



Burlington City Council Ordinance Committee

7/20/2016

City Council Ordinance Committee

Wednesday, July 20, 2016

Conference Room 12, City Hall—5:30 p.m.

MINUTES

Attendance

Committee: Councilors Max Tracy (MT), Sharon Bushor (SB), & Chip Mason (CM) (chair).

Other City personnel: Scott Gustin (SG) (PZ Dir), Gregg Meyer (GM) (Asst. City Attorney)

Committee Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: Chris Rice, Ilnar Stratibus, Margaret Murray, Meaghan Stearns

CM convened the meeting at 5:32 pm

1. **Agenda:** CM noted the change to the agenda (remove item 4.01—ZA 16-01). SB moved to approve the agenda and request discussion of 4.01 at Other Business, MT 2d, and the agenda passed unanimously as amended.
1. **Minutes of 6/16/16:** SB moved the adoption of the minutes. MT seconded the motion and the 6/16/16 minutes were adopted unanimously.
1. **Public Forum:** Cory Mack with RSG introduced himself as being here on the parking amendment. Ilnar Stratibus asked if 4.01 was removed, CM said yes, Ilnar asked when it would be moved to. CM said no time certain has been set. Ilnar asked if it was city wide and CM said yes it was. Ilnar said that with form based code, the other development issues, and the Pine Street zoning for performance spaces and his concern about the opening up of a club district on Pine St., he is worried about the impact of the ZA 16-01. Margaret Murray asked about the agenda and when the mall discussion would take place. She said that as of last week her councilor did not know when the meeting would take place. SB said the meeting on the mall would be held tomorrow. A discussion on the notice for the meetings occurred.
1. **Ordinance Discussion**



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4.01 Comprehensive Development Ordinance (CDO) Amendment ZA #16-01, Thresholds for Major Impact Review (Removed)

4.02 Comprehensive Development Ordinance (CDO) Use Table, Animal Boarding/Kennel/Shelter in Downtown Zoning Districts, ZA #16-06

SG explained that this amendment was requested by Meaghan Stearns. The current ordinance does not allow these shelters in the downtown zone. The PC OC felt the use should be a conditional use due to the intensity of use downtown. The full PC agreed but thought and recommended licensure should be considered so they could be evaluated on a periodic basis to deal with noise and waste management. That condition is included.

CM questioned the criteria for licensure. SB questioned the requirement for full enclosure and the need for licensure.

Meaghan Stearns, an individual looking to start a business, said there is a need for such a service in the downtown expressed by businesses and the Parks Dept. SB questioned how this would be good for the health of the dogs and noted that there is no square footage required in the ordinance. She questioned the readiness for this. SG said this is allowed in other districts without any size limit or need for internal enclosures. He did question the need for licensure language. GB recommended deleting the reference because the zoning ordinance cannot control licensure.

MT said he agreed and supports striking that but keeping the enclosure to deal with the noise issue. SB said that she wouldn't likely support it since the enclosure wouldn't deal with the noise. SG said conditional use conditions would deal with noise. CM said he can support the enclosure requirement because of the protections of the conditional use process.

SB asked if tenants are informed about a conditional use application or just the owner. SG said the notice is posted on site.

Action: MT moved to strike "and is subject to licensure by the City Council" and approve as amended and refer to the CC for public hearing, 2nd reading and adoption. CM seconded. The motion passed unanimously.

4.03 Comprehensive Development Ordinance (CDO), Waivers from Parking/Parking Management Plans, ZA # 16-10

CM said this is a continuation of the previous discussion and that a member of RSG is present to answer the question of the impact on the YMCA proposal. SB noted the context. Cory Mack said the Y is seeking an 83% waiver and that the site is pretty tight and they'd need a variance. SG said the Y would not get a variance. MT asked if a traffic study has been



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conducted; Cory said it was put on hold until the parking matter was resolved. He said members are generally not driving to the Y and often park and do other things. The travel patterns will be looked into at College and Prospect and other impacted intersections. MT asked what they've found out about where people are parking now. Cory said it was a survey question but he doesn't know the numbers off the top of his head. He added that the Y has been at its current location for a while and is only moving a half block. The proposal is to have 41 spaces where now they have 8.

CM said this is similar to the City Market South End where they made the change and now he's getting negative comments for that. SG said there is no proposal made now but without the change there will be no project. He said the development process would address parking and other impacts.

SB asked what the requirement is now. SG said it was 50% across the board for residential unless it is a conversion to residential or a ground floor retail. SB said the waiver is proposed to go from 50% to 90% and a parking management plan will have to be presented; SG said yes. SB asked the role of the city attorney in the approval of the required management plan.

Action: SB moved to approve as introduced and refer to CC for public hearing, 2nd reading and adoption. MT seconded. The motion passed unanimously.

4.04 Motor Vehicles & Traffic – Sec. 20-55(e) Motor Vehicle Idling

CM said this amendment came about from a constituent concern and that the new language comes from the state statute and allows the running of defrosters and for other safety concerns.

Action: SB moved to approve as introduced and refer to CC 2nd reading and adoption. MT seconded. The motion passed unanimously.

4.05 Vehicle for Hire Sec. 30-1 business License & Other Administrative Fees

CM asked GM to explain. GM said that on June 9th the CC received a proposal for a fee schedule that was referred to the OC. The fee is composed of a base fee and a per ride fee to cover various positions needed to administer the licensing process. GM noted that information was lacking as to the number of rides occurs and that \$0.25 to start was a place to start. Since then, information has been collected by the C/T and with the exception of UBER and Green Cab who are holding the information as proprietary the total is about 5000 rides/month. The estimate derived from this information is 20,000 rides/month. This results in a collection of half the budget at \$0.25/ride and fully covers the budget at \$0.50/ride. UBER and Green Cab say it is too much but they haven't provided any information to justify it. GM said the idea is to look at this after 6 months.



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SB asked if the base fee is not based on the size of the company and the number of cabs per company, GM said yes, SB said it was troubling and that it could be tiered based on the number of cars. SB also would prefer this approach to the per ride charge. She said it would be better for the small business person. GM said he was directed by the CC to treat everyone equally and the per ride fee is the means to do that. The per car method was seen as more complicated.

SB said she appreciates getting the rationale and said she'd support the \$0.25/ride fee.

MT thanked GM for his work. He asked how many vehicle for hire companies are operating and GM said about 50. It would generate \$6k. Because we don't know the number of rides, the estimate is the best we can do and that comes to \$60,000. MT agreed that this is treating all equally but is not necessarily equitable. The flat fee is more burdensome to smaller companies and he doesn't feel he can support it as a result. GM said UBER isn't dictating this and has said they want to be paying less than is being proposed.

CM clarified that this is a business license fee so the fee is needed regardless of how big the company is. That is different than the number of driver basis.

MT asked if we're estimating that half of the budget is being covered then how make up the other half. GM said the change of the per ride fee would do that and if we look at it at the 6 month mark we will see where we are and if the fee needs raising then we can do it then. CM said this makes sense given the facts we have. He noted that the BOF can look at the funding aspect. SB noted the shortfall is \$40k and all the dollar amounts are estimates. This is why she's willing to move forward.

Chris Rice, MMR for UBER, reminded councilors that they offered an alternative of \$0.10/ride with a minimum of \$10k but agreed that they'd pay it and the 6 month assessment makes sense. They said this is more than what they see in other jurisdictions. CM noted that the minimum \$10k proposal moves this away from treating people equally.

Action: SB moved to approve the resolution and refer it to CC for adoption. CM seconded. The motion passed 2 to 1 (MT opposed).

4.06 Authorization to Enter into MOU with Rasier, LLP (UBER) re Terms of Audit Procedures

CM said that this was what was worked out a year ago under the revised ordinance. SB said they'd agreed to go back 3 months and not the 1 month that is in the MOU for the audit review. She feels the one month is too narrow. GM recalls the opposite and that the idea is that you don't want to go back too far because they may not be still driving. He said this audit requirement is more extensive to what is happening now.





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MT said he didn't see a material difference since the validity is not assured. SB said she'd go with the 1 month.

Action: SB moved to approve the resolution and refer it to the CC adoption. CM seconded. The motion passed 2 to 1 (MT opposed).

1. **Other business. Next Meeting and Items to Review.**

16-01 procedural discussion: SB said if it comes back the PZ should provide the mini-Act 250 criteria and how the criteria will be met if this is adopted and how the public will access the projects that would no longer be in the major impact review and comment on them. She agrees with MT that this may not be the right time to deal with this.

SB noted that she's proposed an ambitious schedule, 7/25, 7/26, 8/1, 8/8, and 8/9, in addition to the 7/21 meeting, to be determined tomorrow at the meeting for ZA 16-14. CM noted that this means that they'd not meet on other business until after 8/22.

Next meeting: Wed. July 21 at 5:30 pm to discuss ZA16-14.

1. **Adjournment:** MT moved, SB seconded and the committee unanimously adjourned the meeting at 7:12 pm.