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CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

MEMORANDUM

To: Maida Townsend, Chair, House Committee on Government Operations
From: City Attorney Eileen Blackwood, Esq. *EB*
Re: H. 522 March 7, 2017 Charter Changes
Date: April 20, 2017

At the Committee's meeting on Tuesday morning, a question was raised about the publication of notices of public hearings in January 2017. According to 17 V.S.A. §2645, the City had to hold "at least two public hearings prior to the vote" by the legislative body on the proposed charter changes. Notice of the hearings was to be given in the same way as for annual meetings. For an annual meeting, 17 V.S.A. §2641 requires the warning to be published at least five days before the meeting.

If I understood the Committee's question correctly, I believe the confusion arises because the two public hearings were warned in a single publication on January 11, 2017. The two hearings were held on Jan. 23 and Jan. 30, so the publication was done at least five days before the meeting. We believe that this meets the requirements of §§2641 & 2645. We can find no statutory requirement that the two hearings must be warned in separate publications.

The tear sheet for that notice was provided in the original packet, but also is attached to this memo. If this does not satisfactorily answer the Committee's question, I am happy to provide further information or come speak with you again.

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LM, Ward 5S)
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Manager, Mary

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**BURLINGTON
NCE 5.03**

Planning
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**COMPREHENSIVE DEVEL-
OPMENT ORDINANCE -
1 Permit
13**

by Ordained by
Council of the
urlington as
endix A, Com-
ve Development

Ordinance, of the Code
of Ordinances of the
City of Burlington be
and hereby is amended
by adding Section 2.7.8,
Withhold Permit, to read
as follows:

Secs. 2.7.1 - 2.7.7 As
written.

Sec. 2.7.8 Withhold
Permit
The administrative offi-
cer is authorized to deny
all zoning permits or
certificates of occupancy
for any property with
an uncorrected zoning
violation (i.e. notice of
zoning violation and/
or municipal complaint
ticket has been issued
and is not under appeal).
The administrative offi-
cer is also authorized to
deny all zoning permits
for any property with an
expired zoning permit
without a final certifi-
cate of occupancy.

Instead of withholding
or denying a zoning
permit, the administra-
tive officer may grant
such permit subject to
the condition that the
uncorrected zoning vio-
lation is corrected or the
expired zoning permit
is closed out with a final
certificate of occupancy.
Such action(s) shall take
place before the issu-
ance of a final certificate
of occupancy on the new
permit.

Sec. 2.7.89 Processing
Fee As written.

Sec. 2.7.910 Remedies As
written.

Sec. 2.7.911 Appropriate
Action As written.

Sec. 2.7.912 Administrative
Appeal As written.

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

**CITY OF BURLINGTON
ORDINANCE 5.05**

Sponsor: Planning
Department, Planning
Commission
Public Hearing Dates:
12/19/16
First reading: 11/28/16
Referred to:
Rules suspended and
placed in all stages of
passage:
Second reading: 12/19/16
Action: adopted
Date: 12/19/16
Signed by Mayor:
01/06/17
Published: 01/11/17
Effective: 02/01/17

In the Year Two Thou-
sand Sixteen,
An Ordinance in Rela-
tion to
COMPREHENSIVE DEVEL-
OPMENT ORDINANCE -
Planning Commissioner
Terms
ZA 17-07
It is hereby Ordained by
the City Council of the

City of Burlington
follows:

That Appendix A, Com-
prehensive Development
Ordinance, of the Code
of Ordinances of the City
of Burlington be and
hereby is amended by
amending Section 2.2.2,
Composition and Terms,
to read as follows:

Part 2: Planning Com-
mission
Sec. 2.2.1 Authority.
There shall be a planning
commission (or commis-
sion) created pursuant
to the city charter and
24 V.S.A. Section 4321.
Sec. 2.2.2 Composition
and Terms.
The planning commis-
sion shall consist of
seven (7) members who
shall be residents of the
city. Planning commis-
sion members shall be
appointed for four (4)
three (3) year staggered
terms by the city council
with mayor presiding.
Any member may be re-
moved by the city coun-
cil with mayor presiding
pursuant to city charter
Section 129 as the same
may be amended from
time to time. Vacancies
in these offices may be
filled for the unexpired
terms only by the city
council with mayor
presiding or otherwise
pursuant to law.

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

HOWARD CENTER
If you received services
from Howard Center and
would like a copy of your
record, please contact
Howard Center's Health
Information Department
at 488-6000. In order
to protect individuals'
privacy, the agency
routinely destroys
healthcare records after
retaining them for the
number of years required
by law.

**NOTICE OF FIRST
AND SECOND PUBLIC
HEARINGS ON
PROPOSED CHARTER
AMENDMENTS FOR
MARCH 7, 2017 ANNUAL
CITY MEETING**

Pursuant to the require-
ments of 17 V.S.A. Sec.
2645, the first public
hearing concerning
proposed amendments
to the Burlington City
Charter by the City Council
will be held Monday,
January 23, 2017 at 7:00
p.m. in Contois Auditori-
um, City Hall, Burlington,
Vermont. The second
public hearing concern-
ing these proposed char-
ter amendments will be
held on January 30, 2017
at 7:00 p.m. in Contois

BURLINGTON, VERMONT

These charter amend-
ments are proposed to
be voted on at the
Tuesday, March 7, 2017
Annual City Meeting.

The following changes
(deleted matter in brack-
ets and strikeout and
new matter underlined)
are being proposed by
the City Council:

1. "Shall the Charter of
the City of Burlington,
Acts of 1949, No. 298
as amended be further
amended to amend Ar-
ticle 14 Meetings of the
City Council with Mayor
Presiding and City Coun-
cil, Sections 38 Regular
meetings and 39 Special
meetings, as follows:
38 Regular meetings.

Regular meetings of the
city council shall be held
based on a schedule ad-
opted by the city council
for the fiscal year and
generally on [the first]
Mondays once or twice
each month. The sched-
ule may be amended by
action of the council, in-
case for any reason such
meeting in any month is
not then held or is held
and for any reason final-
ly adjourned without the
transaction of business,
such meeting shall be
held on the second Mon-
day in such month, but
the mayor may call such
meeting to be held be-
fore the second Monday,
in the manner herein
provided for the calling
of special meetings of
the council, and such call
shall specify only that
the council is to meet for
the purpose of holding a
regular meeting, or the
regular meeting which
was not but should have
been held on the first
Monday of the month, or
was then held and finally
adjourned without the
transaction of any busi-
ness, as the case may
be, and shall authorize
the transaction by the
council of any and all
business within its
jurisdiction;

39 Special meetings.
Special meetings of
the city council may
be called at any time
by the mayor, and shall
be called by the chief
administrative officer on
petition signed by a ma-
jority of the city council
then in office and filed
with said chief adminis-
trative officer. Notice of
special meetings shall
be [served on] provided
to the city councilors by
any means sufficient to
reasonably ensure that
all councilors have or
should have received
notice of the date, time,
and purpose of the
meeting.

Not more than [five] six
members of said Board
shall at any one time be
from the same political
party.

leaving a written notice
at the address the chief
administrative officer
has on file for a councilor
or providing notice to
the electronic mail ad-
dress of the councilor or
through an electronic
scheduling program
that sends automatic
updates to a coun-
cilor shall, among other
means, be considered
sufficient notice, [un-
less service thereof shall be
accepted by them, by
some person appointed
for such purpose by
the one calling such
meetings, by delivering
to each city councilor a
true and attested copy
of such call, or by leaving
such copy at the place of
his or her usual abode,
with the return thereon
of the person serving the
same.];"

2. "Shall the Charter of
the City of Burlington,
Acts of 1949, No. 298
as amended be further
amended to amend
Article 16 Board of Civil
Authority, Section 43
Composition; board for
registration of voters;
duties; appointments;
offices, as follows:

ARTICLE 16. BOARD OF
CIVIL AUTHORITY
43 Composition; board
for registration of voters;
duties; appointments;
offices.
(a) The City Council with
Mayor presiding shall
constitute the Board
of Civil Authority for
said City, except that
all duties with respect
to preparing checklists
of voters and making
additions thereto or
alterations or correc-
tions thereon imposed
upon said Council by this
charter or the provisions
of the general statutes
relating thereto shall be
performed by a board
of 10 12 members, to be
known as the Board for
Registration of Voters.

Not more than [five] six
members of said Board
shall at any one time be
from the same political
party.

(b) [On the first Monday
in June, 1994, the city
council with mayor
presiding shall appoint
three members of said
board for registration
of voters, two of whom
shall be additional
members of such board.]
All members of the
board shall be legal
voters of the city and
shall serve a term of five
years. Terms shall be
staggered so that [two
of the three members
so appointed shall be
appointed for a term of
five years and one of the
members so appointed
shall be appointed for a

term commencing July
1, 1994, and continuing
for the terms designated
and until a successor
is duly appointed and
qualified. Thereafter on
the first Monday] in June
in each year the city
council with mayor pre-
siding shall appoint [ei-
ther one or two] no more
than three members of
said board depending
upon the expiration of
terms to serve for the term
of five years from the
July first next succeed-
ing or until his or her
or their successor(s) is
or are duly appointed and
qualified. Vacancies in
said board for any cause
shall be filled by appoint-
ment by the city council
with mayor presiding
for the balance of the
unexpired term.

(c) [Said] The records
of the board shall be
maintained in an office
in the city hall of the
city or another location
determined by the chief
administrative officer
that is open for busi-
ness, during the regular
business hours of said
city [wherein shall be
kept available for public
inspection the records
pertaining to the quali-
fications of all legal voters
and freemen of the city].
Said board shall advise
any petitioner [affected
by an adverse decision]
whose application to
vote has been rejected
or whose name has
been removed from the
checklist of his or her
statutory right to seek
judicial review of such
decision pursuant to
section 2148 of title 17
of the Vermont Statutes
Annotated. Said board
shall also appoint a
clerk, who need not be
a member thereof, who
shall have such duties as
the board may assign,
together with the duties
imposed upon the chief
administrative officer by
sections 106 and 107 of
the Vermont Statutes,
Revision of 1947, as
amended. Records of
the taking of freemen's
oaths heretofore kept
by the city clerk shall be
transferred to the clerk
of said board."

3. "Shall the Charter of
the City of Burlington,
Acts of 1949, No. 298
as amended be further
amended to amend Ar-
ticle 17 Mayor to Preside
and Vote, section 44 as
follows:
ARTICLE 17. MAYOR TO
PRESIDE AND VOTE
44 Authorized.
At all meetings of the
board of civil authority,
the board for the abate-
ment of taxes, and also
of the city council for the

4. "Shall the Charter of
the City of Burlington,
Acts of 1949, No. 298
as amended be further
amended to amend
Article 32 Hearings of
Grievances and Appeals,
Section 92, to] require
that a full three member
panel of the board of tax
appeals hear every ap-
peal and 2) eliminate the
appeal to the board of
civil authority as follows:
92 Board of tax ap-
peals to hear appeals;
deadline for hearings;
manner of conducting;
possible board of civil
authority review.

Said board of tax appeals
shall meet, hear and
determine all appeals
in the manner set forth
below, notwithstanding
section 32 V.S.A. § 4404. All
such appeals shall be
heard and determined
no later than December
31 of that year. Hear-
ings and inspections
of the property shall
be conducted by the
entire panel as described
below. The city assessor
shall have the right to
request and the board
shall have the right to
issue a subpoena for all
records of the taxpayer
which are material to
a determination of the
appeal. Such records
shall be regarded as
confidential, shall not be
further distributed; and
shall be utilized only for
the purpose of deciding
the appeal; provided
that no subpoena shall
issue unless and until a
taxpayer has appealed to
the board of tax appeals.
If the taxpayer fails
to provide requested
records in response to
a subpoena properly is-
sued hereunder or refus-
es to allow an inspection
of his or her property, the
appeal shall be deemed
withdrawn or dismissed
and no further appeal
shall be available to such
taxpayer. Said board
shall hear and decide
appeals by three (3)
member hearing panels,
the membership of such
panels to be rotated
on a periodic basis. All
three members must be
present and voting, and
at least two (2) of the
three (3) members of
the hearing panel must
join in the decision in
order for it to be valid.
Either a taxpayer or the

except for the meeting
for the appointment of
those officers identified
in Article 38, or for the
removal of such officers,
and in all proceedings
by the city council for
the purpose of taking
lands or other property
for public purposes, the
mayor shall preside
and shall vote as other
members thereof."

4. "Shall the Charter of
the City of Burlington,
Acts of 1949, No. 298
as amended be further
amended to amend
Article 32 Hearings of
Grievances and Appeals,
Section 92, to] require
that a full three member
panel of the board of tax
appeals hear every ap-
peal and 2) eliminate the
appeal to the board of
civil authority as follows:
92 Board of tax ap-
peals to hear appeals;
deadline for hearings;
manner of conducting;
possible board of civil
authority review.

Said board of tax appeals
shall meet, hear and
determine all appeals
in the manner set forth
below, notwithstanding
section 32 V.S.A. § 4404. All
such appeals shall be
heard and determined
no later than December
31 of that year. Hear-
ings and inspections
of the property shall
be conducted by the
entire panel as described
below. The city assessor
shall have the right to
request and the board
shall have the right to
issue a subpoena for all
records of the taxpayer
which are material to
a determination of the
appeal. Such records
shall be regarded as
confidential, shall not be
further distributed; and
shall be utilized only for
the purpose of deciding
the appeal; provided
that no subpoena shall
issue unless and until a
taxpayer has appealed to
the board of tax appeals.
If the taxpayer fails
to provide requested
records in response to
a subpoena properly is-
sued hereunder or refus-
es to allow an inspection
of his or her property, the
appeal shall be deemed
withdrawn or dismissed
and no further appeal
shall be available to such
taxpayer. Said board
shall hear and decide
appeals by three (3)
member hearing panels,
the membership of such
panels to be rotated
on a periodic basis. All
three members must be
present and voting, and
at least two (2) of the
three (3) members of
the hearing panel must
join in the decision in
order for it to be valid.
Either a taxpayer or the



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city assessor aggrieved by the decision of the board of tax appeals may, within ten (10) days of the date of such decision, file a request for review thereof by the board of civil authority. A taxpayer of the city assessor may, alternatively, file an appeal of a decision of the board of tax appeals directly with the director of the division of property valuation and review of the Vermont department of taxes or the superior court pursuant to section 4461 of Title 32 within thirty (30) days of the mailing of the board of tax appeals decision to the taxpayer. The board of civil authority shall not be obligated to agree to review a decision of the board of tax appeals, but may do so in its sole discretion by a majority vote if the decision of the board of tax appeals was not unanimous or if the board of civil authority determines either that the board of tax appeals decision was clearly erroneous or that the hearing panel failed to give the taxpayer appropriate due process. The board of civil authority shall determine whether it will hear an appeal within thirty (30) days of the date a request is made. The board of civil au-

thority shall agree to review such a decision, it shall hear from the taxpayer, the city assessor and a representative of the board of tax appeals and shall make its decision to affirm or modify the decision of the board of tax appeals within sixty (60) days of the date it decides to review the decision. A decision of the board of civil authority, including a decision not to review a decision of the board of tax appeals, may be appealed pursuant to section 4461 of Title 32. The decision of the board of tax appeals for the board of civil authority, as the case may be, if not further appealed, shall become the basis for the grand list of the taxpayer for the year in question plus the next two (2) years unless new information of a material nature about the property is discovered, the property is materially changed or (if) the city undertakes a rolling or complete re-evaluation of real estate [which] that includes the property in question.?"

5. "Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 45, Compensation to City Officers, Section

132, Mayor, city council, and other city officials as follows:

ARTICLE 45. COMPENSATION TO CITY OFFICERS

132. Mayor, city council, and other city officials.

The mayor shall receive such annual compensation as shall be voted [him or her] by the city council, but the same shall not be less than \$12,000.00 per year. Each member of the city council, beginning on July 1, 2017 and thereafter with the first Monday of April [2002] 2018, shall receive [beginning the first Monday of April 2002 and thereafter,] the annual sum of \$5,000.00 [\$3,000.00]. Compensation shall be prorated according to actual months of service. A member of the city council shall receive proper reimbursement for any expenses necessarily incurred in fulfilling the duties of the member's office. Regulations for determining eligibility for necessary expense reimbursement may be promulgated by the board of finance. The city council shall fix the compensation of all other city officers, except as herein otherwise provided."

* Material underlined added.
** Material stricken out, deleted and bracketed.

The official copy of the proposed charter amendments with the specific changes being proposed shall be posted in or near the Clerk's Office and at least two public places in the city by Friday, January 13, 2017 for public inspection; copies will also be made available to members of the public upon their request.

NOTICE OF INTENT TO SELL TO: CHRISTINE RAMOS, BURLINGTON, VT SELF-STORAGE UNIT

This is a Notice of Intent to sell your personal property, located in self-storage unit at Chase Moving, 165 Shunpike Rd., Williston, VT, for failure to make payment, Sale/Disposal to occur January 13, 2017.

NOTICE OF PUBLIC HEARING

The Burlington Housing Authority is preparing its Annual Plan for the fiscal year July 1, 2017 - June 30, 2018.

A public hearing to obtain comments regarding the proposed

Annual Plan will be held on Tuesday, March 16th, 2017 at 65 Main Street at 4:00 PM at 65 Main Street, Burlington, Vermont.

Written comments should be sent to: Allyson Laackman, Co-Executive Director Chris Barrett, Co-Executive Director Burlington Housing Authority, 65 Main Street, Burlington, Vermont 05401

Copies of the proposed plans will be available at BHAs 65 Main Street Administrative offices on March 1, 2017. Supporting documents will also be available for review.

Equal Housing Opportunity

PUBLIC HEARING NOTICE
Burlington Comprehensive Development Ordinance

Pursuant to 24 V.S.A. §4442 and §4444, notice is hereby given of a public hearing by the Burlington City Council to hear comments on the following proposed amendments to the City of Burlington's Comprehensive Development Ordinance (CDO):

PROPOSED AMENDMENT: ZA-17-05 Permit Conversion of Former Single-Family Use Back to Single-Family Use

The public hearing will take place on Monday, January 30, 2017 during the Regular City Council Meeting which begins at 7:00 pm in Contois Auditorium, Burlington City Hall, 149 Church Street, Burlington, VT.

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: ZA-17-05: The purpose of this amendment is to allow a pre-existing single detached dwelling to be reverted to a single-family use regardless of its present use if the building was originally designed and constructed for that purpose in the high density residential (RH), downtown (D) and downtown-transition (DT), neighborhood mixed use (NMU), and Battery Street Transition (BST) zoning districts. This change is consistent with provisions in Sec. 4.4.5 D 6 A, which allows neighborhood commercial uses within a building originally designed and constructed for such a

purpose, regardless its present use.

Geographic areas affected:
ZA-17-05 impact parts of the City zoned for high density residential, which primarily concent around the downtown core; the downtown core and transition district; the Battery Street Transition for neighborhood use districts which located along North Street, and Winooki and Riverside Ave and to areas of neighborhood-serving off of North Avenue Shelburne Street Pine Street. The following geographic areas are impacted:

1. the area from bounded by the east side of Battery Street south side of Pear Street, west side of South Winooki Avenue and the north side Main Street (D);
2. the area where properties front on the side of Pearl Street from Battery Street Winooki Avenue; along the east side South Winooki Avenue from Pearl Street to Buell Street (DT-N);
3. the area with lot of records as of January 1, 2007 with frontage along the south side Main Street between Main Street to Kin Street and from Battery Street to South Winooki Avenue (DT-S);
4. the area where properties with frontage on the east side of South Winooki Avenue from Buell Street to Main Street, the west side South Union Street South Winooki Avenue both sides of St. Peter Street between Maple and Maple Streets, and the south side Main Street from South Union Street to Battery Street (DT-S);
5. the area where properties with frontage on both sides of St. Peter Street south of Main Street to the Enter District (DT-Maple);
6. the area where properties front Battery Street south of the district to the railroad line (BST);
7. the areas on North Avenue adjacent to Leddy Park or Ethan Parkway designated as Neighborhood Activity Centers (NAC);
8. the area at the intersection of Flynn Avenue and Shelburne

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			12+	3-	
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ALCOKU BY JOSH REYNOLDS

DIFFICULTY THIS WEEK: ★★

Fill the grid using the numbers 1-6, only once in each row and column. The numbers in each heavily outlined "cage" must combine to produce the target number in the top right corner, using the mathematical operation indicated. A number

SUDOKU BY JOSH REYNOLDS

DIFFICULTY THIS WEEK: ★★

Place a number in the empty boxes in such a way that each row across, each column down and each 9-box square contains all of the numbers one to nine. The same numbers cannot be repeated in a row or column.