



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

# **City of Homer Agenda**

## **Planning Commission Special Meeting**

**Thursday, April 15, 2021 at 5:30 PM**

**City Hall Cowles Council Chambers via Zoom Meeting**

**Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099**

**Meeting ID: 990 5235 7397 Passcode: 401884**

**CALL TO ORDER, 5:30 P.M.**

**AGENDA APPROVAL**

**PENDING BUSINESS**

**NEW BUSINESS**

- a. Memorandum from City Clerk Re: Appellant Motion for the Disqualification and Termination of Chair Smith from further participation in the appeal of Zoning Permit 1020-782 and of his seat on the Planning Commission.

**COMMENTS OF THE AUDIENCE** (3 minute time limit)

**ADJOURN**

The Commission may move to adjourn to deliberate in private at this time, if they so choose.

Next Regular Meeting is Wednesday, April 21, 2021 at 6:30 p.m. and a Worksession at 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



# City of Homer

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## Office of the City Clerk

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Homer, Alaska 99603

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## Memorandum

TO: Planning Commission  
FROM: Melissa Jacobsen, MMC, City Clerk  
DATE: April 9, 2021  
SUBJECT: Appellant Motion for the Disqualification and Termination of Chair Smith

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Attached for the Planning Commission's consideration is a motion filed by Frank Griswold for the disqualification and termination of Chair Smith that was submitted on April 7, 2021.

The Commission should address the issue of disqualification. I'd suggest this be taken up in a manner consistent with the way the Commission addressed preliminary issues at the March 11<sup>th</sup> hearing and allow the appellant and appellee three minutes each to make their comments on the matter. Upon completion of comments, the Commission should make a motion to disqualify, discuss the merits of the motion, and then vote.

Regarding the motion to terminate, in my review of City Code I do not see a reference that gives the Planning Commission authority to terminate one if it's members.

Pursuant to Homer City Code (HCC) 2.58.035 Commission and board member terms, appointment and removal of members of City boards and commissions shall be by recommendation of the Mayor and confirmation of the Council, except as specifically provided otherwise in the Alaska Statutes and/or other provisions of the code.

HCC 2.58.050 Required Procedures section h. addresses conditions by which a an appointment is vacated if-

- A member fails to qualify to take office within 30 days after their appointment;
- A member resigns;
- A member is physically or mentally unable to perform the duties of the office;
- A member is convicted of a felony or of an offense involving a violation of their oath of office;
- A member misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year.

The Planning Commission bylaws includes that an appointment is vacated if a member misses six regular meetings in a calendar year.

From my reading, Alaska Statutes 29.20.320 references Boards and Commissions but doesn't specify conditions for vacancy.

It reads that (a) The governing body may by ordinance establish advisory, administrative, technical, or quasi-judicial boards and commissions, and (b) Members of boards and commissions, except for members of the board of

adjustment and assembly members serving on the board of equalization, are appointed by the mayor and confirmed by the governing body.

If the Commission wishes to make a recommendation to Mayor and Council to consider terminating Commissioner Smith from the Planning Commission, the Commission may do so by making a motion recommending termination and identifying the applicable section of code that substantiates the termination.



ON APPEAL TO THE HOMER PLANNING COMMISSION

FRANK GRISWOLD,

Appellant,

v.

TRAVIS BROWN, SCOTT LOWRY,  
AND STACY LOWRY,

Appellees.

\_\_\_\_\_/ Appeal of Zoning Permit 1020-782

**MOTION FOR THE DISQUALIFICATION AND TERMINATION OF CHAIR SMITH**

Appellant Frank Griswold hereby moves that the Planning Commission disqualify Commission Chair Scot Smith from further participation in the above-captioned matter and all other Commission matters due to the inappropriate remarks Mr. Smith made during the March 17, 2021 regular Commission meeting regarding the March 11, 2021 appeal hearing. During the March 17, 2021 Commission meeting, Chair Smith stated to the Commission that he had learned a lot in that previous meeting and that he had never been a part of a public hearing like that so some of the procedures he obviously had never been exposed to so it was a steep learning curve. He further stated to the Commission as follows: "I giggled at the end of it when I got off, that's for sure." The highly contentious appeal hearing regarding Zoning Permit 1020-782 was no laughing matter! For

Chair Smith to portray it as such not only reveals his unsuitability to participate in the pending appeal, but his unsuitability to serve as a Homer Planning Commissioner under any circumstances. The Commission should not tolerate, condone, or otherwise be complicit in Chair Smith's reprehensible conduct. Chair Smith should be summarily disqualified from any further participation in the instant appeal and furthermore be permanently voted off of the Homer Planning Commission, that's for sure.

DATED: April 6, 2021.

By: s/Frank Griswold/  
Frank Griswold