

# ***DRAFT MINUTES***

Agenda

**Planning Commission**

***Regular Meeting***

CITY AND BOROUGH OF JUNEAU

*Michael LeVine, Chairman*

January 10, 2023

## **I. LAND ACKNOWLEDGEMENT – Read by Mr. Arndt**

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

## **II. ROLL CALL**

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:02 p.m.

**Commissioners present:** Commissioners present in Chambers – Michael LeVine, Chairman; Travis Arndt, Clerk; Matthew Bell; Joshua Winchell; Erik Pedersen; Mandy Cole

Commissioners present via video conferencing – None

**Commissioners absent:** Paul Voelckers, Vice Chair; Dan Hickok, Deputy Clerk

**Staff present:** Jill Maclean, CDD Director; Irene Gallion, Senior Planner; Minta Montalbo, Administrative Officer; Ilsa Lund, CDD Administrative Assistant; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Law Assistant Municipal Attorney

**Assembly members:** None

## **III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – Chairman LeVine moved the approval of minutes from the December 13, 2022 meeting to the next regularly scheduled meeting on January 24, 2023, due to Commissioners not having adequate time to review the minutes prior to this meeting.**

**IV. APPROVAL OF MINUTES**

**A. None**

**V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Mr. LeVine explained the process for participating in person or via zoom format

**VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – Mr. Murray Walsh addressed the Commission on behalf of James Parise. Mr. Parise had previously applied to the Community Development Department (CDD) for a permit to add a driveway to access the side of his property (BLD2021 0328). The permit was denied, and Mr. Walsh would like the case to be reviewed by the Commission.

Mr. Levine asked Mr. Walsh to remind the members of the Commission about another matter that came before them regarding Mr. Parise and his property access. Mr. Walsh clarified that Mr. Parise had a case come before the Commission in 2022 (PAD2022 0003) in order to acquisition land from the city in order to move forward with the case that Mr. Walsh is asking the Commission to review. CDD Staff recommendation to the Commission was denial for PAD22-03.

Mr. Levine asked Ms. Layne for advice on how to proceed. Ms. Layne said the immediate issue she identified would be public notice. The abutting property owners need to be notified. She cautioned that it would not be prudent for the Commission to move forward with any action or discussion regarding this case without the neighbors of the property being properly notified.

Mr. Arndt asked for clarification on the procedure for this situation and Mr. LeVine suggested that he speak with the City Attorney on the matter before moving forward. Ms. Mclean confirmed that a meeting with the attorney would be the proper next step before any further public discussion on this matter.

**VII. ITEMS FOR RECONSIDERATION** -None

**VIII. CONSENT AGENDA** -None

**IX. UNFINISHED BUSINESS** -None

**X. REGULAR AGENDA** -None

**XI. OTHER BUSINESS**

**A. Commissioner Training-** Ms. Mclean gave an overview of the staff organization of the CDD. Next, Planning Commissioner responsibilities were discussed. Ms. Mclean

mentioned that she had been hoping to have some new members on the Commission before this training, but reiterating important information –particularly regarding planned absences from meetings, conflicts of interest, ex parte communication, etc. –is just a good reminder for the members of the Commission.

Mr. Winchell asked for clarification regarding the Open Meetings Act from Ms. Layne. She explained that the particular law regarding public meetings is in place to ensure that meetings and decisions are not being held behind closed doors. For the Commission, up to three members are allowed to discuss any particular topic that could potentially come before the Commission outside of a publicly noticed meetings. Ms. Layne went on to give a series of examples. For violations that may occur, those should be reported immediately and the topic needs to be “cured” on the record during a publicly noticed meeting. Mr. LeVine clarified that the Commissioners should not see this as a prohibition to speak with each other outside of meetings. He stated that, in fact, coming up with a plan and discussing things outside of meetings can facilitate meetings to run more smoothly; however, the rule of three should be closely observed.

Ms. Layne continued the training by going over ex parte communication. She made it clear that Commissioners are not allowed to discuss items that may come before the Commission with members of the public or CCD Staff outside of publicly noticed meetings. Ms. Cole asked for clarification, which Ms. Layne confirmed, that the restrictions on speaking with Staff only applies to items where the Commission is performing their role regarding quasi-judicial matters. Ms. Mclean went on to advise the members to think of public perception. It is better to be more conservative when it comes to the level of perceived transparency so as to not give members of the public a reason to question the ethics of the Commission.

Ms. Layne went on to say that this particular Commission does a wonderful job declaring, recognizing, and inquiring about any conflicts of interest. She explained that any attorney with CBJ Department of Law (DOL) can address any questions of potential conflicts that Commissioners may have. As long as members of the Commission follow the advisements given to the by DOL, then they are shielded from repercussions regarding conflicts of interest.

Ms. Mclean went over Staff Reports. She asked the Commission if it would be helpful to have wording for a proposed motion regarding cases that come before the Commission. The general consensus is that it would be helpful in order to streamline meetings because sometimes it can be difficult to come up with the necessary wording for the motions in the moment. Chair LeVine mentioned that he would like the motion making dispersed amongst members of the Commission so the responsibility doesn’t always fall on the same few individuals.

Ms. Mclean reminded the Commission to be conscious of how amendments to motions are taken up. In accordance with the Rules of the Commission and Robert’s Rules of Order, only two amendments may be made to a motion before a vote must be made on the motion. If that motion is voted down, then up to two more amendments made be made to the new motion. Ms. Layne elaborated on this by giving some examples. She

cautioned the Commission against making too many amendments because things could get too confusing. Chair LeVine also elaborated on the topic of motions by giving some examples. Ms. Layne reminded the Commission that they can make a motion for reconsideration for a topic to be taken up at the next meeting. Alternately, a motion for immediate reconsideration can be made to readdress a case or topic immediately after the vote on a motion and must be passed by a super majority.

- XII. STAFF REPORTS** – Ms. Mclean noted that on January 25, 2023, the Blueprint Downtown Steering Committee is meeting at 7 p.m. This will be that committee’s final meeting, so the Planning Commission can expect the final plan to be presented to them within the coming months. Additionally, Hazard Mapping is coming back to the Planning Commission and is recommended to be addressed by a Committee of the Whole first. Ms. Mclean also anticipates that, at the second February meeting, the Commission will be addressing Stream Ordinances.
- XIII. COMMITTEE REPORTS** - Ms. Cole gave an update on the Lands Committee regarding shared access.
- XIV. LIAISON REPORTS** – None
- XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** –Clerk Beth McEwen updated the Commission that the new deadline to apply for a seat on the Commission is Friday, January 13, 2023.
- XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS**
- XVII. EXECUTIVE SESSION** -None
- XVIII. ADJOURNMENT**- 8: 26 p.m.  
Next regular meeting January 24, 2023, 7:00 p.m.