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CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, July 7, 2020

1. **Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to order via Zoom at 6:30 p.m. Roll Call - Present: Mayor Hefty, Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Jon Schultz, Alderman Tom Preusker, Alderman Todd Bauman. Excused: Alderman Steve Rauch.

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Assistant City Administrator/Zoning Administrator Megan Watkins, Public Works Director Peter Riggs, Fire Chief Alan Babe, Human Resource Manager Jason Corbin, Library Director Joe Davies, Building Inspector Gregory Guidry.

2. **Citizen Comments:** Telephone Dial: US: (312) 626-6799, Webinar ID: 837-4237-0640

3. **Approval of Minutes** - To approve the June 16, 2020 Committee of the Whole Meeting Minutes.
Motion: Alderman Meyer. Second: Alderman Kott. With all in favor, the motion carried.

4. **Motion 20-974** - To approve a site plan for a beer garden at Devor Park in association with the Burlington Community Center.

This item was tabled by Mayor Hefty.

5. **DISCUSSION:** To discuss a possible ordinance amendment, requested by Geoffrey Davel of 156 Randolph Street, to include allowing a garden and other vegetation to be grown in the boulevards.

Building Inspector Gregory Guidry began the discussion with background history regarding this property and the previous conversations city staff has had with Mr. Davel regarding his garden location being in violation of Ordinance 274-6. Guidry stated that due to non-compliance, a Notice of Violation as issued to Mr. Davel.

Alderman Schultz asked what the intention of the City is if others have been allowed to grow plantings in the boulevard and questioned the intent of enforcing just one or all properties in violation and suggested there should be a reasonable solution. Administrator Walters responded that the other plantings are low growing perennials and not a garden, which is a public safety issue. Director Riggs also responded stating that this is a unique situation, as others have planted perennials for aesthetic improvements and no complaints have ever been received for the other properties; however Davel's property has received complaints because of some plants growing 5'-6' tall and is causing sight line issues in the public right of way.

Alderman Grandi stated that he has received three complaints regarding "cleaning up the mess in the parkway". Grandi stated he reviewed the ordinance and it says "shall keep in sightly and proper condition". Whereas Davel's garden appears to be full of weeds and not well maintained. Grandi further stated that this is a busy corner and a crossing area for school children and that the other areas with the low growing perennials are properly maintained and well-kept. Davel responded that sightliness is in the eye of the beholder and asked for a trial period to show beauty and diversity. Alderman Preusker responded that there have been no other complaints on other locations because

those plantings aren't unsightly.

Alderman Meyer asked Davel if the garden could be planted elsewhere on his property. Davel responded that he didn't have a sunny enough area and that they have a dog kennel, fire pit, and a play area for their kids which leaves no space to relocate the garden. Alderman Kott suggested raised garden beds that would take less space and prevent from being walked on or through.

Alderman Schultz stated that it doesn't matter if it looks pretty or not, that the ordinance only allows for grasses and trees, therefore, if it's going to be enforced for one, it should be enforced for all. Grandi reiterated that the plantings also need to be "sightly and proper". Grandi suggested another area on Davel's property that looked to be unkept with weeds and could be used as garden space. Davel responded that wildflowers grow there and that area is too cold and doesn't get enough sun light.

Alderman Bauman told Davel that he should have addressed the Council sooner rather than continue to go against the ordinance and continue planting his garden, which now has resulted in a violation.

Alderman Heft stated there is a big difference between low growing perennials and a crop garden that needs to be dug up and re-planted each year. Alderman Preusker suggested reviewing the ordinance for perennial plantings at a future meeting as it's not on the agenda to discuss other properties.

Public Comments were as follows:

- Kim Trakas-Lois, 148 Randolph Street, commented on other plantings in the parkway.
- Robert Wright, 207 Randolph Street, stated that he felt the garden isn't a safety concern.
- Jack Baker, realtor (did not state address), spoke in regard to aesthetics and curb appeal when it comes selling a house and stated that it is very common for clients to turn down a purchase if the neighboring property is unsightly. Baker also stated that a garden is a temporary use of land, whereas perennials provide coverage year around.
- Wayne Swihart (did not state address), stated that he felt it should be fair for everybody and should look good year around, be kept uniform, and have an aesthetic view.

Attorney Bjelajac stated that Mr. Davel wishes to go before the Zoning Board of Appeals to appeal the Notice of Violation, but before he can do that, Bjelajac needs to know if the Common Council wishes for staff to move forward with amending Ordinance 274-6.

Alderman Schultz asked if the garden needs to be removed as a result of the violation. Attorney Bjelajac responded that would be subject to discussion at the next Council Meeting in which options could be discussed with Davel. Alderman Preusker responded that the garden is in violation of the ordinance and should be dealt with accordingly.

Inspector Guidry stated that he intends to move forward with the citation, as he wasn't supposed to plant a garden in the parkway and was told several times to not plant a garden in the parkway, but continued to do so anyway. Alderman Grandi suggested not to issue a citation, but to just stop growing a garden in the parkway.

Mayor Hefty asked for a "tea leaf" reading from the alderman who were opposed to amending the ordinance. Grandi, Heft, Bauman, Kott, and Preusker did not want to move forward with amending the ordinance. Alderman Meyer and Alderman Schultz both lost connection. Alderman Rauch was not in attendance. Walters stated that based on the preliminary conversation from this discussion, staff has enough direction to not move forward with an ordinance amendment to incorporate allowing a garden in the parkway.

6. ADJOURNMENT

Due to a power outage and loss of quorum, Mayor Hefty adjourned the meeting 7:23 p.m.

Minutes respectfully submitted by:

Diahm C. Halbach
City Clerk
City of Burlington