



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

9/24/2015

City Council Ordinance Committee

Thursday, September 24, 2015

Fletcher Free Library Pickering Room

MINUTES

Attendance

Committee: Councilors Max Tracy (MT), Sharon Bushor (SB), & Chip Mason (CM) (chair).

Other City personnel: None,

Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: Rachel Siegel (RS), Gertie Siegel; City Councilor Adam Roof (AR)

CM convened the meeting at 5:43 pm—Fletcher Free Library, Pickering Room

1. **Agenda:** SB moved to approve the agenda with an amendment to move up the urban agriculture ordinances to 4.005, MT2d, and the agenda as amended passed unanimously.
1. **Minutes of 9/17/15:** SB moved the adoption of the minutes with the following amendments: remove Jean Poulin from the staff attendees because she was not there, fix typos, and eliminate the word “jerk” before chicken in the peddler ordinance discussion; MT seconded, and the 9/17/15 minutes were adopted unanimously as amended.
1. **Public Forum:** Rachel Siegel (RS) said the changes to the humane treatment of animals ordinance are good but there are 3 things to still think about changing, based on her speaking with other chicken owners and observing over 15 coops. First is the requirement for netting over the pen to make it a secure area. Second is the burying of the fencing. Third is the threshold number for the humane requirements. On #1, it seems that the purpose is to keep predators out and, if it is, then it won’t be effective because predators like weasels, hawks and owls can break in. It is also cost prohibitive. She advocates deleting this requirement because there is only so much you can do to protect your animals and we want an ordinance people can and will follow. SB asked about chickens flying out and RS suggested requiring having the fencing high enough to keep the bird in or to require having a roof. She said you can’t keep the birds totally safe and treated ethically in a cost effective way. On #2, RS said that requiring the pen fencing to be buried 12”—the house (coop) will have flooring but not the pen—will cost a lot for the normal owner. The key is to keep the birds in so she suggested doing the same on this requirement as you would do for the roofing. On #3, the numbers issue, RS thinks it should be applied to any number of chickens, one or more. RS said



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE 9/24/2015

the rest of the standards are ok.

Seeing no other people for the forum, CM closed it.

1. Ordinance Discussion

4.005 Health-

1. Humane Treatment of Livestock, Ordinance Sections 17-11 through 17-72.

GB said he thought Health Officer Bill Ward would be ok with the suggested changes by RS. SB asked if burying the fence is 12" is doable from an enforcement perspective and GB said yes. SB asked if the language "or the bottom" means the fence doesn't need to be buried and GB said that could be a reasonable administrative interpretation. SB asked if the standards applied to all chickens and GB said that with the exception of the pen it does.

CM said he is looking for the pen to be constructed to reasonably keep predators out. SB said it should also be to keep chickens in. GB suggested it be worded to keep predators out and chickens in.

Action: SB moved to amend 17-34 to say that the fencing and covering must be constructed to keep predators out and chickens in. MT 2d, and the amendment passed unanimously. GB will consult with CM on the specific wording change to effectuate this.

1. Health-Regulation of the Slaughter of Livestock and Poultry, Ordinance Section 17-10.

GB said he'd not heard any comments about this. SB said she'd propose an amendment, understanding it may not pass.

Action: SB moved to remove the applicability to goats and sheep from the recommended ordinance because they are larger animals and there may be problems with this. No one seconded the motion and, therefore, it failed.

4.01 Health – smoking prohibitions at city parks, Sec. 17-8A

CM asked to further amend agenda to discuss this last. MT 2d. The motion passed unanimously.

1. Reproductive health center access report

SB & GB said that they received no report from Planned Parenthood of Northern New England. CM said in light of that, the matter should be postponed. There was consensus on this action.

1. Comprehensive Development Ordinance – Inclusionary Zoning Exemption for Institutional Housing ZA # 15-03

CM said he looked at the Planning Commission's minutes on this issue and found they were discussed in isolation from the other Inclusionary Zoning issues that the Ordinance Committee has discussed. He looks at it as a larger question of Inclusionary Zoning and in discussions he has had with the Administration he understands that the CC CDNR committee is going to discuss Inclusionary Zoning and get a consultant to look at the issues. CM suggests referring this ordinance to



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

9/24/2015

that committee for their review and suggestions. He isn't comfortable with supporting it now. SB said she doesn't support it and has gone to the CDNR committee and they are not looking at this ordinance. She agreed that if they are hiring a consultant, they could look at this ordinance too. She supports referral. She is surprised that PZ sent it forward because it wasn't vetted well. CM said he thought it came forward in the way it did because of the possible Ethan Allen Club development that was following on the heels of the Eagles Landing development by Champlain College that inspired this ordinance. He would like to refer it to CDNR committee asking that committee to incorporate this proposal into their inclusionary zoning study, and asking that study to see if other jurisdictions did incorporate this type of law into their inclusionary zoning ordinance and how they dealt with the applicability of inclusionary zoning to colleges and universities, i.e. do those communities do it like Champlain College and the City dealt with the Eagles Landing project or do they require creation of affordable units that they charge less for, up to a proscribed number of units, or some other way.

Action: CM moved his suggestion to refer (to CDNR committee asking that committee to incorporated this proposal into their inclusionary zoning study, and asking that study to see if other jurisdictions did incorporate this type of law into their inclusionary zoning ordinance and how they dealt with the applicability to colleges and universities, i.e. do those communities do it like Champlain College and the City dealt with the Eagles Landing project or do they require creation of affordable units that they charge less for, up to a proscribed number of units, or some other way). SB 2d the motion. MT said he doesn't like the PZ proposal and wants more information so he supports this motion. The motion passed unanimously.

4.01 Health – smoking prohibitions at city parks, Sec. 17-8A—continued.

At 6:25 pm, CM began the discussion. He noted that Parks, Recreation & Waterfront (PR&W) Commission chair John Bossange could not be present and opened the committee's discussion. SB said she's slowly coming to the belief that this proposal makes sense. SB thinks campgrounds should have designated smoke free areas but is afraid that as it is currently worded it gives the discretion to decide on the location of the ban to parks officials and she doesn't agree with that; the ordinance should be clear to people who are reserving camp spaces what is allowed and where.

CM said PR&W will note that Burlington isn't the leader on this and there are compelling arguments for it. In looking at the practical impact, CM has looked at NYC and it bans smoking in parks but not the park parking lot or road; that way you don't have to go for a mile to the main road in order to find a legal space to smoke. CM said the PR&W commission chair seemed amenable to that approach. With a practical solution, CM said we'd be going to a healthier place. The marketplace did it too. He added that this proposal should be expanded to all tobacco products (i.e. e-cigs and snuff).

MT said the compromise seems more reasonable because we want all people to use our parks, even if they are smokers.

SB asked if CC Adam Roof (AR) had any comments. AR said the proximity to the Canadian border means there is an economic consideration to this. He looks at the components of the proposal: promoting healthy environment and changing behaviors. He asked what kind of ordinance will change behavior. He said this might change some behaviors but not much.

CM said NYC website had educational materials on it and to the extent we can do that it might help; and it will change some people's behavior.

Action: CM said he would like to work with GB to make some changes and to have it discussed at the committee's next meeting. MT asked that more info on signage be considered. CM agreed it was an issue. SB suggested there be signs at park entrances and where parking is but noted that each park is different. Committee consensus is to move in the way CM proposed.



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE 9/24/2015

1. **Other business.** The next meeting was set for 5:30 pm on Thursday, October 21 at 5:30 pm in CR 12 for a report on the taxi ordinance recommendations and the parks smoking ordinance.

Adjournment: CM adjourned the meeting at 6:40 pm.