

Assembly Title 21 Committee
Summary of Discussion on Meeting July 29, 2005
Public Review Draft #1, Discussion Chapter One and Two

Chapter One, General Provisions

p.6..... After some general discussion about the purpose of Title 21, the committee wants to add the words “as appropriate” on line 17. This would help clarify that not all purposes listed apply in every section of the code or to every land use issue in the Municipality. There was also some question about the inclusion of the term “design aesthetic” on line 24, should it be deleted?

p.8, lines 32-38..... How should conflicts between two sections of code best be handled? The draft indicates the most restrictive language should govern. The committee felt it preferable to add language saying a specific code provision should govern a general code provision and more recent code should govern older code. There should also be some language giving the Director discretion in such cases. It was the belief of one committee member that vesting discretion in the Director to apply the “most appropriate” provision the situation presented is the best solution because no one provision applies to all situations

p.10..... Is the table listing elements of the comprehensive plan current? Planning staff was requested to check prior to final Title 21 adoption. The committee also discussed having the other plans listed available either in a “library” somewhere [Assembly offices] or on line would be helpful. Planning staff will come up with suggestions.

p.12, lines 7 and 28 Is the six month time period for review of actions submitted under current ordinance reasonable? The committee suggested deletion. The concern was that the Department will receive a flood of applications immediately prior to the effective date of the rewritten Title 21 and that it will not be able to deal with all of them within six months. The better solution is that any complete application filed prior to the effective date of the new ordinance will be treated under the old ordinance.

Chapter Two, Boards and Commissions

p.17 The table is inaccurate. P&Z should be listed as responsible for review and hearing of school site selections.

p.20, lines 36-38 We discussed the current code of ethics rewrite effort. We generally believe all members of municipal boards and commissions should fully disclose real and potential conflicts and that other members of the board/commission should then vote to determine if participation in the discussion and decision is allowed. The committee would like to delete the words “actual or seemingly apparent” and “prejudgment”. In the same manner, on the top of p. 21, line 6 we would like to add “as defined by the code of ethics, (with citation)”

p.21, line 18 The committee wants to delete the section allowing disclosure of possible conflict of interest in an executive session. Delete “Where appropriate, the conflict may be discussed in executive session.”

p. 19, line 15Vacancies on boards/ commissions can stop business. One committee member favored new language giving the Mayor 120 days to make appointments to fill vacancies.

p. 21 line 27-31 The section needs to be rewritten to clarify that the decision on conflict of interest occurs before any discussion on the agenda item.

p. 21 and 22..... There were several questions and concerns about ex parte contacts. The committee would like the municipal attorney to review the proposed language, particularly the section on site visits.

p. 23, lines 1-7..... We believe all votes, except for board/commission organization, should be conducted so the public knows how each person votes. The sentence allowing an exemption for voice votes should be deleted as unnecessary. This does not mean that voice votes are not allowed, it only means that this section regarding voice votes is inappropriate here.

p.23, line 22..... Poor attendance at board and commission meetings can and often does stop all business. One committee member asked that

attendance requirements be clearly stated in this section. Another felt that to be duplicative of language already in Title 4.

P.23-24, lines 35-28..... This section deals with the appeal and reconsideration process. The Assembly dealt with these issues in a recent code amendment. The committee wants to be sure the language here fully aligned with that new code language.

p. 25, lines 19-23 This section requires the Assembly to take no final action until it has received recommendations from subordinate bodies. The committee believes sometimes speed is important and would like to add new language exempting this requirement if a super majority of the Assembly agrees.

p. 27, line 24-25..... This requires ZEBA to review and ratify each of the Director's decisions regarding unlisted uses. We believe this should be changed from "review and ratify" to "hear and decide appeals" of the Director's decisions on unlisted uses. If there is no objection to a Director's decision why create more work for a Board or Commission?

p. 28, line 6-7..... Board of Adjustment composition---add provision for one or two alternates to the three member board so the work load can be occasionally shifted. The current practice now with one alternate is to assign the alternate to cases on a regular basis and thus allow the other members some relief from the work load. If there were two alternates, this efficient use of our volunteers could be increased.

p. 28-29 Urban Design Commission

Concern was expressed about the level of responsibility given to the UDC. Some members felt UDC responsibilities could be transferred to other existing bodies and that this would expedite decision making. There were concerns about the broad scope of responsibilities listed in Section 4, lines 26-29. The committee would like to delete Section 6, line 36-37 requiring the UDC to review capital improvement plans and to recommend measures for their implementation. We also suggested amending Section 7, to read exercise such other powers and perform such other duties **as delegated**. The recommended qualifications for UDC members should include business, project management and budget experience

Next meeting will be on August 5 in the Assembly conference room from 10-12. We will begin work on Chapter 3.

Respectfully submitted,
Debbie Ossiander, Co-Chair Assembly Title 21 Committee