

DELIBERATIVE AGENDA  
LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, APRIL 29, 2013

7:05 P.M.

PRESENT: City Council President Shannon, Commissioners Hartnett, Aubin, Blais, Paul, Ayres, Worden, Siegel, Brennan, Tracy, Bushor, Knodell and Decelles

ABSENT: *Commissioner do 9/4/13*  
Councilor Mason

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Paul Sisson, Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Worden and Bushor the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Siegel the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. 2013-2014 CABARET, RESTAURANT AND STORE LIQUOR LICENSE RENEWALS:  
see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Cabaret, Restaurant and Store Liquor License Renewals with all standard conditions

2.02. 2013-2014 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list  
\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewals

3. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Aso Inc., d/b/a Bento, 197 College Street

Commissioners Blais and Worden made a motion to approve the Second Class Liquor License Application for Bento. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:08 p.m.

Attest:

*[Signature]* *Amy J Bovee*  
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

ADJOURNED MEETING, CITY COUNCIL  
MONDAY, APRIL 29, 2013

Minutes, Adjourned City Council Meeting for April 29, 2013

7:08 P.M.

PRESENT: see above; Councilor Mason (arrived at 7:10 p.m.)

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Worden the agenda was unanimously adopted as amended as follows: add to the consent agenda item 3.12.5. COMMUNICATION: Erin Demers, E.I.T., Public Works Engineer, Street Capital Program Manager, Office of Planning, DPW, re: FY'14 Street Reconstruction Program: Bid Results with the consent action to "waive the reading, accept the communication and place it on file;" add to the agenda item 10.02. COMMUNICATION: Phil Hammerslough, Isham Street, re: Recycle Totes for Burlington.

Councilor Siegel requested that consent agenda item 3.28. COMMUNICATION: Eileen M. Blackwood, Esq., with the assistance of Eugene Bergman, Esq., Richard Haesler, Esq., Gregg Meyer, Esq., Kim Sturtevant, Esq., and Linda Blanchard to Mayor Miro Weinberger, re: Report on Current Implementation of City of Burlington's Livable Wage Ordinance be removed and placed on the Deliberative Agenda as agenda item 10.1; City Council President Shannon made it agenda item 10.5.

Councilor Bushor stated agenda items 5-9 were listed as first reading but were not referred anywhere. She would like to refer them to the Ordinance Committee. City Council President Shannon stated that that was what would happen.

City Council President Shannon moved agenda item 4. PUBLIC HEARING: MDP -13-01 – DRAFT PlanBTV – Downtown & Waterfront Master Plan to agenda item 1.5.

1.5. (Formerly item 4) PUBLIC HEARING: MDP -13-01 – DRAFT planBTV – Downtown & Waterfront Master Plan

David White, Planning and Zoning Director, stated that they have embarked on a journey to fulfill a vision. This vision was first expressed in the 1996 Municipal Development Plan. It has involved the most comprehensive, energetic, creative, inclusive and responsive planning effort Burlington has ever seen. They have engaged and been responsive to thousands of people. The result is a community based vision for the future of the Downtown and Waterfront that respects the past and sets a path for the future. The plan was largely underwritten by the Federal Partnership for Sustainable Communities. The plan is the result of collaboration between several different departments and members of the community. It is a compilation of many other plans developed over the years. Burlington has undergone a transformation between the 1970s and today because of creative actions taken to transform the Downtown and Waterfront. When embarking on this project, they considered the City within a regional context. Development that happens here helps stimulate the economic engine in the City and the region, but also helps preserve farm and forest lands that are essential to the landscape of the State. There are more than 10,000 jobs in the downtown, but the regional advantage has been slipping. There have been declining retail sales and office space. The Downtown Improvement District is only 2% of the total acreage of land but pays 22% of the City's taxes. Development grows the City's tax base and ensures lower tax rates in residential areas in other parts of the City. There are only 2,400 housing units in the downtown, which is on par with some of the low density residential neighborhoods, while it is the most densely developed part of downtown. There is also a desperately low vacancy rate. The country and economy are in the midst of a change in demographics, expanding creative and green economies, and a thirst for what is experiential. The community is poised to ride this wave because it fits closely with what is valued in the community. They considered seven place based themes to build a long held vision for the community.

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They considered other plans that have been used in Burlington to determine what these themes should be. They centered the effort on increasing the economic vitality of the core of the City and collected big ideas that would be crucial to creating this vision. They followed urban design principles to illustrate how ideas might be put into action. The recommendations in the plan encourage new infill and adaptive reuses through new development regulations. They will expand economic diversity and competitiveness by cultivating community assets, expanding the creative economy and broadening retail and hospitality. They will significantly expand housing opportunities and choices in and around downtown to create job opportunities, sustain retail and entertainment, and reduce driving congestion and parking demand. They will support a diversity of transportation choices to reduce reliance on driving. They activated the streetscape along connections between the Marketplace and Waterfront by creating opportunities for retail and hospitality, street vendors and entertainers, and improved walkability and storm water management. Strategic expansions of the street grid will improve connectivity and create opportunities for infill development. They will manage parking resources more efficiently to make spaces easier to find and more convenient to use. New parking facilities will be on the periphery of downtown. They will incorporate state of the art storm water management to protect the lake and adapt to the changing climate. They will vitalize the Waterfront year round, add 300 new slips for boaters and expand the amenities that will support this additional harbor traffic.

Sandrine Thibault, a Planning and Zoning Planner, stated this plan was created by the people of Burlington with a public outreach process. There were over thirteen steps for outreach and engagement. They had a website, used social media, had a speaker series, and communication through email. The engagement process was unprecedented for Burlington. They visited NPAs, held stakeholder meetings, and met with underrepresented populations in the community. There was a weeklong design charette that took place in a store on Church Street where people were invited to give input and interact with consultants. There were about 500 people who participated in that process. They reached out to artists and school children to see their ideas. They received a lot of input as a result of this process. They gathered that information and placed it in a web tool that allowed residents and business owners to give their input. They could vote on what others had said or add their own ideas. 1,400 people participated in using the web tool, 700 people added new comments, and over 45,000 votes were cast. This allowed them to reach a different population than those who attend meetings. With this input, they prepared a draft of the plan. It was reader friendly and easy to look through. Once released, they had a 2.5 month period for public review and comment. They went through each comment one by one and worked with the Planning Commission to review and categorize them. Some comments were at a level of detail that the plan does not get into and will be passed to the departments that they affect. There were others that they had not thought of that were added to the plan. Others did not relate to the plan and were set aside. They rewrote the plan throughout the fall to prepare this draft. They then held a two day open house and 250 people attended to comment again. This is the people's plan and was developed by the people of Burlington and the business community. This is the first of two public hearings for the adoption of the plan. This will be adopted as part of the municipal development plan within the land use chapter.

City Council President Shannon thanked them for their work over the course of the last two years. She inquired how this will move forward both in terms of adoption and implementation. Mr. White stated they are proposing adoption of this plan as part of the Municipal Development Plan. There are many parts of the document that reference other plans. Much of the implementation has already been started. There have been zoning amendments that have taken important ideas and carried them forward. The Mayor, through the PIAP effort, has said they should consider plans like planBTV. City Council President Shannon inquired if adoption of this plan means adoption of the amendment to the Municipal Development Plan. Mr. White stated it does. The action would include the amendment of the Land Use section to incorporate this plan.

City Council President Shannon opened the public hearing at 7:35 p.m.

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Rory Waterman, Ward 3 Resident, spoke about concerns that the document is too specific to be a strategic plan but is too vague to be an action plan. He suggested making the plan more general and working out the details in different arenas.

Alison Lockwood, Ward 3 Resident, spoke against developing the Waterfront and spoke in favor of keeping the space a natural area for relaxation.

Gayle Weiss, Ward 3 Resident, raised concerns about the health problems associated with increased traffic in Waterfront Park.

Beth Dusablon, Ward 7 Resident and Vermont Interfaith Action Member, spoke favorably about the planBTV process and the plan itself, particularly in the area of affordable housing.

Virginia Munkelwitz, Ward 6 Resident and Vermont Interfaith Action Member, spoke favorably about the planBTV process and the plan itself, particularly in the area of affordable housing.

William Lockwood, Ward 3 Resident, spoke about the Open Space Protection Plan and called for maintaining open space and spoke against developing Waterfront Park.

Rick Sharp, Burlington Segways, spoke in favor of the plan. He suggested that electric powered vehicles, such as Segways, should be considered.

Caryn Long, Ward 1 Resident, spoke about encouraging biking and walking and preventing City streets from becoming a parking lot.

Chris Russo, San Sai Owner and Ward 2 Resident, spoke in favor of development on the Waterfront as an extension of the downtown.

Hans Van Wees, Ward 3 Resident, spoke in favor of planBTV and stated connecting the Downtown to the Waterfront is critical. He raised concerns about stairways and streets going through private property on Lake Street, overuse and overdevelopment of Waterfront Parks, and parking structures.

Infinite Culcleasure, Ward 5 Resident, spoke about the Vermont Refugee Resettlement Program and problems with finding affordable housing.

Philip Wagner, Ward 3 Resident, stated this is a good plan and there will be more in the future. He noted there are not funds available to do this.

Councilor Knodell inquired if any other section of the Municipal Development Plan will be amended. Mr. White stated only the Land Use section will be amended.

Councilor Bushor stated the plan engaged her as if it were a book. It is well written and makes you want to complete it. Some residents were concerned that their comments were not identified. She inquired if residents have seen how this will be incorporated into the Municipal Development Plan. Mr. White stated many people may not understand the connection between the two plans. The Downtown and Waterfront Plan is intended to stand on its own. The changes to the Municipal Development plan are intended to make sure there is a connection and that important themes are recognized. Councilor Bushor inquired if they plan to provide that link to help residents understand this will help bring about modification. Mr. White stated they can help do that. The Land Use section has been part of the Planning Commission deliberations, but it is not well understood how various plans fit together.

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Councilor Brennan thanked staff for including comments from the public in their process. Affordable housing is an important thing to consider as planning occurs.

City Council President Shannon stated this will be adopted after the second public hearing. She has concerns that there has been a lot of process with planBTV, but less process around how this will affect the Municipal Plan. The Council may wish to take more time before the next public hearing, or this could be received at a committee level.

Councilors Bushor and Brennan made a motion to postpone action until the May 20 meeting.

Councilor Bushor stated this has had a lot of time put into it and they need to see how it will fit into the Municipal Development Plan. They need more time to review this.

Councilor Knodell stated a public hearing for May 6 has been warned and they should move ahead with that. They can still postpone action.

Councilor Bushor offered an amendment to the motion to allow the Public Hearing to take place on May 6 and delay action until May 20.

The motion passed unanimously.

Councilor Paul read comments from a constituent regarding planBTV. He spoke against adding additional boat slips to the breakwater.

Mr. White stated the plan includes a lot of specific ideas of things to be explored. They are things they will think about and consider in greater detail, but are not yet hard and fast plans.

Councilor Hartnett inquired what will happen if they adopt a plan but choose not to move forward with it. City Council President Shannon requested clarification between the plan and the ordinance. Mr. White stated they will look at the ideas in the plan and will determine if they are good or bad ideas. Ultimately, the appropriate Commissions will have final say about appropriating money for projects through a budget. The plan references changes to the Zoning Ordinance, but the Council will have the opportunity to weigh in. City Attorney Blackwood stated the plan is the overarching document and ordinances would have to be consistent with it. However, the plan is not enforced on a detail by detail basis.

Councilor Mason inquired if ordinance changes will be coming forward a few at a time or if there will be a large PlanBTV change. Mr. White stated there will be a number of changes that will be discrete such as parking. There will also be a broader slate of changes that will be a part of the Form Based Code which regulates the form of development.

Councilor Worden stated the plan identifies specific tasks for different departments to do. He inquired if they will be prioritized and inquired if they will meet with Departments to discuss the plan. Mr. White stated there are a series of action items and they identify who the lead would be. Prioritization will be up to Departments and the Administration. There are a number of items that will require the right timing.

Councilor Siegel requested background information about why they are making ordinance changes.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:27 p.m.

1.5.1. COMMUNICATION: Burlington Planning Commission, re: MDP-13-01 – DRAFT planBTV – Downtown & Waterfront Master Plan

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Councilors Hartnett and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

## 2. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:27 p.m.

There being no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:27 p.m.

## 3. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles, the consent agenda was unanimously adopted as amended 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: Acceptance of Bureau of Justice Assistance (BJA) 2012 Bulletproof Vest Partnership Grant for the Purchase of 10 Bulletproof Vests as Approved by BVP Purchasing Guidelines and Budget Amendment Authorizing the Purchase (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.03. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police Departments, re: 2012 Bulletproof Vest Partnership \$2,995 Grant

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

3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Madera's Restaurante Mexicano & Cantina (Councilors Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

3.05. COMMUNICATION: License Agreement for Tables and Chairs with Madera's Restaurante Mexicano & Cantina 2013-2014 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 Manhattan Pizza & Pub (Councilors Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

3.07. COMMUNICATION: License Agreement for Tables and Chairs with Manhattan Pizza & Pub 2013-2014 Season

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

3.08. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A Sign Extending over a Portion of The City's Right-of-way with

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Randolin Music (Councilors Blais, Tracy: License Committee)

\*waive the reading and adopt the resolution

3.09. COMMUNICATION: License Agreement for Sign with Randolin Music 2013-2014 Season

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

3.10. RESOLUTION: Reclassification and Title Change of Three Site Coordinators to Recreation Specialists – Parks and Recreation (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.11. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment Requests Related to Waterfront Division Operations (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.12. RESOLUTION: Authorization to Execute Contract for FY 2014 Street Reconstruction Program (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.12.5. COMMUNICATION: Erin Demers, E.I.T., Public Works Engineer, Street Capital Program Manager, Office of Planning, DPW, re: FY'14 Street Reconstruction Program: Bid Results

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

3.13. RESOLUTION: Approval of Amendment to Fire Department Budget for Vehicle and Equipment Maintenance to Replace Rescue Two Engine (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.14. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment Requests Related to Greenbelt Maintenance (Councilors Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.15. RESOLUTION: City Council Annual Retreat – Authorize Contract for Facilitator (Councilor Shannon)

\*waive the reading and adopt the resolution

3.16. RESOLUTION: Approval of Public Works Department Budget to Increase Vehicle Maintenance Budget (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.17. RESOLUTION: Authorization to Accept State Grant Amendment Associated with Modification of U.S. Customs Facility and International Flights at Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.18. RESOLUTION: Authorization to Execute Lease for Verizon Wireless Cellular Tower at Burlington International Airport (Councilors Shannon,

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Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.19. COMMUNICATION: Building and Rooftop Agreement

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

3.20. RESOLUTION: Approval of Assignment of Dollar Car Rental Agreement to Advantage Car Rental at the Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

3.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.24. 2013-2014 INDOOR ENTERTAINMENT PERMIT AND TOBACCO LICENSE RENEWALS:  
see attached list

\*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor Entertainment Permit and Tobacco License Renewals

3.25. EXTENSION OF 2012-2013 INDOOR ENTERTAINMENT PERMIT: Finnigan's Pub  
\*extend the 2012-2013 Indoor Entertainment Permit for Finnigan's Pub (no documentation)

3.26. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, March 18, 2013 Minutes

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

3.27. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, April 15, 2013 Minutes

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

3.29. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

El Gato Cantina, 169 Church Street, Saturday, May 4<sup>th</sup>, 10 p.m. – 1 a.m., DJ Hector playing Salsa for the Cinco De Mayo celebration, dancing, amplified music

\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for El Gato Cantina



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- 3.30. 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 at the May 6, 2013 City Council Meeting

- 3.31. 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 at the May 6, 2013 City Council Meeting

- 3.32. COMMUNICATION: Bruce Seifer & Julie A. Davis, re: Heartfelt Thanks

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

5. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Nonconforming Structures Demolition ZA 13-05 (Planning  
Department, Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning, stated that there were five amendments to the Zoning Ordinance on the agenda. This one related to the demolition of non-conforming structures. This would allow a structure to retain its non-conformity if it was demolished. There were many buildings in Burlington that were characteristic of a neighborhood development pattern and almost all of them were non-conformant. The zoning patterns did not reflect the development pattern that was on the ground. This would fine tune the ordinance to make it more reflective of what exists. The most common non-conformities are set back or lot coverage issues.

Councilor Worden stated that he has heard from people in Ward 1 about this issue. He inquired if it will apply to lot coverage. He also inquired about height requirements. Mr. White stated it will apply to height. This would apply to any existing non-conformity. The non-conformity could be lot coverage or others. Councilor Worden stated the wording makes it seem as if it just applies to setbacks. He inquired if this will go to the Ordinance Committee. Mr. White stated it will.

Councilor Mason stated it seems that this turns normal zoning on its head because they typically try to minimize non-conforming use. The reasoning is that the existing ordinance does not comply with what is on the ground. He inquired why they took this approach rather than trying to adjust what is written. Mr. White stated one of the next items will be a change to how setbacks are calculated. That will eliminate a number of non-conformities. In most cases, these are older buildings and they want to maintain that pattern. They have not been able to survey each neighborhood to see what the patterns are so they chose to take this blanket approach instead.

Councilor Bushor stated there are a lot of older homes that find when they want to replace a porch or other structure, they would not be in compliance by just replacing what they have. It makes a lot of sense and many people have asked for this.

City Council President Shannon inquired if someone with a non-conforming deck could turn it into a non-conforming addition using the same footprint. Mr. White stated they could not under this provision.

The motion passed unanimously.

6. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
50% Residential Limitation ZA 13-07 (Planning Department,  
Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Ayres made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning Director, stated that this was a recommendation from planBTV. There was a need to have more housing in the downtown area to fulfill the mixed use vision that they have for the City. This provision makes it impossible for mixed use development to be created. There are financing mechanisms that this flies in the face of. They also need a lot more housing to support the economic vitality of the downtown and the City as a whole.

City Council President Shannon stated this has been in the Ordinance as a placeholder to ensure they retain the space that is needed for commercial development when there is pressure for residential development. She requested the Ordinance Committee consider that issue. An element of planBTV that has not yet been implemented is the issue of connectivity between the Downtown and Waterfront. The Ordinance says that it must be ground floor commercial and not residential. She hopes that as they look at what mix of buildings they will have, they will consider connectivity issues.

The motion passed unanimously.

7. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Residential Side/Rear Yard Setback Encroachments ZA 13-08  
(Planning Department, Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning Director, stated that this will address setbacks. It allows for existing encroachments into a setback to continue their encroachment by building upwards. There could be a one story addition where they would like to add rooms upstairs. The second part will change how setbacks are calculated. They currently calculate front yard setbacks based on the average of the street to understand the existing development pattern. This will use the same method to calculate side yard setbacks.

Councilor Bushor inquired if the motion has to acknowledge that these are first readings. City Attorney Blackwood stated it would be helpful, though it is noted on the document. City Council President Shannon requested the Clerk's Office clarify that motion.

Councilor Worden stated he understands the intent of the Ordinance but noted that it does not clarify whether they should use the lesser or greater. Because it is a minimum amount, there needs to be a specific number for the landowner to follow. There is always an oddity on the block that does not meet the characteristics of the neighborhood. That could result in a requirement of a higher setback than necessary.

City Council President Shannon inquired if a deck were to encroach on a setback could a structure do the same. Mr. White stated this speaks to existing buildings and not decks. It will allow that building to be vertically expanded, but a deck would not qualify as a building. City Council President Shannon stated that is not clear to her from what is written. She inquired if a building downtown with high height limits could go from a one floor structure to a six story structure. Mr. White stated that it could and the Commission spent a lot of time discussing height. They do not want to allow the new addition to be

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higher than the existing building. City Council President Shannon stated she would be concerned about this because there could be unintended consequences.

Councilor Bushor requested a list of comments and concerns be sent to the Ordinance Committee.

The motion passed unanimously.

8. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Community Center ZA 13-09 (Planning Department, Planning  
Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

Councilor Bushor stated she had difficulty viewing the table associated with the Ordinance. She requested that be included when it is sent to the Ordinance Committee.

The motion passed unanimously.

8.01. COMMUNICATION: Appendix A-Use Table-All Zoning Districts

Councilors Mason and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Accessory Dwelling Units ZA 13-10 (Planning Department,  
Planning Commission)(1<sup>st</sup> reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

Councilor Tracy stated this does not differentiate between different districts. He inquired if this could lead to even greater density in the RH District or if the lot coverage and setback requirements would prevent that from happening. Mr. White stated this is a specific requirement in State Statute. It relates only to owner occupied single family residences. If there is a multi-unit structure being rented out, they will not get any extra units.

Councilor Worden inquired if the purpose of this is to respond to a State change or to clarify language in the current Ordinance. David White, Planning and Zoning Director, stated it will clarify the language.

City Council President Shannon stated an element of this requires registering the accessory unit in a deed. She inquired if that is common in Ordinances and what the process for ensuring that happens is. Mr. White stated there is a section that requires a deed restriction to be applied relative to the accessory units. The applicant would have to demonstrate that they have complied by entering that information into the Land Records. It is tied to owner occupancy so it needs to be included in the Land Records.

The motion passed unanimously.

10. RESOLUTION: Mandatory Wheeled Covered Recycling Toters (Councilors Tracy, Paul)

Councilors Tracy and Worden made a motion to waive the reading and adopt the resolution.

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Councilor Tracy stated this will set in motion a process to deal with recycling that they generate. This will ask the Department of Public Works and Code Enforcement to come up with an Ordinance. This will be significant, as they need to consider things like how to get enough toters, how to assemble them, how to distribute them to properties, how to track them to make sure they are returned if lost, and how much recycling a particular unit generates. The intent is to deal with blown trash that appears on windy days. He hopes the approach will be collaborative and allow resident, tenant and landlord input. They have begun to meet with landlords in the community and have received generally positive feedback, but there still are some concerns. He hopes it will have a positive impact on neighborhoods and help eliminating trash that accumulates on windy days.

Mayor Weinberger stated this has been a good process so far that has evolved from meetings with neighbors, Councilors, and other stakeholders. He hopes the collaboration will continue and result in good reform of the Recycling Ordinance.

Councilor Mason inquired what the current discounted rate is and what the normal rate would be. Mayor Weinberger stated the largest toters cost about \$100. They are figuring they would need one totter per three units. They would last about 5 years. It is a small expense when averaged over the life of the toters.

Councilor Decelles stated this is not just an issue in dense neighborhoods. They probably will need to go in this direction. Sooner rather than later, they need to discuss outsourcing this to outside businesses. He would like to know the financials surrounding this.

The motion passed unanimously.

10.01. COMMUNICATION: Mayor Miro Weinberger, re: Recycling Toters Resolution

Councilors Tracy and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

10.5. (was 3.28.) COMMUNICATION: Eileen M. Blackwood, Esq., with the assistance of Eugene Bergman, Esq., Richard Haesler, Esq., Gregg Meyer, Esq., Kim Sturtevant, Esq., and Linda Blanchard to Mayor Miro Weinberger, re: Report on Current Implementation of City of Burlington's Livable Wage Ordinance

Councilors Siegel and Brennan made a motion to waive the reading, accept the communication, place it on file and refer to the Ordinance Committee.

Councilor Siegel stated this seems thorough and very well done and thanked the City Attorney's Office for their work. She is disappointed in the lack of compliance. She does not hold City staff members at fault for that, as they were not given the capacity to enforce and enact this Ordinance. She hopes that the Ordinance Committee will consider the things that are in the report as well as other things. She hopes they will look at exemption requirements and the process for doing that. She also requested clarification about how the Livable Wage Ordinance applies to the Airport. She hopes they will use caution when considering benefits as counting towards a livable wage. Some benefits can be considered as contributing to basic needs while others should not. She hopes this will expand to the Burlington School Department and to temporary workers.

Councilor Brennan stated this is an important topic and he appreciates the work on the report. He noted there are unintended consequences of the work that was done to bring this forward in the City. Many other entities looked at what the City was doing and increased the wages of their service workers accordingly. This contributes to lives, families and commerce in the City itself. The School Board also

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considered livable wage and made some changes. The School Department has increased the value of the meals that are being provided. The individuals preparing the food are making a wage that is more viable for someone to seek that form of employment. There has been a lot of good that has come out of this that has not been broadcasted. There is room for growth. He values being able to go into a clean bathroom and for that to happen they have to value those workers. Suppressing wages hurts everyone.

Councilor Bushor noted there was a statement in the report that the livable wage is adjusted by the CAO each year in July. The CAO is supposed to look to the Joint Fiscal Office in the State to select that number. When comparisons were done with other communities, they need to consider the cost of living, which is likely higher in Burlington than in surrounding towns. She is proud that the City of Burlington pays a livable wage and made an effort to get those who they do business with to pay a livable wage. There are clearly some problems, but it does provide them with an opportunity to improve it. She hopes Councilors will give the Ordinance Committee some feedback.

Councilor Worden stated this is a complex issue and he is glad to see it moving forward. This was originally brought about because of the high cost of living in Burlington. The Ordinance does not address the fact that many people who work for the City of Burlington do not live in Burlington. It almost provides an incentive for people to work here but not live here. There should be an incentive to live in Burlington. They should focus on reducing the cost of living and increasing vacancy rates. More housing downtown will put more people in the tax base to help fund programs such as this one.

Councilor Hartnett stated the two things that come to mind with this are fairness and consistency. Using those as guidelines when thinking of this Ordinance will serve them better. There is a sense in the public that is not fair or consistent.

The motion passed unanimously.

### 11. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated the Transportation, Energy, and Utilities Committee has scheduled their first meeting.

Councilor Mason stated the Ordinance Committee will be holding a hearing on downtown parking.

City Council President Shannon stated Board/Commission applicants have been invited to the work session. Applicants have been asked to RSVP. She has tried to schedule people in time slots and hopes they can try to remain within those time frames. Going forward, they can adjust how much time they need. There are a number of people who cannot attend, but they have been invited to submit any additional information. Department Heads and Commission Chairs have also been invited. Department Heads have been asked to put in writing what is required for the position. She has only heard back from Planning and Zoning so far. They have very helpful information on their website.

### 12. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Decelles stated the opening ceremonies for Little League Baseball are happening at Schifilliti Park. The Mayor will be throwing the first pitch. He invited everyone to attend.

Councilor Brennan stated the Center City will be starting their baseball season this weekend as well. He will be at Nunyun's with the Mayor to talk about concerns in the neighborhood.

Councilor Knodell stated there will be a Green Up Day event at Pomeroy Park to pick up trash and rake. She invited everyone to attend.

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Councilor Hartnett stated there will be big baseball events at Callahan Park, Center City and Schifilliti Parks. It is important to get out to these sites to see the involvement. It is an amazing day for everyone. It has brought people from all walks of life together, both locally and nationally.

Councilor Siegel stated Callahan Park is doing a commemorative event for Bentley Seifer.

Councilor Worden stated the Greater Burlington Girls' Soccer League will be having their first game at Callahan Park. At the end, they will do one big dance of the Macarena.

13. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated they last met on the day of the Boston Marathon Bombings. Burlingtonians should be proud that a number of people have stepped up to ensure that the 25<sup>th</sup> annual Vermont City Marathon is the best event that they have ever had. They will welcome runners from the Boston Marathon who were unable to complete their run.

He and the Administration have been busy focusing on budgets and will continue this process through May. The Budget Schedule is available on the City website.

The Smarter Cities challenge ended with an interesting and thoughtful event. He expects a detailed report from the global team of IBM experts in the coming weeks. He and his team will talk about how to move forward with the initiatives laid out in that report.

He has been working on the Champlain Parkway and Railyard Enterprise Project. He will return to the City Council with more details in the weeks ahead. The Administration is attempting to reach settlements with the parties who are appealing the Act 250 permit.

One settlement effort that has been attempted to date has not yet been successful. The Burlington Telecom Early Neutral Evaluator (ENE) was extended into March but was unsuccessful. He has ended those efforts and litigation is continuing.

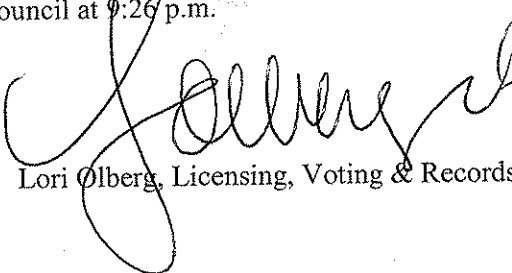
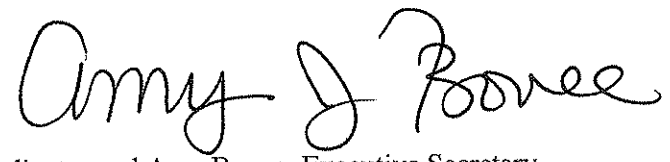
The Fiscal Stability Bond was sold last week. He thanked the CAO's Office for their work. The Bond came in where projections were expected to be. That effort is moving forward.

He will be out on Saturday for Green Up Day and Little League opening day. It will also be the kickoff day for Burlington Girls' Soccer and he will be at Callahan Park cheering them on.

14. ADJOURNMENT

Without objection, City Council President Shannon unanimously adjourned the Adjourned Meeting of the City Council at 9:26 p.m.

Attest:

   
Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary