

Cashiers Area Community Planning Council Special Meeting Minutes

January 22, 2024

5:00 p.m.

Albert Carlton Community Library, Community Room

Members	Present	Absent	Members	Present	Absent	Members	Present	Absent
Daniel Fletcher	X		Sonia Morales	X		Dr. Douglas Homolka	X	
David Bond		X	Carole Stork	X		Judy Zachary		X
Glenn Ubertino	X							

Staff Present

Michael Poston- Planning Director

John Jeleniewski- Senior Planner

Anna Harkins- Planner I

Allison Kelley- Administrative Assistant III

Anthony Fox- County Attorney (Parker and Poe)

Others Present

Fritz Rybert, Cashiers Marketplace applicant

Brian Gulden, Cashiers Marketplace attorney

Sam Lupas, Cashiers Marketplace

Call to Order

Chairman Glenn Ubertino called the meeting to order at 5:05 p.m. and a quorum was present.

Additions to/Approval of the Agenda

Dr. Doug Homolka made a motion to approve the agenda as written. Carole Stork seconded the motion, and it carried unanimously.

New Business

a) Continuance – Quasi-Judicial Hearing: Cashiers Marketplace

Anthony Fox stated they may recall that at the last Cashiers Area Community Council meeting, new information came to the Council regarding the sewer and the treatment of the sewer on the site as per the application. As a result of that information, motions were made and decision was held to allow for the applicant to provide for an amended application to show on the amended application how it would treat the sewer from the proposed development. Mr. Fox stated at that time, it was anticipated that the applicant would have the information and a certain time that would accommodate the information being submitted to staff to allow staff the opportunity to review the information as a part of the amended application determination of completeness of the application. In addition, it would allow the opposing parties to have an opportunity to review the amended application and to provide the necessary expert testimony and review that they would need to defend their position with regards to the proceeding that was anticipate that would start tonight and would continue tomorrow night. He stated the

applicant has been in discussions with staff and Mr. Fox has been in discussions with the opposing counsel with regards to where the situation is. Mr. Fox stated you will not see the opposing counsel here tonight as a result of their agreement and consent, the stipulation that they would not attend this meeting, as this would be a scheduling meeting where the issue will be put before the board about the continuation of this meeting to a date and time that being February 26th, the next regularly scheduled meeting of this Council to start the renewal of the hearing.

Mr. Fox stated we were told that the applicant has a contract with a provider and that there is some issues around that contract and that provider, and that has now been or is close to being worked through that the additional information that would supplement the prior information, and provide for the amended application would be submitted to staff no later than Friday, February 2, 2024. With that submittal the opposing counsel will have the opportunity to do that exercises that we had contemplated that would be done before tonight that had their experts review it and then be in the position to move forward with the hearing at the continued hearing date that is the will of the Council to decide. Mr. Fox stated they are here tonight as a result of our recess meeting, and the board had to come together tonight as a part of the recess to reconvene, and if it is the will of the Council to recess this meeting to their next regular scheduled meeting date on February 26th at 5:00 p.m. to continue the hearing. He apologized for the inconvenience this may of caused but stated that this was an opportunity for many in the audience that are represented by the attorneys to be prepared equally and to review the application that is going to be put forth in the submitted form.

Mr. Fox stated at the last meeting, we talked about the process and that staff would make a presentation and present the application, and the applicant would then have an opportunity to present their evidence and that evidence would be subject to cross-examination by the various parties. The various parties with standing would have the opportunity to present information subject to cross-examination and all of the subjects of questioning by the Council. After the conclusion of the presentations of evidence by the applicant and other parties with standing process, there would be an opportunity for the public to have input through addressing the Council, and at that point, the Council would have discretion to limit time period. He encouraged that anybody could speak, however this Council can only base their decision on competent material, substantial evidence, and it needs to be evidence that a court would consider so when we get to that point.

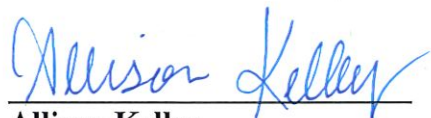
Mr. Poston stated staff does have an update for the Council that we would have a couple of design reviews for our regular business on the regular meeting date in addition to the continuation of the recessed hearing.

Dr. Homolka made a motion to recess to continue the Quasi-Judicial Hearing for Cashiers Marketplace on February 26, 2024 at 5:00 p.m. Daniel Fletcher seconded the motion, and it carried unanimously.

Adjournment

With no further business to discuss, the meeting adjourned at 5:10 p.m.

Respectfully Submitted,



Allison Kelley
Administrative Assistant



Glenn Ubertino
Cashiers Planning Council Chairman