

NECC

Northeast Community Council

Minutes – September 15, 2005

CALL TO ORDER: 7:03 pm.

Approval: Previous Minutes

August meeting minutes approved unanimously.

June meeting minutes as posted on the FCC website, approved unanimously, with the following correcting by Terry Cummings:

Road Construction Updates: no parking signs installed on Turpin road are large, and clutter the roadway. Desire Lance Wilbur or other city official come to next NECC meeting to discuss the possibility of replacing the signs with smaller ones, such as installed on Baxter road.

Approval: Agenda

Agenda approved unanimously, with the following addition by Ainslie Phillips: Discussion of NECC resolution regarding the MOA Title 21 rewrite.

Treasurers Report: Treasurer provided a written report. Total of \$486.75 in checking account as of September 15.

Representatives Reports: (in no particular order)

Senator Bettye Davis:

- Vanessa Salinas, staff for the Senator was present and took notes. No report. The Senator may be contacted at 269-0144.

Senator Gretchen Guess:

- Discussed possibility of State ownership interest in gas pipeline.
- Asked for community input for the workers compensation task force.

Representative Tom Anderson:

- Eugene Hamett, staff for the Representative was present and took notes. No report.
- Tom Anderson is chair of the gaming task force studying organized gaming in Alaska. Public input can be directed to Tom at 269-0625.
- Question: Does Tom's regulatory committee have anything to do with the current issue of mixing zones in salmon streams? Gretchen Guess indicated she would follow up on this item.

Representative Max Gruenberg:

- Discussed the gaming task force, which is reviewing state and federal laws regulating gaming in Alaska.
- School debt reimbursement program has been extended for another year.
- Committee is discussing disaster preparedness in Alaska.
- The ethics committee is meeting out of session to discuss ethics issues.
- Can reach Max, or Carolyn Lombardi his assistant at 269-0123.
- Question: (Lori). The NECC on or about February of 2003 passed a resolution requesting the assembly prepare or otherwise implement emergency response plans for Anchorage. To date, no action has been taken by the MOA (or at least reported to the communities).
- Don Smith spoke to Max about issues of teacher salaries.
- Max: Everyone needs to consider what the State should do with the likely oil windfalls the state will see next session.

Anchorage Assembly Member Paul Bauer: (338-8306)

- Assembly has appropriated funding to APD for DUI and "click-it-or-ticket" programs.
- Assembly award to Lounsbury and Associates for their 6th Avenue, Patterson to Muldoon design.
- The Anchorage Bowl Facilities plan is being updated --- time for NECC to push against for a rec center.
- Assisted Care Living ordinance has been introduced, as well as a large animal control ordinance.
- Public hearings continued on code of ethics issues, meth precursor ordinance, adult establishments, and revisions to the neighborhood and district plan ordinances.

- General discussion on the neighborhood and district plan process. Assembly is considering requiring that plans be approved by the assembly before they are forwarded to planning department for action.

Anchorage Assembly Member Ken Stout:

- Not present, Paul Bauer reported on behalf of Ken as reported above.

Community Activity Reports: (in no particular order)

- **Anchorage Fire Department – Patterson Station, 267-5006**
 - Present. No report, but brief discussion of format of future AFD reports.
- **Community Patrols – Not present.** Please contact the following individuals with questions, or to volunteer for the Community Patrols. They are really in need of help with patrol work.
 - Aaron Pascas, Nunaka Valley Patrol, 223-4630
 - Michelle Daugherty, Northeast Patrol, 748-7800
 - Other phone numbers of interest:

Junk cars - 729-7878	Graffiti Busters - 343-4663
Streetlights - 263-5483	Potholes - 343-6363
- **Northeast Community Center – Bob Rupke** No report.
- **Weed and Seed – Tim Sullivan** No report.
- **Road Construction Updates – Various people.** No report.
- **Federation of Community Councils – Bob Rupke**
 - September 20th, 6 pm, the FCC is holding an open house at its new location in the Mountain View United Way “Success by 6x” building. The mayor is expected to attend.
- **Spirit of Muldoon Community Picnic** No report.
- **Green House Property Update – Don Smith**
 - Moving forward on creek work as discussed in earlier meetings.
- **Anchorage Police Department – Sergeant Stanton**
 - email: cstanton@ci.anchorage.ak.us
 - Office hours are 1200 noon – 10:00 pm at Muldoon Community Center.
 - Discussion on procedures for reporting gunshots. Please report gunshots, this helps APD find the area they are coming from.
 - Questions on assaults at Admiralty Cove apartments. Sgt Stanton will research. Note: The nuisance property ordinance requires that all nuisance calls against a given property be directed to the same unit in order to count against the landlord. Domestic disturbance issues do not count against the landlord.
 - Question: How many officers responded to the Boundary Street incident? Sgt Stanton: 35 to 39 officers, including a number of off duty personnel in the area.
- **Wal-Mart Development of Miller Property** No Report – was planed under the business section of agenda.
- **Other – Peggy Robinson** reported on 1% for Art Committee for the Muldoon area middle school. 38 Art submissions were received for review for locations inside and outside of the school. A public hearing in the Muldoon area will be held to receive community input before the selections are finalized.

BUSINESS:

(1) Conditional Use Permit for Samurai Sushi Gardens (Restaurant ABC License) Petitioners Kenny Lee, Jong Lee, as represented by Hunter Burton, of Ernof and Coffey

- Discussion of new beer and wine license for a sushi restaurant to be located in the old Taco Bell building. The petitioners own the Ding How, which presently has a beer and wine license. There have been no community problems with this existing license. All workers are TAM trained and certified.
- The new restaurant will be open seven days a week, from 11am to 10 pm. It seats 68. There is a 22-seat sushi bar. Starting wages are per state minimums, approx \$7.50 per hour. Health care is available at employee cost.
- Location is greater than 200 feet to the new middle school boundary.

NECC September 15, 2005 Motion (1):

Ainslie Phillips made the following motion:

The NECC supports a conditional permit for the Samurai Sushi Gardens for beer and wine sales, limited to the hours of 11 am to 10 pm, Monday through Sunday.

Motion passed; 19 in favor, 2 opposed, 3 abstaining.

(2) NECC Bylaws Revisions and Updates, NECC Executive Board

- The NECC is revising its bylaws for two reasons: 1) Current MOA ordinance requires bylaws contain certain provisions. The NECC bylaws must be updated to meet these requirements. 2) Bylaws need to be updated to reflect how the NECC actually conducts its business.
- The bylaws were reviewed by a bylaw committee, which may recommendations for the revisions. The bylaws being discussed at the meeting were previously reviewed and voted upon by both the committee and then the executive board prior to presentation to the membership.
- The proposed bylaws have been distributed to the members, available at the meetings, and posted on the FCC website since June of this year.
- President Bob Roses directed the review and approval of the bylaws: Each change was reviewed and explained using a copy of the bylaws on an overhead projector, and copies distributed to the members present. All members were given the opportunity to object to each proposed revision. If no objection was noted (i.e. unanimous agreement), the revision was accepted as proposed. If anyone objected to a particular revision, the revision was discussed by the membership, and voted up or down. Additional proposed revisions were accepted from the floor. Motions to accept an individual revision, or to otherwise revise the bylaws required a 2/3rds majority. The following is a summary of all objections, revisions and additions as moved by the membership. If an article, section, paragraph, etc is not listed, it was moved without objection.
- Article V, Membership, Section 1. Eligibility

Motion: Add the phrase ... "as determined by the executive board by a 2/3rds vote" to the end of the proposed bylaw revision in proposed new paragraph C. Motion Failed; 2 in favor, 19 against, 2 abstaining. Final text in bylaws will read as proposed by bylaw committee: C. Proof of eligibility may be required.

Motion: Strike the proposed word "official" from the second line of paragraph A. Motion Failed; 7 in favor, 15 against, 0 abstaining. Final text in bylaws will read ... or an official designated representative...

- Article V, Membership, Section 2. Meetings

Motion: Paragraph J regarding the quorum: Replace "10" in original bylaw text with "1 per 1000 residents in district area". Failed for lack of a second. No revision to original bylaw text.

Motion: Paragraph J. Drop the proposed addition of "including at least one executive board member" from this paragraph. Seconded, but second withdrawn. Failed for lack of a second. Final text in bylaws will read "Ten (10) members of the general membership including at least one executive board member shall constitute a quorum..."

Motion: Leave paragraph B alone (i.e., do not make the proposed revisions). Failed for lack of a second. Final text in bylaws will read (paraphrased) Special meetings ... may be called... by written petition of 20 council members ... **minimum of 3 executive board members must approve of the special meeting.** (additions that were retained due to this motion failing are highlighted).

- Article V, Membership, Section 3. Voting

Motion: Revise Paragraph C to read "Each registered member must be present at the time of the vote in order to cast a vote. There will be no proxy voting in general council or executive board meetings. (addition highlighted). Motion passed; 22 in favor, 0 against, 1 abstaining. Text in final bylaws will read as stated. Note: intent was to allow for possibility of absentee voting and / or expression of opinion in committee proceedings.

Motion: Add paragraph F: Positive identification shall be required for voting at executive board elections. Motion failed 15 in favor, 9 opposed, 0 abstaining. (lack of 2/3rds majority required for bylaw change).

- Article V, Membership, Section 5. Vote Reporting

Motion: Strike proposed item D regarding non-exact vote count of non-reported votes. Motion failed; 10 in favor, 8 opposed, 3 abstaining (lack of 2/3rds majority).

There was much discussion and confusion as to this item, and as to the meaning of the failed motion, which on its face suggests the proposed text was retained but yet not approved. However, without a clear majority in either direction, Bill W made the following motion to force clarification:

Motion: Pass section 5, items A-D as presented. Motion failed; 4 in favor, 14 opposed, 2 abstaining. The proposed paragraph D is thusly stricken.

- Article VI, Function

Motion: Add "political groups or religious entities" to C.1 Motion passed; 20 in favor, 0 opposed, 4 abstaining. The final bylaw text will read ... not allowing misuse of the councilby special interest groups, political groups or religious entities.

- Article VII, Officers, Section 1, Executive Board

Motion: Add a paragraph to this section: "To be eligible to be a candidate for executive board, you must have attended at least 8 meetings (including committee, executive board or general meetings) in the past 2 years". Motion as stated included several friendly amendments. Motion failed: 17 in favor, 9 opposed, 0 abstained. (just shy of 2/3rd majority).

Motion: Add a paragraph to this section requiring proof of one year residency in the NECC. Motion withdrawn as residency is not necessarily a criteria for membership in the NECC.

Motion: Add the following to this section: "In order to be eligible to be a candidate for executive board, a person must be a member for one year prior to the election: Motion failed: 3 in favor, 18 opposed, 1 abstaining.

- Article VII, Officers, Section 2, Elections

Motion: Add the following to this paragraph: "Proof of eligibility may be required". Motion passed; 17 for, 0 opposed, 4 abstaining. Final bylaw text will include this sentence. Note: General discussion was such that this was meant to apply to the eligibility of individuals to vote, but as worded could also apply to candidates. Implementation is left to the executive board.

Motion, at 9:59 pm: Move to extend the meeting until the bylaws are finished. Motion passed; 16 in favor, 4 opposed, 2 abstaining. Meeting was extended.

- Article VII, Officers, Section 4, Duties of Board Members

Motion: Do not delete Section 4.B.2 as proposed (which would have transferred sign in duties to the secretary). Motion passed; 20 in favor, 0 opposed, 1 abstaining. Note: this motion and the discussion clarified the duties of the secretary and vice president. While the secretary retains and files the membership lists, it is the vice-presidents responsibility to meet people at the door and assure they sign in.

- Article VII, Officers, Section 5, Removal, Resignation, Vacancies.

There was considerable discussion of this item. As President Bob Roses explained, the NECC has been filling vacancies on the executive board by presidential appointment, with the concurrence of the executive board for at least the past four presidencies, dating to well before Rod McCoy was president. It has been practice for the appointed individual to fill the remainder of the term for the seat they were appointed to. This is typical of many of the community councils, corporate boards of directors, and many elected political offices. However, the actual NECC bylaws specified that the appointments only lasted until nominations and an election was held at the next general membership meeting (under this system, the longest an appointment would last is two months). Therefore, the bylaws committee had proposed language stating that the appointment lasted for "the remainder of the term", to bring the bylaws into line with NECC practice.

However, some of the membership believed that all executive board seats should be voted on by the membership whenever it was necessary to fill a vacancy

Motion (a): Leave Section B alone, keep the original bylaw language. Motion passes 10 for, 8 against, 4 abstaining. (simple majority passed for purposes of leaving bylaws alone, since a 2/3rds is required to change the bylaws).

President Bob Roses explained that due to periods of frequent turnover, depending on resignations, members moving, or similar circumstances, a large portion of the board could end up being replaced at any time under this scenario, resulting in an unstable board, loss of history and experienced board members. Appointing members to fill the remainder of the term stabilizes the annual board turn over. Discussion started to become heated, at which point President Bob Roses turned the meeting over to the Vice President, Josh Green.

The Secretary Dean Syta explained that Article VIII allowed any member of the council to request a confirmation vote on any action of the Executive Board, which would include appointment to fill a vacancy.

Motion (b): Call for reconsideration (Ainslie Phillips, voted on prevailing side), followed by the request to postpone reconsideration until other relevant business can be conducted. Motion passed; 12 in favor, 6 opposed, 4 abstaining. Vote on reconsideration was postponed.

Motion (c) : Add the following to Article VIII, Executive Board limitations: "Any appointment to fill a vacancy of the executive board shall be noticed prior to the next general meeting" Motion passed; 15 in favor, 5 opposed, 1 abstaining.

Returning to the vote of reconsideration (b), on Motion (a): Reconsideration passed; 11 in favor, 7 opposed, 3 abstaining.

Reconsidering Motion (a): Leave Section B alone, keep the original bylaw language. With the new assurances allowing for a confirmation vote in Article VIII, the motion failed; 4 in favor, 16 opposed, 1 abstaining. As such, the proposed bylaw revision is retained and sits as proposed by the bylaws committee. The final bylaw text will read ... shall be filled by appointment...for the remainder of the term.

To ensure all members understood the meaning of the vote, the following positive motion was made:

Motion: Make the changes to this section as recommended by the board. Motion passed; 16 in favor, 5 opposed, 0 abstaining. The final bylaw text will read ... shall be filled by appointment...for the remainder of the term.

- Article IX Standing Committees

Motion: Leave the CIP committee in place, leaving the CIP language alone, but retaining the proposed language regarding the review of all committees at the May meeting. Motion passed; 19 in favor, 0 opposed, 0 abstaining.

- Approval of the Bylaws:

Motion: Move to approve the bylaw changes as have been discussed and amended at this meeting. Motion passed; 17 in favor, 1 opposed, 1 abstaining. The bylaws are thus amended as proposed by the bylaw committee, as recommended by the executive board, and as otherwise modified by the membership at the meeting.

MEETING ADJOURNMENT: Approximately 11:20 pm.