

**Ordinance Committee**  
September 21, 2011

**Committee Members:** Councilors Joan Shannon (JS) (Chair); Sharon Bushor (SB);  
**Absent:** Bram Kranichfeld (BK);  
**Staff:** Gene Bergman (GB) (CA); David White (DW) (PZ)  
**Others:** None

7:35 p.m.- Call to Order

**I. Minutes & Agenda:**

**Action:** On SB's motion & JS's second, the committee unanimously approved the 6/14/11, 6/29/11 & 7/6/11 minutes and the agenda, noting that the 7/11/11 resolution related to the composition of the retirement board would be discussed procedurally in "other business."

**II. ZA 11-10 –Amendment to Comprehensive Development Ordinance (CDO) re: Retaining Walls**

DW stated that the change came to the Planning Commission from a city councilor's request. The issue is the lack of clarity in the existing ordinance as to the design of retaining walls. They've had an administrative interpretation that the existing law includes retaining laws and the Planning Commission recommends to define retaining walls. DW discussed the details.

SB said she likes the definition and DW's memo but questions the impact on fire department access in some areas of the city. She wondered how the fire department feels about it and questioned if the proposal is right for all properties, pointing to properties she is familiar with in her ward.

JS said she didn't understand that fire department access was a problem.

DW said the fire code requires some access. SB agreed and noted that if a neighboring property's building is on the property line, a wall close to the property line may not allow access.

GB recommended sending the proposal to the building inspector and fire marshal for them to review the fire access issue and if they concur or come up with an acceptable modification to the proposal with PZ, then it could be sent to the council for a public hearing and vote on adoption and only if they cannot resolve the issue would they come back to the committee.

**Action:** on SB's motion and JS's second, the committee unanimously adopted GB's suggestion: sending the proposal to the building inspector and fire marshal for them to

review the fire access issue and if they concur or come up with an acceptable modification to the proposal with PZ, then it could be sent to the council for a public hearing and vote on adoption and only if they cannot resolve the issue would they come back to the committee..

### **III. ZA 12-02 – Amendment to CDO – Signs in Enterprise Districts**

DW explained that this change was not substantive but was duplicative of another section to clarify the requirements.

JS asked if there were any problems with the size of signs. DW said he hadn't heard of any but his caveat is that the sign ordinance needs work since it wasn't rewritten when the CDO was comprehensively rewritten.

**Action:** on SB's motion and JS's 2<sup>nd</sup>, the committee unanimously approved the proposed ordinance and referred it back to the full council for 2<sup>nd</sup> reading, a public hearing and adoption.

### **IV. ZA 12-03 – Amendment to CDO – Adaptive reuse of outbuildings in Planned Unit Developments (PUDs)**

DW explained that the intent is to be clear that the ordinance doesn't allow for changes to the requirements by these outbuildings. The problem is that almost always existing outbuildings are non-conforming, pre-existing uses and while we want to allow adaptive reuses, the current law does not allow them. We want to require adaptive reuses to meet density requirements but provide flexibility for the dimensional requirements.

JS asked if this only applies to carriage houses and outbuildings. DW said yes, noting that secondary detached structures are outbuildings.

JS asked if an owner has a shed, will this proposal mean that they don't have to meet the lot coverage and dimensional requirements. DW said yes.

SB asked, on (b), the density rules, if an outbuilding and density is allowed, is an adaptive reuse ok if the owner doesn't increase the non-conformity. DW said yes.

SB asked why this is related to minor PUDs. DW said the requirement comes from state statute. SB asked if, looking at (a), 20 units would be allowed. DW said yes, if the major PUD definition was not triggered.

**Action:** on SB's motion and JS's 2<sup>nd</sup>, the committee unanimously approved the proposed ordinance and referred it back to the full council for 2<sup>nd</sup> reading, a public hearing and adoption.

### **V. Off-Leash Dog Areas**

JS noted that the Parks & Rec work will be done in 2012, not 2011 as indicated on the material supplied. SB asked GB to find out the composition of the PR committee working on this issue; GB agreed. JS asked GB to send director Steinbach's memo updating the committee to the full council as a communication. GB agreed, although it may not be in the next packet given the deadline has passed.

## **VI. Pedestrian rights of way**

GB read from the 3 Public Works Commission meetings on this issue. JS said the communication from the ordinance committee to the commission was not clear but that the committee did communicate that it had ADA issues related to large groups of sidewalk campers and the space competition with signs and other pedestrian access issues. SB explained the history of the committee's involvement and the various interested people and groups who participated. The committee wanted to understand how they can delineate a sidewalk free from obstructions. JS added that this is about being a walkable community. SB acknowledged that the issue became a "moving" problem.

JS asked GB to inquire as to what the Public Safety Committee is doing. GB agreed. JS asked GB to share information as he gets it on the new ADA standards GB noted were being proposed. GB agreed to provide information as he gets it.

SB said that if the committee wants to move forward with this issue that it should get guidance and options from DPW's Nicole Losch, the transportation planner, and the police.

## **VII. Possible Amendments to Ch. 30, Vehicles for Hire**

GB noted that CA Nikki Fuller (NF) has identified drug testing, physician's certificates, section 30-29 and unspecified implementation issues as the next taxi ordinance issues to address.

SB asked for a memo on the implementation issues from the taxi board to review before the meeting to discuss it so she can be prepared. GB said he'd inform NF.

JS asked if NF could put the ordinance committee on the taxi board email list so the committee can be kept abreast of issues. She'd also noted that taxi stands and automatic gas surcharges were 2 other issues to address. GB said he'd inform NF.

SB said the committee wanted to know where existing taxi stands are located so the discussion on taxi stands can be based on a clear understanding.

JS asked GB to send the taxi board a communication that the committee has the taxi stand and gas surcharge issues still on its list of things to address and asked that the board provide recommendations on these 2 issues. GB said ok. SB said she was glad they were still looking at this and trying to improve it.

## **VIII. Any Other Business**

### **A. Retirement Ordinance:**

GB handed out the 7/11/11 resolution related to the composition of the retirement board.

SB wants to know what the council can legally do, what the current makeup of the retirement board is and how it has changed and the history and evolution of the makeup of the board and its responsibilities.

JS wants to know about other municipalities are doing with regard to retirement and what other VT municipalities manage their own retirement funds, as well as their composition.

SB asked why disability is in the retirement ordinance and wants to know who gets voting rights in other municipalities, as well as their retirement board organization and the scope of their responsibilities.

JS asked GB to request the Human Resources Department and Retirement Board staff person to gather this information.

### **B. Next Meeting:**

JS asked GB to set up a Doodle Survey to set the next meeting for Oct. 13 at 7pm in CR 12 or on Oct. 11 as the alternative to discuss the retirement ordinance. The taxi ordinance issues would be dealt with when the taxi board brings forward its recommendations and comments on the various issues.

## **V. Adjournment: 8:55 p.m.**