



Burlington City Council Ordinance Committee Meeting * In-Person and Remote*** - Bushor Conference Room (Room 102)**

4:30 PM
12/22/2021

City Council Ordinance Committee – Wednesday, December 22, 2021

Via Zoom and In Person at Bushor Conference Room, City Hall

DRAFT MINUTES

Members Present: Councilor Mason (Chair), Councilor Hanson, Councilor Hightower

Staff Present: Kim Sturtevant (Assistant City Attorney), Tim Devlin (Assistant City Attorney), Meagan Tuttle (Director, Planning), Scott Gustin (Zoning Manager, DPI), Bill Ward (Director, DPI), Patti Wehman (Housing Manager, DPI), Chris Burns (BED), Jen Green (BED), Laura Wheelock (DPW)

Others in Attendance: Sharon Bushor, Dan Castrigano, Gene Bergman, Larry Moquin, Liz Medina

Meeting called to order at 4:38 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hanson, Seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

1. Public Forum

2.01 Public Forum

Sharon Bushor—request to continue the discussion on minimum parking, concern with the timing of the hearings and



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process up to this point. Good legislation does have a process for a reason. Would have been better to send to Planning Commission. That is how you get a good product in the end.

Liz Medina—Executive Director of the Vermont State Labor Council, here to support the prequalification ordinance.

Dan Castrigano—joining meeting to support eliminating min. parking in Burlington because of climate crisis. Transportation #1 issue. Burlington urban heat 13 out of 159 cities. Cars kill people. Aesthetically, people like Church Street because there is not any cars. Incentive walking/biking for safer streets.

Larry Moquin—VP Vermont Building Trade Council, ask Ordinance Committee to move language to full Council. Thanks to committee members for their work. Will up standards.

Closed public forum at 4:46 PM.

1. Minutes

3.01 Approval of Minutes of 11/23/21

Motion to approve minutes by Councilor Hanson, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1. Committee Discussion/Possible Action

2. 4.01 B.C.O. – Ch. 18 Housing-Changing re Energy Efficiency and Weatherization in Rental Housing

C. Burns described the combination of efforts between Vt. Gas, BED, DPI and Assessor's to make chart and then went back in to identify those with space heaters. Once got data able to say reasonable timeframes. Message and target high use buildings. Trying to do good work, as for time, feel struck a balance between that and desire to have done quickly.

W. Ward suggested talking about the schedule first and then can talk about enforcement depending on time.

Councilor Hightower asked how much expect to change in next 4 years? C. Burns responded not much. Feel did not miss



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anything. Some on the bubble, but if near 50's then probably heating system.

Councilor Hightower noted that she appreciated how the chart increases over the next 2 years. Wondered if it would be better not to taper off so much in the last year? Better to be 54k to 59k to decrease the curve. C. Burns indicated that he was not surprised by the data, getting people in a queue, will learn a lot in the next couple of years for bandwidth and wealth. Will take some time. More capacity getting out to 2024.

Councilor Hanson was curious why increasing the number of buildings then decrease numbers in 2024? C. Burns responded that it was simply the way the building data worked out. 70k-89k needs a lot more help than 60k-69k, maybe could have done a bit different, but really go after higher users. Other issue is a lot of weatherization going on outside of Burlington. A lot of work out there for contractors, not sure if contractors will be able to do all. Councilor Mason indicated that he didn't see drop as necessarily issue as not all work done in that year. C. Burns agreed, numbers are larger than contractor capacity today. Backlog but changes in field, think reasonable schedule given those factors.

W. Ward suggested that it may make sense for status updates year 1, year 2, etc. Councilor Mason agreed that it was reasonable to work into the motion. Councilor Hanson noted concern over climate crisis, would like to plan for what we think needs to happen because of crisis. Agree need to monitor. Councilor Hightower agreed it made sense to revisit.

Motion by Councilor Hanson to approve the proposed ordinance with the following changes: change line 22 from 55k to 50k, and delete lines 25 and 26, and refer it back to the full Council with a recommendation for adoption. Seconded by Councilor Hightower.

Discussion—W. Ward noted concern that there are only so many contractors, bottleneck, only can get so many done. If changes, then it seems like a good time to change it then. Councilor Hightower heard that, but thinks it still makes sense to keep schedule and slow down if need to. C. Burns agreed with W. Ward, administrative burden in riding over this. If things don't improve then will take more time to deal with. Not hiring more people for ordinance. Reasonable, but at some point paper exercise, just get people on list. There is a staff capacity and administrative angle to this. Councilor Hightower indicated that it was good not to change the first two years and to do a slower ramp. Councilor Hanson appreciated the comments, and believes the change applies to future, understand that. Don't know that bottleneck will be there 3 years out. Councilor Mason not convinced change seek is the change that will be a factor. Unless outside forces change, not see this change anything more than an administrative burden. Noting he thought staff has put forth a very rational basis for the schedule they put forth. Councilor Hanson replied that there was a lot out of control of City of Burlington, this is what is in control, not end all be all, if not accelerate then will have to adapt. Need to do more work to create more pressure.

Councilor Mason made an amendment to have DPI report back. Councilor Hanson seconded the amendment. Councilor Hightower agreed. Amendment unanimous.



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Councilor Hanson thanked everyone for all their work.

Voted on Motion as amended.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

W. Ward gave credit to DPW, noting parking pass for contractors was helpful. Councilor Mason appreciated staff solving a problem he didn't know existed.

4.02 B.C.O. –Prequalification of Construction Contractors-Responsible Contractors, Secs. 21-68, 21-70, 21-73, 21-76 & 21-77

K. Sturtevant walked through changes from last version. Councilor Hanson indicated that he was comfortable with the ordinance with the changes. Excited to see move forward.

Motion by Councilor Hightower approve the proposed ordinance as amended and refer it back to the full council for second reading with a recommendation for approval. Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1. 4.03 CDO-Minimum and Maximum Parking Requirements and Transportation Demand Management

Councilor Mason asked about expectations, whether expectation was for it to go back to full council tonight? Noting he would have liked more input from the Planning Commission (PC). Bigger picture question for process. Want to make sure have afforded public process.

Councilor Hanson indicated that he felt great about policy, liked the changes. Prepared to move it forward and want others to be comfortable with it. Talk it through tonight and see where Committee is, and then focus on promoting meeting and publicizing it more. Ready to advance, but want to bring others along. Councilor Mason liked that plan.

M. Tuttle noted that she did put it on the PC agenda on 12/14. They were concerned with process. Request refer draft parking amendment to PC for proper vetting and public process with understanding of urgency. PC get deeply into weeds and feel process not affording them that opportunity.



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Councilor Mason asked if the Committee honored the request, what the realistic timeframe for PC to comply with the request was. M. Tuttle responded mtgs. in later January and February. Councilor Mason indicated that he want to get it back to the full Council before the Council changes. M. Tuttle responded that the primary concern is staff capacity but can do second mtg. in January or 1st mtg. in February. Councilor Hanson noted that he didn't see problem with that if it really happens that we get it back for the Committee's mtg. in February. Councilor Mason indicated that he liked sending it back to the PC as it affords more public comments and not around a holiday. Councilor Hanson noted that there would still be more opportunity for public hearing regardless.

M. Tuttle pointed out the need for a public hearing before the PC after referral from full City Council.

Councilor Mason indicated that he did not want to blow off the PC's request.

Councilor Hanson thanked all for stepping up. One thing to note on timing say early February. Want to leave room for possibility that the City Council might not want to make changes all in one night.

S. Gustin went over changes made:

- A lot of article 8 deleted because now moot.
- Retained 4 or more unrelated.
- Few interesting conversations re TDM, clarify apply to condos, res.
- Clarify shared parking okay
- Change to round numbers
- Changes to JIPMP

Not change but don't recall outcome for max table to replace 0 to 1.

M. Tuttle noted that the parking waiver, pull out redundancies. Other piece not reflective that will add, fact currently process remove parking requirements, talk about not extending that forward to residential units. Move 61-70 to reserved and say not apply to neighbor or shared use districts. M. Tuttle concern TDM at resident buildings 5 units at scattered scale. May have solutions with TDM study that may be more appropriate.

Councilor Mason questioned the 0's. Councilor Hanson agreed 0's should be 1's to get more support for policy. Similarly not allow existing buildings to be released may undercut support. Concern with not have TDM as part of this. Could take a while to get study and in meantime could have new projects not take into account impacts. M. Tuttle responded good idea





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to go to 1's at this stage, opportunity to fix. Certain uses need parking because vehicle primary use.

Motion by Councilor Mason to refer to PC for vetting, public input, policy and recommendation with request to take action expeditiously return in timely manner to Committee. Seconded by Councilor Hanson. Motion to amend request to take it up in Jan and get input back in time for Feb. Ordinance Committee mtg. by Councilor Hanson. Councilor Mason seconded the motion. Amendment to motion unanimous.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

Motion as amended passed unanimous.

1. Any Other Business

Next meetings: send doodle poll.

6. Adjournment

The meeting was adjourned at 5:59 PM.