

**Ordinance Committee
Tuesday, January 28, 2025
Bushor Conference Room
City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES**

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Bill Ward (DPI Director), Cassandra Sterling (CSO Manager)

Public Present: Todd Deluca, Lori Kettler, Dana Dean, Jillian Kilborn

Meeting called to order at 11:08 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt the Draft Agenda.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from January 13.

Motion to adopt the draft minutes from January 13.

Motion by Councilor Brown McKnight, Seconded by Councilor Shannon

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Todd Deluca: I live in Ward Four. I want to talk about the graffiti ordinance that was passed at City Council last night. It does not seem like a good idea to me. It seems like the problem is enforcement rather than reporting. The City has engaged in selective enforcement of certain kinds of graffiti depending on the content. In 2023 people were doing stakeouts to catch people doing graffiti and then prosecute them. I see the ordinance as encouraging neighbors to stake out people to catch graffiti. The ordinance seems better than the previous version.

4. Vacant Buildings Ordinance Discussion

Councilor Bergman arrived at 11:14 AM.

Attorney Sturtevant shared the current working draft of the vacant building ordinance and a vacant building definition from the State of Maine.

Councilor Bergman said the vacant building definition needs language regarding types of structures that won't be considered vacant like barns, garages, sheds, etc.

Councilor Shannon asked for the complete ordinance language from 8-42 through 8-49.

Bill Ward (DPI Director) said the ordinance should be as simple as possible so owners do not need to have an attorney translate it. He said partial vacancy is a complicating issue and his thought is that a building that is half vacant still has someone around taking care of the building which is the goal.

Bill Ward suggested adding another provision that exempts active service members from the fees should their property be vacant while they are away on duty. The requirements for upkeep would still apply but not the fees.

Councilor Bergman said the draft definitions should be clearer, particularly terms like 'unoccupied' and 'dangerous'.

Councilor Shannon said it should very clear who is making the determinations and enforcing the ordinance.

Councilor Bergman asked if DPI could add an administrative fee related to the registration of dangerous structures and buildings.

Councilor Shannon asked if there is an appeal system for this ordinance. Bill Ward said appeals go to the DPW Commission per 8-48.

Bill Ward said \$1,000 per quarter for the first year and \$1,500 per quarter for year two would be more appropriate for the amount of work that goes into administering the ordinance.

Councilor Brown McKnight said she would like to see the calculations of how DPI came to the new recommendations for the administrative fees.

Bill Ward said he would have some more recommendations regarding dangerous buildings for the next meeting.

Councilor Shannon said she would like to send a recommendation to the Charter Change Committee to make a change to the civil penalty cap. All councilors agreed.

Councilor Bergman said he would like staff to review the policy about allowing boarding on vacant buildings as the Fire Marshal recommends a transparent barrier.

5. Animal Ordinance Discussion

Jillian Kilborn: I am an ornithologist for VT Fish and Wildlife. I support the changes in the ordinance limiting free roaming cats. It is a big issue for wild birds in Vermont and nationally. The department is supportive of the changes and I have submitted a letter as well.

Dana Dean: I wanted to clarify whether the Committee wanted to use the term owner or guardian.

Councilor Shannon clarified that the Committee settled on using the term owner. She continued that she intends to hire someone to categorize the responses received from the public.

Councilor Brown McKnight said that the City should look into why dog licensure became less common and address that issue and extend that to cats.

Cassandra Sterling said that she has instructed her staff at BPD to remind people to get their dogs licensed when a dog issue arises and the dog is unlicensed. She said she instructed her staff to perform follow up and issue tickets for unlicensed dogs when necessary.

Councilor Bergman said he would prefer to have some kind of cooperative agreement with veterinarians and do registration or licensure through them. He said he received more public comments against the registering of cats than for it.

Councilor Brown McKnight said it would be easier to build on a system that already exists, but that it would make sense to work with vets. But she said she would also like a method for CSLs to check if cats are licensed.

Councilor Shannon said there is an agreement for a place we can hold dogs, but there is no such agreement for cats. She also said that there isn't a good mechanism to deal with roaming cats that come onto your property. Councilor Bergman said the imperfect answer is that owners can go to court over such issues.

Lori Kettler said it is very unusual that a city the size of Burlington does not have a dedicated animal shelter.

Councilor Brown McKnight said that having neighbors suing neighbors is not a good solution to the roaming cat issue.

Councilor Shannon said she would like more information on whether the issues of trespassing cats are because of strays or owned but roaming cats. She asked Lori Kettler if she could find a vet to discuss options with them.

6. Any Other Committee Business

Next meeting time and place to be determined.

7. Adjournment

Without objection, Councilor Shannon adjourned the meeting.

The meeting was adjourned at 1:06 PM.

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