



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

7/1/2015

City Council Ordinance Committee

Wednesday, July 1, 2015

MINUTES

Attendance

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

Other City personnel: Scott Gustin (PZ Sr. Planner) (SG), Laurie Adams (PW-Water Div. Dir.) (LA)

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

Public: None

Convened the meeting at 5:30 pm

1. Agenda

MT moved & SB 2d the proposed agenda which passed unanimously.

1. Minutes of 12/11/14

SB moved and MT 2d the minutes, which were adopted on a vote of 3-0.

1. Public Forum:

No one was present.

1. Ordinance Discussion



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4.01 Water—Meters—Changes to Chapter 31, Sections 31-39 through 31-50

LA referred to memo sent to the council and summarized the reasons for making the changes. The system has a number of large old meters without a way for the department to maintain them and the rewrite is designed to allow replacement in an equitable way in a long term way.

SB asked why the deletion of 31-42 was made. LA said that going forward, new installations will be a cost of the installer. If an existing meter is replaced, the department will replace and pay.

SB, on 31-43, asked who selects the meter. LA said department does per an earlier section.

SB, on 31-46, asked what does "premises of different persons mean." LA said language is obsolete so it was deleted.

Action: On SB's motion and MT's second, the committee unanimously referred the ordinances back to the council as proposed with a recommendation to adopt.

4.02 ZA 15-04—Downtown, Mixed, Enterprise Districts Setbacks Abutting a Residential Zone

SG explained that the DT and other zones all abut residential zones and the CDO creates a 15' setback to protect the residential zones from the non-residential uses. In almost all cases, district zones match property lines but in a recent case on George St. there was a merger of 2 lots that were in 2 districts and the owner argued that the setback was eliminated. This amendment is meant to eliminate that ambiguity so a setback is retained.

SB said the chart is confusing, pointing to Table 4.4.2-1 note 2's added language and asked for an explanation. SG said the PC put in the added language for those instances where there are existing merged properties that are in a residential and non-residential district.

CM asked that the language on the note be changed to replace the "Jan. 1, 2015" date with "prior to the effective date of amendment ZA-15-04". This more fully codifies the grandfathering that exists in any event and eliminates the gap between Jan. 1 and the effective date. Action: MT moved and SB 2d to amend to make that change and the amendment was unanimously passed.





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Action: On MT's motion and SB 2d, ZA 15-04 as amended was unanimously referred back to the council for the warning and holding of a public hearing in the time required by law and for second reading with a recommendation to adopt.

4.03 ZA 15-06—Performing Arts Centers in the Enterprise-Light Manufacturing Zone (ELM)

Action: The committee being conversant and supportive of the change, on SB's motion and MT's 2d, unanimously voted to refer back to the council for the warning and holding of a public hearing in the time required by law and for second reading with a recommendation to adopt.

1. Urban Agriculture Zoning, amendment to § 5.1.2(f), technical amendment

GB explained the inadvertent deletion of the verb "may" in the prior adoption of the section.

Action: The committee being supportive of the change, on SB's motion and MT's 2d, unanimously voted to refer back to the council for the warning and holding of a public hearing in the time required by law and to suspend the rules for first and second reading and to place it in all stages of adoption with a recommendation to adopt.

1. Smoking ban on Church St.—December 18, 2014 communication from owners of Phoenix Books

CM said he did respond in December and asked the owner to keep in touch with him on the problem. He has not heard back and would be happy to reach back out to owners if it is desired.

Action: SB moved to have chair reach out again, MT 2d, and the committee unanimously approved the motion.

1. Any other business: Next Meetings & Items to Review

GB passed out his May 7, 2015 to do memo with the taxi ordinance rewrite and ZA 15-07 added. CM suggested that in light of the taxi ordinance rewrite report deadline of Nov. 1, 2015 the peddler ordinance and urban ag ordinances be done this summer and that they refer the parks smoking ban ordinance to the Parks Arts and Culture committee and have ZAs 15-02, 15-03 and 15-07 reviewed together in a different meeting.



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On the taxi rewrite, CM asked for the best way to address. SB asked what the big ticket items are, and all three committee members noted the issues of contract drivers, LWO applicability, labor law, licensure, fees, taxi parking, an economic analysis comparing TNC and traditional companies, and public safety. GB suggested starting with a general public hearing to hear from CA and staff.

CM suggested a zoning related meeting in July and a taxi meeting before mid-August.

Action: The committee unanimously set July 16 for zoning and July 20 for taxis and Aug. 13 for peddler and continued review of zoning. CM will ask JK about referral of smoking to PAC for a recommendation, and if allowed, CM, SB, MT unanimously agreed to do so.

1. **Adjournment; CM adjourned the meeting at 6:34 pm**

