

Ordinance Committee
Thursday, July 18, 2024
Sharon Bushor Conference Room
at City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney), Charles Dillard (Interim Planning Director), Brian Pine (CEDO Director)

Public Present: Todd DeLuca, Michael Monte (Champlain Housing Trust CEO)

Public Present (Remote): Sharon Bushor, Christopher Aaron-Felker,

Meeting called to order at 10:08 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as is.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from July 1

2.01 Adopt Draft Minutes from July 1

Motion to Adopt Minutes from July 1 as written.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

3.01 Verbal Comments

Todd DeLuca, a Ward 4 resident, spoke to the graffiti ordinance, asking that the Committee allow more time for public feedback before moving forward, expressing concerns of timing, liability, and retaliation, emphasizing the importance of ensuring the Committee familiarizes themselves with the relevant history, carefully consider due process, and how the ordinance upholds the ideals of free speech and inclusivity.

Sharon Bushor informed the Committee the Zoom link to the meeting was not highlighted and asked the Committee to ensure it is highlighted going forward so as to ensure members of the public can readily access the meeting through their phones or computers. Bushor also advised

that Ordinance Committee meeting times during work hours are difficult for members of the public to attend and requested the Committee schedule some meetings for after work hours. In regards to the condo conversion ordinance, Bushor expressed support for more opportunities for home ownership but has concerns about the current proposed draft creating more houselessness, stating the initial intent of the ordinance was to protect tenants from being displaced. Bushor suggested that the condo conversion fee should not apply in cases where renters become homeowners of converted units, and that collected conversion fees should go toward a fund dedicated to providing more affordable housing.

Christopher Aaron-Felker expressed support for the Committee addressing the condo conversion ordinance as its repeal will open many options for entry-level home ownership in Burlington. Aaron-Felker echoed Bushor's request for more meetings after work hours and requested the Committee halt their work on the graffiti ordinance, stating it does not support free speech.

Public Comment closed at 10:29 PM.

4. Condo Conversion Discussion

4.01 Condo Conversion Ordinance Discussion

CEDO Director Pine shared the background of the condo conversion ordinance's adoption, stating it was drafted and adopted because the rental housing market stood to lose hundreds of rental units to condo conversions, including units with some form of federal assistance, and many renters were at risk of being displaced. Director Pine said the adoption of the condo conversion ordinance prompted the State to develop its own legislation around condo conversions, which would still be in effect if Burlington repealed its ordinance but does not offer tenants nearly as many protections. Director Pine recommended the Committee move forward with shortening the notice periods to no less than a year while keeping the conversion fee as written because the fees go to the Housing Trust Fund and help the City bolster its public resources. Director Pine also suggested the Committee look into policies adopted by other states and cities concerning renters' right of opportunity to purchase, intended to allow renters to more easily organize to buy property as a cooperative.

Michael Monte, CEO of Champlain Housing Trust, described CHT's approach and experience in converting four rental properties in the last 15 years, where CHT provided 2 years notice, provided relocation benefits to tenants, and offered alternative rental housing to protect renters from displacement, emphasizing the ordinance should reflect a similar approach. Monte added there should also be more provisions for permanent affordability and requirements for the City to create more resources to support conversions as well as tenants' relocations. Monte also stated one-bedroom converted units do not sell well. Councilor Brown McKnight asked for clarification on which units were more marketable, to which Monte replied most buyers want at least three bedrooms. Councilor Shannon noted wanting to dig into marketability issues at a future time.

Councilor Shannon requested that Director Pine and Monte submit a list of their specific concerns and recommendations to the Committee for consideration and discussion. Councilor Bergman seconded the request, expressing skepticism toward the current draft and an interest in

increasing possibilities of home ownership. Councilor Shannon emphasized the draft is probably oversimplified and was brought to the Committee to prompt discussion and advance other ideas to achieve the needs of home buyers and renters.

Councilor Brown McKnight asked Monte to provide a range of examples for the Committee to reference as case studies.

Councilor Shannon said private landlords should be included in future sessions and asked Director Pine to reach out to Eric Farrell and Stu McGowan. Director Pine agreed to reach out to them and to continue working with the Committee and Monte on this ordinance. Councilor Shannon agreed to keep Director Pine informed of when the Committee would meet on this item.

5. Trespass Ordinance Discussion

5.01 Trespass Ordinance Discussion

Attorney Sturtevant shared a draft resolution on the proposed trespass ordinance changes.

Jon Murad, Chief of Police, said he has done research into the current policy, but could not find a singular narrative as to when the City decided to prohibit officers from issuing trespass orders on behalf of people in lawful possession. He said that there is no written policy on this issue, but it has been in effect since he arrived in October 2018.

Councilor Brown McKnight asked if the City could reach out to Williston to see what policy they have on this issue.

Chief Murad said he could put the current practice into written form to share with the Committee.

Councilor Bergman asked for the Department and the City Attorney's Office to look into other models that have been put out by organizations like the ACLU.

6. Graffiti Ordinance Discussion

6.01 Graffiti Ordinance Discussion

Councilor Shannon asked who the arbiter of what is harassing or intimidating graffiti would be. Attorney Ramakrishnan clarified that the draft ordinance does not label certain speech to be hate speech, but rather increases the penalties for illegal graffiti or stickering if there is a harassing or intimidating element based on a protected class. He continued that the courts decide intent on a regular basis.

Councilor Shannon wondered if the City should reach out to the ACLU about this issue. Councilor Bergman agreed that would be a good idea. He continued that he liked the current draft ordinance and how the City does not have to bring every case as the ordinance gives private individuals harmed by harassing graffiti a chance to bring the case to court to end the illegal action.

Councilor Shannon also supported the draft language because it only applies to graffiti or stickering that is already illegal.

Councilor Bergman encouraged Todd DeLuca to submit his concerns in writing so the Committee can address each potential issue point-by-point.

Councilor Brown McKnight expressed her support for the ordinance given the rise in anti-trans, anti-gay, and anti-black graffiti.

7. Any Other Committee Business

7.01 Any Other Committee Business

The next Committee meeting is set for 7:30PM on July 22 in the Bushor Conference Room or remote.

8. Adjournment

8.01 Motion to Adjourn

The meeting was adjourned at 11:54 AM.