MINUTES

CITY COUNCIL

July 6, 2026

The South Burlington City Council held a regular meeting on Monday, July 6, 2026, at 6:30 p.m., in the Auditorium, 180 Market Street, and by Zoom.

MEMBERS PRESENT: T. Barritt, Chair; E. Fitzgerald, L. Smith, A. Chalnick, Dr. B. Zigmund

ALSO PRESENT: J. Baker, City Manager; Chief S. Locke, Deputy City Manager; C. McNeil, City Attorney; P. Conner, Director of Planning & Zoning; E. Quallen Towle, Deputy Director of Capital Projects; S. Kershner, Project Manager of Transportation and Open Spaces; A. Dabrowski, Data Manager; D. MacDonald, Planning Commission

1. **Pledge of Allegiance:**

The Pledge of Allegiance was recited.

2. Instructions on exiting the building in case of emergency and review of technology options:

Ms. Baker provided instructions on emergency exit from the building and reviewed technology options.

3. **Additions, deletions or changes in the order of Agenda items:**

Members agreed to add item 6F to the Consent Agenda with the final tax rate figures of .05345 and .05551.

4. **Comments and questions from the public not related to the agenda:**

No issues were raised.

5. **Councilors' Announcements and Reports on Committee Assignments and City Manager's Report:**

Council members reported on recent meetings and events they had attended.

Ms. Baker: Summer paving has begun. Yard signs are being used where paving is coming.

South Burlington Police Officer Kandra and new K9 Hex have been certified and will be getting drug certification as well.

The ribbon-cutting for City Center Park will take place tomorrow at 5 p.m.

An e-mail was received from the Council on Rural Development inviting Council members to attend their upcoming conference.

6. **Consent Agenda:**
   a. **Consider and Sign Disbursements**
   b. **Award construction contract for the Garden Street East Connector project to Don Weston Excavating, Inc., and authorize the Director of Public Works to negotiate, execute, and amend contracts consistent with the supporting documents**
   c. **Authorize the City Manager to contract with AstroTurf Corporation for improvements at Veterans Park**
   d. **Approve Resolution #2026-09 expanding the Public Art Committee to nine members**
   e. **Accept the Corrective Warranty Deed of Easement from Yasanti and Janaice DeSilva to the City conveying rights for the Dorset Street shared use path project from their property's frontage at 1626 Dorset Street, which is known as Parcel 3.**
   f.

Mr. Chalnick moved to approve the Consent Agenda as presented. Mr. Smith seconded.

Ms. Fitzgerald asked to remove item #c for discussion. Members agreed.

Ms. Baker noted that the construction contract (Item "b") came in under what was anticipated.

Ms. Fitzgerald asked about expanding the field size (item "c") and noted she had received some answers but wanted it to be on the public record. She also suggested keeping a master list of "under/over budget projects" and funding issues.

Mr. Chalnick asked what use the new field will allow. Ms. Kershner said the original quote was for a small to average-sized field. The two fields will now be the same size (330'x190'). Striping was an $8,000 increase for the first and second group of striping to allow for different sports. There could be 2 soccer games or 1 field hockey and 1 lacrosse game, etc., being played at the same time. Ms. Baker noted this better meets the City's needs as these sports are very popular. Ms. Kershner said the remaining work will go to bid after the DRB process on 21 July.

It was noted that CVU's budget is $5,700,000, and Ms. Kershner was asked what they are using. She said CVU is spending $2,000,000 on turf, and staff determined their materials are not satisfactory (e.g., corn cobs, recycled tires, shoe soles). Staff prefer to use woodchips.

Dr. Zigmund asked about PFAS. Ms. Kershner said they have all that information, and that is the main reason for using this company and the woodchips. When asked about references, Mr. Kershner said they spoke with someone in Massachusetts who recommended going with Astro-Turf as they have had no issues and are very satisfied.

Regarding funding, Ms. Kershner said they have no specific means designated for funding as of now. They will have better estimates when they prepare the FY28 budget.

Mr. Chalnick asked if they did an evaluation that said the bigger field is needed. Ms. Kershner said it is the same size as the existing fields. Ms. Baker said it was a staff recommendation to mirror the existing fields. Mr. Chalnick asked what would happen if this is not approved tonight. Ms. Kershner said they would have to go back to look at grass fields.

Ms. Baker then reviewed the history and noted that the quoted price can be locked in now.

Mr. Smith said it makes sense to him. He understood how the disconnect regarding size happened, but he trusted the team used its best diligence. Mr. Barritt noted the original size quote was only conceptual. Mr. Smith cited the need to go with what the people they hire tell us they need. Mr. Barritt added that if they undersize the field, it will plague the city for a long time.

Ms. Fitzgerald again stressed the need to keep a running tab so they are sure they will have funds for something down the line.

Mr. Smith then moved to approve Consent Agenda item "c" as presented. Ms. Fitzgerald seconded. The motion passed 3-1 with Mr. Chalnick opposing and Dr. Zigmund abstaining.

7. **Possible approval of the FY27 Policy Priorities and Strategies annual work plans:**

Ms. Baker said changes made at the meeting have been included. She also stressed that with some staff changes, the person who would be doing the work now may not be the person ultimately carrying out the charge.

Ms. Baker then enumerated the incorporated changes, including:

a. Rec Center: focus on partnerships
b. Building Code Inspection: whether it needs a Charter change
c. Conversation regarding sub-items
d. Housing needs: collaboration with CCRPC
e. Open Space Fund: to purchase available property
f. Pennies for Parks: upcoming expiration; using funds for maintenance
g. Vacant building/graffiti discussion

Dr. Zigmund noted that some items that were discussed are not seen here, specifically the Conservation Easement on the Hubbard Park property and a tree protection plan. Mr. Smith said he understands the city is still looking for a partner for the Hubbard Park Conservation Easement. Ms. Baker said it is already a "policy direction." Ms. Dabrowski said "tree protection" is already on the Core Government list. She thought the Hubbard Park Conservation Easement was as well.

Mr. Smith suggested a report back at some time regarding "tree volcanoes" and another check on the Hubbard Park Conservation Easement. Ms. Baker noted that staff has been working on Hubbard Park for 4 years and no willing partner to conserve the land has come forward.

Mr. Conner noted that, regarding housing, CCRPC is intending to initiate a regional plan.

Mr. Chalnick asked to add "identify funding for such collaboration." Mr. Conner said they may be able to do a joint RFP or have the city do its own study, or delay it. Mr. Chalnick asked staff to come back with one of those options. Members agreed to add the following language: "Explore possible collaboration with CCRPC to include potential collaboration in funding, scope and potential RFP."

Ms. Fitzgerald said it was strange to her that the Bike/Ped Committee was included in the naming policy. Ms. Baker said they are very interested in the bridge.

Ms. Fitzgerald noted that Ms. Baker is the lead on many of the projects. She asked her to provide feedback if this would be feasible.

Mr. Smith moved to approve the Policy Priorities and Strategies for FY27 as amended and with additional changes made at this meeting. Dr. Zigmund seconded. Motion passed unanimously.

8. **Receive and hold a First Reading of an update to the Transportation Impact Fee and possibly set a Public Hearing for 3 August 2026 at 7:15 p.m.:**

Mr. Conner noted that the previous fees are 20 years old. The aim is to connect fees to the current CIP. The biggest policy change in what is being presented is that fees for shared use paths, which were previously paid for only by residential developers, are now shifted to a general transportation impact fee, which is paid by both residential and commercial development. Fees increase from $1,000 per peak-hour trip to $2,000. There are also methods of calculating credits when appropriate.

Mr. Smith asked if the impact fees can be used for maintenance of shared-use paths. Ms. Baker said impact fees cannot be used for maintenance.

Ms. Fitzgerald asked if there are credits for affordable housing. Mr. Conner said not at this time; however, multi-family housing is calculated at a much lower rate. He added that State law does not allow for adjustments based on affordable housing.

Ms. Fitzgerald asked what "project substitution" is. Ms. Quallen said a project change can be addressed by an amendment rather than by a full ordinance change.

Mr. Smith asked if there can be lower fees for housing where the City wants it and higher fees where the City doesn't want housing. Mr. Conner said there are a variety of ways to get credits on trips. The easiest way is to be on a transit line (7-8% credit). He added that in the City's core area, the threshold for acceptable congestion was raised from Level D to Level E to allow for more congestion.

Mr. Barrit said he felt the changes do incentivize denser housing.

Mr. Chalnick then moved to warn a second reading and a public hearing on 3 August 2026. Mr. Smith seconded. Motion passed unanimously.

9. **Receive and hold a First Reading on amendments to the Land Development Regulations #LDR-26-02 to LDR-26-08 (that support thoughtful additional infill development and adaptive re-use of existing buildings) and possibly set a Public Hearing for 3 August 2026 at 7:00 p.m.:**

Mr. Conner noted that one proposed amendment relating to bedrock had not been forwarded as the Commission wants to review it based on comments received at their public hearing.

Mr. Conner then reviewed each of the proposed amendments as follows:

a. LDR-26-02 regarding non-conformities and general use: Cleans up the regulations to clarify standards allowing existing structures in areas that allow housing to be converted to housing use with an appropriate number of units.
b. LDR-26-03: expands the Form Based Code area to include property north of Williston Road and west of I-89 currently in the HSMU district. This would now become T-4.

c. LDR-26-04: re-establishes City standards to the 2024 Residential Building Energy Standards and 2004 Commercial Building Energy Standards
d. LDR-26-05 as a requirement for T1A status: Mirrors what Act 250 says regarding endangered species and requires the same procedures. Although "rare species" was not in Act 250, the Commission decided to go with the State regulations and to include it.
e. LDR-26-06: eliminates duplication regarding interior renovations with regard to the need for a zoning permit
f. LDR-26-07: Use updates: adds a definition for data centers and limits their size to under 20,000 sq. ft.; trucking centric us capped at 150,000 sq. ft.; adds a definition of "motor vehicle focus"
g. LDR-26-08: General technical updates

Dr. Zigmund asked about -02, with large buildings being carved up into apartments. Mr. Conner said this has to be in a district that allows housing. Chief Locke added that life safety codes would apply, and there would be inspections.

Regarding energy code compliance, Mr. Conner said State codes apply whenever there is a space that is heated or air-conditioned. The amendment triggers the heating standard for new construction.

Dr. Zigmund asked to what extent the City can enact stricter environmental standards than the State with regard to endangered species. Mr. Conner said that within the realm of zoning, the City can regulate some resources (e.g., wetlands, river corridors).

Ms. Fitzgerald asked about the "minimum density requirement." Mr. Conner said there had been no mechanism for land already or imminently to be conserved. There is now no requirement to show how it could be developed to the minimum density requirement.

Mr. Chalnick asked if the City can make other TDR changes in where they can be used. Mr. Conner said that it is a question for the City Attorney. Mr. McNeil said he would have reservations regarding things the Planning Commission hasn't already addressed, which he felt was the standard route.

Mr. Barritt said he supports the amendment but was disappointed that the bedrock amendment was pulled. Mr. MacDonald said they wanted to wait until

the full Commission was present to vote on it. He hoped they would be passing it along soon.

Mr. Chalnick then moved to warn a public hearing for amendments to the Land Development Regulations numbered LDR-26-02 through LDR-26-08 for 26 August 2026 at 7:00 p.m. Mr. Smith seconded. The motion passed unanimously.

10. Review the Significant Agenda topics for the Council's 20 July 2026 City Council meeting:

a. Receive a recommendation on public art for Williston Road
b. Receive an update to the Tax Incremental Financing District financial projections as we start FY27

11. Other Business:

Ms. Fitzgerald cited the need for a coordinated response process to questions from the community. Mr. Barritt agreed.

Mr. Smith asked for follow-up information regarding the Migrant Justice meetings. Ms. Baker said she will do this.

12. Possible executive session to discuss pending civil litigation to which the City is a party, pursuant to 1 V.S.A. Section 313(a)(1)(E):

Mr. Chalnick moved that the Council make a specific finding that premature general public knowledge of the Council's discussion of pending civil litigation to which the City is a party will clearly place this public body at a substantial disadvantage. Ms. Fitzgerald seconded. The motion passed unanimously.

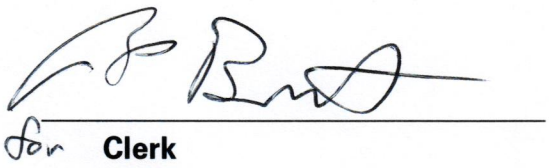
Mr. Chalnick then moved that the Council enter into executive session under 1 V.S.A. Section 313(a)(1)(E) for the purpose of discussing pending civil litigation to which the City is a party, inviting into the session Ms. Baker, Chief Locke, Mr. McNeil, and Ms. Towle. Mr. Smith seconded. Motion passed unanimously.

Mr. Smith moved to exit executive session and resume open session. Ms. Fitzgerald seconded. The motion passed unanimously at 9:30 pm.

13. Possible action to approve and accept proposed Settlement Agreement and Warranty Deed of Easement relating to 1520 Dorset Street and Stephen and Laura DeMaroney:

Mr. Smith moved to approve the Settlement Agreement with Stephen and Laura DeMaroney, resolving their appeal of the Council's decision to condemn rights from their property at 1520 Dorset Street for the Dorset Street shared use path project, a check warrant for the compensation payment, and to authorize the City Manager to sign the same, and accept the Warranty Deed of Easement from Stephen and Laura DeMaroney to the City conveying rights for the Dorset Street shared use path project from their property's frontage at 1520 Dorset Street, which is known as "Parcel 10."
Ms. Fitzgerald seconded the motion which then passed by a 4 to 1 vote.

As there was no further business to come before the Council Mr. Smith moved to adjourn. Ms. Fitzgerald seconded. Motion passed unanimously. The meeting was adjourned at 9:22 p.m.



for **Clerk**