

Session 21-08 a Special Meeting of the Homer City Council sitting as Board of Adjustment was called to order on March 9, 2021 by Mayor Ken Castner at 5:30 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBER ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

**ABSENT:** VENUTI (excused)

**STAFF:** CITY CLERK JACOBSEN  
ATTORNEY BRANDT-ERICHSEN

**AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

Mayor Castner note the public comment portion at the beginning of the agenda was improperly noticed and will not be accepted before the Board of Adjustment meeting.

The agenda was approved by consensus.

## **PUBLIC COMMENT**

## **PENDING BUSINESS**

- a. Memorandum from City Clerk Re: Appellant Request for Consideration of New Evidence and Vitiating in the appeal to the Board of Adjustment by Frank Griswold regarding the Planning Commission Decision on Conditional Use Permit 20-15 under HCC 21.18.040(b)(4) a building within the twenty foot building setback and HCC 21.18.040(d) building area in excess of 30 percent of the lot area on a lot in the central business district on Chamberlain & Watson No. 4, Lot 1-A and T 6S R 13W SEC 19 Seward Meridian HM 2011002 Inlet Trading Post Condominiums Unit 2 at 106 W. Bunnell Avenue, Homer, Alaska.

Mayor Castner announced the Board received a motion from Mr. Griswold that has been opposed by the City's attorney, and Mr. Griswold has responded. The Councilmembers have all seen the information. In light of that information, Mayor Castner asked if any members have any conflict of interest or ex-parte communication since the last hearing.

No disclosures were made.

Mayor Castner asked if any Councilmembers want to hear additional oral testimony. There were no requests for additional testimony. He explained they will take up the motion as the first order of business in executive session then move on to any other matters that need to be addressed.

- b. Adjourn to Executive Session for the Purpose of Continuing Deliberation of the Appeal of CUP 20-15.

LORD/ADERHOLD MOVED TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF CONTINUING DELIBERATION OF THE APPEAL OF CUP 20-15.

There was no discussion.

VOTE: YES: SMITH, ADERHOLD, LORD, EVENSEN, HANSEN-CAVASOS

Motion carried.

Council went into executive session at 5:46 p.m.

Mayor Castner called the meeting back to order at 6:24 p.m.

LORD/ADERHOLD MOVED TO ADOPT THE DECISION OF THE BOARD OF ADJUSTMENT AS SET FORTH IN THE DECISION AND ORDER, REMANDING TO THE PLANNING COMMISSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner explained copies of the decision will distributed by the City Clerk.

#### **COMMENTS OF THE AUDIENCE**

Frank Griswold, city resident, expressed his dissatisfaction at not being able to comment at the beginning of the meeting.

Larry Slone, city resident, also expressed his dissatisfaction at not being able to comment at the beginning of the meeting.

#### **ADJOURNMENT**

There being no further business to come before Council Mayor Castner adjourned the meeting at 6:30 p.m. The next Regular Meeting is Monday, March 22, 2021, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held via Zoom Webinar in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



Melissa Jacobsen, MMC, City Clerk

Approved: March 22, 2021