

Ordinance Committee
Wednesday, September 11, 2024
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Jessica Brown (City Attorney), Charles Dillard (Principal Planner), Sarah Morgan (Planner)

Public Present: Sharon Bushor, Erik Hoekstra, Eric Farrell, Todd DeLuca

Meeting called to order at 1:40 PM.

1. Adopt the Agenda
1.01 Adopt the Agenda

Motion to Adopt Agenda to include a 10 minute discussion on condo conversion and move item number six ahead of item number five.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes
2.1 Adopt Draft Minutes from August 26

Motion to Adopt the Draft Minutes from August 26.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Councilor Bergman clarified that the minutes are not a transcript and may not exactly reflect his comments.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum
3.1 Verbal Comments

Eric Farrell: I believe that converting market rate apartments to condominiums is the best way to provide affordable or workforce housing. I built buildings ten or twelve years ago that could go for a few hundred thousand dollars today, but cost about \$300,000 to build originally. I would prefer that Burlington didn't have a conversion ordinance at all for market rate units. The most onerous problem with the current ordinance is the time period requirements.

Erik Hoekstra: There is a state statute that covers condo conversion very well. The concerns about conversion are mostly around displacement in an already-tight housing market. I am not

sure the ordinance does much for the City that the state statute does not already cover. Burlington also already has an inclusion zoning ordinance as well. I would support getting of the current conversion ordinance as it is already covered by statute and other City ordinances.

Sharon Bushor: I agree with Michael Monte's comments about displacement. On the neighborhood code, I sent some lengthy written comments about this already to the Committee and the Planning Commission. I want to thank Julia and Erhard from the Planning Commission for discussing my comments about the ordinance. I feel that many things that are important to affordable housing have been left out of the ordinance or postponed. I am not an expert on storm water runoff, but I was disappointed that language about runoff was not included. The Planning Commission also did not take up the issue of creating a process to allow taller buildings in the NNE when creating ADUs. I am disappointed by what is currently going forward.

Todd DeLuca: I live in Ward Four. There is an article in the Burlington Free Press from 1986 about the conversion of the old Hotel Vermont to apartments. The old hotel became apartments and then later became some of the most affordable condominiums in the City according to Zillow. Condo conversion is an important part of the housing lifecycle.

4. Condo Conversion Discussion

Councilor Shannon said the Committee should analyze the current state statute and make the City's ordinance language align with the statute.

Councilor Bergman agreed and said that there is an additional statute in Title 27 that should also be included. He added that he represented the tenants of the converted Hotel Vermont in the 1990s when it was being converted to condos and that the conversion took place while the current ordinance was in effect. He then renewed his request to the City Attorney's Office to incorporate the comments from Michael Monte and Brian Pine into the draft changes.

6. Comprehensive Development Ordinance Discussion regarding Secondary Structures

Charles Dillard and Sarah Morgan from the Department of Planning shared a presentation entitled "Neighborhood Code 2A". This presentation is available in the agenda packet.

Councilor Brown McKnight said her priorities in this discussion are to maintain the historic character of Burlington and preserve the yard space that is important for people's quality of life.

Councilor Bergman said he is uncomfortable making a decision on the increase in max square footage or height for secondary structures at this time and requested a special meeting on this topic.

Councilor Bergman left the meeting at 3:00 PM. The Committee continued to have a quorum.

Councilor Shannon said she thinks there should not be a secondary structures height cap lower than two stories.

Councilor Brown McKnight said she would like to hear from residents in the New North End about secondary structure height standards.

Councilor Shannon said she would like the RM max square footage reverted from 1100 back to 900.

5. Police Oversight Ordinance Discussion

Councilor Shannon said her proposal is to have the Mayor and City Council President collaboratively appoint the individuals to the panel. She said the whole Council would not be able to work quickly enough to make appointments in the timeframe necessary. She also reiterated that she wanted to keep the ten years' experience requirement for appointment.

Councilor Brown McKnight suggested also adding experience as a judge as a potential qualification to be on the panel.

Attorney Brown raised the issue of a potential conflict of interest if the HR Director is involved in previous levels of oversight before the issue gets to the panel. Councilor Shannon said this panel is for resolving conflicts between the Chief of Police and the Police Commission and the HR Director is not a directly involved party. She also added that the HR Director could staff the panel instead to maintain the HR perspective.

Councilor Shannon said that she thinks the chair of the panel should be selected by the Mayor and Council President.

7. Any Other Committee Business

The next meeting is set for September 16th, time and location to be determined.

8. Adjournment

Motion to Adjourn, without objection, by Councilor Shannon

The meeting was adjourned at 3:35 PM.