

Ordinance Committee
Tuesday, November 5, 2024
Public Works Front Conference Room
At 645 Pine St. 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), Charles Dillard (Principal Planner), Marcella Gange (CEDO Manager), Sarah Russell (Special Asst. for Homelessness)

Public Present: In person: Don Noonan, Lori Kettler Online: Adrienne, Art Parola, Ashley Brinkman, Ben Traverse (Council President), BPRW 1, Chris Dooney, Dana Dean, David Garcia, Evan Litwin (City Councilor), Julia Macuga, Loving, Phil Goss, Regina L., Ryan, Sarah, Erica, Maria Karuñgan (Dog Task Force), Sharon Bushor, Kate Logan (State Rep.)

Meeting called to order at 11:05 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as amended to focus public comment on the trespass and emergency shelter ordinances to begin with and allow public comment on the Dog Task Force report after a brief Committee discussion.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from October 22.

Motion to adopt the draft minutes October 22.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Ben Traverse (Council President): I have been looking at the Emergency Shelter definitions at the state level and here in Burlington. The state definition excludes any homeless shelter that requires an occupancy agreement which would exclude the Elmwood Ave. Pods and COTS. I don't think those shelters meet the state definition of an emergency shelter. I suggest looking into if there is an existing definition that covers those places or does the City need a new definition that captures those locations?

Lori Kettler (Dog Task Force): I am an attorney and drafted the ordinance changes. The US Association of Reptile Keepers (USARK) has been involved in campaigning against the exotic animal changes. Our recommended changes came about because the ordinances had not been reviewed or updated in decades. I am an animal rights lawyer and have been working on these issues for over 20 years. There has been a lot of recent research about exotic pets and I am happy to provide more background.

Dan Noonan: I think this is a broad, overreaching action by the City. How are animals like birds, geckos, or fish that have been bred for hundreds of generations not considered domesticated compared to hamsters or cats? Many of my daughter's classrooms have pet geckos. How many incidents are there about exotic pets versus dogs? It is a separate issue. I think the definition of an exotic pet in this report is too broad.

Art Parola: I am here on behalf of USARK. We are not opposed to reasonable regulation based on science. If passed it would be the most restricted animal ownership law in the country. The State of Vermont has a more expansive view on what animals are considered domesticated and they review that list on a regular basis. Almost a third of American households have a pet that would be banned by this potential change. USARK has submitted a letter detailing how to address these issues.

Other members of the public did want to speak but were encouraged to send their comments in writing to the Committee members.

4. Dog Task Force Report Review

Maria Karuñgan (Dog Task Force) presented an abridged version of a presentation given to the PAC Committee and the full City Council.

Councilor Shannon said she would like to table the exotic animal portion of the potential ordinance change and focus on licensing enforcement and compliance.

Councilor Brown McKnight agreed with Councilor Shannon. She added that there will need to be some financial projections given the new staff that will be required.

Maria Karuñgan said that the Task Force did not consult with the PAC Committee or the Parks Department about the exotic animal recommendations. She said it would be good to get some outside expertise on the issue as the Task Force did not have strong opinions aside from differentiating between domesticated and non-domesticated animals.

Councilor Bergman said both the exotic animal and cat licensing portions should be separated out.

Councilor Brown McKnight said she would like to make changes to both cat and dog licenses. Councilor Shannon said she has heard about cat issues, and asked the City Attorney's Office to create lists of ordinance and non-ordinance changes.

Councilor Shannon said she received comments from the public referring to a lobbying group's recommendations for exotic pets regarding invasive species and recommended language.

Cindi Wight (Parks Director) said that a subcommittee has been created to look into the off-leash area changes.

5. Emergency Shelter Ordinance Discussion

Marcella Gange (CEDO Manager) said the Elmwood Pods do not have occupancy agreements but do have a behavioral agreement they sign when they arrive. She said that COTS does have different styles of housing and some do have occupancy agreements while others may not.

Councilor Shannon said that she asked the COTS Director and they said they do have a shelter agreement.

Councilor Brown McKnight asked to reach out to the legislature to further understand the meaning of the term occupancy agreement as written in the state statute.

Kate Logan (State Rep.) said that an occupancy agreement is an agreement usually used in transitional or recovery housing where the individual is not a renter and thus not a tenant, but does stay in the building. There is no definition of occupancy agreement in the act. She said that a behavioral agreement is not an occupancy agreement.

Sarah Russell (Special Asst. for Homelessness) said there are currently two community houses for families with children. She said that they fall under the same definition as an emergency shelter and are funded with HOP money through DCF.

Councilor Shannon said she would like to restrict where an emergency shelter, by the State's definition, can be located. She also proposed having a separate shelter category that would include shelters that have a behavioral agreement.

Sarah Russell said that the behavioral agreements that exist for the Pods or COTS are not occupancy agreements and those two locations are considered emergency shelters by the State's definition.

Kate Logan added that an occupancy agreement is a specific kind of agreement that looks a lot like a lease and is usually done for people in a program or special transitional housing. It looks like a lease but does not create a tenancy relationship. She said a person in transitional housing are still considered homeless, but their housing is not a shelter.

Councilor Bergman said the legislature should clean up the vague language in the statute. He added that, given the housing crisis, all residential, institutional, and mixed use areas should be allowable locations for emergency shelters.

Councilor Shannon asked the City Attorney's Office to provide an interpretation of the State's definition of 'occupancy agreement'. She also asked for an updated use table and map that reflects the comments from Jonathan Farrell of COTS.

Charles Dillard (Principal Planner) said that as far he knows all the shelters in Burlington receive HUD grant money that requires that shelters don't have occupancy agreements, but HUD does not define occupancy agreement.

Evan Litwin (City Councilor) said that Cambrian Rise should not be zoned to have an emergency shelter given how densely populated the property is.

Motion to remove Cambrian Rise as an allowable zoning district for the siting of an emergency shelter.

Motion by Councilor Brown McKnight, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

Councilor Bergman said he is uncomfortable with concentrating the allowable areas primarily in the downtown and Old North End.

Motion to refer the draft ordinance back to the full City Council with a modified definition of emergency shelter that gives clarity to the legislative intent of the state statute, and with a new use table that reflect what Jonathan Farrell of COTS provided, excluding the Cambrian Rise zoning district.

Motion by Councilor Shannon, Seconded by Councilor Bergman.

Final Resolution: Motion Passes

Yes: Unanimous

Motion to update the form code to be consistent with the draft ordinance changes and state statute.

Motion by Councilor Shannon, without objection.

6. Trespass Ordinance Discussion

Councilor Bergman requested the private security contracts that the City has with outside contractors.

Further discussion tabled to future meeting.

7. Any Other Committee Business

Next meeting is 11/12 at 9:00 AM.

8. Adjournment

Without objection, Councilor Shannon adjourned the meeting.

The meeting was adjourned at 1:27 PM.

DRAFT