

Ordinance Committee
Monday, September 30, 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: Erik Ramakrishnan (Assistant City Attorney), Kim Sturtevant (Assistant City Attorney), Brian Pine (CEDO Director)

Public Present: Mark Barlow (City Councilor), Bruce Baker, Unnamed Tenant of 266 College, Sharon Bushor

Meeting called to order at 11:02 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as drafted.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from September 11.

Motion to defer adoption of the minutes to the next meeting.

Motion by Councilor Shannon, Seconded by Councilor Brown McKnight.

Final Resolution: Motion Passes

Yes: Unanimous

2.2 Adopt Draft Minutes from September 16.

Motion to defer adoption of the minutes to the next meeting.

Motion by Councilor Shannon, Seconded by Councilor Brown McKnight.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Bruce Baker: I jointly own 266 College Street and the Y. Drug consumers sleep outside by the library and the church and the drug dealers live in two apartments across the street. This has created a lot of problems for our tenants. We added private patrols at night and early in the morning so children aren't exposed to the problem. I have delegated authority to my tenants to

trespass if needed. If I trespass someone they will just move to the green belt and then won't leave.

Tenant, purposefully unnamed: My roommate and I were parking our car by our apartment and saw a group of people around a car with the trunk open selling drunks. We were afraid to walk back into our apartment building. We called the police and they said the landlord could file a trespass and that would be it. On another night my roommate walked by a drug deal happening in the parking lot. Both of us are young women and we feel hostage in our apartment. We have lived in the building for a year and half and it has been a rapid decline in safety lately.

4. Graffiti Ordinance Discussion

Motion to find that premature general public knowledge of confidential attorney-client communications made for the purpose of providing professional legal services to the Committee would clearly place the City at a substantial disadvantage because the City risks disclosing such confidential information in public.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

Motion to, based on finding substantial disadvantage, the Committee enter into executive session to confer with legal counsel under of the provisions of 1 V.S.A. 313(a)(1)(F) to include Assistant City Attorney Ramakrishnan, Councilor Barlow, and the Committee members.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman

Final Resolution: Motion Passes

Yes: Unanimous

The Committee entered executive session at 11:19 AM. The Committee left executive session at 11:34 AM.

Attorney Ramakrishnan shared the redlined language of the current draft graffiti ordinance. The draft language is available in the agenda packet.

Councilor Shannon asked if this ordinance would be retroactive for existing graffiti. Attorney Ramakrishnan said no, the US Constitution prohibits such enforcement.

Councilor Bergman noted that graffiti can be ticketed by a prosecuting officer that does not have to be a police officer.

Motion to refer the draft language back to City Council for a first reading and request that the Mayor's Office provide a plan for graffiti education, publicity, and enforcement.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

5. Condo Conversion Discussion

The Committee reviewed the document prepared by Attorney Sturtevant that compares the current city ordinance to the state statute. This document is available in the agenda packet.

Councilor Shannon said she would like to harmonize the purpose of the ordinance with the stated purpose of the statute. All councilors agreed.

Councilor Bergman said he does not currently want to lower the notice timetable in Section 18-304 to six months to match the state statute.

Brian Pine (CEDO Director) said two years notice before conversion would be adequate and even one year is probably long enough. He said that most leases are year to year at most anyhow.

All councilors agreed to maintain the notice period at two years for elderly and disabled residents and one year for all other residents.

Councilor Shannon asked that the statute referenced in Section 18-304 (c) be written out in the ordinance instead of referenced.

Councilor Shannon asked for the meaning and intent of Section 18-304 (h) to be examined.

Councilor Bergman said he would like to keep Section 18-305 and harmonize it with the corresponding section in state statute regarding tenants' rights to purchase. He suggested increasing the timeframe that tenants have the exclusive right to purchase their unit to 120 days instead of 90.

Councilor Shannon asked Attorney Sturtevant for clarification on the last sentence of Section 18-305 (i) and how it compares to state statute.

Councilor Shannon asked the City Attorney's Office and CEDO to give some estimate on how much labor is involved in the conversion process on the City's side so that the City is made whole through the application fee.

Councilor Shannon suggested removing the 4% condominium conversion fee entirely. Councilor Bergman disagreed and said the notice period was the main issue he heard from the public.

Councilor Shannon said she wants to encourage condo conversion and the conversion fee is a disincentive.

Councilor Brown McKnight asked for a response about what the impact of the removal of the conversion fee would be for the City.

6. Trespass Ordinance Discussion

Tabled to next meeting due to time constraints.

7. Any Other Committee Business

Next meeting date and time are TBD.

8. Adjournment

Motion to adjourn.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 1:14 PM.