**Burlington City Council Ordinance Committee**

**Minutes of October 1, 2013**

Committee members present: Councilor Chip Mason (CM), Chair; Councilors Sharon Bushor (SB); Karen Paul (KP)

Staff: City Attorney Eileen Blackwood (EB); Sr. Asst. City Attorney Gene Bergman (GB)

Others present: see sign-in sheet

Meeting called to order by Chair Mason at 5:40 pm.

1. **Agenda and Minutes** of 9/16/13—SB asked to add the following to the agenda: ZA 14-01 (set back) to agenda to discuss the process by which it returned to the council, a next meeting date, and the removal of the approval of the 9/16/13 minutes. KP moved to adopt the agenda as amended, SB seconded, and the motion was approved unanimously.

2. **Public Forum—**No one came forward to speak at the public forum.

3. Zoning Amendments 13-11, 14-03 and 14-04:

**ZA 13-11**

Scott Gustin (PZ) explained that 13-11 removes the prior use restriction which prohibits adaptive reuse when a structure had previously been converted from a residential use to a nonresidential use. The primary driver for the amendment is to bring development into compliance with the zoning ordinance. The Planning Commission grouped RM bonuses to make them consistent with residential conversion ordinance.

CM: why would we preclude bringing back to residential use? SG: there was no good reason.

SB: when move RM, lot coverage goes up significantly. Was there any concern since it is so big an increase in coverage? She is surprised no one was concerned. SG: this was not a concern. The change was just to make the bonuses in RM districts consistent. Also, on average most properties are non-conforming and this can help bring them into conformity.

SB: her concern is density and this increase in lot coverage changes the feel of the neighborhood.

CM: a development will still be subject to conditional use approval.

SG: yes so the DRB can review character of neighbor and address it if the coverage changes that character.

CM: who are you [SB] pointing to as to being not concerned?

SB: the public.

SB: on the residential conversion bonus (D), why does it speak about historic register? Why is it needed if the section is not involving historic buildings.

SG: agree it is redundant

SB: concerned with increasing lot coverage in adaptive reuse. It is a lot, a big increase.

SG: agree but PZ studied the existing coverage and we found 50% lot coverage and with the bonus would get there.

CM: can you explain “principal use”?

SG: people have wanted to use the bonuses for accessory uses, i.e. garage, but the Planning Commission didn’t want to expand it so much.

SB: is this bonus table is the only place where lot coverage is 60% and 72%?

SG: these are 2 of the tables and without the bonus it is 40%.

SB: I support this because it is only for adaptive reuse and that gets us closer to the existing lot coverage.

**Action: On SB’s motion and KP’s second, the committee unanimously referred the ordinance as drafted to the council for 2d reading and a public hearing with a recommendation for adoption.**

**ZA 14-03**

SG explained that the 14-03 amendment was trying to make the auto repair, food processing, and machine/woodworking shop uses CU across the Downtown and Neighborhood Mixed Use zones. The auto repair change was requested by Dolan’s auto on No. Winooski Ave. Currently these uses are not allowed now. The community kitchen (food processing) and machine and woodshop idea is to allow for people to use spaces for these uses. There is a growing interest in these uses in the city.

GB: I have issues about the accessory use notations on the footnotes.

SB: I oppose expanding this to allow fuel pumps as a second primary use.

CM: why not leave as is, without the accessory use language and let an applicant go through the fuel station provisions.

SG: suggested changing footnotes 9 and 12 by deleting “as an accessory use” and replacing it with “other than as a separate permitted principal use.”

**Action: KP moved and SB seconded to amend footnotes 9 and 12 by deleting “as an accessory use” and replacing it with “other than as a separate permitted principal use” and with this amendment** **the committee unanimously referred the ordinance as amended to the planning commission for comment and council for 2d reading and a public hearing with a recommendation for adoption.**

**ZA 14-04**

SG explained the history of the lots that would be affected and the problems with being in 2 zoning districts and that the current configuration makes the lots undevelopable.

GB noted that the description of the change could be made clearer by deleting the comma after “Street” on the 5th line of the description of the change and adding “by” and adding “and bringing the district boundary line to the South Champlain St. street front, thereby” after the word “line” on the same line.

CM entered and read a 7/22/13 letter from architect into record Steven Schenker explaining the reasoning for the change—see letter.

**Action: On KP’s motion and SB’s second, the committee unanimously approved referring the ordinance as drafted to the council for 2d reading and a public hearing with a recommendation for adoption, accepting the proposed wording by GB of the description of the change.**

**14-01:**

CM: noted that this is the expansion of yard set backs ordinance that was adopted by the CC after amended by the committee. The PC asked for the opportunity to comment and they sent back a revised ordinance to the council that was the same as what they first sent over and that the committee amended. The current status of the second ordinance that the PC referred is that it is pending before the CC.

SB noted that CA had questioned if the CC should act on it because it had already acted on it. I think we need to know what next steps for the council would be.

EMB: the problem was that came back exactly as the council had acted on and it was effectively a reconsideration which is not allowed until next term according to the council’s rules. The message should be to PC that need something additional for it to be considered by the council.

CM: who should deliver the message?

SB: PC staff felt strongly about it.

CM: it would be beneficial for the message to be communicated to PC.

EMB: The CA office would be happy to convey the message. I will work that out.

KP: it would be helpful to hear from PC directly.

SB: I agree

**Next Meeting: it was agreed that the next meeting would be on October 17 at 5:30. CM and GB will work on the location and place.**

4. Livable Wages

First reading was held by Council last week, and Committee is now here to discuss any further changes.

CM: Councilor Tracy asked for information about wages of airport workers. EMB reported information that airport personnel obtained from the airlines about livable wage—one airline is checking with management; US Air is unionized; two others use subcontractors who do not pay livable wage, but job postings start at $9 an hour. Subcontractors have about 33 employees each; USAir probably has more.

KP: A local firm requested that the City add to 21-81(f) the phrase “or working to obtain a professional license.” Matt McGrath asked about excluding interns. Jonathan Levitt asked why exclude clerks who have completed law school, as they have lots of debt. CM noted this was to address how the market works that clerkships generally aren’t paid. Another member of public suggested this could be covered by the exemption process. SB noted this is consistent with rest of people grouped in this category.

SB noted that she was sorry she could not keep the larger number of temporary workers covered. She also explained that she is sad about not being able to come up with a compromise on the airport, as she doesn’t want to hurt the airport or the people working there. She hopes that she can come up with something to address the airport workers, but unless she can convince the mayor, she doesn’t think it will pass. She is not dissatisfied with some of the things the Committee has done.

Another person spoke up and has asked if other cities have dealt with the airlines. CM noted that he followed up on Syracuse, which applied only to food service workers. LA and San Jose are much larger airports. CM clarified that the LWO applies to the airport—to service contracts—but we were not able to find another comparable jurisdiction that applied the LWO to leased space .

KP moved and CM seconded amending the ordinance as noted above and referred to City Attorney for refinement. The goal is to cover law students working in the summer, as well as those post-clerkship. EMB will work on the language and circulate to the Ordinance Committee for review. Unanimous.

KP moved to forward LWO to the Council for second reading on Oct. 21. CM seconded. Unanimous. SB noted that she may attempt to amend once again the seasonal employee to expand it.

5) Other Business: none

6) Adjourned at 7:02 pm following motion by SB and second by KP.