



BURLINGTON CITY COUNCIL CHARTER CHANGE COMMITTEE

12/12/2018

Charter Change Committee

Minutes

December 12, 2018

Committee Members Present: Joan Shannon (JS), Chair, Richard Deane (RD), Max Tracy (MT)

Staff Present: City Attorney Eileen Blackwood (EB)

Others present: David White (DW), Bill Ward, Neale Lunderville, Dave Hartnett (DH), Adam Roof (AR), Kelly Devine, Ronald Redmond (RR)

JS called the meeting to order at 5:11 pm.

1.01 Agenda—RD moved to approve, MT seconded. Unanimous.

2.01 Minutes-- RD moved to postpone review until next meeting, MT seconded. Unanimous.

3.01 No public forum

4.01 Permit review—Planning Commission recommended holding off on planning director appointment change for a year. JS explained that Andy Montroll felt this was not a terribly strongly held opinion; they just thought it could wait for a year. JS also spoke to Councilors Pine and Wright, who are both supportive of mayoral appointment of planning director. JS checked with those two councilors about whether they support the Administration's decision to withdraw the planning/CEDO merger, and they did.

DW stated that as planning director, he supports the change to becoming a mayoral appointee.

RD asked for clarification about whether planning/CEDO co-location required this Committee's action, and JS confirmed it did not. He asked if review in one year should be in the charter, but because the co-location is not in the charter, the review of it would not be either.

DH said he would not support this charter change moving forward with the mayor appointing the planning director. He thinks the position isn't political and shouldn't be. He also thinks the Committee should take into account the Planning Commission's opinion. JS explained the Committee's prior discussion.

MT appreciates that the Administration pulled the merger off the table, and that was the most objectionable part of the proposal. He is okay moving the appointment forward now.

Motion: To recommend approval to the council of the permit reform charter changes (including mayoral appointment of the planning director) with the understanding that the council will review the status of how planning and CEDO have been working in one year to determine if a merger should be considered. RD moved, MT seconded. Unanimous.

5.01 Creation of new DID

Boundaries—The Committee will look at these and let the City Attorney know if they have changes before the meeting on Monday.



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The Committee reviewed the changes suggested at the last meeting. In 321(d), the consultant recommended against allowing the boundaries to be contracted, so that was not included.

323(b)(9) change “ultimate” to “final.” Otherwise, the changes up to p. 13 are accepted.

328 Enforcement—Do the penalties and fees go to DID or city? These are costs of collection and DID and city will work out how much DID has to pay city for costs of collection.

MT asked whether we should include notice before the penalties start to accrue? JS explained that we often send notice, but we probably do not need it in the charter.

Cross check the “laying out or altering streets” process—add reference.

330. Review—The Committee is comfortable with the review and sunset provisions

AR provided information from the consultant.

Employees—EB explained that as proposed, the City will terminate the employment of the City employees, and the DID will hire employees through its own process. RR noted that it has been discussed that this can be considered when the management plan is approved.

JS ran through questions from council discussion.

Will Marketplace properties pay more? AR said the current proposal has them paying more than businesses not on Church St. and in the current working draft, they may pay slightly less than what they have been paying.

Will new entity be more aggressive towards vulnerable individuals? JS noted the Committee discussed this at its last meeting.

Is there a way to hold the DID accountable for providing the services it has agreed to provide? Through budget and management plan. Members will be able to go to DID and complain. RD asked if there was need for appeal to council? No.

Can tenant seek abatement or just property owner? Assessment will be on property owner, so they are entity to appeal.

Should there be representation from throughout the DID geographically? JS noted the Committee discussed this at its last meeting.

Why are we going with a non-profit mode? AR noted this has been a proven model and is the direction the BOF recommended. DIDAC did not recommend a model. It put forward the consultants’ report. Scenario 1 from PUMA was the public model. Scenario 3 was the private model. Scenario 2 was an option in the middle.

MT is still concerned that the DID will have influence over public decisions about how to use public space. If you’re paying in, you’re going to want something for it. Too much uniformity can make for a negative feeling. He is concerned about the risk of doing too much.

MT said with the tight timeline, there is real need for the public to review the charter changes as written. Maybe there needs to be an additional town hall. He wants to be sure people understand what they are voting on. JS agreed that councilors need to be sure that people know about these changes.

Motion to recommend that the Council approve the DID charter changes and warn them for public hearing. Made by RD, seconded by JS. 2-1 (MT voted “no”). Motion carried.



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Next meeting: Jan 15 at 6 pm to discuss council rules.

Meeting adjourned at 6:30 pm.