

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

Minutes for Special Meeting of September 30, 2003

1. CALL TO ORDER

The special meeting was convened at 6:00 p.m. by Assembly Chair Dick Traini in the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

2. ROLL CALL A Quorum was achieved with Assemblymembers in attendance.

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

Absent: Fay Von Gemmingen, excused.

3. PLEDGE OF ALLEGIANCE Ms. Sue Fison, of the Planning Department led the pledge.

4. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS

- 4.A. Assembly Memorandum No. AM 714-2003, Planning and Zoning Commission appointment  
(Greg Jones), Mayors' Office.  
(POSTPONED FROM 9-9-03; CARRIED OVER FROM 9-23-03)

With no vote pending on this unfinished item, Chair Traini called for a motion.

Tesche moved, to accept this item, No. AM 714-2003.  
Ms. Fairclough seconded,  
and this motion passed without objection,

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

NAYES: None.

ABSENT: Von Gemmingen.

To Mr. Tremaine's question, newly appointed Mr. Jones responded he was a member of the Homebuilders' Association, but planned to resign, to alleviate any conflict of interest.

Chair Traini offered congratulations to Greg Jones on his appointment, and thanked him for his desire to work with the P&Z Commission.

- 4.B. Ordinance No. AO 2003-52, an ordinance of the Municipality of Anchorage amending Anchorage Municipal Code Subsection 21.15.005.E. requiring that the Department of Community Planning and Development provide **notice of public hearing** by mailing to property owners within 1,000 feet of land subject to an application for variances, conditional uses, subdivision approval, and other special land use permits, Assemblymembers Taylor, Shamberg, Van Etten, Whittle, Sullivan, Tesche, Traini and Fairclough.  
4.B.1. Assembly Memorandum No. AM 175-2003.  
4.B.2. Assembly Memorandum No. AM 492-2003.  
4.B.3. Assembly Memorandum No. AM 527-2003.  
(CARRIED OVER FROM 6-10-03 AND 6-24-03; POSTPONED FROM 7-8-03 (*SPECIAL MEETING*);  
CARRIED OVER FROM 9-23-03)

With a reminder there was a motion to approve this item on the floor from the last meeting, Chair Traini called for discussion.

Ms. Taylor recommended postponement of this action until December 16, 2004, to allow for public comment. The Administration had introduced an email response system for public comment, and had requested additional time for public response on this item.

To Ms. Shamberg's comment, Mayor Begich responded that this new email response system would not replace the regular, 1000-foot public notification system.

Ms. Taylor moved, to postpone this item, No. AO 2003-52  
Mr. Tesche seconded, until December 16, 2004.  
and this motion passed without objection,

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

NAYES: None.

ABSENT: Von Gemmingen.

This item was continued, with Mr. Kendall relinquishing the floor from the last meeting to Mr. Van Etten.

Ms Shamberg introduced Am9, to amend No. AO 2003-97, beginning on Page 3 (of 6), Line 47, to combine C.2.f.1 and C.2.f.2, to read more simply: "The gross floor area of an ADU, not including any related garage shall

be no more that 35% of the total gross floor area of the principal dwelling unit, but no less than 300 square feet and shall not have more than one bedroom.,” deleting C.2.f.2.

Ms. Shamberg moved,	to approve Am9, amending No. AO 2003-97, to
Mr. Tesche seconded,	combine C.2.f.1 and C.2.f.2 to read: <u>“The gross floor</u>
	<u>area of an ADU, not including any related garage shall</u>
	<u>be no more that 35% of the total gross floor area of the</u>
	<u>principal dwelling unit, but no less than 300 square</u>
	<u>feet and shall not have more than one bedroom.”</u>

Ms. Fairclough proposed a friendly amendment, asking allowance for two bedrooms instead of the said one.

Mr. Tesche proposed making this into two amendments, one addressing scale and one addressing bedrooms. Since there was a motion on the floor, addressing these two items, Chair Traini pointed out that without the secondary issue in this motion, this Am9 dies. These two items remained combined as one, to be one amendment, described as amended Am9. Ms. Shamberg moved and Mr. Tesche seconded this motion.

Ms. Shamberg moved,	to approve amended Am9, amending No. AO 2003-97,
Mr. Tesche seconded,	to combine C.2.f.1 and C.2.f.2 read, <u>“The gross floor</u>
and this motion passed,	<u>area of an ADU, not including any related garage shall</u>
	<u>be no more that 35% of the total gross floor area of the</u>
	<u>principal dwelling unit, but no less than 300 square feet</u>
	<u>and shall not have more than two bedrooms.”</u>

(CLERK’S NOTE: FIRST RECORDED VOTE WAS IN ERROR WITH ONE PUNCHING ERROR. SECOND RECORDED VOTE IS CORRECTED, CAST VOTE FOR RECORD.)

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

Mr. Sullivan proposed, on Page 3 (of 6), Line 35, under section C.2.d.2., to eliminate the word “either” and the words “or the ADU,” to read: “The owner shall occupy the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.” Mr. Sullivan also proposed eliminating the last sentence in C.2.d.2, deleting “The owner shall at no time receive rent from the owner occupied unit.”

Mr. Sullivan moved,	to approve Am10, amending AO 2003-68, by
Mr. Kendal seconded,	<i>eliminating</i> the word “either” and the words “or the
	ADU,” to read: <u>“The owner shall occupy the principal</u>
	<u>dwelling unit or the ADU as his or her primary</u>
	<u>residence for more than six months of each year.”</u> and
	<i>eliminating</i> the last sentence in C.2.d.2, <i>deleting</i> <u>“The</u>
	<u>owner shall at no time receive rent from the owner</u>
	<u>occupied unit.”</u>

Both Mr. Tesche and Mr. Traini pointed out these are two completely separate issues, and should be addressed as separate amendment items.

Mr. Sullivan’s items were separated into two amendments, with Am10 to change, on page 3 (of 6), Line 35, under section C.2.d.2, eliminating the word “either” for the sentence to read, “The owner shall occupy the principal dwelling unit as his or her primary residence for more than six months of each year.”

Mr. Sullivan moved,	to approve AM10, amending No. AO 2003-97, to
Mr. Kendall seconded,	change on Page 3, Line 35, under section C.2.d.2. to
and this motion failed,	read: <u>“The owner shall occupy the principal dwelling</u>
	<u>unit as his or her primary residence for more than six</u>
	<u>months of each year.”</u>

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

The second part of Mr. Sullivan’s amendment, hereby referred to as Am11, amending No. AO 2003-97, was a motion to change, on Page 3 (of 6), Line 37, deleting the last sentence of C.2.d.2: “The owner shall at no time receive rent from the owner-occupied unit.”

Mr. Sullivan moved,	to approve Am11, amending No. AO 2003-97, on Page
Mr. Tesche seconded,	3 (of 6), in the last Line in C.2.d.2., by <i>deleting</i> the
and this motion passed,	sentence: <u>“The owner shall at no time receive rent from</u>
	<u>the owner-occupied unit.”</u>

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

Mr. Sullivan proposed Am12, amending No. AO 2003-97, with a motion to include a new sentence on Page 3 (of 6), Line 38, to add a new subsection 3. under C.2.d.2. to read: "Only immediate family members may occupy an ADU."

Mr. Van Etten, Ms. Shamberg and Mr. Tesche described this amendment as being too restrictive.

After discussion among Assemblymembers, with a friendly amendment from Mr. Van Etten, Mr. Sullivan proposed to amend AM12, to read, "Only immediate family members or health care providers may occupy an ADU."

Mr. Sullivan moved,	to approve amended Am12, amending No. AO 2003-
Mr. Tesche seconded,	97, to add a new <u>subsection 3.</u> , under C.2.d., to read
and this motion failed,	<u>"Only immediate family members or health care</u>
	<u>providers may occupy an ADU."</u>

AYES: Taylor and Sullivan.

NAYES: Tesche, Whittle, Traini, Fairclough, Kendall, Tremaine, Shamberg and Van Etten.

ABSENT: Von Gemmingen.

Mr. Sullivan proposed Am13, amending No. AO 2003-97, with a motion to add a new subsection 3., on Page 3 (of 5), C.2.d.3., to read: "No more than two persons may occupy an Accessory Dwelling Unit."

Mr. Van Etten said this limitation did not follow the direction he intended for this ordinance and this restriction would be impossible to enforce.

Mr. Tesche asked the Municipal Legal Staff if they thought this was legal, the idea of restricting and setting limits on numbers of persons occupying the unit. The MOA Legal Staff responded they would have to research this question before giving an answer.

Mr. Sullivan moved,	to approve Am13, amending No. AO 2003-97, on Page
Mr. Fairclough seconded,	3 (of 6), to add a new subsection 3. under C.2.d,
and this motion passed,	to read: <u>"No more than two persons may occupy an</u>
	<u>Accessory Dwelling Unit."</u>

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Shamberg, and Sullivan.

NAYES: Kendall, Van Etten and Tremaine.

ABSENT: Von Gemmingen.

Chair Traini called for discussion of the ordinance AO 2003-97.

Mr. Kendall asked for an amended copy of this (the ordinance) to be put it in their packets for the next meeting.

Chair Traini called for a vote on the ordinance, AO 2003-97, as amended.

AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg, and Tremaine.

NAYES: Kendall and Sullivan.

ABSENT: Von Gemmingen.

Mr. Tesche called for immediate reconsideration and recommended a NO-vote.

Mr. Tesche moved,	to approve an immediate reconsideration and asked for
Ms. Fairclough seconded,	this item No. AO 2003-97.
and this motion failed,	

AYES: Taylor, Fairclough, Kendall, Sullivan and Tremaine.

NAYES: Tesche, Whittle, Traini, Shamberg, and Van Etten.

ABSENT: Von Gemmingen.

Chair Traini explained the motion for reconsideration failed, with six votes required for passage of this motion, and this item No. AO 2003-97 will not be reconsidered.

Chair Traini asked to Change Up the Order of the Day. Hearing no objection, Chair Traini Changed Up the Order of the Day, to take up Public Hearings, on items 5.A. through 5.D.

4.D. Ordinance No. AO 2003-68, an ordinance amending Anchorage Municipal Code Titles 14, 21, 23, and 24 to provide for **dedication and improvement of public facilities** within and adjacent to certain types of development, Assemblymembers Fairclough, Shamberg and Tremaine.  
4.D.1. Assembly Memorandum No. AM 505-2003.  
(PUBLIC HEARING WAS CLOSED 9-23-03; ACTION WAS CARRIED OVER FROM 9-23-03)

Chair Traini read item AO 2003-68 and called for a motion to approve.

Ms. Fairclough moved,	to approve this item, No. AO 2003-68, also known as
Mr. Tremaine seconded,	the "Site Condo" ordinance.

Ms. Fairclough presented her amendments, beginning with Am1, amending AO 2003-68, by inserting a new Section 11, on Page 8, Line 26, following Section 10. This new, Section 11, would include: "This ordinance will sunset on 10-01-2005."

Chair Traini asked for discussion, and Mr. Kendall proposed to amend by changing the date to November 1, 2005. Ms. Fairclough accepted this as a friendly amendment, and explained her purpose of the amendment was that the Administration is currently rewriting Title-21. She gave credit to the Administration, specifically to Howard Holton, for their efforts in the Title-21 rewrite, and voiced confidence that the Administration would implement every law that the Assembly passed.

To Mr. Whittle's request for clarification of the Administration's intent, Mayor Begich promised that the Administration's current work on the Title-21 rewrite will eliminate many of the concerns associated with this ordinance.

Mr. Tesche wanted to go on record as opposing this motion of a sunset clause, explaining the changes of this ordinance should originate and be finalized from Assembly discussion and action.

Ms. Fairclough moved,	to approve amended Am1, amending AO 2003-68, to
Mr. Tremaine seconded,	include a new <u>Section 11</u> , on Page 8, " <u>This</u>
and this motion passed,	<u>ordinance will sunset on November 1, 2005.</u> "

AYES: Whittle, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.

NAYES: Tesche.

ABSENT: Von Gemmingen.

Ms. Fairclough proposed her second amendment, Am2, to amend AO 2003-68, to change on Page 3, Line 9, under Section 5., 21.15.150, subsection B., *Exemptions.*, deleting current 1., by substituting (for 1.): "All construction associated with a single dwelling unit located on a single lot, tract or parcel, regardless of zoning district; or"

Ms. Fairclough moved,	to approve Am2, amending AO 2003-68, to change on
Mr. Tremaine seconded,	Page 3, Line 9, under Section 5., 21.15.150,
	subsection B., <i>Exemptions.</i> , on line nine, by
	<u>substituting (for 1.): "All construction associated with a</u>
	<u>single dwelling unit located on a single lot, tract or</u>
	<u>parcel, regardless of zoning district; or"</u>

Chair Traini called for discussion on Ms. Fairclough's Am2. Ms. Fairclough explained her selection of the use "single" instead of the commonly thought of "four," was because the real estate and banking communities still considered the use of "four" for financing purposes was "single."

To Chair Traini, the Administration responded that they supported this amendment. Mr. Kendall asked how accessory dwelling units fit into this single dwelling unit requirement. Mr. Abbott, of the Administration, responded that accessory dwelling units would constitute an additional dwelling unit within a tract, parcel or lot, and as a result accessory dwelling units would create additional dwelling units on parcels that would normally only have one dwelling unit. Ms. Fairclough added that this meant it would not be exempt.

To clarify this ordinance's application to only single dwelling units, and not accessory dwelling units, Mr. Tesche proposed a simple floor amendment to Ms. Fairclough's Am2 to differentiate between the two, by adding the words "an existing" before single family dwelling unit, in Am2. Ms. Fairclough stated clarification is not necessary, that the required building permit, examined by the Municipal Engineer would differentiate between the two. Mr. Tesche reiterated his concern, and Mayor Begich responded by suggesting to wait until the Administration and Assemblymember Fairclough took a closer look at Mr. Tesche's amendment.

Mr. Kendall questioned the comparison of single dwelling units and accessory dwelling units. Mr. Tesche conferred with the legal staff and they concluded that a simple change would differentiate between single or accessory dwelling units.

Mayor Begich asked for a few minutes to review this issue and said their Legal Staff would respond momentarily. Chair Traini placed this discussion on the table, and continued with additional amendments while Mr. Tesche and the Administration discussed and finalized the wording of this floor amendment.

The Assembly returned to discussion of this issue after they completed discussion on Am6, later in the meeting. Mr. Tesche recommended omitting his suggested "an existing," and, between the word 'unit' and 'located,' and proposed adding the words "or accessory dwelling unit." Am2 sponsors, Ms. Fairclough and Mr. Tremaine, accepted this as a friendly amendment.

Ms. Fairclough moved,	to approve amended Am2, amending AO 2003-68
Mr. Tremaine seconded,	by adding, on Page 3 of AO under Section 5.,
and this motion passed,	21.15.150, subsection B., <i>Exemptions</i> , on Line 9, to
	read: "All construction associated with a single
	dwelling unit <u>or accessory dwelling unit</u> , located on a
	single lot, tract or parcel, regardless of zoning district;
	or..."

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

NAYES: None.

1 ABSENT: Von Gemmingen.

2  
3 Ms. Fairclough gave credit to Mr. Tremaine for formulating her next proposed Am3, to amend AO 2003-68, to  
4 change on Page 1, Line 23, under 24.20.030, to insert the words "\$50.00 to" prior to \$300.00, to  
5 read: "Failure to have a valid permit \$50.00 to \$300.00 per day, plus double permit fees."

6  
7 Mr. Kendal suggested adding the words "up to," \$300.00 per day. Ms. Fairclough accepted this as a friendly  
8 amendment, but Mr. Tremaine could not. Chair Traini called for a vote on the original Am3.

9  
10 Ms. Fairclough moved, to approve Am3, to amend AO 2003-68, by adding on  
11 Mr. Tremaine seconded, Page 1, Line 23, under Section 1., 24.20.030, to insert  
12 and this motion passed, the words "\$50.00 to," preceding \$300.00 per day, to  
13 read: "Failure to have a valid permit \$50.00 to \$300.00  
14 per day, plus double permit fees."

15  
16 AYES: Tesche, Whittle, Taylor, Traini, Fairclough, Van Etten, Shamberg and Tremaine.

17 NAYES: Kendall and Sullivan.

18 ABSENT: Von Gemmingen.

19  
20 Mr. Kendall proposed Am4, to amend AO 2003-68, to change, on Page 1, Line 23, under Section 1.,  
21 24.20.030, by deleting the words "\$50.00 to" and by adding the words "up to," preceding \$300.00 per day, to  
22 read: "Failure to have a valid permit up to \$300.00 per day, plus double permit fees." With no further  
23 discussion, Chair Traini called for a vote.

24  
25 Mr. Kendall moved, to approve Am4, a Floor Amendment to AO 2003-68,  
26 Mr. Sullivan seconded, by *deleting* the words "\$50.00 to" and adding the  
27 and this motion failed, words, "up to" preceding \$300.00 per day, to read:  
28 "Failure to have a valid permit "up to" \$300.00 per day,  
29 plus double permit fees."

30  
31 AYES: Fairclough, Kendall and Sullivan.

32 NAYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg and Tremaine.

33 ABSENT: Von Gemmingen.

34  
35 Ms. Fairclough proposed Am5, amending AO 2003-68, to change on Page 3, Lines 15 and 16, after the word  
36 'dedications' insert: ", public use easements,"; and after '21.85' insert: "or"; on Line 18, after the word  
37 'dedication' insert: ", public use easement." Ms. Fairclough proposed to change, on Line 20, after the word  
38 'district,' insert: "or"; on Line 23, after the word 'improvement' insert: "or"; insert in 21.15.150, b., a new  
39 Section 6. to include: "The permit is for repairs, maintenance, emergencies or"; and insert in 21.15.150, b., a  
40 new Section 7. to read as follows: "The permit is for electrical, maintenance, or plumbing."

41  
42 Ms. Fairclough moved, to approve Am5 to AO 2003-68, to change on Page 3,  
43 Mr. Tremaine seconded, Lines 15 and 16, after the word 'dedications' insert:  
44 ", public use easements,"; after '21.85' insert "or"; on  
45 Line 18, after the word 'dedications' insert: ", public  
46 use easement"; on Line 20, after the word 'district'  
47 insert: "or" and on Line 23, after the word  
48 'improvement' insert: "or" and insert in 21.15.150, b., a  
49 new Section 6. to include: "The permit is for repairs,  
50 maintenance, emergencies or" and insert in 21.15.150  
51 b., a new Section 7. to read as follows: "The permit is  
52 for electrical, maintenance or plumbing."

53  
54 Chair Traini called for discussion on Ms. Fairclough's amendment.

55  
56 Mr. Abbott proposed to exchange the word 'mechanical' for 'maintenance.'

57  
58 Mr. Tremaine proposed to combine Section 6 and Section 7, to simplify the wording.

59  
60 Ms. Fairclough readily accepted both as friendly amendments. Responding to Mr. Kendall's question of P&Z's  
61 approval of these amendments, Ms. Fairclough defended herself by saying that was not what she had said.  
62 She stated she had worked over the weekend with Homebuilders' Association, P&Z and staff to discuss this  
63 issue. Ms. Fairclough urged for approval of this amendment and suggested that further changes could occur in  
64 the future.

65  
66 Mr. Sullivan spoke of the comparative interpretation of "mechanical" vs. "maintenance." Ms. Fairclough  
67 responded that a future amendment could resolve discrepancies. Receiving no further objections, these two,  
68 friendly amendments to Ms. Fairclough's Am5, were approved, amending AO 2003-68.

69  
70 Ms. Fairclough moved, to approve amended Am5, amending AO 2003-68, to  
71 Mr. Tremaine seconded, change on Page 3, Lines 15 and 16, after the word  
72 and this motion was passed, dedications, insert: ", public use easements,"; after  
73 21.85 insert: "or" and on Line 18, insert : ", public use  
74 easement,"; on Line 20, after the word 'district,' insert:  
75 "or"; on Line 23, after the word 'improvement,' insert:  
76 "or"; and insert in Section 5, 21.15.150, b. a new  
77 Section 6. to read as follows: "The permit is for

repairs, maintenance, emergencies, electrical, mechanical or plumbing."

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

Ms. Fairclough proposed Am6, amending AO 2003-68, by substituting, on Page 2, Line 43, Section 5., 21.15.150, A., B. and C. and on Page 3, Line 25, the term "public use easement" in place of the word 'dedications' and on Lines 26, 28 and 32 substitute the term "public use easement" for the word 'dedication.'

Ms. Fairclough moved,	to approve Am6, amending AO 2003-68, to change,
Mr. Tremaine seconded,	on Page 2, Section 5., 21.15.150, A., B. and C. on line
and this motion was passed,	43, and on Page 3, Lines 25, by <u>substituting</u> the term
	" <u>public use easement</u> " for the word 'dedications' and
	on Lines 26, 28 and 32 substitute the term " <u>public use</u>
	<u>easement</u> " for the word 'dedication.'

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

Mr. Tremaine asked for a Code definition of the term, "public use easement."  
(CLERK'S NOTE: THE FOLLOWING IS THE CONTINUATION OF THE DISCUSSION AND ACTION ON MS. FAIRCLOUGH'S AMENDMENT AM6, AND WAS CONTINUED AFTER ACTION ON AM11)

After a break, Mr. Weaver defined the term "easement," in the context of subdivision regulations, as "an interest, land owned by another that entitles the easement holder to a specified limited use of enjoyment." He stated that when the Municipal team rewrites Title-21, they would review the language for easement to bring up to these needs. Ms. Fairclough asked for a definition of how "public use easement" is used functionally, inside of right-of-way. Mr. Weaver responded that when a subdivision is developed, the language speaks of "dedication of fee interests of the land," while the methodology to obtain these two definitions are different and should not be compared.

Mr. Abbott stated that in changing "dedication" to "easement," in the context of this amendment, there was a potential impact that went beyond the issues associated with dedicating land for roads. Depending on the zoning classification, "easements" may not be counted the same way as "dedicated land" counts towards the city's requirements and density's calculations which are done for various land uses. He proposed not using the term "public use easement" for the word "dedication" in terms of calculating the density of applicable zoning districts.

Ms. Fairclough proposed Am7, to amend AO 2003-68, to change on Page 3, Line 37, after the word "impacts," by inserting, "as set out in the Plan's policies for transportation, transportation design and maintenance and water resources," to read as follows: "The Municipal Engineer may require the permit applicant to provide information or analyses to determine impacts as set out in the Plan's policies for transportation, transportation design and maintenance and water resources..."

Ms. Fairclough moved,	to approve Am7, amending AO 2003-68, by changing
Mr. Tremaine seconded,	Section 5., 21.15.150, C.1. to read: "The Municipal
	Engineer may require the permit applicant to provide
	information or analysis to determine impacts <u>as set out</u>
	<u>in the Plan's policies for transportation, transportation</u>
	<u>design and maintenance and water resources..."</u>

Ms. Fairclough explained this motion by saying that the developers and the building industry were concerned with the actions for improvements and wanted the Administration to be held accountable to the plans and policies that had been adopted.

Chair Traini called for further discussion and Mr. Kendall proposed a friendly amendment to include "Anchorage 20-20 Plan," identifying "the Plan." After an affirming response from the Administration, Ms. Fairclough accepted Mr. Kendall's motion as a friendly amendment.

Ms. Fairclough moved,	to accept amended Am7, amending AO 2003-68, by
Mr. Tremaine seconded,	changing Section 5., 21.15.150, C.1. to read: The
and this motion passed,	Municipal Engineer may require the permit applicant to
	provide information or analysis to determine impacts
	<u>"as set out in the Anchorage 20-20 Plan's policies for</u>
	<u>transportation, transportation design and maintenance</u>
	<u>and water resources..."</u>

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

Ms. Fairclough proposed Am8 amending AO 2003-68, to change, in Section 5., 21.15.150, C.1.A., Lines 40 and 41, by replacing the words "The Traffic Engineer" with the words "Municipal Engineer." Ms. Fairclough explained her motion would clarify permitting authority.

Mr. Abbott respectfully requested the Assembly reject this idea because the Administration had deliberately delegated the authority to the Municipal Traffic Engineer. In response to Mr. Tremaine's question of the lines of authority, Mr. Abbott responded the Traffic Engineer reports to the Municipal Manager, as does the Municipal Engineer. Mr. Tesche supported the Administration with their predetermined authority.

Mr. Sullivan pointed out the conflicting interpretation of authority of the Traffic Engineer and the Municipal Engineer.

Mr. Kendall stated his support of this amendment, creating a single authority.

Ms. Fairclough moved,	to approve Am8, amending AO 2003-68, by changing
Mr. Tremaine seconded,	in Section 5., 21.15.150, C.1.A., Lines 40 and 41, to
and this motion failed,	<i>replace</i> the words "The Traffic Engineer" with the
	words " <u>Municipal Engineer</u> ."

AYES: Fairclough, Kendall and Sullivan.

NAYES: Tesche, Whittle, Taylor, Traini, Van Etten, Shamberg and Tremaine.

ABSENT: Von Gemmingen.

Ms. Fairclough proposed Am9 amending AO 2003-68, to change in Section 5., 21.15.150, C.1.c., on Page 4, Line 6, by deleting "and social," on Line 8, to delete the word "visual" and on Line 22, after the word "submits" delete "under penalty of perjury."

Ms. Fairclough moved,	to approve Am9 amending AO 2003-68, to change in
Mr. Tremaine seconded,	Section 5., 21.15.150, C.1.c., on Page 4, Line 6, by
	<i>deleting</i> " <u>and social</u> ," on Line 8, <i>deleting</i> the word
	" <u>visual</u> " and in Section 5., C.2., on Line 22, after the
	word 'submits' <i>deleting</i> " <u>under penalty of perjury</u> ."

Ms. Fairclough explained her motion defined the financial impacts on public facilities that would be affected by a new development.

Chair Traini called for discussion, and the Administration voiced agreement with this motion.

Mr. Tesche proposed to trifurcate, dividing this motion into three parts. Ms. Fairclough accepted these as friendly amendments.

Mr. Tesche moved,	to approve Am9a, amending AO 2003-68, to change in
Mr. Tremaine seconded,	Section 5., 21.15.150, C.1.c., on Page 4, Line 6, by
and this motion was passed,	<i>deleting</i> " <u>and social</u> ."

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

NAYES: None.

ABSENT: Von Gemmingen.

With no further objections and a unanimous vote, Chair Traini announced the approval of this AM9a.

Mr. Fairclough moved,	to approve Am9b, amending AO 2003-68, to change in
Mr. Tremaine seconded,	Section 5., 21.15.150, C.1.c., on Page 4, Line 8,
this motion was passed,	<i>deleting</i> " <u>visual</u> ."

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

NAYES: None.

ABSENT: Von Gemmingen.

With no further objections and a unanimous vote, Chair Traini announced the approval of this AM9b.

Mr. Fairclough moved,	to approve Am9c, amending AO 2003-68, to change in
Mr. Tremaine seconded,	Section 5., 21.15.150, C.2.c., on Page 4, Line 22, to
and this motion failed,	<i>delete</i> " <u>under penalty of perjury</u> ."

AYES: Traini, Fairclough, Kendall, Shamberg and Sullivan.

NAYES: Tesche, Whittle, Taylor, Van Etten, Tremaine.

ABSENT: Von Gemmingen.

Chair Traini called for discussion. Mr. Tesche voiced his opposition and stated that by removing these words, it eliminated preciseness and that it was important to include a consequence for permit applicants. He supported the written affidavit required by builders for construction. Responding to Mr. Sullivan's question if this was standard language with permitting, the Administration stated it was not. Mr. Tremaine stated there was no imposition of restrictions in the Code governing the construction of improvements. Tesche responded that the language of the ordinance allowed the necessary restrictions, and helped define limitations. The Administration



1 agreed the language was important and perhaps should be included in the Title-21 rewrite. Mr. Sullivan stated,  
2 and Mr. Tremaine agreed, that he thought this issue should be left to the Title-21 rewrite with the Municipal  
3 Legal Staff supplying the appropriate language.

4  
5 Chair Traini asked the Legal Staff to find other laws that governed building restrictions in other sections of the  
6 Code. The Legal Staff quickly responded there were no other blanket provisions in the Code.

7  
8 Responding to Mr. Whittle's question, if there was an ordinance which required honesty when dealing with the  
9 MOA, Chair Traini asked the Administration if it was possible to draft a blanket ordinance with provisions, under  
10 penalty of law, that would prevent falsifications on any Municipal permit applications.

11  
12 Ms. Fairclough proposed Am10, to amend AO 2003-68, to add in the ordinance, on Page 5, Section 5.,  
13 subsection G., on Line 35, adding a new number 3., to read as follows: "Any fee paid for pursuant to this  
14 section, shall be accounted for separately and the fee paid shall be used only for the purpose of constructing the  
15 public facility which were identified by the Municipal Engineer and for which the fee was paid."

16  
17 Ms. Fairclough moved,  
18 Mr. Tremaine seconded,

to approve Am10 to amend AO 2003-68, ordinance, on  
Page 5, Section 5., subsection G., on Line 35, adding  
a new number 3., to read as follows: "Any fee paid for  
pursuant to this section, shall be accounted for  
separately and the fee paid shall be used only for the  
purpose of constructing the public facility which were  
identified by the Municipal Engineer and for which the  
fee was paid."

19  
20  
21  
22  
23  
24  
25  
26 Ms. Fairclough stated the purpose of Am10 would guarantee an accounting by the developer or landowner,  
27 protecting the local tax payers. Chair Traini called for discussion from Assemblymembers.

28  
29 Mr. Kendall proposed an amendment changing, after the word facility, by inserting "subject to Assembly  
30 appropriation," which Ms. Fairclough accepted as a friendly amendment, but Mr. Tremaine, as co-sponsor,  
31 would not. Mr. Kendall requested Legal advice concerning the question of Assembly appropriations and Chair  
32 Traini called for a five-minute break while the Municipal Attorney addressed this issue. The Deputy Municipal  
33 Attorney then responded that the Municipal Engineer did not have discretion to use these funds without an  
34 Assembly appropriation. Mr. Kendall withdrew his motion.

35  
36 Mr. Tesche requested from Ms. Fairclough the clarification of her motion, if the funds were meant to be  
37 dedicated. Ms. Fairclough responded her intentions of this amendment, which was requested by the  
38 homebuilders and developers, sought specific clarification of the collected fees and fund designation.

39  
40 Attempting to follow Ms. Fairclough's intentions, Mr. Tesche proposed an amendment to Ms. Fairclough's AM10,  
41 and recommended to substitute the words: "dedicated and...", for the words: "accounted for separately and the  
42 fee paid shall be," for the sentence to read: "Any fee paid for pursuant to this section, shall be dedicated and  
43 used only for the purpose of constructing the public facility which were identified by the Municipal Engineer and  
44 for which the fee was paid." Sponsor and Co-sponsor, Ms. Fairclough and Mr. Tremaine, accepted Mr.  
45 Tesche's amendment as friendly.

46  
47 Chair Traini asked the Administration if they support this amended AM10, and Mr. Weaver responded that,  
48 based on their analysis, they were comfortable without the amendment, they were comfortable with the  
49 amendment as drafted, and they would be comfortable with the amendment with the friendly amendment.

50  
51 Ms. Fairclough moved,  
52 Mr. Tremaine seconded,  
53 and this motion passed,

to approve amended Am10 to amend AO 2003-68,  
Section 5., subsection G., on Line 35, by adding a new  
number 3., to read as follows: "Any fee paid for  
pursuant to this section, shall be dedicated and used  
only for the purpose of constructing the public facility  
which were identified by the Municipal Engineer and for  
which the fee was paid."

54  
55  
56  
57  
58  
59 AYES: Whittle, Tesche, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine and  
60 Sullivan.

61 NAYES: None.

62 ABSENT: Von Gemmingen.

63  
64 With no more discussion on this amendment, Chair Traini confirmed the approval of Am10. Chair Traini then  
65 returned the floor to Mr. Kendall.

66  
67 Mr. Kendall proposed Am11, amending AO 2003-68, to change, on Page 5, Section 5., subsection G., on Line  
68 35, by adding to the current sentence in number 3., the following sentence: "All funds collected and not used for  
69 the purpose of construction of the public facility shall be returned to the applicant and/or the individual who paid  
70 the fees."

71  
72 Mr. Kendall moved,  
73 Mr. Sullivan seconded,  
74 and this motion failed,

to approve Am11, amending AO 2003-68, to change  
on Page 5, Section 5., subsection G., on Line 35, by  
adding a sentence to follow the current sentence in  
number 3., to read: "All funds collected and not used  
for the purpose of construction of the public facility

shall be returned to the applicant and/or the individual who paid the fees."

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

Mr. Kendall stated his purpose for Am11 was to make clear where the remaining funds will go, once the construction is completed. Ms. Fairclough stated she thought Mr. Kendall's issue was a valid one, but thought that it should be resolved in the Title-21 rewrite, and not be included with this ordinance.

Mr. Tremaine moved, to extend the debate for an additional hour.  
Mr. Sullivan seconded,  
and this motion passed without objection,

Ms. Fairclough stated the Municipal Attorney was ready to respond on the public use easement issue assisting with a definition to resolve discussion and action of AM6, left on the table

*(CLERK'S NOTE: DISCUSSION AND ACTION OF AM6 CONTINUED ON MINUTES, PAGE 8)*

Mr. Tremaine proposed Am12, amending AO 2003-68, to change under Section 5.2.C.1., on Page, 3, Line 35, after the words 'land use permit.', add the sentence, to read as follows: "Any required Public Use Easement area shall not be used for the purpose of density calculation or lot coverage per the applicable zoning district."

Mr. Tremaine moved, to approve Am12, amending AO 2003-68, to  
Ms. Shamberg seconded, change under Section 5.2.C.1., on Page, 3, Line 35  
add a sentence, to read as follows: "Any required Public Use Easement area shall not be used for the purpose of density calculation or lot coverage per the applicable zoning district."

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

Mr. Tremaine stated that acceptance of this amendment would allow for additional public facilities. He stated this would help resolve the question raised by the Administration, concerning the definition of "public use easements," concerning the convoluted mathematical formula, treating public use easements similarly to dedicated streets.

Mr. Sullivan stated he was interested in hearing comment from the industry, to listen to how builders and developers think this would affect them. Developer Mr. Chuck Spinelli responded to Mr. Sullivan's question and offered testimony. He suggested that in a cluster-housing project, if the dedicated roads were considered the open space, this amendment would allow for extra open space, and limit the number of units within a given space. He testified that many current developers would find themselves in non-compliance with these new rules. Developer Mr. Baker responded to Mr. Sullivan's question on affecting contractors involved with the industry, and stated this amendment would limit the amount of density on a parcel, and that could limit builders. Mr. Baker proposed instead, using the term 'lot coverage,' which has a lot more to do with air access and open space.

When Mr. Sullivan asked if the Administration was in support of Mr. Tremaine's amendment, Mr. Abbot stated the Administration supported this amendment.

Mr. Van Etten stated he personally witnessed the concerns of the home owners in one of these neighborhoods when he saw a UPS delivery truck unable to pass between the housing units. He indicated there was still confusion on the issue of open space and he could not support the amendment if it placed more limitations on the development projects.

*(CLERK'S NOTE: THE ACTION AND DISCUSSION ON MR. SULLIVAN'S AM12 OCCURRED AFTER THE COMPLETION OF ACTION AND DISCUSSION OF AM13)*

Mr. Sullivan proposed an amendment to Mr. Tremaine's Am12, for the purpose of lot coverage, to eliminate the words "density calculation," to read: "Any required Public Use Easement area shall not be used for the purpose of lot coverage per the applicable zoning district."

Mr. Sullivan moved, to approve amended Am12, to *remove* the words  
Mr. Kendall seconded, "density calculation" to read: "Any required Public Use  
and this motion failed, Easement area shall not be used for the purpose of lot  
coverage per the applicable zoning district."

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

The Administration responded to Ms. Fairclough's, Mr. Kendall's and Mr. Van Etten's questions that lot coverage were two separate issues. Mr. Weaver stated that removing 'public use easement' from density calculations would affect density. Mr. Kendall stated that the body had passed amendments to the 20-20 Plan, which

1 allowed for more density population, and the Administration needed to be aware and help make allowances to  
2 accommodate for density population as space becomes more limited. Ms. Taylor stated the representatives  
3 from her East Anchorage district have fought to reduce density population in their district, because it detracted  
4 from their quality of life.

5  
6 Chair Traini put discussion and action of this amendment on hold, to allow time for Mr. Tremaine to summarize  
7 his amendment in writing and distribute copies to Assemblymembers and the Administration.

8  
9 Ms. Fairclough stated existing permits should qualify them for exemption of this ordinance. Mr. Abbott stated  
10 the Administration's understanding was that, as it was currently drafted, AO 2003-68 would require approved  
11 building permits, and all applications that have not been approved before the effective date of this measure  
12 would have to meet the new standards. He stated that building permits, including grading permits, which have  
13 been approved, would not be subject to the ordinance currently under discussion. Ms. Fairclough clarified to  
14 builders who had financial investments in their projects, the interpretation of the Administration was that the  
15 currently approved building permits would not be subject to change with the passage of this ordinance.

16  
17 Ms. Fairclough also wanted a response from the Administration to confirm rumors of forming a new committee  
18 to stay in communication with the builders and developers, to help regulate the expectations from the  
19 Administration with all newly imposed laws, including driveway widths, street and driveway drainage, parking,  
20 fire hydrants and street lights. Mayor Begich responded that there were plans to develop this new committee.

21  
22 Tease proposed Am13, amending AO 2003-68, on Page 4, under Section 5., 21.15.150, C.1., by adding a new  
23 subsection e., on Line 16, to read: "A design of internal streets and location of fire hydrants satisfactory to the  
24 Fire Marshall for purposes of fire protection within the development."

25  
26 Mr. Tesche moved,  
27 Ms. Shamberg seconded,

to approve Am13, amending AO 2003-68, to Page 4,  
under Section 5., 21.15.150, C.1., by adding a new  
subsection e, on Line 16, to read: "A design of  
internal streets and location of fire hydrants satisfactory  
to the Fire Marshall for purposes of fire protection  
within the development."

28  
29  
30  
31  
32  
33 Mr. Tesche explained the purpose of his amendment would be to require a design of internal streets and the  
34 location of fire hydrants, satisfactory to the Fire Marshall. This would allow for fire protection within the  
35 development, and also allow access for fire and emergency vehicles, especially during the winters. Mr. Tesche  
36 noted that when he toured a number of these home-cluster projects, he was impressed with three particular  
37 problems. The current streets are not wide enough to accommodate fire and emergency vehicles. He had  
38 questioned if the materials beneath these asphalted streets were adequately compacted to accommodate the  
39 weight of emergency vehicles, especially the weight of fire trucks and pumper-trucks, that might respond to an  
40 emergency. Mr. Tesche also questioned the requirement and placement of fire hydrants, with a plan acceptable  
41 to the Fire Marshall.

42  
43 Mr. Ron Thompson responded to Mr. Kendall's question concerning process of permit applications and  
44 described the permitting process. He stated the permit applications included proposed design, grading and  
45 excavation, showing all the roads, homes, hydrants, and all requirements in the Code. He explained the current  
46 permit process included directing these permit applications to various Municipal departments. Once the  
47 agencies issued approval of the permit applications the AFD would issue the 'approved-site grading excavation  
48 permit,' which AFD was confident was a document that met all the current standards of code requirements.  
49 When Mr. Kendall asked how Mr. Tesche's amendment would change the permit process, Mr. Thompson  
50 explained it would assist with redefinition and enforcement of current Codes.

51  
52 AFD Deputy Chief Bridget Bushue testified in response to Chair Traini's question of qualifying the procedures of  
53 permit processing. She stated the AFD itself only reviewed triplexes and above, and did not review single family  
54 or duplex permit applications. She stated that the AFD reviewed hydrants for commercial buildings, triplex and  
55 above, with no definition specific to site condos. She stated that the AFD only reviewed concerns that were  
56 directed to their department, as referrals, from other agencies and Municipal departments. The AFD was not  
57 responsible for defining and regulating the roadways to meet weight limits and restrictions. When reviewing fire  
58 access in site condo areas, the current Code would allow a 20-foot bare minimum, which would not allow  
59 access for emergency vehicles, with parked vehicles or piled-up snow. She added that the permits the AFD  
60 review were only in the preliminary stage. Often there were changes of landscaping, parking, mailboxes and  
61 other improvements, but the permit would not be returned to Fire Plan Review. Mr. Van Etten stated he was  
62 aware of the many changes in development that happened to condo projects as they are created.

63  
64 Responding to Mr. Kendall's question concerning enforcement, Ms. Bushue responded that the AFD had posted  
65 signage to mark fire lanes and access, and in certain circumstances would contact the homeowners' association  
66 of their concern. She added that most enforcement concerns are referred to APD. To Mr. Tesche's question if  
67 this amendment would assist with public safety, Ms. Bushue stated it would. Mr. Sullivan asked if changes were  
68 implemented in the permitting process, would the AFD have adequate resources to allow for their involvement,  
69 Ms. Bushue responded that recently the AFD had created a fourth reviewer position for this purpose. Mr. Van  
70 Etten stated he was concerned that it would be difficult to find the personnel and time to deal with development,  
71 design and code enforcement.

72  
73 Mr. Tesche stated that it was the responsibility of the Assembly for the legislative process, setting the standard.  
74 He added it was the responsibility of the Executive Branch to carry out and enforce the laws, within budgets  
75 appropriated by the Assembly. He urged focus on the concerns at hand, with the safety of the people remaining  
76 priority.

Mr. Spinelli responded to Mr. Kendall's question that parking is not allowed in the condo areas. He suggested that there was a lack of communication among builders and homeowners' associations and no enforcement of these parking rules. He recommended that the homeowners association take more responsibility for educating residents and enforcing rules instead of the APD. Mr. Kendall suggested the homebuilders associations could also take a responsibility in educating the homeowners associations. Mr. Spinelli readily agreed and welcomed Mr. Kendall's idea.

Mr. Abbott responded to Mr. Whittle's request for the Administration's recommendations on improvements and enforcement, stating that the authority would be through ordinance changes and other internal Administrative process. Mr. Abbott added the Administration supported this proposed amendment.

Mayor Begich described a project on the East side of town, where the developers have built upward, describing the possibility of achieving desired density with the current zoning requirements with a different configuration of the project.

Tesche urged a yes-vote on his amendment.

Chair Traini closed discussion, and called for a vote, and Am13 passed with one objection.

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

Mr. Tesche introduced Am14, amending AO 2003-68 in Section 2, on Page 6, Line 9, by adding, a new Section J to read: "Usable yard standards. Usable yard area(s) of not less than 400 sq. ft. per dwelling unit are required for residential development. No dimension of a usable yard area shall be less than twenty feet."

Mr. Tesche moved,	to approve Am14, amending AO 2003-68 in Section 2,
Mr. Tremaine seconded,	Line 9, by adding, a new Section J. to read: " <u>Usable</u>
and this motion failed,	<u>yard standards. Usable yard area(s) of not less than</u>
	<u>400 sq. ft. per dwelling unit are required for residential</u>
	<u>development. No dimension of a usable yard area</u>
	<u>shall be less than twenty feet.</u> "

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

Mr. Tesche explained the purpose of this amendment was to require a minimum amount of outside, usable yard area, whether divided among individual units or as a part of a common area available to all residents of the development. He explained that yards provide outdoor play areas for children and outdoor space for residents, something he had witnessed as lacking.

Ms. Fairclough opposed this amendment, stating that under Common Use Ownership laws, this would create the loophole for legal challenges. She did not believe that describing 'usable yard space' should be inserted into this ordinance. Ms. Fairclough suggested this was an issue that needed to be part of the Title-21 rewrite, and not addressed with this ordinance.

Mayor Begich stated that while he supported Mr. Tesche in concept of the need for usable yard space, he and the Executive Office opposed this amendment, for all the same reasons stated by Ms. Fairclough. Mr. Sullivan agreed with the opposition.

With no further discussion Chair Traini called for a vote, and this motion failed.

Mr. Tesche presented Am15, amending AO 2003-68, by deleting in its entirety, all of Section 9, on Page 8, Lines 2-22.

Mr. Tesche moved,	to approve Am15, amending AO 2003-68 by <u>deleting</u>
Ms. Fairclough seconded,	<u>in it entirety, all of Section 9., on Page 8, Lines 2-22.</u>
and this motion passed,	

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

Mr. Tesche explained that this section did not appear to have anything to do with site condos, and it looked like this section should be part of another ordinance. Ms. Fairclough urged a yes vote. There were no objections and no further discussion, and Chair Traini called for a vote, and this motion passed.

Mr. Tesche proposed Am16, amending AO 2003-68 by deleting subsection A. under Section 5., under Section 21.15.150, on Page 2, beginning on Line 40, and replacing that with a new section A., to read: "In addition to all other requirements of this code, an applicant for a land use permit or a building permit required for construction of a new commercial, industrial, or residential structure must provide the same dedications and improvements, including external and internal roads and utilities, that are required of a subdivider under chapters 21.80, 21.85, ad 21.87 of this title. In applying chapters 21.80, 21.85 and 21.87 to projects under this section, the term "lot"

1 shall be substituted for the term "subdivision," the term "permit applicant" shall be substituted for the term  
2 "subdivider," and the term "Municipal Engineer" shall a be substituted for the term "permit authority."

3  
4 Mr. Tesche moved,  
5 Mr. Tremaine seconded,  
6 and this motion was withdrawn,

to approve Am16, amending AO 2003-68, by deleting  
subsection A. under Section 5., under Section  
21.15.150, on Page 2, beginning on Line 40, and  
replacing that with a new section A., to read: "In  
addition to all other requirements of this code, an  
applicant for a a land use permit or a building permit  
required for construction of a new commercial,  
industrial, or residential structure must provide the  
same dedications and improvements, including  
external and internal roads and utilities, that are  
required of a subdivider under chapters 21.80, 21.85,  
ad 21.87 of this title. In applying chapters 21.80, 21.85  
and 21.87 to projects under this section, the term "lot"  
shall be substituted for the term "subdivision," the term  
"permit applicant" shall be substituted for the term  
"subdivider," and the term "Municipal Engineer" shall a  
be substituted for the term "permit authority."

21  
22  
23 Mr. Tesche explained that Am16 would clarify the intent of ordinances to require dedication and improvements  
24 both within and without the project area where necessary. His new amendment was a rewrite with technical  
25 changes. Mr. Tesche explained that if Assemblymembers found this read better, it should be adopted. He also  
26 added a reference to 21.87, which is a separate chapter also containing subdivision regulations.

27  
28 Ms. Fairclough asked for a 5-minute "at-ease," and presented copies of a document that was amended by Mr.  
29 Weaver several months ago. She requested an explanation of the amendment. Chair Traini agreed for the 5-  
30 minute break. After a short break Mr. Weaver stated the proposed amendment is contradictory to the ordinance  
31 that they were currently reviewing, in respect to public use easements. He believed its intent was to insure  
32 clarity for internal and external dedications. Mr. Kendall asked Mr. Spinelli to comment, with Mr. Spinelli stating  
33 that Mr. Weaver accurately explained the amendment, and added that it opened up every single building permit  
34 into a platting process.

35  
36 Mr. Tesche explained that the purpose of his Am16 was to simplify with the use of more clear language and  
37 diction, but added that it was bringing to light the whole controversy in this evening's discussions. The definition  
38 of subdivision standards were designed to protect public safety in an appropriate layout of design of streets and  
39 improvements for subdivisions, and that these standards are actually sold to home buyers. Mr. Tesche felt a  
40 loophole had been created for the so-called site condos. Mr. Tesche stated that there was the opportunity to  
41 plug the loophole with this amendment. He stated he wished to have a comment from the Mayor on this, before  
42 he decided to go ahead with a more comprehensive ordinance which simply plugs the loophole or continue with  
43 the process that brings us to this amendment.

44  
45 Mayor Begich commented that the Administration has already started a process a week or so ago, headed up  
46 by Howard Holton, and a team of folks within the Municipal organization, including the building official, the  
47 Traffic Engineer, the AFD and other appropriate agencies, to start looking at the street driveway width, street  
48 driveway drainage, driveway length, parking, fire hydrants, street lighting, and all those issues that subdivisions  
49 currently deal with. Mayor Begich believed he and his Administrative Team can develop standards within a  
50 forty-five to sixty day period that will give the building industry a clear signal and guidelines they need to follow  
51 for future development. He stated that he and the Administration, through public process, would involve the  
52 developers, the Assembly and others to get input for developing these standards.

53  
54 Mr. Tesche stated that with the complexity of this ordinance, and considering the difficulty they have had over  
55 the past two hours, and with the intentions of the Mayor to examine the details very carefully, he felt that his  
56 amendment might create ramifications. He proposed to withdraw his amendment, with the concurrence of the  
57 second. Mr. Tremaine agreed, and Am16 was withdrawn.

58  
59 Mr. Sullivan proposed Am17, amending AO 2003-68, in Section 5., 21.15.150, under Section C, by adding a  
60 new subsection 'J.' to read: " The Municipal Engineer shall, within 90 days of the effective date of this  
61 ordinance, submit to the Assembly proposed regulations setting forth the type and extent of public use  
62 easements and improvements which shall be required as a condition of permitting."

63  
64 Mr. Sullivan moved,  
65 Mr. Kendall seconded,  
66 and this motion failed,

to approve Am17, amending AO 2003-68, by adding a  
new subsection 'J.' to read: "The Municipal Engineer  
shall, within 90 days of the effective date of this  
ordinance, submit to the Assembly proposed  
regulations setting forth the type and extent of public  
use easements and improvements which shall be  
required as a condition of permitting."

67  
68  
69  
70  
71  
72 AYES: Whittle, Traini, Kendall, and Sullivan.  
73 NAYES: Tesche, Taylor, Fairclough, Van Etten, Shamberg and Tremaine.  
74 ABSENT: Von Gemmingen.

75  
76 Mr. Sullivan stated his purpose of this amendment is to require additional clarity of expectations to applicants.  
77

1 Mayor Begich responded by saying this amendment was not necessary, that he and the Administration would  
2 address this issue in a timely manner, and he thought the ordinance was better left simply as-is, with less  
3 wording. Ms. Fairclough and Ms. Taylor responded that they supported the Administration and would oppose  
4 the amendment. Ms. Fairclough urged a NO-vote on this amendment.

5  
6 Mr. Kendall stated he supported Mr. Sullivan's amendment. He said the amendment would help clarify the  
7 uncertainty of expectations associated with the site-condo ordinance. He strongly disagreed with the opposition  
8 of this amendment. He felt they needed address these issues quickly, with more defined specifics.

9  
10 Mayor Begich stated he was already in communication with the homebuilders and that the Administration had  
11 already stepped forward in unity with members of the Assembly to move this forward quickly. He reiterated this  
12 amendment was not necessary, that every commitment the Administration had made to the body they had  
13 completed. Their process, dealing with this ordinance will be no different.

14  
15 Ms. Taylor spoke against Mr. Sullivan's amendment. She remembered when Ms. Fairclough brought this  
16 ordinance forward, with much enthusiasm and support from the Assembly and the Administration. She stated  
17 was confident the Administration would keep their promises of dealing with the concerns of this ordinance. She  
18 urged a NO-vote on this amendment.

19  
20 Mr. Sullivan stated that, judging by the comments received, he felt this amendment did no harm whatsoever.  
21 He stated that this amendment simply puts all verbal statements and promises in written form.

22  
23 Mr. Tesche stated that "the harm" was created when this amendment becomes Code, and this stays in the Code  
24 for infinity. He thought this was not necessary, that the Administration was already dealing with this issue.

25  
26 Chair Traini called for a vote, and this motion failed.

27  
28 Mr. Sullivan proposed Am18, amending AO 2003-68, Section 5., 21.15.150, C.2., Page 4, Line 19, to delete:  
29 'building or land use' and add the words: "applicable, " to read: "...of the proposed development under the  
30 "applicable" building or land use permit.

31  
32 Mr. Sullivan moved, to approve Am18, amending AO 2003-68, Section 5.,  
33 Mr. Kendall seconded, 21.15.150, C.2., Page 4, Line 19, to read: "...of the  
34 and this motion was withdrawn, proposed development under the applicable permit."  
35

36 Mr. Sullivan explained the intent of this proposed additional requirement was to add clarity to what would be  
37 required of applicants, letting people know ahead of time what may be imposed and to limit the right of the  
38 Municipality to impose additional costs. He explained that the current wording, like 'reasonably related' or  
39 'significant' was subjective. Mr. Sullivan stated he would like the Municipal Engineer to be required to give more  
40 definitive requirements of the required permits.

41  
42 Ms. Fairclough proposed a similar amendment to the Administration, which they concluded would cause more  
43 confusion, because the word "applicable" was too vague and would open debate on interpretation. Mayor  
44 Begich explained he and the Administration would not support this amendment. Mr. Abbott suggested this was  
45 not a judgment call, and stated that the Administration was obligated to honor all preexisting permits that have  
46 been granted, regardless of an ordinance change in the meantime. Mr. Abbott stated the word 'applicable,' was  
47 not a defined term, diluted the impact of their work on this ordinance would create potential gray areas which  
48 would be challenges to the ordinance's implementation as it was currently presented. He stated 'building permit'  
49 is a defined term in Code in several places and included a number of types of building permits, including  
50 mechanical, electrical, plumbing, structural, grading, etc. He stated the Administration felt strongly that this was  
51 the correct way for this ordinance to read.

52  
53 Mr. Sullivan stated that his communication with developers, builders and MOA officials indicated that there was  
54 a question whether the building permits did cover land moving permits. Mayor Begich responded there should  
55 be no question. He had been asked questions concerning permits, and he had responded on the record, not  
56 once, not twice, not three times but multiple times, that a grading permit and other permits remain a variety of  
57 'building permits.'

58  
59 Mr. Sullivan was supported by testimony from Mr. Spinelli, who stated it had been his experience to see distinct  
60 differences between 'grading' and 'building' permits. On several occasions he had been issued a grading permit  
61 for subdivision development, but when he had applied for a building permit, he had found a new standard had  
62 been applied. He acknowledged the work and effort of the current Administration, but felt they needed to hear  
63 the history of the changing of standards in regard to the term 'building permits.'

64  
65 Mayor Begich responded by saying he appreciated the input, and agreed there has been misinterpretations of  
66 the term 'building permits.' He promised that his Administrative staff all have a clear understanding of the  
67 definition of the term 'building permits.' He also stated that he could not explain the past dealings with the  
68 interpretation of the term but he and his Administration would be responsible for implementation of the definition,  
69 including educating all personnel within MOA departments.

70  
71 Mr. Sullivan and Mr. Spinelli each responded that they were content with the promise of the Administration to  
72 eliminate discrepancy of the definition of the term 'building permits.' Mr. Sullivan withdrew his amendment.

73  
74 Mr. Sullivan proposed Am19, to amend to Ms. Fairclough's second, amended amendment, passed unanimously  
75 earlier in the meeting (CLERK'S NOTE: THIS IS DESCRIBED IN MUNUTES AS ACCEPTED, AMENDED  
76 Am2), on Page 3 of AO 2003-68, under Section 5., 21.15.150, subsection B., Exemptions, on Line 9, which  
77 read: "All construction associated with a single dwelling unit or accessory dwelling unit, located on a single lot,

tract or parcel, regardless of zoning district; or..." to change by substituting "four dwelling units" in place of a 'single dwelling unit' or 'accessory dwelling unit,' to read: "All construction associated with four dwelling units or less located on a single lot, tract or parcel, regardless of zoning district or..."

Mr. Sullivan moved, to approve Am19, amending amended Am2, amending  
Mr. Kendall seconded, AO 2003 68, on Page 3, under Section 5., 21.15.150,  
and this motion failed, subsection B., *Exemptions*, on Line 9, to read: "All  
construction associated with four dwelling units or less  
located on a single lot, tract or parcel, regardless of  
zoning district or..."

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

Mr. Sullivan stated the testimony from developers in the real estate industry who wished the wording on this issue be clarified, defining the standards of four-plex or less. Ms. Fairclough stated, while she understood there were times that four-plexes or single units do require improvements that the single family home is the threshold that this Administration was in support of. She explained that while she felt this was a compromise. Ms. Fairclough, along with the Administration, stated they would not support this amendment.

Mr. Tesche stated he would oppose this amendment because of the reasons explained by Ms. Fairclough and also because site condos can be developed and paired, as though they were duplexes, and that could create the possibility of a loophole, and could essentially exempt an entire project.

Chair Traini called for a vote, and this motion failed.

Mr. Sullivan proposed Am20, and said this was an amendment suggested by Mr. Kline of the P&Z Commission. He proposed to amend Ms. Fairclough's third amendment (*CLERK'S NOTED: THIS WAS DESCRIBED IN THE MINUTES AS Am5*) to change in the new Section 6., on Page 3, Line 23, to include the words, "remodeling," to read: "The permit is for repairs, maintenance, emergencies, electrical, mechanical, plumbing or remodeling."

Ms. Sullivan moved, to approve Am20, amending AO 2003-68, to change  
Mr. Kendall seconded, on Page 3, on Line 23, by adding additional words to  
and this motion failed, Section 6. to read as follows: "The permit is for repairs,  
maintenance, emergencies, electrical, mechanical,  
plumbing or remodeling."

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

Mr. Sullivan was concerned that accessory dwelling unit would be exempt from this section of the ordinance. He suggested that remodeling should also fall under the exception of permitting under this ordinance.

Ms. Fairclough pointed out with the wording of her amendment, the words "all construction" would include remodeling, including remodeling any accessory dwelling unit. She said that under the current ordinance, with her amendments that had been approved, one could remodel their accessory dwelling unit. She stated she would not support this proposed amendment.

Mr. Kendall questioned the intent of the maker of the motion, of Section 5., 21.15.150, on Page 2, Line 23 and 24, of the wording "100 square feet or greater" that do not require permitting. He pointed out that this would include the building of a storage shed. Ms. Fairclough pointed out that in the wording described the exemptions of all construction associated with a single family dwelling unit. Ms. Fairclough stated this would mean construction of a storage shed would be allowed in association with a single family lot, located on a single dwelling unit lot, without the requirement of a permit. Ms. Fairclough stated that this would be interpreted by the Municipal Engineer. Mr. Kendall stated that duplexes would not qualify. Mr. Kendall also questioned the intent of Section 5., 21.15.150, on Page 3, Line 24, concerning the 300 square feet minimum, if this was a normal threshold for requiring a permit. He was told by the Administration it was.

Chair Traini called for discussion from the Assembly and the Administration on the main motion, AO 2003-68.

Ms. Shamberg voiced her concern of the lack of any community notice of the construction of these site condo units in districts in the city. She asked if there was any way a notice requirement for associated neighborhoods could be issued before a site condo was build. Chair Traini indicated that Sue Fison, of P&Z, shook her head, no. Ms. Fairclough offered an explanation by stating that under common ownership laws, in the State of Alaska statutes we could not ask for a different threshold for this type of development. She said many people in her district also had comments on this issue. She suggested that the Administration may look into defining many of the unresolved issues when they address the Title-21 rewrite.

Mr. Tesche commended Ms. Fairclough on her tenacity and courage in bringing this matter forward. He stated it had been a long journey for her and this community, over the past two years. He also praised the efforts and commitment from the Administration, to make sure the building developments meet appropriate standards for public safety. He supported the ordinance, as amended, and urged a YES-vote from Assemblymembers.

Mr. Kendall stated he had received much public feedback concerning the debate on this issue. He shared one, recent email he had received, which he stated expressed his sentiments of the dealings with this issue. The

1 email read: "I've reviewed AO 2003-68, sponsored by Assemblymembers Fairclough, Shamberg and Tremaine,  
2 and although I believe that recent construction of condos have been a gross, money-grab on the part of builders  
3 involved, in creating what can only result as a slum-like condition. I found the proposed ordinance to be over-  
4 shooting in its attempt to check land values and quality of living and clearly contradictory to the interests of the  
5 general property owner. This ordinance is a clear attempt to use the gross greed, exhibited by the developers of  
6 several condo tracts as exhibited by lack of parking, landscaping and the like, to infringe on all property owners.  
7 As a second generation Alaskan, born in the territory, I ask you to vote this power lust down and instruct these  
8 Assemblymembers to go back to the drawing board and come up with a least intrusive language we can  
9 address the problem we can all agree needs to be addressed." Mr. Kendall summarized his feelings of the  
10 ordinance was that the ordinance was totally different than what he had expected. The changes that had  
11 occurred in the ordinance were global changes in development for all of Anchorage.

12  
13 Ms. Shamberg stated she had also received this email, and would like to think that the email author would have  
14 changed his opinion on the issue, with the action the Assembly and Administration have taken with this  
15 ordinance.

16  
17 Mr. Whittle stated he understood that Anchorage would have to deal with density issues in the future. He stated  
18 he had seen some exciting, quality urban designs currently being used in Anchorage, in resolving density  
19 issues. He stated he would support the efforts made on this ordinance.

20  
21 Mr. Sullivan stated that, while many issues in this ordinance have been dealt with, he felt the law concerning  
22 specifics such as driveways, drainage and lighting have not been addressed. With such vague standards he  
23 felt that it was very difficult for a builder to finance a project because of the uncertainty of the requirements and  
24 expenses. He stated he was encouraged with the Administration's promise to create resolutions that deal with  
25 the specific problems and concerns not covered in this ordinance. He stated that he felt the changes in the  
26 ordinance were incomplete with setting standards and he that could not support the ordinance.

27  
28 Mr. Tremaine thought this ordinance had generated much public response and compared it with a recent cat  
29 licensing issue. He stated this was an ordinance that most of the community wanted. Mr. Tremaine stated he  
30 was very proud to support this ordinance.

31  
32 Mayor Begich commended Ms. Fairclough and Assemblymembers who would be supporting this ordinance.  
33 The Administration will move forward aggressively in getting the public, the development community and the  
34 Assembly and others engaged in setting additional standards. He felt it was the right move, and this ordinance  
35 would insure the quality of housing and the density issues. He felt the Assembly had done a lot of work on this  
36 issue. He praised Ms. Fairclough for all her efforts in creating this ordinance, for her ability in looking toward the  
37 future and not just the moment of opportunity.

38  
39 Chair Traini thanked Ms. Fairclough for her leadership with her work on this ordinance. He praised her for her  
40 work with the Assembly, her dedication, her single-mindedness and her willing to compromise where she had to,  
41 to accomplish what she had over the past two years. And he thanked the Administration for realizing the  
42 permits that have been granted have to be honored. He stated if they had not made their position clear he  
43 would not be in support of this ordinance.

44  
45 Ms. Fairclough thanked Mr. Howard Holton, Mr. Ron Thompson, Ms. Sue Fison, Mr. Jerry Weaver and  
46 numerous staff members who worked countless hours and have been active with her efforts over the past two  
47 years. She hoped the ordinance had been amended and compromised enough to make it a workable document  
48 for the developers. She felt she had achieved the set expectations set forth from the developers, although not  
49 all of these issues are codified in Code, but they have been addressed on the record. She reminded the  
50 developers that she still wanted to stay in conversation with them on the issues that still have not been  
51 addressed, and she stated she would work with the Administration on Title-21, trying to resolve compromises  
52 and building an economy and a housing market in Anchorage. The Federal Government's Fair Housing Act and  
53 the State of Alaska Common Interest Ownership Act have created challenges. She felt her broad approach,  
54 with all the limitations of the state and federal levels, still accomplished all the things that citizens in Anchorage  
55 had been asking for. She urged a YES-vote from all Assemblymembers to support the passage of this  
56 ordinance. She appreciated the support she had received from the builders' and developers' associations.

57  
58 Chair Traini called for the action on the main motion, AO 2003-68.

59  
60 AYES: Whittle, Tesche, Taylor, Traini, Fairclough, Van Etten, Shamberg and Tremaine.

61 NAYES: Kendall and Sullivan.

62 ABSENT: Von Gemmingen.

63  
64 Chair Traini asked Ms. Fairclough is she had additional comments.

65  
66 Ms. Fairclough moved for immediate reconsideration, and urged a NO-vote.

67  
68 Ms Fairclough moved, to approve immediate reconsideration on AO 2003-68.  
69 Mr. Tesche seconded,  
70 and this motion passed without objection,

71  
72 Chair Traini gave the reminder that the passage of this motion on immediate reconsideration, this item will not  
73 be reconsidered by the Assembly.

74  
75 **5. CONTINUED PUBLIC HEARINGS**

76 5.A. Resolution No. AR 2003-261, a resolution of the Anchorage Municipal Assembly approving a  
77 conditional use for alcoholic beverages conditional use in the B-3 District for a new restaurant or



1 eating place use per AMC 21.40.180 D.8, located on Lot 1A, Block 5, Vans Subdivision; site  
2 address being 1201 E. Dimond Boulevard; generally located at the northeast corner of  
3 Briarwood Street and Dimond Boulevard (**Sicily's Pizza Restaurant**) (Case 2003-031),  
4 Planning Department.

5 5.D.1. Assembly Memorandum No. AM 702-2003.  
6 (CARRIED OVER FROM 9-9-03 AND 9-23-03)  
7

8 Chair Traini continued Public Hearing on this item. With no public testimony offered, Chair Traini closed Public  
9 Hearing and called for a motion.

10  
11 Ms. Taylor moved, to postpone this item, No. AO 2003-52  
12 Mr. Tremaine seconded, until December 16, 2004.  
13 and this motion passed,  
14

15 AYES: Whittle, Taylor, Fairclough, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.  
16 NAYES: Traini.  
17 ABSENT: Von Gemmingen, excused and Tesche (out of room).  
18

19 5.B. Resolution No. AR 2003-274, a resolution of the Municipality of Anchorage appropriating  
20 \$1,007,269 as a grant to the State Categorical Grants Fund (231), Department of Health &  
21 Human Services, from the Alaska Department of Health and Social Services for provision of  
22 **Women, Infants & Children Nutrition services**, Health and Human Services.  
23 5.D.1. Assembly Memorandum No. AM 711-2003.  
24 (CARRIED OVER FROM 9-23-03)  
25

26 Chair Traini read this resolution, closed Public Hearing on this item and called for motion to approve.

27  
28 Ms. Fairclough moved, to accept this item, No. AR 2003-274.  
29 Mr. Tremaine seconded,  
30 and this motion passed,  
31

32 AYES: Whittle, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.  
33 NAYES: None.  
34 ABSENT: Von Gemmingen, excused and Tesche (out of room).  
35

36 5.C. Ordinance No. AO 2003-126, an ordinance of the Anchorage Municipal Assembly amending  
37 Anchorage Municipal Code Section 10.50.050, **Keg or Container Registration**, Assembly  
38 Chair Traini.  
39 5.D1. Assembly Memorandum No. AM 700-2003.  
40 (CARRIED OVER FROM 9-23-03)  
41

42 Chair Traini read this ordinance, and opened Public Hearing on this item. O.C. Madden, with Brown Jug Liquor,  
43 questioned the effective date of this ordinance, if it passed. Chair Traini said if passed it would be effective  
44 immediately, but could be amended for an effective date. Ms. Fairclough moved for reconsideration of effective  
45 dates. Chair Traini closed Public Hearing on this item and called for a motion to approve.

46  
47 Mr. Sullivan moved, to accept this item, No. AO 2003-126.  
48 Mr. Tremaine seconded,  
49 and this motion was passed,  
50

51 AYES: Whittle, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.  
52 NAYES: None.  
53 ABSENT: Von Gemmingen, excused and Tesche (out of room).  
54

55 Following discussion, Sullivan moved to change the effective date of this ordinance until January 1, 2004.

56  
57 Mr. Sullivan moved, on this accepted item, No. AO 2003-126, to  
58 Mr. Tremaine seconded, have an effective date of January 1, 2004,  
59 and this motion was passed,  
60

61 AYES: Whittle, Taylor, Traini, Fairclough, Van Etten, Kendall, Shamberg, Tremaine and Sullivan.  
62 NAYES: None.  
63 ABSENT: Von Gemmingen, excused and Tesche (out of room).  
64

65 5.D. Ordinance No. AO 2003-127, an ordinance of the Anchorage Municipal Assembly amending  
66 Anchorage Municipal Code Section 17.10.090, **Off-Leash Dog Park Spaces** to undesignate  
67 the old Alaska Native Hospital site as an off-leash dog park space, Assembly Chair Traini.  
68 5.D.1. Assembly Memorandum No. AM 701-2003.  
69 (CARRIED OVER FROM 9-23-03)  
70

71 Chair Traini read ordinance, closed Public Hearing with no public participation. There was no discussion and  
72 Chair Traini called for a vote on this item.

73  
74 Mr. Kendall moved, to accept this item, No. AO 2003-127.  
75 Mr. Van Etten seconded,  
76 and this motion was passed,  
77

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

**6. ADJOURNMENT**

Following discussion and action on AO 2003-68, Chair Traini announced the completion of the Agenda and adjourned the special meeting. (*applause*)

(Clerk's note: Adjournment occurred after discussion and action on AO 2003-68 was completed; see P. 16, L. 17.)  
Pub. THE ANCHORAGE CHRONICLE P.O. 52464-476-03

ATTEST: DICK TRAINI, Assembly Chair

BARBARA GRUENSTEIN, Municipal Clerk

Date Minutes Approved: November 4, 2003.  
BG:MC:

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