

MUNICIPALITY OF ANCHORAGE
ANCHORAGE ASSEMBLY MEETING
Assembly Chambers
Z. J. Loussac Library
3600 Denali Street

Minutes for Regular Meeting of September 9, 2003

1. CALL TO ORDER

The meeting was convened at 5:00 p.m. by Assembly Chair Dick Traini on September 9, 2003 in the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska

2. ROLL CALL

A Quorum was established by Assemblymembers present.

Present: Allan Tesche, Brian Whittle, Dick Traini, Fay Von Gemmingen, Doug Van Etten, Dan Kendall, Janice Shamberg, Dick Tremaine and Dan Sullivan.
Absent: Melinda Taylor and Anna Fairclough, excused.

3. PLEDGE OF ALLEGIANCE The pledge was led by Miss Katie Hall.

4. MINUTES OF PREVIOUS MEETING

4.A. Special Meeting - June 24, 2003

Chair Dick Traini asked if there were any corrections of the Special Meeting Minutes of June 24, 2003. No corrections were noted.

Mr. Tesche moved, to approve the June 24, 2003 Special Meeting Minutes.
Ms. Shamberg seconded,
and the motion passed without objection,

5. MAYOR'S REPORT

Mayor Begich was currently at the Port of Anchorage. Mr. Abbott reported on the Mayor's behalf and said there would be no Mayor's Report for this meeting.

6. ASSEMBLY CHAIR'S REPORT

Chair Traini reminded Assemblymembers of the Anchorage Caucus Meeting, scheduled September 10, 2003, at 10:00 a.m.

7. COMMITTEE REPORTS

Mr. Tesche reported the Budget Committees, working with the Mayor and the Administration, are currently setting dates and times for a series of public meetings prior to the public release of the proposed budget.

8. ADDENDUM TO THE AGENDA

Chair Traini called for a motion to amend the Agenda.

Mr. Whittle moved, to incorporate the Addendum to the Agenda.
Mr. Tesche seconded,
and this motion passed without objection,

Chair Traini read the Addendum items.

Question was called on the motion to amend the Agenda and it passed without objection.

9. CONSENT AGENDA

Mr. Tesche pulled this item to be considered for review on the Regular Agenda. See *item 10.A.2*.

- 9.A.3. Resolution No. AR 2003-275, a resolution of the Anchorage Municipal Assembly recognizing and honoring those who gave the ultimate **sacrifice** for their fellow Americans, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Gemmingen and Whittle. **(TO BE SUBMITTED)**

Mr. Tesche pulled this item to be considered for review on the Regular Agenda. See *item 10.A.3*.

9.B. RESOLUTIONS FOR ACTION – OTHER

- 9.B.1. Resolution No. AR 2003-272, a resolution of the Municipality of Anchorage, Alaska amending AR 2003-163, a resolution confirming and levying assessments for the water special improvements within **Levy Upon Connection (LUC) Roll 03-W-1**, setting the date of payment and providing for penalties and interest in the event of delinquency, Anchorage Water & Wastewater Utility.
a. Assembly Memorandum No. AM 709-2003.
- 9.B.2. Resolution No. AR 2003-273, a resolution of the Municipality of Anchorage appropriating \$17,900 from the State of Alaska Department of Military and Veterans' Affairs, Division of Emergency Services (ADES) to the State Categorical Grants Fund (231) to support the **Anchorage Local Emergency Planning Committee (LEPC) activities**, Office of Emergency Management.
a. Assembly Memorandum No. AM 710-2003.
- 9.B.3. Resolution No. AR 2003-276, a resolution of the Anchorage Municipal Assembly appointing **Guadalupe Marroquin** as Elections Coordinator, Assembly Chair Traini. **(Addendum)**
- 9.B.4. Resolution No. AR 2003-277, a resolution of the Anchorage Municipal Assembly appointing **Mary Croxton** as Minutes Clerk, Chair Traini. **(Addendum)**

9.C. BID AWARDS

- 9.C.1. Assembly Memorandum No. AM 717-2003, recommendation of award to Alaska Safety, Inc., for furnishing **police car accessory equipment** to the Municipality of Anchorage, Maintenance and Operations Department (ITB 23-B055), (\$178,831.40), Purchasing. **(Addendum)**
- 9.C.2. Assembly Memorandum No. AM 718-2003, recommendation of award to SeaCoast Construction Co. Inc. for **2002 Park & Playground Improvements**, Goose Lake, Lyn Ary and Tikishla Parks for the Municipality of Anchorage, Project Management & Engineering. (ITB 23-C060) (\$405,637.50), Purchasing. **(Addendum)**

9.D. NEW BUSINESS

- 9.D.1. Assembly Memorandum No. AM 703-2003, sole source contract with Diebold Election Systems for **2003 election ballot printing and miscellaneous expenses** (\$138,522.23), Assembly Chair Traini.
- 9.D.2. Assembly Memorandum No. AM 705-2003, contract Amendment No. 3 to contract with Swalling Construction Company, Inc., **columbarium retaining wall**, Anchorage Memorial Park Cemetery, Project No. 99-09 (\$50,630), Project Management & Engineering.
- 9.D.3. Assembly Memorandum No. AM 706-2003, approval of Amendment No. 5 to Alaska Pollution Control Inc. contract (PO No. 202146) increasing the contract by \$50,000 for an amount Not-To-Exceed (NTE) \$360,707 for completion of **summer work program** in Section 6/Campbell Airstrip Limited Road Service Area (LRSA), Street Maintenance.
- 9.D.4. Assembly Memorandum No. AM 707-2003, **Northern Communities Water and Sewer Extension design services** - amendment No. 2 to contract for professional services (P.O. 0000216111) design services with CRW Engineering Group (\$1,280,000), Anchorage Water and Wastewater Utility.

Mr. Kendall requested to abstain from voting on this item, due to a conflict of interest.

- 9.D.5. Assembly Memorandum No. AM 712-2003, **China Express #2925** - Transfer of Ownership for a Restaurant/Eating Place Liquor License (Downtown and Government Hill Community Councils), Clerk's Office.
- 9.D.6. Assembly Memorandum No. AM 713-2003, **Peking Wok Restaurant #2813** - Transfer of Ownership for a Restaurant/Eating Place Liquor License (Sand Lake, Taku/Campbell, Bayshore/Klatt, Community Councils), Clerk's Office.
- 9.D.7. Assembly Memorandum No. AM 714-2003, **Planning and Zoning Commission** appointments (Greg Jones), Mayor's Office.

Mr. Tremaine pulled this item for public comment.

9.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

- 9.F.1. Ordinance No. AO 2003-128, an ordinance adopting and amending the **Chugiak-Eagle River Transportation Plan**, and amending Chapter 21.05 of the Anchorage Municipal Code, Traffic Department. P.H. 9-23-03.
- a. Assembly Memorandum No. AM 708-2003.
 - b. Assembly Memorandum No. AIM 82-2003.
- 9.F.2. Resolution No. AR 2003-274, a resolution of the Municipality of Anchorage appropriating \$1,007,269 as a grant to the State Categorical Grant Fund (231), Department of Health & Human Services from the Alaska Department of Health and Social Services for provisions of **Women, Infants & Children Nutrition services**, Health and Human Services. P.H. 9-23-03
- a. Assembly Memorandum No. AM 711-2003.

END OF CONSENT AGENDA

Chair Traini called for a motion to approve items on the Consent Agenda as amended. *See page one.*

Mr. Tesche moved, to accept the Consent Agenda items as amended.
Ms. Fairclough seconded,
and it passed without objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Chair Traini introduced Boy Scouts Troop #26, and asked them to introduce themselves. Troop #26 included Boy Scouts Michael Wilcot, John Helfiger, George Seidel, Steven Helfiger, Andrew Campbell, Eric Holland, Kevin Ause, Sage Gale, Brandy Stanfield, Justin Samarowski and Derek Simmons. Troop #26 was sponsored by Grace Lutheran Church of Anchorage. These Boy Scouts were completing work for a merit badge.

(Unscheduled Public Appearance Item)

Chair Traini welcomed the two, new Assembly Clerks, recently confirmed by the Assembly. He welcomed both employees, Guadalupe Marroquin as Municipal Elections Coordinator and Mary Croxton as Assembly Minutes Clerk.

10. REGULAR AGENDA

10.A. RESOLUTION FOR ACTION – PROCLAMATION AND RECOGNITIONS

- 10.A.1. Resolution No. AR 2003-262, a resolution of the Anchorage Municipal Assembly recognizing and honoring **Battalion Chief David S. Dodds**, for his 25 years of service with the Municipality of Anchorage, Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Mr. Whittle requested this item be considered for review on the Regular Agenda.

Mr. Whittle moved, to approve this item No. AR 2003-262.
Mr. Shamberg seconded,
and it passed without objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Ms. Shamberg read the proclamation, honoring EMT Chief David S. Dodds for his 25 years of service with the Municipality of Anchorage Fire Department. Mr. Whittle presented the recognition award to Chief Dodds who retired August 1, 2003. Chief Dodds accepted the award of recognition. Responding to Mr. Sullivan's question, Chief Dodds commented he was currently working with the APD and the AFD in a medical function, supporting their SWAT team.

- 10.A.2. Resolution No. AR 2003-263, a resolution of the Anchorage Municipal Assembly proclaiming the month of September, 2003, "**Anchorage Youth Court Month** Mayor Begich and Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

Mr. Tesche requested this item be considered for review on the Regular Agenda.

recognizing and honoring those who gave the ultimate **sacrifice** for their fellow Americans, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Tremaine, Van Gemmingen and Whittle.

Mr. Traini requested this item be considered for review on the Regular Agenda.

Mr. Tesche moved, to approve this item, No. AR 2003-275.
Ms. Shamberg seconded,
and it passed without objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Chair Traini read resolution and introduced members of United States Armed Services. Divisions of the Army, Air Force, Marine Core and Navy were represented. Each representative formally read all the names of members of their divisions of service who have given their lives to protect their fellow Americans and citizens of the world against terrorism. Mayor Begich presented an award certification to each division representative, recognizing and honoring those men and women. *(Names of those men and women who have sacrificed their lives are on record with clerk's notes.)*

10.D. NEW BUSINESS

10.D.4. Assembly Memorandum No. AM 707-2003, **Northern Communities Water and Sewer Extension design services** amendment No. 2 to contract for professional services (P.O. 0000216111) design services with CRW Engineering Group (\$1,280,000), Anchorage Water and Wastewater Utility.

Mr. Kendall asked to be noted as abstaining from voting on this item, due to a conflict of interest.

10.D.7. Assembly Memorandum No. AM 714-2003, **Planning and Zoning Commission** appointments (Greg Jones), Mayor's Office.

Mr. Tremaine pulled this item to be considered for review on the Regular Agenda.

Chair Traini confirmed the request from Mr. Tremaine to review this item was to postpone this item two weeks for public comment on the Mayor's appointment.

Mr. Tremaine moved, to postpone this item, No. 714-2003,
Mr. Tesche seconded, until September 23, 2003.
and it passed without objection.

10.D.10 Assembly Memorandum No. AM 721-2003, **Budget Advisory Commission** appointments (Eric Britten, Kay Brown, Tim Wiepking), Mayor's Office. **(Addendum)**

Mr. Tesche requested this item be considered for review on the Regular Agenda.

Mr. Tesche moved, to approve item No. AM 721-2003.
Mr. Tremaine seconded,
and it passed without objection,

Mr. Tesche commended Mayor Begich on the quality of the fine group of professionals he hired for these new positions, working with the Budget. Mayor Begich commented he and the Administration will soon be filling two more openings with the Budget Advisory Commission.

11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

11.A. Assembly Memorandum No. AM 685-2003, renewal of **Bear Tooth Theaterpub** (#4065), **Bear Tooth Grill - Duplicate** (Beverage Dispensary) Liquor Licenses, Clerk's Office.
(postponed from 8-19-03)

Chair Traini read Memorandum No. AM 685-2003 and called for a motion.

Mr. Tesche moved, to approve item No. AM 685-2003.
Ms. Von Gemmingen seconded,

Mr. Sullivan moved,
Ms. Von Gemmingen seconded,
and it passed without opposition,

to approve AM 685-2003, contingent upon posting bond
for proposed property improvements, which need to be
completed by September 1, 2004.

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

- 11.B. Assembly Memorandum No. AM 640-2003, appointments to **Board of Adjustment** (Jensen, Reeves, Waring), Mayor's Office. (*postponed from 8-12-03*)

Chair Traini read Memorandum No. AM 640-2003 and called for a motion.

Mr. Tesche moved,
Ms. Von Gemmingen seconded,
and it passed without objection,

to approve item No. AM 640-2003.

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Mr. Tesche commended Mayor Begich on his excellent selection of professionals for these appointments. Mayor Begich introduced the new appointments, present in the audience.

- 11.C. Assembly Memorandum No. AM 641-2003, appointments to **Planning and Zoning Commission**. (Simonian and Gibbons), Mayor's Office. (*postponed from 8-12-03*)

Chair Traini read Memorandum No. AM 641-2003 and called for a motion.

Mr. Tesche moved,
Mr. Kendall seconded,
and it passed without objection,

to approve item No. AM 641-2003.

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Mayor Begich introduced Mr. John Gibbons. Ms. Meg Simonian was not present. Chair Traini thanked the Mayor for these appointments and welcomed the P&Z Commission appointments.

12. **APPEARANCE REQUESTS** (*shall begin no earlier than 6:00 pm and no later than 6:30 pm*)

- 12.A. **Michael F. Keys**, concerning State-sponsored video poker and other gambling.

Michael F. Keys, Bayshore resident, and Pastor of Central Lutheran Church, appeared before the Assembly to urge discussion of the poker and gambling issues in Alaska. Pastor Keys urged the Assembly and the Administration to hold Public Hearings on these issues, even though it is a state-sponsored issue. Pastor Keys suggested studying the Oregon reports on effects of gambling and poker, and how other state and city administrations interpret their findings.

Mr. Tesche asked Pastor Keys for a summary of the findings of the Alaska Synod on this issue. Pastor Keys responded the Alaska Lutheran Synod, representing approximately 10,500 people, viewed the issue of gambling as an inappropriate way to resolve fiscal crisis. Pastor Keys suggested this issue goes beyond religious morality; it is about social policy and an issue concerning taxation.

Mr. Whittle voiced concerned with all the cutbacks that Anchorage was facing, including Campfire Girls on Mountain View, and challenged Pastor Keys and the Alaskan Lutheran Synod to help find solution for financial needs in our community.

- 11.D. Ordinance No. AO 2003-112, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 3.85, relating to the **Police & Fire Retirement System**; providing additional definitions, clarifying the procedures for payment of retirement benefits when Plan members who retire are reemployed by the Municipality of Anchorage; providing for

(Clerk's note: Public Hearing was momentarily discontinued on item No. AO 2003-97, to return to discussion of this item at 9:00 p.m.)

In response to Mr. Tremaine's question of the definition of "meaningful consequences," Mr. Tesche said the terminology is used in State and Federal Laws governing income tax laws, describing retirees who return to work. Mike Gatti defined the words "as a result in a break of service, the reemployed member suffers losses to employment indicating loss of rank or grade, loss of pay, loss of seniority, loss of longevity pay and establishment of a new employment date for leave accrual purposes."

Mr. Tremaine proposed to amend Mr. Tesche's amendment to change the wording in J, Line 5 and 6, to strike out "and" and the entire Line 6. Mr. Tesche accepted this as a friendly amendment.

Mr. Tesche moved, to approve this amended amendment for item
Ms. Shamberg seconded, No. AO 2003-112.
and this motion was passed,

YES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough and Shamberg temporally out of the room.

Chair Traini called for a motion on the main ordinance.

Mr. Tremaine moved, to approve item No. AO 2003-112, as amended.
Mr. Traini seconded,
and it passed without objection,

YES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough and Shamberg temporally out of the room.

- 11.E. Assembly Memorandum No. AM 699-2003, change order No. 1 to Contracts 22MIS105 and 22MIS117 with the Alaska Communications Systems, Inc, and AT&T Wireless Services for **local telephone and cellular services** to the Municipality of Anchorage, Information Technology Department (\$875,000), Purchasing. *(postponed from 8-19-03)*

Chair Dick Traini called for a motion to postpone.

Mayor Begich moved, to postpone No. AM 699-2003 indefinitely.
Mr. Tremaine seconded,
and it passed without objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Mayor Begich (with affirmative response from Mr. Abbott) requested to postpone this item.

13. CONTINUED PUBLIC HEARINGS

- 13.A. Ordinance No. AO 2003-109, an ordinance of the Anchorage Assembly amending AMC 3.20 relating to the **Organization of the Executive Branch** and setting forth the duties and responsibilities of Executive Branch Agencies, Mayor's Office.
1. Assembly Memorandum No. AM 715-2003. *(continued from 7-22-02 and 8-12-03)*

Chair Traini read this ordinance and opened Public Hearing on this item. With no public response he closed Public Hearing on this item and called for a motion.

Mr. Tesche moved, to approve item No. AO 2003-109.
Mr. Tremaine seconded,
and it passed without objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

and it passed without objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.
NAYES: None.
ABSENT: Taylor and Fairclough.

- 13.C. Ordinance No. AO 2003-97, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Title 21 by enacting a new Section 21.45.035 - **Accessory Dwelling Units** (ADUs); amending other sections therein; amending Chapter 14-60; and amending Anchorage Municipal Code of Regulations Section 21.20.007; to permit and regulate ADUs, Assemblymembers Tremaine, Van Etten and Tesche. **(Addendum)**
1. Assembly Memorandum No. AM 704-2003.
 2. Assembly Memorandum No. AM 720-2003; **Accessory Dwelling Unit Ordinance**, Planning Department. *(continued from 7-22-03)*

Chair Dick Traini read the ordinance, opened Public Hearing, and the following persons testified on this issue.

Diane Etter, Tudor Community Council - opposed as-is; Karen Barnard - to improve quality of life - supported; Jacob Tuckerman, University Park - opposed; Janice Johnstone, Scenic Park, Scenic Foothills Community Council – opposed; Mike McKamey, Spenard Community Council – felt the issue was too premature - opposed; Steve Hanson, licensed plumbing and heating contractor – supported, to improve inspections; Jane Hanson - it would be good for families - supported; Kevin Frank, University Park - saw transportation and parking concerns - opposed as-is; John Michalski, Jr., Geneva Woods, retired mailman - opposed as-is; Mona McAlease, Access Alaska, sees need for accommodating people with disabilities - supported; John Karman, originally from Tacoma, liked the idea of older adults in homes - supported; Bill Gamel, building contractor and realtor - supported, but needs limitations; Jim Olson, concerned that zoning would ignore restrictions enforcements ; Marilyn Pilliphant, especially for homes with alley access - supported; Marguerite Barnard, longtime Anchorage resident, sees definite need - supported; Melenie Goodhue, would like a roommate, providing security, affordable housing - supported; Dick Reid, architect, Rogers Park; Renelda Peacocke Sr., saw need for senior affordable housing - supported, but ordinance needs definition; Sharmen Sandbaugh, Eastridge, supported seniors staying in their homes - supported; Sharon McGreer, Collegiate – opposes; Lee Walker, East Side, Century Village, purposely choose R-1 to live - opposed; Bruce Wiseman, Broadmoor area of Spenard - supported; George lacksis, concerned of lack of enforcement in older areas - would prefer conditional use; Ensley Phillips supported idea, but not as-is; Elizabeth Shetter, life-long resident, with two children, wanted to support elderly father - supported idea on case-by-case basis; Bill Broderick, Geneva Circle, resident had kitchen and bath in basement for his mother - supported; Robin Ward, felt the ordinance will help alleviate housing crunch, and felt the ADUs would happen regardless if it passed or not - supported; Andree McLeod, Community Council VP, wanted R-1 zoning to remain unchanged – opposed, and; Emory Couples, resident since 1940, thought current zoning should be honored and remain unchanged.

(Clerk's note: Chair Traini momentarily discontinued Public Hearing on this item to complete discussion of item 11.D. Chair Traini then resumed Public Testimony on AO 2003-97.)

With no more public testimony, Chair Traini closed the Public Hearing on AO 2003-97 and called for a motion.

Mr. Van Etten moved, to approve Ordinance No. AO 2003-97.
Ms. Shamberg seconded,

Mr. Van Etten commented that, upon hearing public testimony, there was clearly a need for ADUs in Anchorage. Ms. Von Gemmingen agreed the need was apparent to improve the quality of life.

Ms. Shamberg proposed an amendment that would restrict accessory dwelling units to two, related people.

Mr. Sullivan presented an option to wait for the rewrite of Title 21. Shamberg said they could return to her proposal at a later time.

Mr. Whittle introduced Am1, adopting a new subsection, added to No. AM 2003-97, to read:

Floor Amendment Am1, to amend AO 2003-97.

1. *Area Restriction.* The construction and operation of Accessory Dwelling Units allowed under this section shall be limited to that area within Assembly District 1 as described in 2.25.010(A)(1) and as amended by AO 2001-159.

Mr. Whittle moved, to approve amended Am1, amending AO 2003-97.
Ms. Shamberg seconded,
and it failed with objection,

AYES: Tesche, Whittle and Sullivan

Mr. Tremaine questioned if there was a proposed, stated number of allowed ADUs per lot. Mr. Tesche, a sponsor of this ordinance, responded and interpreted, Page 1, Lines 13 and 8 to mean one ADU per lot. He does not believe this question needs to be addressed with an amendment.

Mr. Kendall questioned clarification of an ADU being a separate, free-standing unit on an existing residential lot, and clarification of the ADU and garage association. Mr. Van Etten interpreted the ordinance as restricting ADUs to additions onto existing homes, and not allowing free-standing, and not restricted to square footage of the garage to be included with the square footage of the ADU.

Mr. Kendall recommended Am2, an amendment for AO 2003-97, Page 3 (of 7), on Line 31, deleting the words "No home occupation is allowed in the accessory unit."

Mr. Kendall moved,	to approve Am2, to amend AO 2003-97, on Line 31,
Mr. Tremaine seconded,	Page 3 (of 7), by <i>deleting</i> the sentence, "No
and it passed with objection,	home occupation is allowed in the accessory unit."

AYES: Tesche, Whittle, Traini, Von Gemmingen, Van Etten, Kendall and Sullivan.

NAYES: Shamberg and Tremaine.

ABSENT: Taylor and Fairclough.

Mr. Kendall proposed Am3, proposing deletion of the words "bed and breakfast." Mr. Tesche disclosed that his home accommodates a bed and breakfast. Chair Traini ruled that Mr. Tesche has a financial conflict and must abstain. Mr. Kendall and Ms. Von Gemmingen moved to override Chair Traini's ruling.

Mr. Kendall moved,	to override Chair Traini's ruling that Mr. Tesche must
Ms. Von Gemmingen seconded,	abstain from voting on Am3, due to a conflict of
and it failed with opposition,	interest.

AYES: Whittle, Tremaine, Shamberg, Von Gemmingen and Kendall.

NAYES: Traini, Van Etten and Sullivan.

ABSTAIN: Tesche.

ABSENT: Taylor and Fairclough.

Chair Traini brought forth Am3, proposing to delete the words, "bed and breakfast."

Mr. Kendall moved,	to approve Am3, to amend AO 2003-97, <i>deleting</i> the
Ms. Von Gemmingen seconded,	words "bed and breakfast."
and it failed with objection,	

AYES: Whittle, Von Gemmingen and Kendall.

NAYES: Traini, Shamberg, Van Etten, Tremaine and Sullivan.

ABSTAIN: Tesche.

ABSENT: Taylor and Fairclough.

Chair Traini called for a motion to Change the Order of the Day, to accommodate unfinished business, to take up items 14 A-H.

Mr. Tremaine moved,	to change the order of the day, and take up items
Ms. Shamberg seconded,	14 A-H.
and it passed without objection,	

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Mr. Tesche moved,	to consolidate items 14 A-G, all issues from AWWU
Ms. Shamberg seconded,	into one hearing.
and it passed without objection,	

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

Chair Traini stated that at the next meeting. Mr. Kendall would still have the floor on the AO 2003-97. Mr. Tesche

AYES: Tesche, Whittle, Traini, Von Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough.

- 14.H. Resolution No. AR 2003-256, a resolution of the Municipality of Anchorage appropriating \$265,000 from the Heritage Land Bank fund (221) to the **Heritage Land Bank Capital Improvement Fund** (421) for approved HLB Capital Improvement Program Projects, Heritage Land Bank.
14.H.1. Assembly Memorandum No AM 676-2003.

Chair Traini opened Public Hearing. With no public response, Chair Traini closed Public Hearing and asked for a motion on No. AR 2003-256.

Ms. Shamberg moved, to accept this item, No. AR 2003-256.
Mr. Sullivan seconded,
and it passed without objection,

AYES: Tesche, Whittle, Traini, Von Gemmingen, Van Etten, Shamberg, Tremaine and Sullivan.

NAYES: None.

ABSENT: Taylor and Fairclough, with Kendall out of room.

- 14.I. Resolution No AR 2003-261, a resolution of the Anchorage Municipal Assembly approving a conditional use for alcoholic beverages conditional use in the B-3 District for a new restaurant or eating place use per AMC 21.40.180 D.8, located on Lot 1A, Block 5, Vans Subdivision; site address being 1201 E. Dimond Boulevard; generally located at the northeast corner of Briarwood Street and Dimond Boulevard (**Sicily's Pizza Restaurant**) (Case 2003-031), Planning Department.
1. Assembly Memorandum No AM 702-2003.

Chair Traini read this resolution and opened Public Hearing.

Reverend Simon Kim, of Korean Christian Church, testified. Reverend Kim voiced his concern about the license and had witnessed problems with drunkenness and disorderliness in the area. They had experienced vandalism and their audio systems were stolen. Their school and their storage area had been broken into several times. He strongly urged the Assembly to protest this liquor license. Personnel associated with Morningstar Christian School and Preschool were concerned that allowing a liquor license close to their area would deter parents bringing their children to their school. Elsa Falina, a mother of seven and a teacher at Morningstar Christian School opposed the liquor license. She explained the entrance to the school passes directly by the door to the restaurant where they sell liquor. She spoke of her concern of the homeless in the area. Mr. Sam Yoo, also of the Korean Christian Church, spoke against the issuing of a liquor license.

Chair Traini placed AR 2003-261 on the table to finish discussion and action on item No. AR 2003-97. (*Refer to Minutes, Page 9*) Chair Traini returned the Assembly Meeting to Public Hearing on this item.

Chair Traini asked the audience if there was a representative from Sicily's Pizza, the establishment wanting the conditional permit for alcoholic beverages. With no further testimony, Chair Traini closed the Public Hearing and called for a motion. Mr. Kendall moved to wait for action on this item, AR 2003-261, until the next Assembly Meeting, to hear testimony from the applicant and owner of the restaurant. Mr. Kendall referred to the document from the staff, on Line 13, Page 2, it stated the APD reported one incident of a call of harassment, and the address shown on the police report indicated the incident was from a different address. Mr. Tremaine pointed out that this applicant is behind \$549.00 in taxes. He asked if the Assembly thought it was warranted to place a conditional use. Chair Traini asked for Administration to clarify this figure in owed taxes.

Mr. Kendall moved, to postpone action on this item, No. AR 2003-261.
Mr. Tesche seconded,
and it passed with objection,

AYES: Tesche, Whittle, Traini, Gemmingen, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: Dan Sullivan.

ABSENT: Taylor and Fairclough.

Chair called for a motion to change the order of the day, to take up items 14.J., and it was approved unanimously.

- 14.J. Ordinance No AO 2003-117, an ordinance of the Anchorage Municipal Assembly repealing a portion of AO 2003-58, Section 3, and providing for the transfer of jurisdiction of pending appeals before the former Board of Adjustment to the newly established **Board of Adjustment**.

- 14.K. Ordinance No. AO 2003-124, an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Sections 21.35.020 and 21.40.060 to change the definition of **gross floor area and floor area ratio** to exclude underground parking and access to underground parking, Assemblymember Tesche.
1. Assembly Memorandum No. AM 687-2003.
(ACTION: REFERRED TO THE PLANNING & ZONING COMMISSION)
- 14.L. Ordinance No. AO 2003-125, an ordinance of the Anchorage Assembly amending Anchorage Municipal Code Section 21.35.020 relating to the definition of **housing for the elderly**, amending provisions of Chapter 21.40 by adding senior housing as a permitted use in the R-2M, R-3, R-4, R-5, R-6, R-7, R-11, R-O, B-1B, B-2A, B-2B, B-2C, and B-3 Districts, and amending Anchorage Municipal Code 21.45.080(b) relating to parking requirements for senior housing, Assemblymember Tesche.
1. Assembly Memorandum No. AM 688-2003. *(no notes or audio on this item)*
(ACTION: REFERRED TO THE PLANNING & ZONING COMMISSION)

15. BOARD OF ADJUSTMENT/ASSEMBLY APPEALS

- 15.A. Appeal S-10999, Preliminary Plat of the **Park West Subdivision**, Municipal Clerk.
(POSTPONED FROM 6-24-03 AND 7-15-03, AND 8-19-03)
(ACTION: REFERRED TO THE NEW BOARD OF ADJUSTMENT; **SEE AO 2003-117**)

Chair Traini proposed that further action on AO 2003-97 be postponed until the next regularly scheduled Assembly Meeting, due to the limited time left in the Assembly Meeting that evening, and because there were two Assemblymembers absent that evening.

Mr. Tesche moved,
Mr. Tremaine seconded,
and this motion passed,

to postpone further action on AO 2003-97, until the next
regularly scheduled meeting.

AYES: Tesche, Whittle, Traini, Von Gemmingen, Van Etten, Shamberg, Kendall, and Tremaine
NAYES: Sullivan.
ABSENT: Taylor and Fairclough.

19. ADJOURNMENT The meeting adjourned at 11:55 p.m.

Mr. Tesche moved,
Mr. Kendall seconded,
and this motion was passed unanimously,

to adjourn this meeting.

Refer to Document Archives for Signatures

DICK TRAINI, Assembly Chair

ATTEST:

Refer to Document Archives for Signatures

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: November 4, 2003.

MC:MC