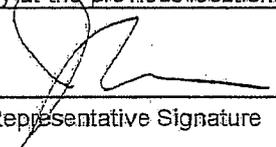
*Exhibit D*

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## POLICY CHANGES

Policy Change  
Number 8

POLICY NUMBER  BP31013501	POLICY CHANGES EFFECTIVE  02/19/2013	COMPANY  GRANITE MUTUAL INSURANCE CO.
NAMED INSURED  JOHN MCGOWAN		AUTHORIZED REPRESENTATIVE  T.S. PECK INSURANCE
COVERAGE PARTS AFFECTED  BUSINESSOWNERS		
CHANGES		
ADDED CITY OF BURLINGTON AS ADDITIONAL INSURED - FORM VB2026 THE FOLLOWING FORMS HAVE BEEN ADDED TO THE POLICY: VB2026 (09/04)      ADDL INS-DESIGNATED PERSON/ORG		
PREMIUM ADJUSTMENT		
ADDITIONAL PREMIUM	RETURN PREMIUM	NEW ANNUALIZED PREMIUM
\$ 0	\$ 0	\$ 38,812
REMOVAL PERMIT	If Covered Property is removed to a new location that is described on this Policy Change, you may extend this insurance to include that Covered Property at each location during the removal. Coverage at each location will apply in the proportion that the value at each location bears to the value of all Covered Property being removed. This permit applies up to 10 days after the effective date of this Policy Change; after that, this insurance does not apply at the previous location.	

  
 Authorized Representative Signature

*Exhibit E*

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

BUSINESS OWNERS POLICY

WHO IS AN INSURED as defined in form BP 00 06 is amended to include as an insured the person or organization shown in the Schedule as an insured but only with respect to liability arising out of your operations or premises owned by or rented to you.

SCHEDULE

Name of Person or Organization:

CITY OF BURLINGTON  
CLERK/TREASURERS OFFICE  
149 CHURCH ST  
BURLINGTON, VT 05401

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## VERMONT CHANGES – CANCELLATION AND NONRENEWAL

This endorsement modifies insurance provided under the following:

BOILER AND MACHINERY COVERAGE PART  
BUSINESSOWNERS COVERAGE PART  
COMMERCIAL AUTOMOBILE COVERAGE PART  
COMMERCIAL CRIME COVERAGE PART  
COMMERCIAL GENERAL LIABILITY COVERAGE PART  
COMMERCIAL INLAND MARINE COVERAGE PART  
COMMERCIAL PROPERTY COVERAGE PART  
EMPLOYMENT-RELATED PRACTICES LIABILITY COVERAGE PART  
LIQUOR LIABILITY COVERAGE PART  
POLLUTION LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART  
PROFESSIONAL LIABILITY COVERAGE PART

A. The CANCELLATION Common Policy Condition is replaced by the following:

### CANCELLATION

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.

2. Cancellation of Policies in Effect for Less than 60 Days.

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation of Policies in Effect For 60 Days or More

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;

b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;

c. Violation of any provisions of this policy; or

d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.

5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.

6. If notice is mailed, proof of mailing will be sufficient proof of notice.

B. Any WHEN WE DO NOT RENEW Condition is deleted.

The following Conditions are added:

1. WHEN WE DO NOT RENEW

a. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:

- (1) Expiration of the policy; or
- (2) Anniversary date of this policy if this policy has been written for a term of more than one year.

b. This provision does not apply:

- (1) If we have indicated a willingness to renew;
- (2) In case of nonpayment of premium;
- (3) If you do not pay any advance premium required by us for renewal; or

(4) If any property covered in this policy is insured under any other insurance policy.

2. RENEWAL

a. If we:

- (1) Elect to renew this policy; and
- (2) Have the necessary information to issue a renewal policy,

we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.

b. If we do not comply with the provisions of paragraph a., you will have renewal coverage. The renewal coverage will be at the rates:

- (1) In effect under the expiring or expired policy; or
- (2) In effect on the expiration date, that have been approved by the Commissioner;

whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this paragraph b. does not apply.

AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT  
TO MAINTAIN A SIGN EXTENDING OVER A  
PORTION OF THE CITY’S RIGHT-OF-WAY WITH  
PHOENIX BOOKS

In the year Two Thousand Thirteen.....  
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, MAPLE TREE BOOKS, LLC d/b/a PHOENIX BOOKS of Burlington,  
Vermont (hereinafter PHOENIX) is an establishment doing business in a commercial building  
located at 191 Bank Street in the City of Burlington, Vermont; and

WHEREAS, PHOENIX desires to maintain a sign extending over the public right-of-way  
on its building located at 191 Bank Street; and

WHEREAS, PHOENIX wishes to enter into a License Agreement with the City for such  
sign; and

WHEREAS, the placement of the sign has been reviewed and approved by the  
Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of  
Ordinances Sec. 27-32 require authorization by the City Council for such use of a public  
thoroughfare for periods in excess of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes  
PHOENIX to maintain a sign covering an area of 4 sq. ft. extending over a portion of the public  
right-of-way on its building located at 191 Bank Street as indicated in and pursuant to its License  
Agreement upon entering into the License Agreement in substantially the form attached hereto;  
and

BE IT FURTHER RESOLVED that Mayor Weinberger be and hereby is authorized to  
execute a License Agreement, in substantially the form attached, on behalf of the City of  
Burlington for a term commencing on the date of execution of the License Agreement and  
terminating on April 30, 2014.

**LICENSE AGREEMENT FOR SIGN**  
**WITH PHOENIX BOOKS**  
**2013-2014 SEASON**

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and MAPLE TREE BOOKS, LLC d/b/a PHOENIX BOOKS, a commercial establishment located at 191 Bank Street, Burlington, Vermont (hereinafter PHOENIX or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 191 Bank Street; and

WHEREAS, PHOENIX stated on its application (attached hereto as Exhibit A) that it wishes to maintain a sign on the building overhanging the public right-of-way directly in front of 191 Bank Street as shown in the attached photo (hereinafter "sign"); and

WHEREAS, PHOENIX has stated in its permit application that there are no physical barriers around the sign and it will cover a 4 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and PHOENIX enter into the following License Agreement:

1. TERM

The CITY grants to PHOENIX (hereinafter LICENSEE) a license to maintain a sign extending over the public right-of-way adjacent to 191 Bank Street covering an area of 4 sq.

ft. for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATIONS

LICENSEE may erect, use and maintain a sign extending over the public right-of-way (hereinafter referred to as the premises) for advertising purposes. The sign shall be placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the sign in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the sign and any damage to the sign is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the sign, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The sign shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.
- d. The sign shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.
- e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the sign. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the sign and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the sign.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition

imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE’S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this location.

DATED at Burlington, Vermont this \_\_\_\_\_ day of \_\_\_\_\_,

2013.

CITY OF BURLINGTON

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Miro Weinberger, Mayor  
Duly Authorized

MAPLE TREE BOOKS, LLC  
d/b/a PHOENIX BOOKS

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Duly Authorized



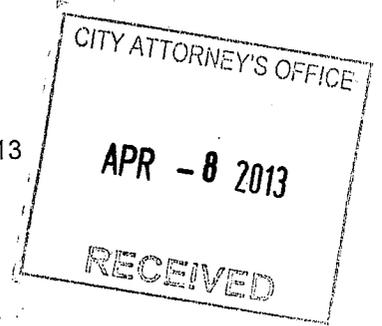
OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance Application / Renewal**

Effective 04/30/2013 - 04/30/2014

MICHAEL DESANTO  
 PHOENIX BOOKS  
 191 BANK STREET

DATE: Tuesday, February 5, 2013  
 PHONE: 448-3350  
 FAX: 448-3152  
 EMAIL:



DBA NAME: PHOENIX BOOKS

COMPANY: MAPLE TREE BOOKS LLC

LOCATION: 191 BANK STREET

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Placement of Encumbrance: SIGN OVERHANGING SIDEWALK, 9' ABOVE SIDEWALK

Conditions: Keeping public ways clear

Total Square Feet (\$1.00 per SF): 4

**PLEASE ATTACH:**

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: \$25 # 7540

Signature

*Renée Reinca*  
 MICHAEL DESANTO RENEES REINCA

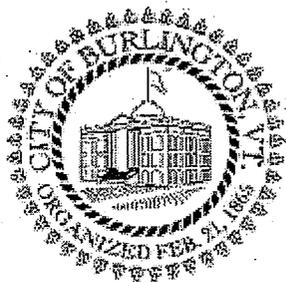
Date

3/22/13

For office use only: Amount received \$ 29 on 3/27 Check # 7540

Sent to Attorney:

*Exhibit A*



OFFICE OF THE CLERK AND TREASURER  
 149 CHURCH STREET  
 BURLINGTON, VT 05401  
 Voice (802)865-7000  
 FAX (802)865-7014  
 TTY (802)865-7142  
 Amy Bovee (802)865-7019  
 Ron Gore (802)865-7562

**Encumbrance DPW Approval Form**

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: PHOENIX BOOKS

DATE: Wednesday, March 27, 2013

COMPANY: MAPLE TREE BOOKS LLC

PHONE: 448-3350

LOCATION: 191 BANK STREET

FAX: 448-3152

MAILING ADDRESS: MICHAEL DESANTO  
 191 BANK STREET

**RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC**

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes  No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes  No

3. Additional Comments: SIGN ABOVE SIDEWALK - APPROVED HEIGHT

4. A 4 square foot placement of SIGN OVERHANGING SIDEWALK 9' ABOVE SIDEWALK at 191 BANK STREET

**DEPARTMENT OF PUBLIC WORKS**

Approved? Yes   
 No

Explain: APPROVED RENEWAL - SAME AS PREVIOUS

Signature Ron Gore

Date: 04/09/13

*Exhibit B*

**PRODUCER**  
  
Titus Insurance Agency  
P.O. Box 476  
Shelburne, VT 05482  
Phone: 802-985-2453 Fax: 802-985-8620

**INSURED**  
  
Maple Tree Books LLC  
dba Phoenix Books  
21 Essex Way, #407  
Essex Junction VT 05452

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE		NAIC #
INSURER A:	Co-operative Insurance Co.	18686
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		

**COVERAGES**

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	X	GENERAL LIABILITY	BP0166362	10/01/12	10/01/13	EACH OCCURRENCE	\$ 1000000
		<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50000
		<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 5000
		X Business Owners				PERSONAL & ADV INJURY	\$
GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2000000
		<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG	\$ 1000000
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
		<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
		<input type="checkbox"/> HIRED AUTOS					
		<input type="checkbox"/> NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	\$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
							\$
		DEDUCTIBLE					\$
		RETENTION \$					\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTR
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ..				E.L. EACH ACCIDENT	\$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	\$
		OTHER				E.L. DISEASE - POLICY LIMIT	\$
						BUILDING	5000
						PROPERTY	10000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
 STORE SIGN AT BOOK STORE LOCATED AT 191 BANK ST. BURLINGTON, VT 05401.  
 CERTIFICATE HOLDER NAMED AS ADDITIONAL INSURED WITH REGARDS TO GENERAL LIABILITY ASSOCIATED WITH HANGING OUTDOOR SIGN.

**CERTIFICATE HOLDER**

**CANCELLATION**

CITYBU2  
  
City of Burlington  
Clerk/Treasurer's Office  
Encumbrance Appl. Dept.  
149 Church Street  
Burlington VT 05401

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 15 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE  
George M. Karas

EXhibit D

PHOENIX BOOKS  
BPO166362

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## VERMONT CHANGES - CANCELLATION AND NONRENEWAL

This endorsement modifies insurance provided under the following:

BOILER AND MACHINERY COVERAGE PART  
BUSINESSOWNERS COVERAGE PART  
COMMERCIAL AUTOMOBILE COVERAGE PART  
COMMERCIAL CRIME COVERAGE PART  
COMMERCIAL GENERAL LIABILITY COVERAGE PART  
COMMERCIAL INLAND MARINE COVERAGE PART  
COMMERCIAL PROPERTY COVERAGE PART  
LIQUOR LIABILITY COVERAGE PART  
POLLUTION LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

- A. The CANCELLATION Common Policy Condition is replaced by the following:

### CANCELLATION

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. Cancellation of Policies in Effect for Less than 60 Days

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation of Policies in Effect For 60 Days or More

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;

- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.

PHOENIX BOOKS  
BFC166362

5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made, or offered a refund.

6. If notice is mailed, proof of mailing will be sufficient proof of notice.

B. Any WHEN WE DO NOT RENEW Condition is deleted.

The following Conditions are added:

1. WHEN WE DO NOT RENEW

a. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice, at least 45 days before the:

- (1) Expiration of the policy; or
- (2) Anniversary date of this policy if this policy has been written for a term of more than one year.

b. This provision does not apply:

- (1) If we have indicated a willingness to renew;
- (2) In case of nonpayment of premium;
- (3) If you do not pay any advance premium required by us for renewal; or

(4) If any property covered in this policy is insured under any other insurance policy.

2. RENEWAL

a. If we:

- (1) Elect to renew this policy; and
- (2) Have the necessary information to issue a renewal policy,

we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.

b. If we do not comply with the provisions of paragraph a., you will have renewal coverage. The renewal coverage will be at the rates:

- (1) In effect under the expiring or expired policy; or
  - (2) In effect on the expiration date, that have been approved by the Commissioner,
- whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this paragraph b. does not apply.

POLICY NUMBER:

PHOENIX BOOKS  
BP0116302

BUSINESSOWNERS

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED—STATE OR POLITICAL SUBDIVISIONS—PERMITS RELATING TO PREMISES

This endorsement modifies insurance provided under the following:

B BUSINESSOWNERS POLICY

SCHEDULE\* Outdoor sign attached to:

191 Bank St. Burlington, VT

State or Political Subdivision:

The following is added to Paragraph C. WHO IS AN INSURED in the Businessowners Liability Coverage Form:

4. Any state or political subdivision shown in the Schedule is also an insured, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with premises you own, rent, or control and to which this insurance applies:

- a. The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoistaway openings, sidewalk vaults, street banners, or decoration and similar exposures;
- b. The construction, erection, or removal of elevators; or
- c. The ownership, maintenance, or use of any elevators covered by this insurance.

City of Burlington, 149 Church St. Burlington, VT named as Additional Insured with regards to outdoor sign.

*A change has been made to this policy  
naming the City of Burlington as  
additional insured with regards to  
Phoenix Book outdoor hanging sign.*

*Thank you,  
George M. Jones  
Jones Ins. Agency*

\*Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.



# Bike-friendly Portland has parking issues

Ore. city wants to keep growing but stay green

STEVEN DUBOIS

Associated Press

PORTLAND, Ore. — Though Portlanders are remarkably united when it comes to protecting the environment — curbside composting is the norm and terms such as locavore are ubiquitous — a property on aptly named Southeast Division Street has provoked an unexpected backlash against the city's progressive approach to housing its burgeoning population.

The general reason for the controversy — insufficient parking — is typically American. But how this got to be a problem on Division Street typifies Portland, a place proud of its plastic shopping bag ban and global warming "action plan" but still struggling with how to grow while staying green.

A developer, Dennis Sackhoff, last year demolished what had been the city's landmark lesbian bar and started construction on a four-story, 81-unit apartment building that will include scores of bicycle racks — but not one parking space for automobiles.

It's one of about 30 parking-free apartment buildings that have been recently completed or are in some stage of development in the city, mostly in the cozy neighborhoods on the east side.

Developers such as Sackhoff are capitalizing on one of the nation's tightest rental markets while following Portland zoning rules that require them to provide parking for bicycles but not cars.

The people who already live in these neighborhoods worry about increased traffic and an inability to find parking in front of their places. And though the apartments are intended for those with a bicycle-first mentality, most of the new



A four-story, 81-unit apartment building under construction at right shares a quiet side street with older houses in Portland, Ore. The unit will include scores of bicycle racks but no parking spaces for cars.  
DON RYAN/AP

tenants are not choosing a car-free existence. "The developer says he is trying to give Portland what it says it wants, but in reality, Portland wants it both ways," said John Golden, a high school teacher trying to stop, or at least reduce, the size of another four-story apartment building in the works near his northeast Portland house. Sackhoff, who declined to be interviewed, is the developer on that project, too.

Portland has carefully charted a course that has made it one of the most environmentally friendly urban areas in the country. The zoning rules and planning goals that spawned the surge in parking-free apartments were meant to discourage people from owning cars and also entice developers to build apartments closer to downtown, limiting the type of farm-

land-devouring sprawl seen in many U.S. metropolitan areas.

Mayor Charlie Hales was on the City Council in 2002 when it approved a zoning change that allowed housing to be constructed without parking if it's within 500 feet of a bus or light-rail stop with frequent service. That's defined as an arrival every 20 minutes. "It is a good thing that we're building up and not out," Hales said. "But we also have to be pragmatic in the present day. People still own cars."

The city's Bureau of Planning and Sustainability has proposed that developers of larger apartment buildings — those with at least 40 units — include at least one parking space for every four units. Hales said he has yet to decide if that's the right target.

City leaders want to see no-parking

buildings in neighborhoods with a mix of residential and commercial structures, so people can be a quick walk or bike ride away from restaurants, coffee shops and grocery stores. A survey of residents in the parking-free buildings found that 72 percent own cars, but only half that many drive to work. They keep a vehicle for trips across town or weekend getaways.

"People move to Portland for the quality of life," said Elisabeth Varga, who lives near a proposed 81-unit apartment building and was among people who filed an Appeals Board complaint. She emphasized that she and other opponents favor density, as long as it's done responsibly.

"Part of quality of life is being able to access your streets," she said, "and not be towered over by a monster of a building."

2013 TOBACCO LICENSE RENEWAL APPLICATION

6559-001-TOBC-01

TOBACCO LICENSE TO SELL TOBACCO

Page 1

License Year Beginning May 1, 2013 ending April 30, 2014

Optional Fee: \$10.00 of which \$10.00 is paid to town/city \$0.00 is paid to DLC Fee due only if licensee does not have a liquor license Town: 04010 - BURLINGTON

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING

Applicant: Review all of the information presented on this form, indicating any changes in the spaces provided.

Applicant: OP Bar Inc.

Doing Business As:

Other Place, The 4 North Winooski Avenue Burlington VT 05401 Telephone: (802) 863-5803

Mailing Address:

4 North Winooski Avenue Burlington VT 05401

PLEASE INCLUDE EMAIL ADDRESS: pizzamanTJm@msn.com

Description of Premises:

Cabaret on the ground floor of a three story brick and wood frame building located on the easterly side of North Winooski Avenue, and designated as 4 North Winooski Avenue, in the City of Burlington, VT

Lessor:

Miller Properties North LLC 71 Church Street Burlington VT 05401

Last Enforcement Seminar: 02/15/2011 11/6/12

Fed. ID Number: 26-1549907 Incorporation Date: 11/21/2007 Valid Charter?: Yes State of Charter: Vermont

Majority of Directors are US Citizens: Yes

ATTACH AN ADDITIONAL SHEET TO THIS APPLICATION NOTING ANY NECESSARY CORRECTIONS OR CHANGES AND UPDATES THAT HAVE OCCURRED DURING THE PAST YEAR.

Table with 5 columns: Corporation, Name, Address, Town/City, State Zip Code. Lists Miller, Thomas J. and Miller, Debra A. as directors and stockholders.

Has any director or stockholder been convicted or pleaded guilty to any criminal or motor vehicle offense in any court of law (including traffic tickets by mail) during the last year? Yes No

In the past year has any director or stockholder of the corporation held any elective or appointive state, county, city, village or town office in Vermont (See VSA, T.7, Ch.9, Sec. 223)? Yes No

ALL APPLICANTS MUST COMPLETE AND SIGN

The applicant understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal record repositories.

I/We hereby certify, under the pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, Section 3113)

I/We hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or are in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, Section 795)

In accordance with 21 VSA, Section 1378(b), I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

I/We have registered the trade name of these premises with the Secretary of State.

I/We hereby certify that the information in this application is true and complete.

Dated at Burlington, in the county of Chittenden, and State of Vermont, this 17th day of January, 2013

Signature of authorized agent of corporation, company, club or association

Signature of individual or partners

President (Title)

Are you making this application for the benefit of any other party? Yes No

2013 TOBACCO LICENSE RENEWAL APPLICATION  
TOBACCO LICENSE TO SELL TOBACCO

6559-001-TOBC-01  
Page 2

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the application and transmit it to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

APPROVED

DISAPPROVED

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Approved by Board of Control Commissioners of the City or Town of \_\_\_\_\_.

Total Membership \_\_\_\_\_, \_\_\_\_\_ members present      Attest, \_\_\_\_\_, Town Clerk

**TOWN OR CITY CLERK SHALL MAIL APPROVED RENEWAL DIRECTLY TO:**  
**DEPARTMENT OF LIQUOR CONTROL**  
**13 GREEN MOUNTAIN DRIVE**  
**MONTPELIER, VT 05602**

If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a tobacco license application shall be considered binding except as taken or made at an open public meeting. VSA T-1, Sec. 312



2013 2014  
May 1, 2012 ---- April 30, 2013

Fee \$25.00

# CITY OF BURLINGTON SPECIAL EVENT ENTERTAINMENT PERMIT APPLICATION

Indoor  Outdoor

## PART I ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name Spielplatz Cabaret, Inc
2. D/B/A (Business Name) Spielplatz Cabaret 3. Bus. Phone 802.363.5544
4. Business Address 78 Rose St. Apt. #6, Burlington, VT 05401
5. Mailing Address 2015 Kinsley Rd. Jeffersonville, VT 05464
6. Contact person Jessie Owens 7. Contact Phone 802.363.5544
8. Email contact address jessie@spielplatzcabaret.org

RECEIVED  
2013 APR 30 A 9:00  
BURLINGTON OFFICE  
TREASURER

## PART II OPERATION

1. Do you currently have a Liquor License? Yes or No No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No No
3. Proposed Date(s) for this Special Event May 10, 11, 12 2013
4. Proposed Hours for this Special Event 7pm - 11pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way  
Contra's Auditorium, City Hall, Burlington

For this Proposed location please answer the following questions:

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

(Continued on back)

Fee \$25.00

PART III  
DESCRIPTION OF ENTERTAINMENT

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

Description Spulpalast Cabaret is a dance + theater troupe.  
We will be giving a 2 hour performance, with an intermission.  
We will be offering a cash bar, catered by A Single Pebble.

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

DATE SIGNED: 04/29/13

SIGNATURE OF APPLICANT [Signature]

PRINT NAME: Jessie Owens

RELATIONSHIP TO BUSINESS Producer / Art Director

RECEIVED  
2013 APR 30 A 9:00  
BURLINGTON CLERK  
TREASURER'S OFFICE

OFFICE USE ONLY

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_\_ Fee Returned \$ \_\_\_\_\_ Date: \_\_\_\_\_

At their meeting of \_\_\_\_\_, the Burlington City Council License Committee recommended  
Approval \_\_\_\_\_ Denial \_\_\_\_\_

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



2013 2014  
May 1, 2013 — April 30, 2013

Fee \$25.00

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

Indoor  Outdoor

PART I  
ORGANIZATION

All Information in this section is required

1. Corporation/Sole Proprietor name Spiegelplatz Cabaret
2. D/B/A (Business Name) Spiegelplatz Cabaret (Bus. Phone 802.363.5544)
4. Business Address 78 Rose Street #6, Burlington, VT 05401
5. Mailing Address 2095 Kinsey Rd, Jeffersonville, VT 05441
6. Contact person Jessie Owens 7. Contact Phone 802.363.5544
8. Email contact address jessie@spiegelplatzcabaret.org

PART II  
OPERATION

1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event MAY 17, 18 2013
4. Proposed Hours for this Special Event 7pm-11pm on the 17th 7pm-1am on 18th
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way  
Contos Auditorium at City Hall, Burlington

For this Proposed location please answer the following questions:

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

**PART III  
DESCRIPTION OF ENTERTAINMENT**

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

Description Spontaneat Cabaret is a dance and theater troupe.  
We will be giving a 2 hour performance with an intermission.  
We will be offering a cash bar, catered by A Single Potbelly

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

DATE SIGNED: 04/29/13

SIGNATURE OF APPLICANT [Signature]

PRINT NAME: Jessie Owens

RELATIONSHIP TO BUSINESS Producer/Art Director

**OFFICE USE ONLY**

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_\_ Fee Returned \$ \_\_\_\_\_ Date: \_\_\_\_\_

At their meeting of \_\_\_\_\_, the Burlington City Council License Committee recommended  
Approval \_\_\_\_\_ Denial \_\_\_\_\_

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

On May 2, 2013, at 12:54 PM, Lori Olberg wrote:

Yikes, can you send this one smaller, the special event permit for 5/17 – 5/18 to me, I of course need it asap—thank you!!

**From:** Jeremy Frederick [<mailto:jeremy@offgridwebdesign.com>]  
**Sent:** Tuesday, April 30, 2013 12:48 PM  
**To:** Lori Olberg  
**Subject:** Cabaret Forms FORM 2

<image001.jpg><image002.jpg><image003.jpg>  
Jeremy Frederick  
[offgridwebdesign.com](http://offgridwebdesign.com)

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DELIBERATIVE AGENDA  
BOARD OF CIVIL AUTHORITY  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, MARCH 11, 2013  
6:15 P.M. – 7:45 P.M.

PRESENT: Mayor Weinberger; City Council President Shannon; Councilors Bushor, Decelles, Blais, Hartnett, Brennan, Paul, Aubin, Dober, Siegel, Kranichfeld and Tracy

ABSENT: Councilors Worden and Mason

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Scott Schrader

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Board of Civil Authority Members Shannon and Aubin the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Board of Civil Authority Members Shannon and Aubin the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. RESOLUTION: Ratify Appointment of Assistant Election Officials for March 5, 2013 Annual City Meeting (Councilor Shannon)

\*waive the reading and adopt the resolution

3. COMMUNICATION: Kyle Dodson, Write-in candidate for Ward One School Commissioner, re: Request for Recount

Board of Civil Authority Members Brennan and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

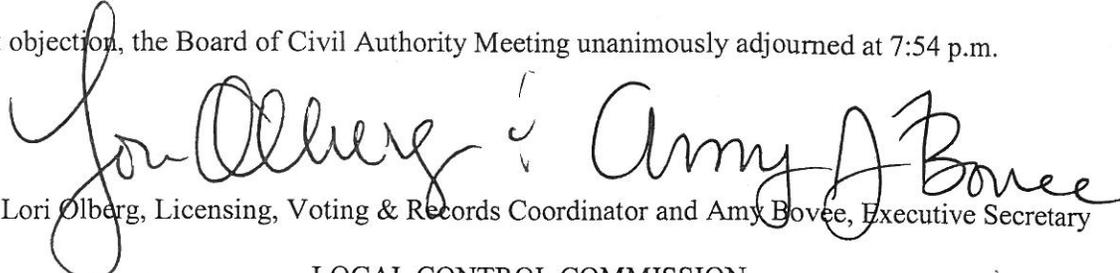
3.01. WARD ONE RECOUNT FOR SCHOOL COMMISSION RACE

The Board of Civil Authority conducted a recount.

4. ADJOURNMENT

Without objection, the Board of Civil Authority Meeting unanimously adjourned at 7:54 p.m.

Attest:

  
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, MARCH 11, 2013

Minutes, Regular, City Council, March 11, 2013

7:55 P.M.

PRESENT: City Council President Shannon; Commissioners Bushor, Kranichfeld, Tracy, Siegel, Brennan, Hartnett, Aubin, Mason, Paul, Blais and Dober

ABSENT: Commissioners Worden and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Paul Sisson; Scott Schrader; Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais the agenda was adopted as is.

2. CONSENT AGENDA

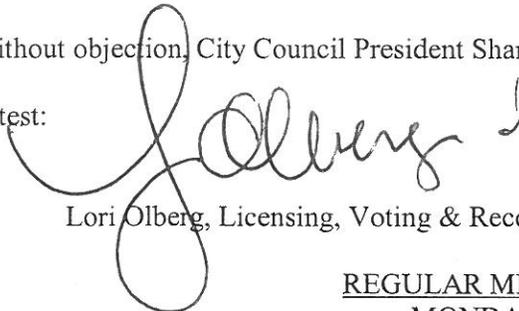
On a motion by Commissioners Dober and Blais the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. 2013-2014 1<sup>st</sup> Class Hotel and 2<sup>nd</sup> Class Store Liquor License Renewals: see attached list  
\*waive the reading, accept the communication, place it on file and approve the 2013-2013 1<sup>st</sup>  
Class Hotel and 2<sup>nd</sup> Class Store Liquor License Renewals with all standard conditions

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:56 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

REGULAR MEETING, CITY COUNCIL

MONDAY, MARCH 11, 2013

7:56 P.M.

PRESENT: see above, Councilor Worden (via phone)

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Kranichfeld and Bushor the agenda was unanimously adopted as amended as follows: add to the consent agenda item 4.26. RESOLUTION: Appointment of an Additional Citizen Member to the Airport Strategic Planning Committee (Councilors Paul, Dober) with the consent action to "waive the reading and adopt the resolution;" add to the consent agenda item 4.27. RESOLUTION: Fiscal Stability General Obligation Bonds (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance; pending BOF approval on 3/11/13); add Councilor Siegel as a co-sponsor to agenda item 5. RESOLUTION: Ward Redistricting - Authorize Chief Administrative Officer to Enter into Contract with

Adamant Accord, Inc. for Facilitator Services (Councilors Shannon, Bushor); note proposed amendments for agenda item 5. RESOLUTION: Ward Redistricting – Authorize Chief Administrative Officer to Enter into Contract with Adamant Accord, Inc. for Facilitator Services (Councilors Shannon, Bushor, Siegel).

2. PRESENTATION: Pat Burns, Director of Operations, City Market, re: Onion River Co-op City Market Update

Pat Burns, City Market, stated he will be taking over as general manager in the coming months. City Market owns its building but leases the property from the City. When they signed the lease, they agreed to several conditions that would make it a downtown supermarket rather than a natural foods store. One requirement was that City Market will meet the needs of the low to moderate income, disabled and elderly and support Vermont agriculture. They have increased membership and now have almost 9,000 members. Growth increased at the beginning of the recession as people realized they needed to make better choices with their money and that there were opportunities to do member work to entitle them to a discount. There is also a patronage refund and the Food for All Program. 60% of owners of the co-op are Burlington residents. Their family members are also able to use their membership. They employ 205 people. 83% of employees are full time, which is the inverse of a normal grocery store. 65% of their staff lives in Burlington. Members have made it clear that they want to take care of employees. They are pleased to offer a livable wage for any employee after one year. They also pay 100% of the health care premium for full time employees and 75% for part time employees. Hickok and Boardman conducts an annual survey of benefits throughout the State and City Market always ends up in the top percentile. 3Squares redemption has increased from \$290,000 in 2005 to over \$1 million in 2012. They are happy to be able to serve people with food stamps, although they are not happy that so many people have to be on them. They considered starting a program which would offer a 10% discount to those receiving EBT or Social Security. When talking to those administering the plan, they found that it would have to be done for everyone throughout the State. They instead created a membership category where they waive the membership fee and offer a 10% discount on purchases if they show their card. They have gone from \$590,000 in 2009 to \$1,697,000 in 2012. This translates to additional buying power for those using this program. About 1,000 members use this program. There are a number of other co-ops across the country using this program as a model. As part of their lease, they had to donate \$90,000 to the Chittenden Emergency Food Shelf by 2011 and they were able to meet that target. They will continue to do this and they provide opportunities for people to make donations at the store. They also allow the food shelf to order bulk food at cost which saves them money. They have an annual COTS Tree Sale where they get 650 trees dropped off in their parking lot and sell them. The money goes directly to COTS and they were able to give them a check for \$10,575 this year. Donations have been nearly \$80,000 in total. As part of their supermarket principles, they are looking to have over 1,000 Vermont products. They have begun working with Kimball Brook Organic Dairy Farm to help them become certified and sell their products. They now have over 2,000 Vermont products translating to \$11 million in sales or 33% of the sales of the co-op. They also support the City of Burlington through taxes and fees. Last year they paid about \$460,000. They also do a patronage refund program, as the intent of the co-op is to be revenue neutral. Last year, 60% of purchases were made by members. They reimburse profits to members as a refund; last year they sent out \$643,000 to 7,689 people. Checks were as low as \$2.50 and as high as \$800 based on the members' purchases in the store. They have returned nearly \$2 million to members since they opened the store.

City Council President Shannon thanked him for his presentation and for the food.

Councilor Bushor stated that she always finds this annual update inspiring and appreciates it. She still hears from residents that City Market is an upper end store and is not affordable for people. In other presentations, they have focused on comparisons with other grocery stores. She inquired if they intend to continue to support the Chittenden Emergency Food Shelf even though they have fulfilled their

requirement. Mr. Burns stated that they will. Councilor Bushor stated that both the food and the interconnection with the community are important. She inquired about the Food for All program and what categories are included in that. Mr. Burns stated EBT, WIC, or Social Security recipients are eligible.

Councilor Mason inquired if the livable wage that is being paid is based on the City's definition or if it is City Market's own definition. Mr. Burns stated it is set by the Joint Fiscal Office. They consider the cost of living in Chittenden County based on two single people living in a two bedroom. They also get credit for what they pay for health care, transportation, a food discount, and savings put into the 401k. Based on the benefits provided, the minimum is \$10.31/hour.

Councilor Brennan stated there has been talk about opening another store. He conducted a survey in the Old North End and found that people were concerned about hurting the micro markets in their neighborhoods. There were also concerns about the lack of a downtown market in Winooski. He commended them for paying a livable wage; doing that gives employees dignity. It is great that assistance is available for those who need it, but having livable wage is paramount. He also stated that the co-op makes a difference in the community.

Councilor Siegel stated when she was a household of one, the worker membership did not add up for her. Now that she is part of a family of four, it is very valuable. The work that translates to a 12% discount can be done in the store or as a community volunteer. When a refund check comes, it is based on the pre-discount sale which makes it even better.

2.01. COMMUNICATION: Alison Weinhausen, re: Onion River Co-op Slideshow

Councilors Bushor and Brennan made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:02 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff	Ward 3 Resident	Recent Election/Council Performance
Chapin Spencer	Ward 5 Resident/ Local Motion	In Favor of Downtown Parking Policy
Kyle Dodson	Ward 1 Resident	Ward 1 School Commissioner Recount
Erik Hoekstra	Ward 2 Resident	In Favor of Downtown Parking Policy
Jim Holway	Ward 4 Resident	More Options for Redistricting Committee Facilitator
Joseph LaRiviere	S. Burlington Resident	Concerns over Trespass Ordinance

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:17 p.m.

4. CONSENT AGENDA

Minutes, Regular, City Council, March 11, 2013

Councilor Paul noted that there was an addition of a citizen member of the Airport Strategic Planning Committee on the consent agenda tonight. She noted that Sanford Miller was no longer employed as the City Manager of South Burlington and he had resigned from the Committee.

Councilor Bushor stated consent agenda item 4.12. had been revised.

Councilor Worden stated he will recuse himself on consent agenda item 4.06., as his firm may be proposing on a project that would receive some of that grant money.

On a motion by Councilors Bushor and Paul the consent agenda was unanimously adopted, as amended, thus taking the following actions as indicated:

4.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Lot Line  
Adjustments; Vestigial Alley ZA #13-02 (Planning Department;  
Planning Commission)(1<sup>st</sup> reading)

\*consider this 1<sup>st</sup> reading and refer it to the Ordinance Committee

4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Garage Size  
and Orientation ZA #13-04 (Planning Department; Planning  
Commission)(1<sup>st</sup> reading)

\*consider this 1<sup>st</sup> reading and refer it to the Ordinance Committee

4.04. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed  
Zoning Amendments

\*waive the reading, accept the communication and place it on file

4.05. RESOLUTION: Authorization for Transfer of 48.8 Acres of Airport Land to Winooski  
Valley Park District (Board of Finance: pending 3/11 BOF approval)

\*waive the reading and adopt the resolution

4.06. RESOLUTION: Approval of Stormwater Grants (Councilors Shannon, Bushor, Paul:  
Board of Finance)

\*waive the reading and adopt the resolution

4.07. COMMUNICATION: Megan Moir, Burlington Stormwater Program Manager, re: Request to  
accept two Stormwater grants and request to accept an amendment to a  
previously accepted Stormwater grant

\*waive the reading, accept the communication and place it on file

4.08. RESOLUTION: Acceptance of Vermont Homeland Security Grant to Purchase One  
Tandem Axle Enclosed Cargo Trailer to Meet Urban Search and Rescue  
Equipment Needs and Budget Amendment Authorizing this Purchase  
(Councilors Shannon, Bushor, Paul: Board of Finance)

\*waive the reading and adopt the resolution

4.09. COMMUNICATION: Lise E. Veronneau, Business Manager, Burlington Fire & Police  
Departments, re: Vermont Department of Public Safety Grant Agreement  
#02140-70152-101

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\*waive the reading, accept the communication and place it on file

- 4.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Ken's Pizza and Pub (Councilors Dober, Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

- 4.11. RESOLUTION: Authorization to Execute Agreement with Sovernet Fiber Corporation for Access & Use of Existing Conduit on the Winooski River (Councilors Hartnett, Tracy, Mason: Transportation, Energy, Utilities Committee)

\*waive the reading and adopt the resolution

- 4.12. RESOLUTION: Delegation of Authority for Budget-Neutral Adjustments Within City Departments' Individual Budgets (Councilors Shannon, Bushor, Paul: Board of Finance)

\*waive the reading and adopt the resolution

- 4.13. COMMUNICATION: Paul Sisson and Karen Paul, Co-Chairs of the Airport Strategic Planning Committee, re: Report Re: Update to the Council

\*waive the reading, accept the communication and place it on file

- 4.14. COMMUNICATION: Peter Potts, Republican Staffperson, re: Resignation

\*waive the reading, accept the communication, place it on file and send a letter of appreciation to Peter Potts thanking him for his service as the Republican Staffperson to the City Council

- 4.15. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 2/28/13, 4 p.m. – 2 a.m., Dancing

\*waive the reading, accept the communication, place it on file and ratify the one day only special event indoor entertainment permit application for American Flatbread

- 4.16. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 3/2/13, 8 p.m. – 2 a.m., Dancing

\*waive the reading, accept the communication, place it on file and ratify the one day only special event indoor entertainment permit application for American Flatbread

- 4.17. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 3/9/13, 8 p.m. – 2 a.m., Dancing

\*waive the reading, accept the communication, place it on file and ratify the one day only special event indoor entertainment permit application for American Flatbread

- 4.18. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 3/15/13, 8 p.m. – 2 a.m., Dancing

\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for American Flatbread

- 4.19. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Manhattan Pizza & Pub, 167 Main Street, 3/17/13, 9:30 p.m. – 2:00 a.m., Dancing, Band

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\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Manhattan Pizza & Pub

4.20. 2013-2014 TOBACCO LICENSE RENEWALS: see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2013 Tobacco License Renewals

4.21. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, Draft Minutes, Regular City Council Meeting, January 7, 2013

\*waive the reading, accept the communication, place it on file and adopt the minutes at the March 18, 2013 City Council Meeting

4.22. COMMUNICATION: Rev. Oscar Hernandez, DRB Alternate Member, re: Resignation

\*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Rev. Oscar Hernandez thanking him for his time served as an Alternate Member on the Development Review Board

4.23. COMMUNICATION: Christian Belekewicz, re: City Gun Control Bill

\*waive the reading, accept the communication and place it on file

4.24. COMMUNICATION: Scott Gustin, Senior Planner, Staffperson, Burlington Conservation Board, re: Open Space Protection Plan Update

\*waive the reading, accept the communication and place it on file

4.25. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Notice of Redetermination of Equalized Education Property Tax Grand List, Common Level of Appraisal and Coefficient of Dispersion for the City of Burlington

\*waive the reading, accept the communication and place it on file

4.26. RESOLUTION: Appointment of an Additional Citizen Member to the Airport Strategic Planning Committee (Councilors Paul, Dober)

\*waive the reading and adopt the resolution

4.27. RESOLUTION: Fiscal Stability General Obligation Bonds (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance; pending BOF approval on 3/11/13)

\*waive the reading and adopt the resolution

5. RESOLUTION: Ward Redistricting – Authorize Chief Administrative Officer to Enter Into Contract with Adamant Accord, Inc. for Facilitator Services (Councilors Shannon, Bushor and Siegel)

Councilors Bushor and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Bushor stated this will continue the process they began when they decided to broaden the membership of the Redistricting Committee and hire a facilitator who would be neutral. This person does not live within City boundaries and would not weigh in on the process. This will move the Committee towards accomplishing something. This requests they move forward with selecting Cindy Cook as a facilitator. The money being allocated to pay for the facilitator is City Council monies.

City Council President Shannon stated Cindy Cook is here to meet the Council. She requested that she share her background and how she views the process going forward. Cindy Cook stated she grew up in Burlington and moved away. She now lives near Montpelier and is very familiar with Burlington, but is agnostic as to politics. For a living, she facilitates complex public policy and environmental issues. She loves projects with complex sets of facts, relational issues, and process issues, all of which apply to this situation. She is also familiar with public engagement. She would be active in providing opportunities for the general public to be involved. She would also like to speak with each Councilor individually to get an understanding of what the needs of each district are. That would be in concert with working with the Committee. It is hugely important to involve the public before making a decision. City Council President Shannon noted that they have laid out a process that will run through June. They hope to bring something to the Council at that time. If they are not ready at that point, it would involve another contract, which would also be voted on.

Councilor Dober stated he was not aware that this was coming from Council funds. He is concerned that there will be a new Council elected that he will not be a part of. He feels like he is spending someone else's money. He inquired if there are sufficient funds available so that he will not be leaving his replacement short. City Council President Shannon stated that the previous resolution did state that it would be paid through City Council funds.

Councilor Bushor stated it is important to delineate what Council money this is. There is money that Councilors are paid monthly with, there is money for staff support, and money for special projects. She requested an explanation from the Interim CAO. Interim CAO Sisson stated the total budget is \$5,000 per Councilor or \$70,000 per year. Spending has only been about \$5,500 so far this year, leaving plenty of money for the remainder of this year.

Councilors Paul and Siegel made a motion to amend the resolution on lines 27-29 to add language to allow NPA representatives to approve the selection of the facilitator. There were some people involved with NPA Steering Committees that had concerns that the City Council is only one part of the Redistricting Committee. They were not concerned with the person being considered for the role of facilitator, but with being included in the hiring process. She offered a second amendment to add a resolved clause to change the date of the first meeting from March 19 to no later than April 1 to allow NPAs more time to select members and ensure that newly elected members are able to attend the meeting.

Councilor Mason inquired if the words 'entire Redistricting Committee' meant that unanimous consent would be required. Councilor Paul stated that was not her intention and she meant that a majority would suffice. Councilor Mason stated requiring unanimous approval would negate the point of the resolution. Removing the word entire would solve the problem.

Councilor Paul amended her amendment to read 'review by the entire and approval by the majority of the Redistricting Committee.'

City Council President Shannon stated the entire Redistricting Committee had the same information that the City Council had. They were sent the biography, resume, and resolution. Councilor Paul raised a point of information that if the Council President was referencing the resolution, she was participating in the debate. City Council President Shannon stated she was trying to clarify what had happened. She had spoken by phone or email with four of the non-Council members. The language was contingent upon the timely review of the entire Redistricting Committee and approval of the majority of the Redistricting Committee having been provided with the same information as the Council.

Councilor Hartnett stated they have been vetting this process for a long time and have not moved forward. The choice of the facilitator, her resume, and her references have been well thought out. The Council needs to show leadership and say that this is the right person for the job. If they are now requiring a

majority, it will not look good if four people buy into it and three people do not; this was a good process. They have done a lot of work with this and are ready to go. It is alright to move forward; he will not support the amendment.

Councilor Siegel inquired if everyone has been appointed to the Committee at this time. This process continues to be obtuse. There was no report back process from the NPAs to notify the Council after they chose members. They need to move forward, but thus far the process has not served constituents well. She appreciates Ms. Cook's comment that it will be important to bring the public along throughout the process. The same logic could be used for bringing the Committee along with the process. This amendment does not require a face to face voice and would allow members to vote via phone or email. She agrees that Councilors should not be on this Committee at all, but it is too late to backpedal.

Councilor Dober stated he was in favor of slowing the process and involving the NPAs. They could continue to kick the can down the road on this issue. They are making a fairly simple decision and have created a Committee that is bi-partisan. NPAs have chosen representatives. Everything needed to start the process has been done. They are debating the selection of a facilitator, but the Committee can direct the conversation any way they please. Her role is to help the group reach a goal, not to limit the conversation. He supports moving forward on this resolution tonight as presented. It is long overdue and they should not postpone action any longer.

Councilor Bushor stated the lines that talk about reaching out to the whole Committee to ensure that it is a date everyone can make is a very appropriate amendment. The date was not mentioned in Ward 1 and she is unsure if their representative can make that date. That is important to confirm. Councilor Siegel mentioned that she did not know if everyone had been appointed. They had been selected but when they passed another resolution allowing for alternates some NPAs have not selected an alternate at this time. She has heard that some Wards will have both the alternate and the member attend every meeting. She will support the amendment. She believes that the facilitator has the right skill set, but that they were remiss in getting the information out to the other members. That information is now out and City Council President Shannon has received some feedback. Mistakes have been made and she hopes they can avoid them in the future.

Councilor Decelles echoed Councilor Paul's concerns about the process. The Redistricting Committee's website has not been updated and makes no mention of the new process. He has not received a list of the new committee members. It would be helpful if everyone understood the steps that have been taken. He cannot support the amendment because he does not want to delay the date of the first meeting. This process should be expedited now, but future updates should be sent to all of the Committee members.

Ms. Cook stated she has been hired on a number of complex cases and has never been through such a complex process to be hired. She is committed to hearing all points of view. The fact that there is resistance is important and it will be necessary to find where these underlying feelings are coming from. She stated she has been involved in complex processes where not everyone involved understands the next steps. She usually creates a process map that is presented to key players. This makes it clear what is happening and keeps everyone on the same page. It can be difficult to fathom the process, who decides what, when, and what the constraints are. It will be important to be clear going forward.

Councilor Siegel inquired what Ms. Cook's point of view is about being vetted by the remainder of the Committee. Ms. Cook stated it is valuable for everyone involved to be comfortable with her. People tend to not like someone being imposed upon them. She stated they could go about it in many different ways. Councilor Siegel inquired if the amendments pass and the first meeting did not take place until April 1, would 2.5 months until the deadline allow enough time. Ms. Cook stated she is unsure and would leave that up to the Council. Running later than June could be problematic because of summer vacations. She would hate to lose the two weeks, but it is not her process. Councilor Siegel inquired about the intent of

how to get a majority agreement. It sounded like most people were comfortable with the choice the goal was just to follow an appropriate process. Councilor Paul stated she had not considered how to receive approval. If there was a way to do that without the Committee meeting, such as through email, that would be fine.

Councilor Mason raised a point of order and inquired if consent could be given in a way other than a publically warned meeting. City Attorney Blackwood stated if the resolution reads 'through approval of the Committee' it would have to happen at a public meeting.

Councilor Paul stated that this conversation had degraded to a level she did not intend. This was not about the facilitator as a person. It was about the process and the fact that people want to feel valued. She had heard that those associated with the NPAs did not feel that they were being valued as equal partners in the Committee. She is on the Airport Strategic Planning Committee where they hired a consultant to run the meetings. The committee itself agreed to hire that person. They have been working effectively with that consultant because everyone broadly agreed to it. She would like to see the Redistricting Committee do what it needs to do effectively and expeditiously. It is important to get started on the right foot. No one is looking to hold the process up. She apologizes if her amendment infers that they did not want to hire the facilitator if they did not like her after the first meeting.

Councilor Dober stated that they had four companies present to the Airport Strategic Planning Committee before they decided on the person to hire. The only way to make that process the same would be to present options to the group to decide who they like. The Council has done everything they can for transparency and community involvement and it is time to get moving.

City Council President Shannon stated she received four emails from Committee Members. She read the emails, all of which were in favor of hiring the facilitator.

Councilor Siegel inquired if there is a way to word the resolution that would not require a public meeting. City Council President Shannon stated she believes that all members have weighed in with a Councilor, even if it was not her. City Attorney Blackwood stated the term approval is problematic because it implies an action. For members to give approval, it would have to occur at a public meeting. Ms. Cook inquired if they could use a more passive word, such as concurrence. City Attorney Blackwood stated it is still an action. A public body cannot take an action without holding a public meeting.

Councilor Blais stated he finds it disturbing that in an effort to add more transparency in government, they may short circuit the process. He spoke with Andy Montroll, the Ward 6 representative to the Committee, and he is very satisfied with the choice in the facilitator. He does not feel he needs to give further input into the process.

Councilor Aubin stated he sent an email to the Ward 7 representative and he was supportive of City Council approving Ms. Cook as the facilitator.

Councilors Dober and Hartnett made a motion to call the question pertaining to the amendment. The motion passed unanimously.

Councilor Bushor requested that they divide the question.

City Council President Shannon called for a vote on the amendment to line 27 which would request approval from the Redistricting Committee. The amendment failed by a vote of 3-11 with Councilors Paul, Tracy and Brennan voting in favor.

City Council President Shannon called for a vote on the amendment to change the date of the first Redistricting Committee meeting. The amendment passed by a vote of 8-6 with Councilors Hartnett, Blais, Aubin, Kranichfeld, Decelles and Dober voting against.

Councilors Decelles and Dober made a motion to call the question. The motion passed unanimously.

The motion to adopt the resolution passed unanimously.

Ms. Cook thanked them for involving her and stated she would be welcome to hear from anyone with concerns. She hoped that everyone feels the process is open to having their concerns heard.

5.01. COMMUNICATION: Cindy Cook, Adamant Accord, Inc., re: Resume

Councilors Bushor and Dober made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

5.02. COMMUNICATION: Cindy Cook, Senior Facilitator, Adamant Accord, Inc., re: Bio

Councilors Bushor and Dober made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Downtown Parking Standards ZA #13-06 (Planning Department; Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider this 1<sup>st</sup> reading and refer it to the Ordinance Committee.

David White, Planning and Zoning Director, stated this amendment to the Comprehensive Development Ordinance was unanimously approved by the Planning Commission. The ordinance proposed to eliminate on-site parking requirements within the Downtown Parking District. The intent was to facilitate new in fill development. It was a flagship recommendation in PlanBTV. It will encourage more productive and valuable use of land downtown and this will improve the tax base. It will also improve the ability to maintain the urban fabric of the City, make downtown more pedestrian friendly, and make development less complicated and expensive. Creating structured parking spaces costs \$20,000-\$30,000 per space. It will make it easier to create more affordable housing, encouraging more transportation options and the use of public transit, and facilitate access to underutilized parking that the Downtown already has. This did not mean that there will be no more parking created downtown. It will be up to the market to determine what is appropriate for a developer to build and sell. The developer will have to determine if parking will be on-site or if it will provide transit passes to its employees, car share access, or other ideas. It did not mean downtown will become a sea of parking. There is a parking maximum requirement which caps the amount of parking that can be created through a single development. Studies show that this is one of the most useful regulating tools that a community can use.

Councilor Bushor stated this is very interesting information. She stated when she went door to door recently, she heard from Public Works Commissioners and they play a role in overseeing parking. She inquired if DPW had been included in these conversations and how this would play into on-street parking. Mr. White stated that the Planning Commission plans to hold a joint meeting with Public Works in the coming months to discuss residential parking and not parking in the downtown. They will consider how they can restructure and reorganize the residential parking program to offset the impacts associated with not providing on-site parking. The Public Works Commission is interested in having that conversation. Councilor Bushor stated that if parking is not provided and people are still wedded to their

car, they will continue to bring their car, park in a residential area and walk downtown. She is glad the conversation will be happening because it is important.

Councilor Hartnett stated in the past, they have held developers' feet to the fire to the point where some decided not to build in the City because so much parking was required. This seems like a free pass. It will be important to include developers in figuring out ways that they can benefit the City now that they are not being required to provide parking. They should be involved in helping with transportation issues.

Councilor Tracy inquired if parking demand has been rising or falling. Mr. White stated they have not measured parking utilization and demand on a consistent basis over time. As part of PlanBTV, they did a study of private and public spaces. In both areas, it was about 65%. The industry considers 85% to be optimal. This meant that the parking resources that were already in place were being underutilized. This said that there was a fair amount of parking and they needed to find ways to use it better. The demand was for mobility rather than parking. There were mechanisms other than a single automobile that they should be considering. Councilor Tracy inquired how other cities had balanced the points where people said they would not go downtown at all because they could not find parking or when people said that they would utilize another means of transportation to get downtown. Mr. White stated the University of Connecticut did a study of twelve small to medium sized cities throughout the country. About half of those cities had built more parking downtown to encourage development and economic development. The other half focused on alternative transportation to make downtowns attractive places to be. They found a difference in the urban vitality of communities who had given up on building parking. Towns with more parking were less pedestrian friendly, had fewer jobs downtown, and had lower median incomes. Those who considered alternatives were far more successful. Councilor Tracy stated he had received emails from people in the Buell/Bradley/Hungerford neighborhood who were confused about the delineation of the area included in this proposal. He hoped that they could help to clarify that. People who live in this neighborhood are concerned about people parking in their neighborhood and walking downtown.

City Council President Shannon stated this is a significant change for the Council and she felt it was important for the Ordinance Committee to hear the Council's deliberation before beginning work. She visited Boulder, CO and they had a department of the City assigned to parking management. It was incredible to see that much focus on parking in a pedestrian friendly environment. She hopes that they will consider that although studies show that there is excess parking downtown, the average shopper does not feel this way. They will need to work to connect shoppers with parking. She hopes they will consider how buildings that do not provide parking will impact the neighborhood.

The motion passed unanimously.

6.01. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re:  
Proposed Zoning Amendment

Councilors Bushor and Mason made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

7. RESOLUTION: Commission and Board Appointment Process (Charter Change  
Committee: Councilors Siegel, Decelles, Kranichfeld; Councilor  
Shannon)

Councilors Siegel and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated this gives a set structure to the appointment process and will result in three main changes. It will give more information up front about what is needed on the Committee. This information will come from the Committee Chairs themselves. Instead of having a meet and greet, they will allow

each applicant to come before the Council and tell them about themselves. It will be more public and perhaps less political. The first step would be the application period, the second would be receiving a written communication from each chair of the Board or Commission with the expectations of members, and the third would be the work session to replace the meet and greet. They will then reconvene at a Commission Appointment Discussion Session to arrive at a slate that they would vote on. They would survey applicants in the fall to see how they feel about the process. That will be reported back to the Council in November.

Councilor Hartnett stated this has been ongoing and is needed. He hopes everyone will support the changes. It will be a step in the right direction. If it does not work, they can reevaluate.

Councilor Dober stated this puts a process in place and is a good starting point. As survey time comes near, they can adjust the process. There needs to be something in place to start to result in a really good process. This is a great start. He hopes that it will not be as political.

Councilor Worden stated he supports this. He attended one meeting of the Charter Change Committee and moves the process to a more transparent direction. This will be a great improvement.

City Council President Shannon stated this was raised at the Council retreat and there was consensus that this need to be looked at. She thanked them for the proposal.

The motion passed unanimously.

8. RESOLUTION: Survey to Determine if Commissions and Boards are Functioning Optimally (Charter Change Committee: Councilors Siegel, Decelles, Kranichfeld; Councilor Shannon)

Councilors Siegel and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that this calls for a different survey than the one outlined in the previous resolution. That survey would go to anyone who had applied, but this would go to anyone who is currently serving. It will be about how they think the commission will be functioning. They have not written the survey yet, but it will ask questions like: Do you think that the term length is appropriate? Should there be term limits? What can you do to be more diverse and inclusive? They hope to report the results back to the Council by November.

Councilor Dober stated he hopes the questions will be more in line of how the board performs, what they are doing rather than getting into the political questions. By continuing to mention politics, they continue to keep politics in the process. Appropriate questions might be: Do you have a charge for the board? What tools do you need? How is the board structured? The questions would have more to do with the function of the board and this will go a long way.

The motion passed unanimously.

9. RESOLUTION: No City Councilor to Serve on Commission or Board in First Year After Leaving Council (Charter Change Committee: Councilors Siegel, Decelles)

Councilors Siegel and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that this is not just a blanket statement. There is a caveat that a Councilor may apply for a seat within the first year if they are the only applicant. It gives a fair chance to new people who perceive that former Councilors may have an unjust advantage.

Councilor Dober stated he will be leaving his seat soon. He feels that this is a good idea. Adding the caveat is important to allow them to fill the seats. In his ward, there is a thought that there is favoritism towards former Councilors.

Councilor Blais stated he is generally opposed to any rule that sets up an artificial barrier to anyone serving in public office. One of the pleasures in his time on the Council has been working with Councilor Dober. If in the next year, he decided he wanted to come back, he would hate to think that they could not even consider his application. That does not serve the City well. He has confidence that the City Council can make a reasonable decision free of favoritism. It limits access to people who have intimate knowledge about the workings of the City.

Councilor Decelles stated he could agree with Councilor Blais' sentiment if the City Council had proven its ability to not automatically appoint former City Councilors within their first year of leaving office. It has happened a number of times. In a recent appointment to the Library Commission, Councilors had pledged their support to a former Councilor without even looking at the other applications. There was another candidate whose qualifications surpassed the former Councilor's. If members of the public know that Councilors have left, they feel that the Councilor will be appointed. Because that has not been done, it is needed.

Councilor Paul inquired if a former Councilor submits an application and then finds out that other applications were received, would they have to withdraw their name from consideration. Councilor Siegel stated they can put in an application any time they want and if they are the only candidate, they would receive the appointment. There are also people whose applications have been held on file so that if there is a mid-year opening they can be considered. Councilor Paul stated it seems like that does not work because the former Councilor would have to remove their name from the list. City Council President Shannon stated the resolution states that they could not apply. If someone else had already applied, they would be unable to do so. Councilor Siegel stated the wording does imply that, but her intention is that if they apply and other applications are received, their name would be removed from the list of applications.

Councilor Bushor stated they should not be putting the responsibility on the Councilor. Anyone can apply but it is up to the Council to understand if the application is a valid one. Applicants should not have to be watchdogging positions to see if it is alright for them to apply. The intent is that the Council will not appoint a City Councilor who has left within the last year unless there is a need that can be filled by that person as the only applicant.

Councilor Hartnett stated that there are great people serving the City. Councilors will have an opportunity for continued service after one year. If they are really dedicated to the City, having a twelve month waiting period is not unreasonable to ask. He is sure that many people will return. There are many very well qualified former Councilors, but asking them to wait sends the right message. He will support this.

Councilor Siegel stated in the case of the recent Library Commission appointment, Councilors supported a former Councilor without seeing the other applications, and even told another applicant that they could see she was more qualified, but had promised their former colleague their vote. The applicant is very soured on the process and the City may not be able to receive her service.

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Councilors Bushor and Mason made a motion to amend the resolution on line 23 to read that no City Councilor who leaves office may be appointed to a seat. The motion on the amendment passed unanimously.

Councilor Worden stated he will not be supporting this. He is in the design business and they have a saying that if they are trying to fix something, they should fix one thing at a time. While this has been an issue in the past, they just passed a pilot program to change the appointment process drastically. There will be more transparency and they will hear from every applicant. If there are continued problems, they can revisit this.

The resolution passed by a vote of 9-5 with Councilors Blais, Paul, Worden, Kranichfeld and City Council President Shannon voting against.

Councilor Dober left the meeting.

10. COMMITTEE REPORTS (5 mins.)

Councilor Paul stated that the Parks Arts and Culture Committee will be meeting and will discuss the Public Investment Action Plan. They will also be meeting the new Library Director to hear her priorities for the budget for the upcoming year.

Councilor Brennan stated that the Tax Abatement Committee has been working hard. They will be coming forward with a clean slate of tax abatement activities that have occurred.

Councilor Blais stated that the Human Resources Committee will be meeting to discuss step placement policy changes that have been proposed.

Councilor Mason stated that the Ordinance Committee will be meeting to address an item to correct a conflict in the Building Code, as well as the items passed on the consent agenda at tonight's meeting.

Councilor Siegel stated that the Charter Change Committee will be meeting to discuss the gun resolution. It is contingent upon Chief Schirling's availability. The Diversity and Equity Committee has continued to work on their strategic plan and will be meeting again.

City Council President Shannon stated they are working on planning a City Council meeting at Burlington High School in conjunction with the Mayor's week in the schools. There has been a lot of work done to ensure the meeting will be ADA accessible and that it will run as it usually does.

11. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Decelles stated that the Public Safety Committee will not be meeting this year. The resolution that was passed and sent to the Charter Change Committee has questions that need to be answered before it can be addressed. He hopes that next year, the City Council President ensures those meetings to take place right away. There was recently a large drug bust, and public safety continues to be a major concern among the public.

Councilor Kranichfeld stated he is aware of the issues that the Public Safety Committee needs to take care of. The issues are large enough that they will merit more than one meeting worth of work. He would prefer to wait until the new Committee is formed to allow them to finish the work. It is much easier if the same group of people consistently works on the same issues. He has a conflict of interest on the gun issue given his new position as Director of the State's Attorney's and Sheriffs. That is another obstacle to the Committee taking up that issue. It will be taken care of, but it will happen after April 1.

Councilor Bushor inquired if the Board of Finance will also be taking place at Burlington High School. The Ward 1 NPA will be meeting on Wednesday to appoint an alternate to the Redistricting Committee. The CEO of Fletcher Allen Healthcare will be attending their meeting and anyone who is interested is welcome to attend. She noted that there was a time when CEOs were invited to speak with the Council. It would be nice to put a face with the name and have them here briefly to begin to have a relationship with the new heads of institutions that have their home in Burlington.

Councilor Tracy stated that the NPA is working on collecting ideas on ways to improve parks in the Old North End. The first is happening on Thursday to discuss Dewey Park. It is a small triangle that is in need of some work. They will be having an Old North End Arts and Business meeting. They have been working with residents in the Pomeroy Park area to improve that space. He has also been hearing about needles from his residents. They have been found in parks and vacant lots. There is confusion about the proper way to dispose of them. There is a person in the Howard Center who does this for a job. They can also provide a container to be used for proper disposal. They will also be working with Parks Staff about needles in parks. This points to the need for proactive action from the Public Safety Committee.

Councilor Brennan thanked everyone who worked at the polls. He apologized for his absence at the last meeting. Guns are an issue that they need to deal with and he appreciates the Mayor's effort at the national level. Since his incident, there was an incident on Lafountain Street with an open showing of a gun. The original resolution talked about assault weapons, and what is happening at the local level is also happening at the national level. The State Legislature could be moving further than it is. They will be having a discussion open to the public.

Councilor Paul congratulated Councilors Bushor, Brennan, Shannon, Hartnett and Blais on their reelection as well as welcoming returning Councilor Jane Knodell and newly elected Tom Ayres in Ward 7. She noted that on the consent agenda there is a three page summary of the Airport Strategic Planning Committee. She hopes that people will take the time to read it. They have slated the rest of the meetings through May to present a report in June.

Councilor Blais encouraged everyone to attend the Burlington High School's Varsity Girls Basketball team. They will be playing the number 1 seed at Patrick Gym and can use support.

Councilors Hartnett and Brennan made a motion to suspend the rules to extend the meeting.

Councilor Hartnett stated that there were many great City Council races which showed that the City was moving in a good direction. It is difficult to run a campaign and those who were not elected ran great races. The Roberts' family ran a great campaign in Ward 7. He thanked everyone for running.

City Council President Shannon stated that these competitive races really add to the political discussion in Burlington. There were some active campaigns in this round and it is good for Burlington and is healthy for the City. She noted that this was the week that we celebrated our Irish heritage. There were a number of events going on around the City with the Irish Heritage Festival. She encouraged people to check it out. At the Board of Finance meeting, they approved a contract with Hudson News. They were working with the City to provide Vermont products in the Airport to make the Airport unique while providing the traveler the things they expect to be able to get in an Airport.

12. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated there was a step forward with the efforts in Montpelier for TIF reform. The bill, which was supported by Burlington and other Vermont Mayors, would extend the life of the Waterfront TIF district for an additional five years. It would be helpful in the PIAP process. The likely route for this

to be approved would be through the State Senate. He encouraged Councilors to contact State Senators that they work with to encourage them to support the bill.

Megan Moir from Public Works and Planning Director David White made presentations on two bills being reviewed in Montpelier regarding storm water protection and shoreline protection. They represented the City well and brought forward important information. There will be a Storm Water Conference that he will be giving remarks at. His remarks will focus on sharing goals of Lake Champlain protection. Burlington has a great interest in storm water protections being done efficiently and smartly.

He attended the Mayor's Institute for City Design in New Orleans. It was a great couple of days involving eight mayors and high caliber design professionals.

He will be in Burlington High School for the Mayor's week in the schools. The main goal of going through this effort is to bring attention to the Partnership for Change and the work they are attempting to do. Not many places have attempted to remodel their education systems where education is based on sitting in a class for a certain number of hours and accumulating credits. The Partnership for Change is a way of ensuring that students have proficiencies to succeed and it should not be evaluated just through hours in the classroom. There will be a kickoff event involving the Governor and State Legislature. There will be a round table discussion to meet with business and education leaders to discuss how this change will interact with the job market. There will also be a closing ceremony.

He congratulated the re-elected and newly elected City Councilors. He feels that the poll workers did a great job on Election Day.

13. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: Appointment/Evaluation/Possible Disciplinary Action of Public Officials (oral)

Assistant City Attorney Haesler stated there has been a grievance issued against a public official through notification of the City Council. It will be up to the Council to determine if it falls into the area of grievance, appointment, or removal.

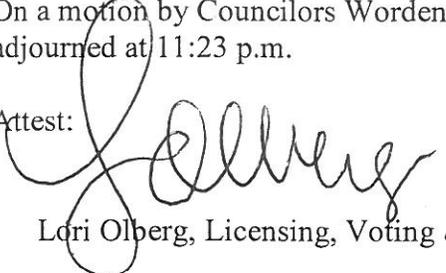
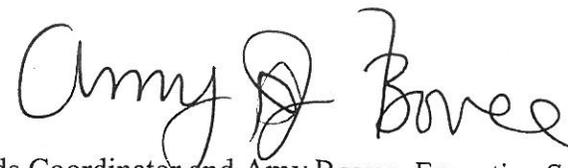
On a motion by Councilors Bushor and Siegel the Council went into executive session at 10:45 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above.

On a motion by Councilors Decelles and Bushor the Council went out of executive session at 11:23 p.m.

14. ADJOURNMENT

On a motion by Councilors Worden and Bushor the Regular City Council Meeting unanimously adjourned at 11:23 p.m.

Attest:

 : 

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

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DELIBERATIVE AGENDA

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LOCAL CONTROL COMMISSION

BURLINGTON HIGH SCHOOL AUDITORIUM, BURLINGTON HIGH SCHOOL

MONDAY, MARCH 18, 2013

7:06 P.M.

PRESENT: City Council President Shannon; Councilors Bushor, Worden, Tracy, Kranichfeld, Brennan, Siegel, Aubin, Mason, Blais, Paul and Dober

ABSENT: Councilors Decelles and Hartnett

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Paul Sisson and Scott Schrader

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Dober and Blais the consent agenda was unanimously adopted thus taking the following actions as indicated:

Commissioner Siegel stated consent agenda items 2.01. and 2.02. were post-dated and voiced her concern about approving things that have already happened.

2.01. OUTSIDE CONSUMPTION PERMIT (one day only): Akes' Place, March 17<sup>th</sup>  
\*waive the reading, accept the communication, place it on file and ratify the one day only outside consumption permit for Akes' Place, March 17<sup>th</sup>

2.02. OUTSIDE CONSUMPTION PERMIT (one day only): RiRa Irish Pub, 3/17/13  
\*waive the reading, accept the communication, place it on file and ratify the one day only outside consumption permit for RiRa Irish Pub, 3/17/13

2.03. OUTSIDE CONSUMPTION PERMIT RENEWAL (2013-2014): East Shore Vineyard  
\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewal for East Shore Vineyard

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Balance Team, Inc., d/b/a Burlington Bay Market and Café, 125 Battery Street

Commissioners Dober and Blais made a motion to approve the 2013-2014 First Class Restaurant Liquor License Application for Burlington Bay Market and Cafe. The motion passed unanimously.

3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

Balance Team, Inc., d/b/a Burlington Bay Market and Café, 125 Battery Street

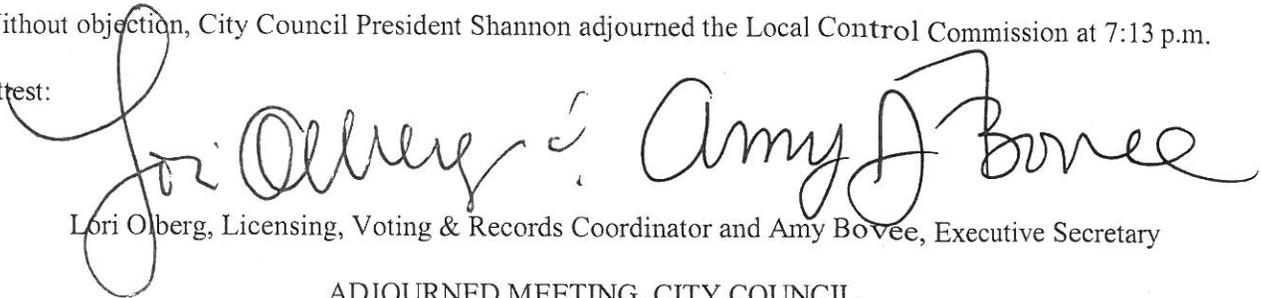
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Commissioners Dober and Blais made a motion to approve the 2013-2014 Outside Consumption Permit Application for Burlington Bay Market and Café. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:13 p.m.

Attest:



Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

ADJOURNED MEETING, CITY COUNCIL  
MONDAY, MARCH 18, 2013  
7:13 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

Councilor Bushor stated consent agenda item 3.11. was addressed by the Board of Finance and they modified lines 27-28 to specify that the project will be funded with Passenger Facility Charges and Airport Operating Revenue.

On a motion by Councilors Kranichfeld and Bushor the agenda was unanimously adopted as amended as follows: re-number agenda items 6. PRESENTATION: Lindsey Cox, Partnership for Change Project Manager, "What are we Doing here? Why City Council is meeting at BHS: an overview of the Partnership for Change" (10 mins.) and 6.01. COMMUNICATION: Lindsey Cox, Partnership for Change Project Manager, Partnership for the Burlington City Council Meeting March 18, 2013 as agenda items **2.5 and 2.5.01**. respectively; note proposed amendment for agenda item 5. RESOLUTION: Urban Reserve Planning and Site Management (Councilors Paul, Brennan, Aubin); add to the agenda item 6.5. ORDINANCE: VEHICLES FOR HIRE – Taxi services advisory committee (Councilors Dober, Mason) with the proposed action to "suspend the rules and place it in all stages of passage."

2. PUBLIC FORUM

City Council President Shannon opened up the public forum at 7:45 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Kate Stein	Ward 7 Resident	Accessibility Issues
Jeanne Collins	Burlington School Superintendent	Welcome to the Schools
Ellen Zemen	Ward 7 Resident	Accessibility Issues

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:45 p.m.

2.5. (was 6.0) PRESENTATION: Lindsey Cox, Partnership for Change Project Manager, "What

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are we Doing here? Why City Council is meeting at BHS: an overview of the Partnership for Change” (10 mins.)

Lindsey Cox, Partnership for Change, played a video which explained the Partnership for Change. She stated the Mayor is doing something bold by jumping out of his office and getting into the schools. He is showing how they can make real connections between City Government and the Schools. They have been able to show students how City Government runs. The Partnership for Change is looking to make learning more personalized to allow every learner to reach their full potential. It was established in 2012 and is grant funded. Burlington and Winooski School Districts applied for the grant together and spent two years planning the application. They heard from communities how people believe that they need to move forward to improve their schools. There were five areas identified including providing more robust learning spaces, building family school partnerships, creating community based learning opportunities, enhancing youth engagement and leadership, and personalized and proficiency based learning. Councilors have great reach into the community to talk about the needs of the Schools and how the community can support that work. She wants City Councilors to consider how they can influence students.

Councilor Brennan stated that they should be focusing on squeezing as much as they can out of every dollar that they have for the Partnership for Change. When he was on the School Board, they completed \$20 million of renovations. Typically, there is a match from the State or Federal governments to build infrastructure. They did not get that match during the recession, but the voters of Burlington stood up to support the Schools during difficult times. He hopes that they will be able to get credit for that money they put money forward during that time.

Councilor Bushor stated the film was well done and captured the essence of the Partnership. All students learn differently. In her own life, she had children who were very different. One of her children excelled in any classroom, but another did not. If you cannot acknowledge that people learn differently and at their own pace, it creates issues with ego and self-esteem. People internalize and feel that they are inadequate. This was about how you felt about yourself, which could open doors for potential. She hoped that the public school system would be able to accommodate this. Everyone was different and unique and there should not be judgment about that. She has very high expectations about where this money will take them.

Mayor Weinberger stated that this morning, the auditorium was full of students and members of the State and Federal delegation. He felt that the Mayor should be involved in education issues. There was nothing more important to the future of the City than the education that children get. It is an important time to be engaged in these conversations because the Governor and President are focusing on education reform. The Governor described his own experience in education and emphasized that they need to accommodate each individual child. The Governor said he would not have succeeded if he had not had a teacher who helped him overcome his problems with dyslexia. He stated that he did his best learning because of following his interests and passions. It has become clear to him that this is not an easy process, despite the skills of the people working on this project. It is a dramatic change from delivering education in the traditional way to a student centric way. Elected officials can help to bring awareness and generate community support to the project. This is a great opportunity to do planning using outside resources. He wants to involve the business community because they know when students have not gotten the education they need to thrive. He thanked the Council for their willingness to engage in the project.

2.5.01. (was 6.01.) COMMUNICATION: Lindsey Cox, Partnership for Change Project Manager,  
Partnership Update for the Burlington City Council Meeting  
March 18, 2013

Councilors Aubin and Brennan made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

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3. CONSENT AGENDA

On a motion by Councilors Dober and Bushor the consent agenda was unanimously adopted thus taking the following actions as indicated:

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List  
\*waive the reading, accept the communication and place it on file
- 3.02. RESOLUTION: Authorization for Agreement for Operation of Gift Shops and Newsstands at Burlington International Airport (Councilors Shannon, Decelles, Paul, Bushor: Board of Finance)  
\*waive the reading and adopt the resolution
- 3.03. RESOLUTION: Church Street Marketplace District—Authorizing Budget Adjustment (Councilors Shannon, Bushor, Paul: Board of Finance)  
\*waive the reading and adopt the resolution
- 3.04. RESOLUTION: Approving A Grant Anticipation Note for the Costs of Certain Airport Improvement Projects (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)  
\*waive the reading and adopt the resolution
- 3.05. RESOLUTION: FY 2013 Budget Amendments – CEDO Re: Lead Hazard Control and Housing Trust Fund (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)  
\*waive the reading and adopt the resolution
- 3.06. COMMUNICATION: Darlene Kehoe, Assistant Director for Finance and Brian Pine, Assistant Director for Housing & Neighborhood Revitalization, re: FY13 Budget Amendments for Lead Hazard Control and Housing Trust Fund  
\*waive the reading, accept the communication and place it on file
- 3.07. RESOLUTION: Authorize Contract with Hickok and Boardman, Inc. to Manage The City's Workers' Compensation and General Liability, Property and Casualty Insurance (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)  
\*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Acceptance of Queen City Police Foundation Gift and Approval of Police Department Budget Amendment (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)  
\*waive the reading and adopt the resolution
- 3.09. COMMUNICATION: Michael E. Schirling, Chief of Police via Lise E. Veronneau, Business Administrator, Burlington Fire & Police Departments, re: FY 13 – Budget Amendments and Accept Donation from Queen City Police Foundation  
\*waive the reading, accept the communication and place it on file
- 3.10. RESOLUTION: Authorization for Acceptance of 2013 IBM Smarter Cities Challenge Engagement Grant (Councilors Shannon, Bushor, Paul, Decelles: Board

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of Finance)(pending Board of Finance approval on 03/18/13)

\*waive the reading and adopt the resolution

3.11. RESOLUTION: Authorization to Contract for Services Associated with North Concourse Restroom Renovation at Burlington International Airport (Councilors Shannon, Decelles, Paul, Bushor: Board of Finance)

\*waive the reading and adopt the resolution

3.12. COMMUNICATION: Gene Richards, Burlington International Airport, re: Finance Board Approval Request – North Concourse Restroom Renovation Project

\*waive the reading, accept the communication and place it on file

3.13. RESOLUTION: Burlington City Arts FY 2013 Budget Amendment Related to Artwork Sales and Grant Revenues (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)

\*waive the reading and adopt the resolution

3.14. RESOLUTION: Authorize Amendment to Contract with Wright & Morrissey for Construction Services re Church Street Marketplace Project STP 5000(16) (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)

\*waive the reading and adopt the resolution

3.15. COMMUNICATION: Steven Goodkind, P.E., Director of Public Works, re: STP 5000 (16) – Church Street Earmark

\*waive the reading, accept the communication and place it on file

3.16. RESOLUTION: Authorization to Enter into Agreement with Gary Evans for Consulting Services and Amend FY 2013 Budget – Burlington Telecom (Councilors Shannon, Bushor, Paul: Board of Finance)

\*waive the reading and adopt the resolution

3.17. RESOLUTION: Authorization to Accept A Vermont Arts Council Cultural Facilities Grant and Amend the FY 2012 Budget – Fletcher Free Library (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance)

\*waive the reading and adopt the resolution

3.18. COMMUNICATION: Paul Sisson to Board of Finance, re: Library Grant from Vermont Council of the Arts

\*waive the reading, accept the communication and place it on file

3.19. COMMUNICATION: Alexander L. Aldrich, Executive Director to Fletcher Free Library, Attn: Ashley P. McAvey, re: Application # 16478

\*waive the reading, accept the communication and place it on file

3.20. COMMUNICATION: Vermont Arts Council Acting for the State of Vermont Cultural Facilities Grant Agreement Fiscal Year 2012

\*waive the reading, accept the communication and place it on file

3.21. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, January 7, 2013 Minutes

\*waive the reading, accept the communication and place it on file

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- 3.22. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Tuesday, January 22, 2013 Minutes  
\*waive the reading, accept the communication and place it on file
- 3.23. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, January 28, 2013 Minutes  
\*waive the reading, accept the communication and place it on file
- 3.24. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, February 11, 2013 Minutes  
\*waive the reading, accept the communication and place it on file
- 3.25. COMMUNICATION: Keith Pillsbury, Ward One School Commission Candidate, re: Conflict of Interest re: Recount  
\*waive the reading, accept the communication and place it on file
- 3.26. COMMUNICATION: Scott Schrader, Assistant Chief Administrative Officer, re: Declaration of Elected Candidates Annual City Election – March 5, 2013  
\*waive the reading, accept the communication and place it on file
- 3.27. COMMUNICATION: Scott Schrader, Assistant Chief Administrative Officer, re: Declaration of Election Results Questions on the Ballot Annual City Election – March 5, 2013  
\*waive the reading, accept the communication and place it on file
- 3.28. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, Draft Minutes, Regular City Council Meeting, January 7, 2013  
\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 11, 2013 City Council Meeting
4. PRESENTATION: Patrick Standen and Ralph Montefusco, Co-chairs, Committee on Accessibility and Kesha Ram, Staff, re: Committee on Accessibility Strategy Plan

Ralph Montefusco, Committee on Accessibility, stated that the Council asked the Mayor to form the Committee on Accessibility. It is made of City staff and community members and was charged with creating a plan to address accessibility, updating the previous mission statement, determining the frequency of reporting to the Council, and a devising a process to assess accessibility needs. The Committee included people from a number of organizations. They held a public forum and allowed interested parties to participate in any meeting they attended. There are many accessibility issues in the High School, which demonstrates the need to address these issues. As one woman said, her son in a wheelchair finds this building scary. The overarching recommendation is that they charge the Committee with assessing the accessibility needs in Burlington. They recommend expanding the Committee, having two year terms, and re-forming the Committee by the end of April. The report is a good start, but they are anxious to begin working. These issues have to be included in everything that they do in the City. Making this Committee permanent will allow them to send liaisons to various stakeholders, groups, boards and commissions. It is more inclusive to do things right from the beginning than to try to retrofit. The accessible bathroom for this meeting is in the girls' locker room, but it would be nice if anyone could just use a bathroom. He read the proposed mission statement. They plan to report to the Council quarterly. They are suggesting adding representatives from AARP, Burlington Parks and Recreation, the School

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District, and a person from the Howard Center Pathways Program. They feel it is important to make this Committee permanent. Public and Private infrastructures should be updated to be more accessible. There are few accessible and affordable homes in Burlington. There are times when private businesses can plan to make more accommodations and having this included in the permitting process could help. Programmatic inclusion is important and there are times when people cannot attend festivals in the City because they cannot get there. Developing a culture of awareness to give voice and visibility will help. There were several people on the Committee who did not attend this presentation because of their concerns about this building. This group is enthusiastic about their work and anxious to move forward to make the City more inclusive.

City Council President Shannon stated this report is helpful and is a first step in a long process. The Council will need to act on the report and appoint additional members. They also need to endorse the proposal that the Committee has put forward.

Councilor Bushor stated she would like to refer this to the Board of Finance to ensure that as they are building the FY14 budget, they contemplate some funding. There will need to be work done to prioritize what is essential and what they can afford to do. The Committee was languishing and has now been revitalized. There are a number of things that will come from this Committee. When the old Committee was active, there was a person in the Department of Public Works who included how money would be spent in the current year projects. Budgeting for it will allow them to be proactive in accessibility projects. Mr. Montefusco stated that they know this will happen incrementally. They hope to engage with other groups even if they do not have any funding, such as working with the Department of Public Works to prioritize accessibility projects. The building inspector has been very involved in the Committee. City Council President Shannon suggested that they work on a separate resolution for the Board of Finance to address the money piece so as to allow the rest of the resolution to move forward. Councilor Bushor stated she requests the Mayor and CAO to utilize the information while they begin to build the budget. It is important that they address this. She stated she received a communication from Michael Wood-Lewis and read it aloud.

Councilor Tracy stated that he is glad that Public Works will be helping to compile a list. When he was on the Public Works Commission, there was a presentation about the condition of the sidewalk. This is important infrastructure and sidewalks are deteriorating faster than they are being fixed. At that time there was \$35 million worth of sidewalk work. There are people struggling with the poor condition of sidewalks City-wide. There has been some progress but they continue to deteriorate. Within that work, he hopes they can create a standard for assessing the quality of sidewalks. He does not feel enough attention has been paid to sidewalks.

Councilor Siegel inquired about the mechanism to create an ongoing Committee and how people would be appointed. City Council President Shannon stated there is a standing Committee but it had fallen dormant for a long time. Councilor Siegel inquired if it is part of the Charter. Mr. Montefusco stated that they are more advisory than binding. City Council President Shannon requested the City Attorney clarify the differences between different Committees, Boards and Commissions. If they are not covered by the Charter, the Council can task them with different things. City Attorney Eileen Blackwood stated Commissions are in the Charter and have actual authority. Committees are created by the Council and can be delegated different levels of authority.

Councilor Dober stated that anything dealing with Schools and finance should be kept separate. If this is referred to the Board of Finance, it is no longer a School conversation. City Council President Shannon stated this is a City conversation, but happens to be taking place in a School with accessibility challenges.

Councilor Brennan stated that there is money that the City did not get that others have gotten. There is a need that has been expressed. This building is difficult to get around. Accessibility was addressed in the

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Master Plan and will cost a lot of money. Time and energy will be needed to lobby the State and Federal delegations. Other communities have gotten their dues and Burlington did not, even though they took care of their own during the recession. He inquired about an action item to pursue external funding opportunities for municipal infrastructure and asked if any potential sources had been identified. Mr. Montefusco stated those items are intended to be illustrations of things that could be done. They are not at a point where they can pursue funding, but they would like to be able to. Councilor Brennan stated that he hopes the committee becomes a standing Committee, it would be great to have inclusion for everyone in the High School.

Councilor Worden stated Public Works has acknowledged issues with the way they rated sidewalks. They plan to put out an RFP to have someone with a Segway document the sidewalks with national standards. With the housing stock pre-dating accessibility designs, it will be challenging to incorporate accessibility. It will be equally important to look at new housing that will be built. He encouraged someone on the Committee to speak on behalf of accessibility issues. Mr. Montefusco stated that they are looking to do that. They are not trying to take over financing, but they do feel their input would be helpful as a part of the process.

Councilor Paul stated that when they talk about accessibility, they sometimes think of it in terms of being ambulatory. That is important, but it is also important to consider people who are hearing or sight impaired. That is a significant issue in Burlington. There was an issue in front of Vermont House with the sidewalk being in poor shape and that affected visually impaired residents of Vermont House. Mr. Montefusco stated they have considered that and have a visually impaired person on the Committee. He did not know about the School accessibility issues until he started this work. They are also considering mental health issues.

Mayor Weinberger stated he looks forward to beginning this work. He does plan to find a way to experience the School in a wheel chair with a student with mobility issues during his time here.

Councilors Aubin and Bushor made a motion to request that this issue be added to the Accountability List.

Councilor Siegel inquired whose accountability this will be. Councilor Bushor stated she is happy to make sure this does not get lost. It will be done on behalf of the full Council.

The motion passed unanimously.

- 4.01. COMMUNICATION: Kesha Ram, Staffperson, Committee on Accessibility, re: Burlington Committee on Accessibility Strategy and Plan

Councilors Aubin and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

5. RESOLUTION: Urban Reserve Planning and Site Management (Councilors Paul, Brennan, Aubin)

Councilors Paul and Tracy made a motion to waive the reading and adopt the resolution.

Councilor Paul stated that this relates to managing and being responsible stewards of the urban reserve, as well as planning for the future. There are two plans that relate back to the Urban Reserve. One is the Urban Renewal Plan for the Waterfront Revitalization District in September 1990. It noted that they would preserve the land from unwanted commercial development and reserve the right for future generations to determine what development, if any, could occur. Seven years later, they passed provisions

## Minutes, Adjourned Meeting, City Council

for responsible stewardship. Over the last 20 years, the urban reserve has fallen into disrepair. It is in need of site upgrades to improve public safety, reduce environmental hazards and improve pedestrian amenities. This resolves that 2013 will mark the beginning of future generations determining what development will occur on the land. It then calls for a long term planning process for the Urban Reserve to commence. It will call for management as laid out in the Interim Use document of 1997. It asks that Planning and Zoning, Parks and Recreation, and CEDO begin a proposed scope timeline and budget for a long term planning process, similar to PlanBTV. City staff would work with the Vermont Housing Conservation Board and other funding sources for the completion of a land use map, promoting public activity and a long term plan. She feels the resolution is important because they need to begin to start to plan in conjunction with other plans the City is undertaking. There have been issues with public safety and environmental hazards that need to be taken care of.

Councilor Bushor stated this is an important resolution. When she read about the short term improvements, some of them surprised her. One portion called for the upgrade of existing shoreline foot paths, and another called for installation of boat launch sites, naturalization of shoreline to reduce erosion and remove hazards, management of vegetation to minimize illegal camping and trash dumping. These items raised concerns for her. There should be a check back with someone before this moves forward and her first thought was the NPAs. She inquired what process will take place to complete the short term amendments. Jesse Bridges, Parks Director, stated that there were a number of informal paths that have been created. Councilor Bushor requested information about the process and what is meant by upgrade. Mr. Bridges stated that they will be putting forward a PIAP proposal to make the footpaths more formal. They continue to work with the Parks Arts and Culture Committee and will consider the recreational use of the Urban Reserve as well. Any enhancements would go through the usual process. Councilor Bushor inquired if each item would have a plan presented to the Parks Commission and then Parks Arts and Culture Committee. She inquired if there is a plan in which they will reach out to the community at large to get feedback. Mr. Bridges stated that all of these pieces would be part of the public process that goes on through Parks Commission and Parks Arts and Culture. They are investigating small boat portage and will be working with Vermont Fish and Wildlife on that project. Councilor Bushor stated she is cautious about the improvements because although these are short term improvements, they will begin to lay the framework for whatever happens in the future. She would prefer a process that is more inclusive and would have the full Council's awareness. It is the Waterfront and people are possessive of it. The amendment is intended to keep public awareness at a maximum. Mr. Bridges stated the current access road is a hazard and it is causing storm water problems. Responsible urban management with a forestry plan and vegetation plan calls for them to actively manage plants. There are many unsafe areas. They want to promote the recreational use and they cannot begin to do that so long as it lays vacant. Councilor Bushor stated that DPW was putting extra soil in the Urban Reserve.

Councilors Bushor and Brennan made an amendment to require City Council approval for any short-term improvements.

Councilor Bushor stated she eliminated NPAs from her original amendments because she does not want to delay the process. Councilors will be responsible for making sure that constituents are aware of it. The sub-committee will also have meetings that people can attend.

Councilor Brennan inquired if the Parks Director sees any obstacles by adding this to the process. Mr. Bridges stated they are already conferring with multiple agencies. It does add another layer of process and they will have to be further ahead on their timeline.

Councilor Blais stated it seems that adding another layer of process to this in an area that has been long neglected and overlooked is not in the best interest of the City. Bringing it to the Council's attention is fine, but the problems that are being addressed do not need that level of oversight.

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Councilor Mason inquired if there is funding for any of these projects. Depending on the threshold of the project, they may come before the Board of Finance and the Council anyway. Mr. Bridges stated there are some funding mechanisms in place, such as soil testing money, but overall they do not have funding. Councilor Mason inquired if they have estimates of cost for any of these projects. Mr. Bridges stated their department can put together a quote about what vegetation management would cost, but they will be going forward with Bike Path scoping and the PIAP process soon.

Councilor Paul inquired if each of these projects will be included in the Parks and Recreation agenda and discussed at a public forum. Mr. Bridges stated they would. Councilor Paul stated this would allow for citizen input at the Commission level.

Councilor Siegel inquired what the threshold for something to be in the budget would be. Interim CAO Sisson stated anything over \$50,000 required Board of Finance approval and anything over \$100,000 required City Council approval. Councilor Siegel inquired if they have an idea if these projects will reach those thresholds. Mr. Bridges stated all of it will not meet that threshold, but everything would come through Parks Commission.

Councilor Tracy stated this is happening in the context of a broader Master Planning process that Parks is undertaking. This would be looked at in a broader sense and will not be happening overnight.

Councilor Siegel inquired if having to bring each project to the Council would be a stumbling block. Mr. Bridges stated it would be adding another layer to the timeline. An example of this would be the off-leash dog report that is due. The Committee and Department are done with their work. It has taken him 4-5 months to get on NPA agendas, even though that does not require any critical action. This does require critical action that has been put off for too long.

The motion to amend the resolution failed by a vote of 3-9 with Councilors Bushor, Siegel and Brennan voting in favor.

Councilors Siegel and Brennan made a motion to amend the resolution to eliminate the words "and other undesirable activities" from the resolution. The motion passed by a vote of 11-1 with Councilor Kranichfeld voting against.

Councilor Brennan stated that although many of the activities may be minor in terms of the long term plan, there will be significant work. There is a lot of invasive vegetation. It turns into a jungle in July and they would like to clean that area up. There are a lot of pads from where oil refinery tanks were placed. There will be some movement. It will make the area clean and more welcoming for individuals. He understands the concerns, but does not see them moving beyond the preparation phase into the next phase at this time; it is needed. There have been things he does not like to hear about happening in his neighborhood, but he does. It is concerning to anyone who regularly uses the bike path. There will be large moving equipment used to complete this work.

Councilors Dober and Aubin made a motion to call the question. The motion passed unanimously.

The motion to adopt the resolution passed unanimously.

6.5. ORDINANCE: VEHICLES FOR HIRE – Taxi services advisory committee (Councilors Dober, Mason)

Councilors Dober and Mason made a motion to suspend the rules and place it in all stages of passage.

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Councilor Dober stated he started working on this Ordinance rewrite four years ago. One of the areas that they felt needed more attention was to get the industry and public involved in the decision making. They created a Taxi Advisory Committee in the attempts to do that. That ordinance came out two years ago, but they have not been able to create the Committee without a full body and not enough people have applied. This change is very modest and will add the words 'up to four members'. That would mean that they can start the Committee and gain some traction. This would be extremely helpful to the Taxi Board in their decision making. He encouraged the public to get involved. He hopes they can adopt this change.

City Council President Shannon inquired if this has been advertised. Councilor Dober stated he did not believe that it has been on the list because it has not yet started. It is appointed by the Airport Commission, not the City Council. City Council President Shannon inquired if they would need to have two industry members on the Committee. Councilor Dober stated they would and he would like to have at least one public member, but up to four. City Council President Shannon inquired if the wording of the ordinance would allow for two industry members. City Attorney Blackwood stated that it would, although it could be made clearer.

The motion passed unanimously.

### 7. DEPARTING REMARKS FOR OUTGOING COUNCILORS

City Council President Shannon presented plaques to outgoing Councilors Bram Kranichfeld and Vince Dober.

Councilor Blais, Bushor, Paul, City Council President Shannon and Mayor Weinberger spoke about Councilors Kranichfeld and Dober and thanked them for their service on the Council.

Councilor Dober stated it has been great working with everyone and spoke about his time on the Council.

Councilor Kranichfeld spoke about his time on the Council and stated he is sad to leave.

### 8. COMMITTEE REPORTS (5 mins.)

Councilor Dober stated that the Taxi Licensing Committee will be coming forward with more items for the Ordinance Committee. They will be meeting for a hearing and meeting to discuss the resolutions they will submit to the Ordinance Committee. They will also be having a License Committee meeting.

Councilor Tracy stated that TEUC will be discussing fuel agreements and will be meeting with the DPW fleet manager.

Councilor Siegel stated that the Charter Change Committee will be meeting to discuss the assault weapon ban options, as well as the quasi-judicial board complaint process.

Councilor Paul stated that the Parks, Arts, and Culture Committee had its last meeting of the year last week. One of the items they discussed was the resolution about the Urban Reserve. The Committee met often and did their best to provide oversight of the Moran process, the no-go decision by the Mayor, and the Public Investment Action Plan. They recently had a valuable presentation from the Library Director, and she hopes the committee will continue to embrace Parks, Art, and Culture and understand what is going on at the Library.

Councilor Worden stated the CDNR Committee will be meeting for an update on the CDBG process, the PIAP process, and planning around Center City Neighborhood issues.

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City Council President Shannon stated that the Redistricting Committee meeting searched for a meeting date and have settled on March 19. They may be having a snow storm and she will make the call about whether or not to have the meeting at that time. The first meeting will be organizational and they will be holding other meetings to seek public input.

9. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

No one spoke on this item.

10. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

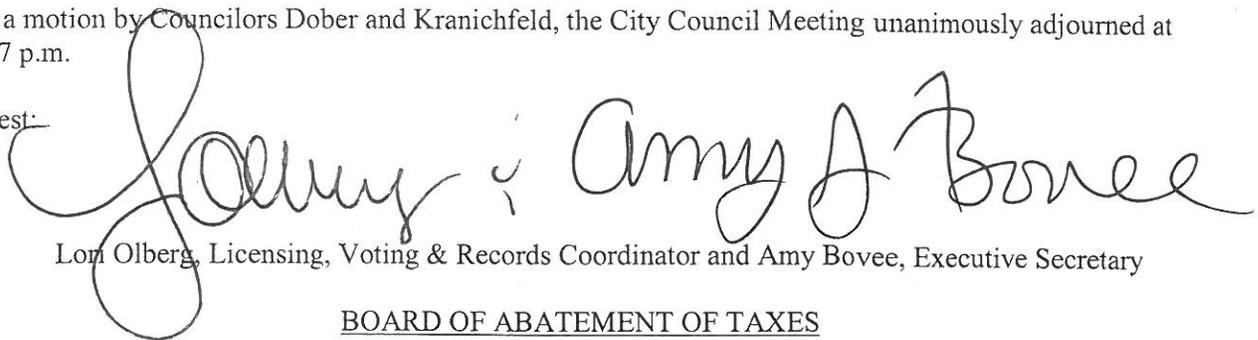
Mayor Weinberger stated that the Vermont Information Consortium held a conference on State policy on storm water with 100 planners from across the State. The City is engaging in the storm water debate and there was a recommendation that the State increase expenses on lake protection by \$156 million annually. He delivered the message that Burlington benefits more than any other group from a clean lake and it is a goal that the City strongly supports and subscribes to. Burlington has made substantial investments on a voluntary and proactive basis. He noted that investment of more magnitude will be needed to protect the lake. Before asking Burlington's citizens to invest in that way, there needs to be a conversation with policy makers to assure the public that there is a system that is fair, efficient, and promotes green infrastructure investment.

They are close to announcing the Public Investment Team who will oversee the next steps of the Public Investment Action Team. They have reached out to Councilors to come up with a balanced and skilled team.

11. ADJOURNMENT

On a motion by Councilors Dober and Kranichfeld, the City Council Meeting unanimously adjourned at 9:27 p.m.

Attest:



Lon Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

BOARD OF ABATEMENT OF TAXES

MONDAY, MARCH 18, 2013

9:27 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Councilors Brennan and Mason the agenda was adopted as is.

2. CONSENT AGENDA

Councilor Dober inquired if everyone was in agreement with these recommendations and that was the reason it was on consent. Councilor Kranichfeld stated they were in agreement.

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Councilor Brennan stated that it would have been nice to have this at the beginning of the meeting, as it was all consent items and Mr. Vickery was present.

On a motion by Councilors Dober and Brennan the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: Notice City of Burlington Board  
Of Abatement of Taxes

\*waive the reading, accept the communication and place it on file

2.02. REQUEST FOR ABATEMENT OF TAXES: Jane Berlin  
81 South Williams Street Unit 207  
045-2-030-023

\*waive the reading and deny the request for abatement of taxes

2.03. REQUEST FOR ABATEMENT OF TAXES: TD Bank, N.A and Joanna Will  
Co-trustees of the Christopher A. Hall  
Revocable Trust  
13 George Street  
044-2-119-000

\*waive the reading and deny the request for abatement of taxes

2.04. REQUEST FOR ABATEMENT OF TAXES: Hall Communications  
255 South Champlain Street  
PPP237140

\*waive the reading and abate 11/12 taxes, penalties and interest

2.05. REQUEST FOR ABATEMENT OF TAXES: City of Burlington  
Clerk/Treasurer's Office  
Unknown  
ID 999-#-###-###

\*waive the reading and grant the request for abatement of taxes

2.06. REQUEST FOR ABATEMENT OF TAXES: City of Burlington  
Clerk/Treasurer's Office  
DSL.NET  
999-9-999-111

\*waive the reading and grant the request for abatement of taxes

2.07. REQUEST FOR ABATEMENT OF TAXES: Molly Farrell  
Clerk/Treasurer's Office  
48 Pomeroy Street  
045-1-144-000

\*waive the reading and grant the request for abatement of taxes

2.08. REQUEST FOR ABATEMENT OF TAXES: Tri C Tool and Die  
Clerk/Treasurer's Office  
228 Elmwood Avenue  
PPP206075

\*waive the reading and grant the request for abatement of taxes

2.09. REQUEST FOR ABATEMENT OF TAXES: Bruno Trahan

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Clerk/Treasurer's Office  
63 King Street  
049-1-063-000

\*waive the reading and grant the request for abatement of taxes

2.10. REQUEST FOR ABATEMENT OF TAXES: John P. Larkin  
Clerk/Treasurer's Office  
Unknown  
999-1-995-001

\*waive the reading and grant the request for abatement of taxes

2.11. REQUEST FOR ABATEMENT OF TAXES: City of Burlington  
Clerk/Treasurer's Office  
22 Sherman Street, 044-2-031-000  
287 No. Winooski Ave., 040-2-112-000  
300 Lake Street, 043-3-208-000

\*waive the reading and grant the request for abatement of taxes

2.12. REQUEST FOR ABATEMENT OF TAXES: City of Burlington  
Clerk/Treasurer's Office  
Unknown  
029-2-052-###

\*waive the reading and grant the request for abatement of taxes

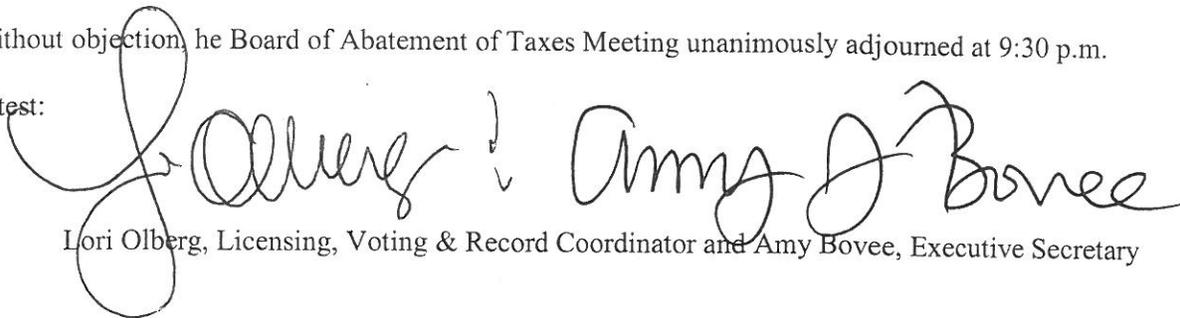
2.13. REQUEST FOR ABATEMENT OF TAXES: City of Burlington  
Clerk/Treasurer's Office  
Unknown  
PPP#####

\*waive the reading and grant the request for abatement of taxes

3. ADJOURNMENT

Without objection, the Board of Abatement of Taxes Meeting unanimously adjourned at 9:30 p.m.

Attest:



Lori Olberg, Licensing, Voting & Record Coordinator and Amy Bovee, Executive Secretary