

MINUTES

PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

SPECIAL MEETING
October 22, 2013
5:00pm

I. ROLL CALL

Mike Satre, Chairman, called the special meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:02 p.m.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Nathan Bishop, Karen Lawfer, Ben Haight, Nicole Grewe, Jerry Medina, Dan Miller

Commissioners absent: Marsha Bennett

A quorum was present

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Travis Goddard, Planning Manager; Laura Boyce, Senior Planner; Laurie Sica, City Clerk; Chris Orman, Assistant City Attorney

II. REGULAR AGENDA

INQ2013 0016: Amend the Rules of Procedure for Appeals to the Planning Commission and to take the necessary steps to administer certain pending appeals.

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Ms. McKibben explained there are still a few amendments to the procedures that need to be made. The first is to supplant the term “hearing officer” with the term “presiding officer” in the procedures.

The next step would be for the Commission to appoint a presiding officer for the Twelker appeal, said Ms. McKibben. Mr. Twelker had written a letter to the Planning Director agreeing that an appointment of a “hearing officer” would be useful and efficient.

Ms. McKibben said the next item before the Commission for action would be to set out the schedule for the Yankee appeal.

MOTION: *by Mr. Watson, that the Commission accept the amendments listed as one, two and three by Assistant City Attorney Christopher Orman.*

The amendments were approved with no objection.

Mr. Miller moved to appoint the Chair as presiding officer of the Twelker case.

Mr. Watson said he would speak in favor of Mr. Miller's recommendation, but he felt considering procedural issues, that the Chair should be the last person to be considered the presiding officer, since he has to rule on final issues.

Mr. Medina said he would like to hear Mr. Satre's thoughts on the matter.

Mr. Satre said his initial reaction is that the Chair of the Commission should not necessarily be the presiding officer because of the ultimate role that he may have to play in the process. Mr. Satre said that he personally did not mind, but that it was more of a procedural issue. He said if they looked to the Assembly for guidance, that he did not think that the Mayor, who acts as the chairman of the Assembly, acts as the presiding officer.

Mr. Miller said he would withdraw his motion and amend it to nominate the Vice Chair for the position of presiding officer.

Mr. Bishop seconded the motion.

MOTION: *by Mr. Miller, to nominate Mr. Watson as presiding officer for the Twelker appeal; APL2013 0003.*

The motion was approved with no objection.

Regarding APL2013 0004, Chris and Ann Gilberto were present, requesting to be added as intervenors to the Yankee appeal. Dates were discussed when all parties could be present.

Assistant City Attorney Chris Orman came forward and had created a tentative schedule of dates for the Yankee appeal. He said the presiding officer who would be appointed could also meet with the parties and finalize the dates to everyone's mutual satisfaction.

Mr. Bishop suggested that they appoint a presiding officer for the Yankee appeal before they proceeded with the dates.

MOTION: *by Mr. Bishop, to nominate Mr. Miller as presiding officer for the Yankee appeal; APL2013 0004.*

The motion was approved with no objection.

Mr. Orman presented a tentative schedule for the Yankee appeal:

- ✓ Motion to Intervene 10/28/13
- ✓ Record from CDD 11/05/13
- ✓ Objection to the Record 11/12/13
- ✓ Means to Suppress the Record 11/12/13
- ✓ Brief of Appellant 11/26/13
- ✓ Brief of Appellee Intervenor 12/16/13
- ✓ Reply to Brief by Appellant 12/30/13
- ✓ Motion Deadline 12/30/13
- ✓ Finalize Record 01/13/14
- ✓ Appeal/Hearing/Argument 01/28/14

Mr. Orman said this list is composed of everything that he could foresee may happen.

Mr. Medina asked what happens when a commissioner ends their tenure in the middle of an appeal.

Mr. Orman said he did not know how a situation like that could ever be avoided.

III. OTHER BUSINESS - None

IV. REPORT OF REGULAR AND SPECIAL COMMITTEES

Mr. Watson said the Public Works committee met last Monday to deal with waste disposal regarding grease from restaurants. They did have a contract which never came to fruition, so the Borough is back to square one again. They are trying to buy leak-proof containers, but are unsure if they will continue to be available in the community. The containers were hugely expensive, and this is still a tenuous issue, said Mr. Watson.

V. ADJOURNMENT

The special meeting was adjourned at 5:28 p.m.