



Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Link to join Via zoom: <https://us02web.zoom.us/j/81961222831?pwd=UTBaVGMydWZSaUcvejVET1NjR3hWQT09> Password: -----

City Council Ordinance Committee – Tuesday, June 2, 2020,

Via Zoom

MINUTES

Members Present: Councilor Chip Mason (Chair), Councilor Jack Hanson, Councilor Zoraya Hightower

Staff Present: Kim Sturtevant (Assistant City Attorney), Lisa Jones (City Attorney's Office), Tim Devlin (Assistant City Attorney), Deryk Roach (Parks, Superintendent of Parks), Jennifer Green (BED), Patricia Wehman (Housing Manager, Department of Permitting & Inspections), Cindi Wight (Director of Parks Department)

Others in Attendance:

Tom Proctor, Gene Bergman, Cora Smith, Brooke Bednarke, Julia Curry, Carter Neubieser, Christie Delphia, Genevieve Jacobs, Bob Noble, Lena Stier, George Love, Ni, Alexis Monti, Dylan Elliott, Sami Connelly, Juliana Landis, Alex Binzen, David Sidelle, Councilor Karen Paul, Greg EplerWood, John Paul Messier, John Paul Messier, Gene Bergman, Taran Wise, Molly

Meeting called to order at 5:07 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hanson, seconded by Mason

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson (Councilor Hightower had not yet joined)



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1. Public Forum

i. The Public is invited to speak

1. Tom Proctor: Rise to democracy: support weatherization ordinance change.
2. Gene Bergman: to comment later.
3. Cora Smith: UVM sophomore, plan to live off campus. Support weatherization. Will help environmentally, decrease rent, and provide jobs.
4. Brooke Bednarke: rising senior at UVM. Support weatherization. Express concern over cost of utilities because of lack of weatherization. Makes landlords accountable.
5. Julia Curry: Small landlord who owns duplex on Pickton St. In support of support weatherization ordinance change. Want for there to be resources for landlords. Want lead time prior to enactment, e.g. 5 years. Want for mechanism to inform renters with utilities history BED, Burlington GAs; will help with consumer pressure.
6. Carter Neubieser: support weatherization ordinance change. Reduce carbon emissions and reduce rent. Both climate and economic justice initiative. Reduce utility bills for renters who are working class and for whom utilities are a larger proportion of their expenses, which spending could go to down-town economy. Want it to be strongest as possible.
7. Christie Delphia: from Burlington Tenants Union. Support weatherization ordinance change. Renters have less power than landlords. Her building has not had heat last two nights. Will help lowers costs for tenants. Need to "go green". Tenants have other concerns like healthcare. Should be more than minimum code. Timeline: as soon as possible, not 5 years.
8. Genevieve Jacobs: Homeowner, lives in Old North End. Support weatherization ordinance change. Concern about excessive heat, as well as cold. Has weatherized own apartments in past; has worried about her child, who was sick more often because of cold. Makes a difference for quality of life, health, and for poor. Heating bill in 80s-90s was \$60 for smaller than 400sf upstairs apt; now pays \$80 for entire house. Economic justice and environmental issue.
9. Bob Noble: work for Pinnacle Properties. Opposes Leaf Blower ordinance. In landscaping business. Burlington residence and taxpayers. Only electric blowers will increase landscaping costs exponentially; 1 acre property with gas blowers is \$6960/yr; but with electric blowers (additional \$1K for each blower), batteries, tools, chargers, increases costs to an additional \$20K a year to be passed on to customer, to \$10K/yr/acres. Ordinance would not be able to clean off own property. Backpack blower is most valuable tool for landscaper; critical to trade. Blowers creates the same noise as a lawnmower.
10. Lena Stier: renter in Ward 1. Support weatherization ordinance change. Important for climate change and fuel use. Housing is big cause of this. Economic justice issue and affordability for those low-income and housing-insecure. Would create more transparency and help with high heating costs.
11. George Love: Support weatherization ordinance change. Doors and windows can be improved; double paned windows. Can reduce carbon emissions through new insulation and technology. Other local municipalities offer ways to compensate landlords to weatherize.
12. Ni: On average \$1,100 for one-bedroom. Concerned about raising rents because of weatherization. Cost cap is not enough. Concern for more systemic, big picture approach with other environmental utility efforts.
13. Alexis Monti: Support weatherization ordinance change. Important for climate change. Will be moving into an apartment, and her apartment has problems and need weatherization.
14. Dylan Elliott: Support weatherization ordinance change. Lived in 3 apartment over 4 years, and had to hang sleeping bags over doors to lessen draft. Everyone in Burlington would benefit.
15. Sami Connelly: Support weatherization ordinance change. In old apt, water would freeze without space heaters.
16. Juliana Landis: Support weatherization ordinance change. Experienced cold in winter. On Isham St. temperature was routinely about 50 degrees. This would be popular. Need for strong actions. Issue of climate change and economic justice. Need for renters to know about resources. Want for conversation on rent caps.



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17. Alex Binzen: Support weatherization ordinance change.
18. David Sidelle: UVM student and renter. Support weatherization ordinance change. This will be a climate issue and support renters.

Closed public forum at 5:56 PM

1. Minutes

i. Approval of Minutes of 5/12/20

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

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

1. Committee Discussion/Possible Action

i. Express Prohibitions--Leaf blowers, BCO Sec. 21-14

1. Councilor Paul: Explaining background on her drafting ordinance. Use of leaf blowers provides important service to community and important aspect of landscaping business. This ordinance is modeled on Newton, MA's ordinance. Over 100 cities have similar ordinance; some have banned gas-power, which this does not do. Leaf blowers have environmental harm, more than driving cars (referenced WSJ article). Electric leaf blowers are becoming more efficient. At this time electric leaf blowers are limited. This is why ordinance restricts gas blowers to time needed most; that is spring and fall for leaf cleanup. Addressing issues of cost: dates in ordinance language should be adjusted. Did contact City depts. about incorporated suggestions. Other communities, there has been adjustment periods; but not a reason not to move forward.
2. Councilor Mason: Having technical issues with sound; reconnected.
3. Greg EplerWood: to speak on ordinance and comment on issues. Concern with ordinance as written over enforcement. Are blowers actually marked with noise level (DB-rating)? Went to Home Depot and blowers were not marked themselves, even though were in store and online. There may be a need for more research if blowers are typically marked. Experiences: On Union St. almost constant sound across neighborhood in certain seasons. This ordinance does not go far enough, should be extended to other 2-cycle engines. Concern Costs: Electric blowers are getting cheaper than and almost as powerful as gas (nearing 700CFM).
4. Deryk Roach: Superintendent of Parks. Advocate for a conservation approach. Manage over 500 acres; represents one of largest operators. Concern with costs/investment: cannot sell gas blowers to buy electric blowers. Changing over entire operation is 22K-25K, with current budget of \$5K. Looking for grants, BED rebates. Price point of equipment is still high, but hope will lower over time. Efficiencies: electric blowers are a third efficient, with a third less noise generating. More powerful electric blowers. Only 3 hours of battery life, lessening productivities, requiring more batteries and more equipment, at more cost. Collect leaves and organic matter to prevent from building up on walkways and from going into lake. Have less staff now than ever and worry about productivity. Parks has identified other means reducing carbon emissions in cutting trees and other operations. Spoke with City Staff in Newton, MA:



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larger organizations like hospital and schools and community housing that rely on larger cos for landscaping saw higher costs after ordinance. Hoping for pilot program with some program, rather than whole change over. Have not yet purchased electric because of current budget crisis.

- i. Councilor Mason: Deryk Roach to give memo to council.
 - ii. Councilor Hightower: yes give memo. Question to Deryk Roach: how are blowers used? Why use all year round?
 - a. Deryk Roach: blow out of catch basins, clean sidewalk, and keep out of collection system in rainfall.
 - b. Hightower: so mostly near roads?
 - c. Deryk Roach: yes.
 - iii. Councilor Manson question for Councilor Paul: any amendment currently?
 - a. Councilor Paul: not sure what Hanson means by amendment. Did reach out to departments, and gave departments time, their comments to be made in ordinance committee. Frustrating to give so much notice and not receive Deryk Roach's memo.
 - iv. Councilor Hanson question for Councilor Paul: recommendation to committee?
 - a. Councilor Paul: dates should be changed. Mindful of Budgetary challenges of City and businesses. Park's pilot is very small and should be made more extensive. Is Park's stance still the same? Wish for committee to pass. Gas blowers are harmful to ozone. Want for pilot this summer. Committee can revisit in fall. Defer to committee, but hopes this ordinance does not go away.
 - v. Councilor Hanson: no further questions for Deryk Roach.
 - vi. Councilor Mason question to Deryk Roach: explain economic impact, e.g. annual expenses? Only expenses? More staff? If in memo, say so.
 - a. Deryk Roach: is in memo, and will send to committee. Pilot is achievable under current budget.
5. Bob Noble: joining with John Paul Messier.
6. John Paul Messier: small business landscaping business owner operating in North End. Concern with costs. Electric blowers are less powerful and almost as noisy. Ordinance should be keeping lawn short, and less clippings. This would cost \$10K up front and then later costs for batteries, storage, and maintenance. Use less in summer (not all day), but still needed. Very hard for small business; other smaller landscaping business spoken with agree.

General Discussion:

1. Councilor Paul: reached out to manager of BED about incentive programs in September 2019. Did expect new electric blower programs in spring, but delayed. There are costs, and do not want costs to be undue, and recommend applying to incentive programs. Unsure about amount but remember it being significant.
2. Councilor Mason: should postpone to next meeting and obtain additional info in memo in mean time; uncomfortable voting now on this without more info. Have concerns about costs.
3. Councilor Hightower: referencing ordinance: Section 21-14, Leaf blowers: (a)(2) "Only one leaf blower may be used at a time in any lot less than 5000 square feet." Why size?
 - i. Councilor Paul: likely needs to be changed, likely came from Newton, MA ordinance it was based on.
4. Councilor Hightower: fewer dates to simplify ordinance?
 - i. Councilor Paul: it is an issue of being cognizant of costs. Cindi Wight suggested as to split costs over two fiscal years. Businesses need time to adjust. This was drafted in December.
 - ii. Councilor Hightower: pushing back dates will ease difficulty of people using blowers.
5. Councilor Hanson: glad to see this ordinance is a compromise, between concerns of the environment versus costs. Fine with dates in ordinance as is. Want to look at memo. Is satisfied with ordinance as is.
6. Councilor Mason: will reach out to BED and Parks about department input and incentive programs.

Motion by Councilor Mason to postpone matter until next meeting, second by Councilor Hightower.





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Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

4.02 Energy Efficiency in Rental Housing Discussion

1. Councilor Mason: looking for feedback and guidance from City staff; this is not an update. Spoke with Mayor's Office who support initiative, but there is no formal staff update. Committee may address within three ordinance Committee meetings.
2. Councilor Hanson: updates from staff?
3. Jennifer Green (BED): no update since February memo.
4. Patti Wehman (DPI): no update since February memo.
5. Councilor Hightower: what was conclusion of Feb meeting?
 - i. Councilor Mason: there was a presentation, not dialog. Was an update. Did not include questions or recommendations.
6. Councilor Hanson: small input at last meeting; this is really the beginning of discussion on matter. Reviewing memo, satisfied with "Property Compliance," items 1, 2, and 3. Agree with Recommended Weatherization Requirements. Do not agree with cost cap, because this is a min. housing requirement, in terms of climate change and economic justice; would be fair. Should be opportunities for owners to apply for exemptions. Wary of inflationary adjustment to time of sale cost cap b/c this is already a low cost cap. For initial roll out, 12-16 months is good. If implemented in a year, first round of apartments should get a year to comply, but lessen this window after a year, e.g. after three years; provides enough notice. Time buffer should only be for first year. Issue of labor shortage: good problem to have because this policy can create jobs. Bottleneck problems: Landlord could show proof and be given extension. City, working with partners, will reduce bottleneck. Concern about not passing on costs to tenants. Landlords can currently raise rents for no reason, include this. Maybe through BED incentives or other low-income tenants. Want guidance on issue of passing on costs to tenants.
7. Councilor Hightower: agree with items 1 and 2. Want to apply to units wherein tenants cannot control heat. Cost cap: agree with Councilor Hanson; do not want cost cap, should either be lesser of 50K BTU or fulfil all items on list. Agree with Councilor Hanson on labor issue.
8. Councilor Mason: want to see economic models on which these figures were based on. Issue of costs: concern about reduction in housing stock; landlords forced to remove housing from market b/c cannot afford improvements b/c do not have adequate reserves.
9. Gene Bergman: Committee already heard about climate change and economic justice. Equity reports of City show racial disparity, with most people of color living in Old North End where properties are older. Agree with Councilor Hanson about timeline of compliance; should be limited to one year, but allow for extension. Time of sale items are inadequate: cost cap should have escalators. Labor issue: Need for numerous interested parties, including Governor and Mayor, to lead on issue on employment programs. Fundamental problem with capitalism system and government should intervene. Passing on costs to tenants: BED has green incentive; worry about misuse of funds meaning; want for loan agreements protecting tenants from cost shifts; ordinance language, analogous with retaliatory eviction law. Time line: ordinance should be drafted within one month. Notice: should have notice to tenant for what utility bills will be.
10. Councilor Hanson: Enforcement: support for strong enforcement, with escalating enforcement, rather than deferring, to send strong message. Utilities are hidden costs. Need for language to guarantee



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11. Councilor Hightower: Caps: annual cap is acceptable, but not overall cap.
12. Councilor Mason: will communicate timeline to City Council. No need for further action at this time.

Agenda item is closed.

1. Any Other Business

5.01 Next Meeting(s) and Items to review

Next meeting June 10th at 5:00 pm. à COVID related modification for parking and restaurant ordinance changes

6. Adjournment

6.01 Motion to Adjourn: by Councilor Hanson, Seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hightower, Councilor Hanson

The meeting was adjourned at 7:24 pm.