



Burlington City Council Ordinance Committee *Virtual Meeting*** 5/27/2021**

City Council Ordinance Committee – Thursday, May 27, 2021

Via Zoom

DRAFT MINUTES

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Tim Devlin (Assistant City Attorney), Bill Ward (Director, DPI).

Others in Attendance: Sharon Bushor, Tiana Smith, Stephen Hamlin

Meeting called to order at 5:35 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hanson, Seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson

1. Public Forum

2.01 Public Forum

Sharon Bushor: Called about Certificate of Compliance. Lines 245-248. Concern about definition of "Nuisance." Defined enough? Concerns about hazards around wells, sewage, and other items that perhaps should be considered to make a place uninhabitable. Why are some less serious and more serious items in the same list?



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Closed public forum at 5:45 PM.

1. Minutes

3.01 Approval of Minutes of 5/3/21

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

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason

1. Committee Discussion/Possible Action

4.01 B.C.O-BUILDING AND BUILDING CONSTRUCTION--Energy Conservation, Addition of Renewable Primary Heating System, Ch. 8, Art. VI

B. Ward gave opening remarks as to this item. Only applies to new buildings, not existing ones. New permitting system, also called the "Portal" or the "Viewpoint" cloud. Walk through of system, from view of applicant, including submitting and waiver.

Councilor Hanson asked whether it applies to all new construction. B. Ward responded that it did. Councilor Hanson asked why the 1% increase in fee chosen? B. Ward responded that he did not know, should ask BED.

Councilor Hightower asked whether it could be implemented without the charter change. B. Ward responded that it could.

Councilor Mason asked about the 85% number. B. Ward not sure, but part of discussion. Councilor Mason indicated he did not understand how the carve out for renewable fuel systems works. Councilor Hanson responded that a lot of buildings need back up. Councilor Mason replied that he understood steam to electricity. Councilor Hanson replied that it was not all steam to electricity, noting that McNeil Generating Station catches steam and puts into building.

Councilor Mason indicated that it would be helpful to understand the \$100 per ton. Will need to table for now until get someone to answer open comments.

Councilor Hanson noted that he was really glad that they were moving on this, concept remember discussing, no surprises,



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just the 1% don't recall, think could be higher. Other than that just eager to move as fast as possible. Councilor Mason committed to put first on agenda at next mtg. but want to have person from BED at table.

Councilor Hightower indicated that she would need a person from BED at the table for most of her questions, but noted that time value should be a factor for carbon price.

B. Ward added a comment related to the 85%, when he met with focus group of developers to discuss challenge, many already using system, one of big reservation is when have larger building a lot of people up at same time and want to use heat at same time.

4.02 B.C.O.-HOUSING--Change re Certificate of Compliance Process, Chapter 18 (formerly Landlord Licensing)

B. Ward identified changes: line 101, 105, five to three, lowering of number but raising standard; line 106 now four and six; line 111, now threshold six instead of seven from last time. Line 116, six or more 1 year certificate. Purpose to have properties with more problems get inspected more frequently.

Councilor Mason questioned if there was a definition of major or life threatening. B. Ward indicated that there was in the definitions section.

B. Ward noted line 141 change to six fixed but not within time for compliance so get six months. Starting with line 248 changes for violations—overall reason making this change is that Councilor Hightower correctly pointed out no link between complaints and COC's and there should be a link. Effort to make a connection. Seems like come out of nowhere but back on 120 reference to all routine inspection. Cut and paste line 120-136. When go in part of routine inspection and there are serious problems.

Councilor Hanson questioned whether docking no matter year. B. Ward responded that (a)-(h) were not new, those are the things that are really bad. General modification is that proposal if person have certificate. On closure of complaint line --- change time of COC, ie. two years six months. Councilor Hanson indicated confusion—thought any six months unless line 274 which holds accountable to no more than one year. B. Ward responded that any other violation of Housing Code will impact previously issued Cert. of Compliance. For these eight no more than one year, something really serious happening, want to come back faster to make sure doesn't happen again. Reduce by six months. Councilor Hanson noted a little confused with how written—line 251, "unless" then 1 and 2 unless but then 274 only clause apply to unless. B. Ward responded that he can take a look at it with the City Attorney's office to see other way to put together. Can also do more intense memo. Easier to explain to property owner than what was proposed. Can do a graph to help show. Councilor Hanson, like it a lot, only question if happen within six months of an inspection? B. Ward replied that they will start a new inspection at that point anyway. Give time for people to come into compliance so back again anyway. Can offer do now or come back—starting over. Good to connect complaints to routine inspections because otherwise can have complaints in between and not impact your next cycle. Councilor Hanson asked if this impact both. B. Ward responded yes, current and



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next one. B. Ward noted that he didn't think will impact a lot of property owners because most do good, but push those that are not doing good. Get to property owners that are more of a burden to City and tenants. Councilor Hanson indicated that he was ready to move forward.

Councilor Mason noted line 253 (c)(1) six months and (c)(2) six months.

Motion by Hightower to approve the proposed ordinance amendment and refer it back to the full Council with a recommendation for approval with clarifying language for lines 251-256 regarding "unless" and six month timeline.

Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1. Any Other Business

Discussion of timeline on prequalification.

Next meeting 5:30 on June 16.

1. Adjournment

Motion to Adjourn by Councilor Hanson, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

The meeting was adjourned at 6:30 pm.