Burlington City Council Ordinance Committee 1/31/2018

BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

Tuesday, January 31, 2018

Contois Auditorium, City Hall

149 Church St., Burlington, Vt.

5:30 p.m. – 7:30 p.m.

****** MINUTES ******

Present: Chair Chip Mason (CM), Sharon Bushor (SB), Ali Dieng (AD)

Absent: None

Other City Staff: Gene Bergman (GB) (Staff Attorney), Ron Redmond (RR) (Church St. Marketplace Director)

Public: None

CM called the meeting to order at 5:35 p.m.

1.
    i. **Agenda:** SB moved the agenda, CM seconded, and it was adopted unanimously, 3-0.

2.01 Public Forum: no member was present

3.01 Approval of OC Minutes of 1/9/18: SB moved to approve the January 9, 2018 minutes as drafted. AD seconded and the minutes were approved unanimously, 3-0.

4.01. Ordinances Recommended By City Attorney To Be Repealed

CM said this is a continued discussion on the quality of life ordinance discussion. CM asked GB to update the committee on research on the adoption of a no panhandling ordinance in front of ATMs and business entrances. GB said that the federal courts have, since Reed in 2015, invalidated anti-panhandling laws, even in front of ATMs and business entrances. The research thus far leads GB to think that creating pedestrian free travel areas is probably possible if there is a free speech safety valve provision and especially if there is good supporting evidence on the specific need for the law. GB said more research is needed.

RR said that the Church St. Marketplace Commission would appreciate creating pedestrian free passage zones near business entrances.

CM asked GB to continue researching and to draft a free travel area ordinance for an area 5' on each side of building entrances, 5' out from the building, for the Downtown Improvement District streets besides Church St. CM asked RR to reach out to people impacted, to start the conversation both on the need to repeal the existing panhandling ordinance and the need for a different one.

SB said she is more in favor of other than enforcement approaches but she supports allowing the passage of people so she supports looking at the entrance idea further.

Action: On SB's motion and AD's second, the committee, on a 3-0 vote, referred ordinances, BCO §§ 21-8, 21-9, 21-21, 21-22, 21-23, 21-25, 21-26, 21-27, and 21-40 to the City Council for second reading and approval of the repeal of these ordinances, with a recommendation to repeal.

5.01 Any Other Business—SB asked CM to work with staff to set up a next meeting when items are ready to be reviewed.

6.01 Adjournment: On SB's motion and AD's second, the meeting was unanimously adjourned at 6:36 pm.

Committee Members: Councilor Chip Mason, Chair

Councilor Sharon Bushor

Councilor Ali Dieng