ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
Meeting Minutes – May 10, 2021

The Assembly Committee of the Whole meeting, held virtually via Zoom webinar, was called to order by Deputy Mayor Loren Jones at 6:02p.m.

I. ROLL CALL

Assemblymembers Present: Maria Gladziszewski, Wade Bryson, Christine Woll, Michelle Hale, Carole Triem, Alicia Hughes-Skandijs, Greg Smith, Loren Jones, and Mayor Weldon.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Library Director/EOC Planning Chief Robert Barr, Finance Director Jeff Rogers, Lands Manager Dan Bleidorn, Parks and Recreation Director George Schaaf, Community Development Department (CDD) Planning Manager Alexandra Pierce, Assistant City Attorney Sherri Layne, Port Director Carl Uchytil, Port Engineer Erich Schaal

II. APPROVAL OF AGENDA

MOTION by Mayor Weldon to move Item E before Item D.
Hearing no objections, the motion was adopted by unanimous consent.

The agenda was approved as amended.

Mayor Weldon acknowledged Teacher Appreciation Week (May 3rd – May 7th) and appreciated their hard work thorough the pandemic, particularly the transition between virtual and in-person instruction.
She also recognized Nurses Appreciation Week (May 6th – May 12th) and expressed gratitude towards nurses for being on the frontlines, especially school nurses and health assistants.

III. APPROVAL OF MINUTES

A. Assembly Committee of the Whole DRAFT Minutes, February 22, 2021
B. Assembly Committee of the Whole DRAFT Minutes, March 15, 2021
   Hearing no objections, the minutes of the February 22, and March 15, 2021 COW meetings were approved.

IV. AGENDA TOPICS

A. Juneau Commission on Aging Presentation

Juneau Commission on Aging Chair Dr. Emily Kane and JEDC Analyst James Cheng presented a summary of the results received from the decennial senior survey.

Dr. Kane shared that the Juneau Senior Survey collected 1,845 responses in October 2019 – January 2020; this number represents about 20% of Juneau's population of those aged 55 years and older.

Dr. Kane identified senior housing as the primary concern amongst this population; specifically the availability of affordable assisted living, affordable independent senior housing, and services to help residents age in place. The JCOA recommended that the Assembly encourage developers to build senior friendly housing, and to respond to diverse housing needs (tiny homes, one floor condos, etc.).

Survey respondents also addressed their concerns regarding medical services that specialized in elder care. Half of survey participants reported that they have had trouble finding medical care in Juneau, and often need to travel outside of Juneau to seek treatment. JCOA recommended the Assembly collaborate with Bartlett to expand the amount of specialists in Juneau, and to work with UAS to train secondary and tertiary personnel.

Another area of concern amongst seniors was related to the high cost of living in Juneau. Over 65 survey respondents expressed disappointment with the 2015 Senior Sales Tax Exemption changes, and wished to see it restored. The JCOA recommended the Assembly continue supporting seniors via tax exemptions, especially low-income seniors.

The final concern addressed by the senior survey was a lack of support services. Mr. Cheng displayed a graph that detailed over 70% of survey respondents who said that they needed a change in their living situation. JCOA recommended the Assembly encourage collaboration between ASHNA (Alaska State Hospital & Nursing Home Association) and Bartlett, and to encourage UAS to continue offering their CAN (Certified Nurse Assistant) program.

Assemblymembers asked Dr. Kane a number of questions that she answered with respect to the projects mentioned in the survey report.

Ms. Woll expressed her appreciation to the JCOA for putting together the survey and she thanked all of the JCOA members: Dr. Kane, Kathleen Samalon, Justin Jones, Paul Douglas, Susan Warner, Linda Kruger, Carole Ende, Jan Beauchamp, and Jennifer Carson.

Mr. Watt mentioned that the Torrey Pines Development group will be applying for a Conditional Use Permit for their project on the May 25 Planning Commission meeting. He noted that the number of units that they will be applying for with the CUP application has increased from the initial predictions they had provided to the Assembly.

Mayor Weldon observed one of the largest contributing factors restricting seniors from receiving medical services was due to local providers not accepting Medicare. She asked Dr. Kane if the reopening of the Senior Center in the Valley was connected to the St. Paul Catholic Church, or a different organization. Dr. Kane said that the Senior Center was originally at St. Paul's, although she was not sure if the main parish building was a part of St. Paul's or if it was a different building next to the church.

Dr. Kane asked Mr. Watt if he knew if Torrey Pines was interested in other housing options, or were they primarily interested in providing assisted care. Mr. Watt clarified that the Torrey Pines Development Group was focused on solely providing assisted living.

Mr. Jones thanked Dr. Kane and Mr. Cheng for their presentation.

B. UA Property Update (Aurora/Harris Harbor)

Port Engineer Erich Schaal from CBJ Docks & Harbors provided the historic context of the current lease agreement that Docks & Harbors has had with UAS for the past 33 years at a yearly payment of $13,000. This lease ended in May 2021, and Mr. Schaal mentioned that Docks & Harbors are working with UAS to extend the agreement. The new appraisal produced by Duran & Co. substantially increases the yearly payment by tenfold, as the proposed lease rent is $230,000/year. The Duran & Co. appraisal also includes a cost to upgrade the entire facility, which would cost either $2.8 Million for current site or $8.5 Million for the full facility.

Docks & Harbors would like to discuss a potential partnership with the Assembly for a long-term plan regarding the purchase of that facility.

Port Director Carl Uchytil said he was available to answer any questions from Assemblymembers.

Mr. Bryson asked if there was any potential for a land trade that might offset the cost of the lease and make it more affordable. He also asked if there had been any conversations that explored alternative funding options. Mr. Watt provided information on the UAS land lease and the acquisition process. He also said that purchasing the property might be a good opportunity, given that UAS might consider a long-term lease payment plan in the future. He explained that a long term-lease would not be ideal, as it would put a large amount of pressure onto the Docks & Harbors budget.

Mr. Bryson asked Mr. Uchytil if this purchase could only be achieved through a voter-approved bond package, or if there were other potential purchasing mechanisms. Mr. Watt explained that Docks & Harbors has a modest fund balance, with some ability to raise revenues through their fees. He added that the purchase of this property would require the consent of the Assembly. Mr. Watt supported the decision to purchase this property through a treasury loan, as the dollar amount is too small to bond or market.

Mr. Uchytil explained that Docks & Harbors could raise revenues through their fees. Mr. Bryson said that he would be supportive of finding a way to help finance the purchase, and to reduce the annual cost of service fees.

Ms. Gladziszewski shared that she would be supportive of using a treasury loan to help fund the $2.8M, but asked if there were any additional options for this property purchase. Mr. Watt suggested the Assembly decide on how to utilize the property, and then forward it to the Assembly Finance Committee to talk about the purchasing mechanisms. Ms. Gladziszewski said that she would be okay with transferring this over to the AFC for further discussion.

Ms. Hale asked if the Assembly would be interested in purchasing the entire property, and described the value of the property location and features. She also noted that UAS uses that space for some of their classes, and asked if the property might be leased back to UAS for that purpose if CBJ were to purchase it. Mr. Uchytil explained the property's history with UAS, including the programs that have been held there such as welding and the nursing program. He added that while Docks & Harbors would like to see the entire parcel in CBJ hands, they were also trying to look at the situation from a realistic standpoint, and that they would at least want to get the 2.8 acres if possible.

Mr. Smith asked Mr. Uchytil to clarify how much revenue Docks & Harbors has generated from these properties. Mr. Uchytil explained that the annual lease rent for boat yard is approximately $27,000/year, the annual rent from the two subleases are approximately less than $40,000/year.

Ms. Hale felt it was important for the Assembly to pursue purchasing the full 5.34 acres, saying it would be a valuable opportunity for CBJ to own the entire parcel. She encouraged the Assembly to consider potential full-property purchase options when it is brought up at the AFC meeting.

Mayor Weldon said she did not agree with Ms. Hale, as she would rather see the $8.5 Million of private property on a taxable roll. She mentioned that this could be sold by UAS to a private property owner who would pay taxes on it, and that she did not see any valuable use for CBJ at this time.

Mr. Bryson asked Mr. Rogers if the Assembly were to consider purchasing the entire property, would they be able to use different borrowing programs.

Mr. Rogers explained treasury loan five year repayment option and explained that it may not be a workable amount for a revenue bond for a couple of million dollars. He said that they may be able to use the Bond Bank for a revenue bond for a few million dollars, it would be a preferential rating based on the revenues from the Docks & Harbors enterprise. He mentioned that it might be worth having this discussion at AFC to work out the details.

Ms. Gladziszewski clarified that the revenue that would be repaying any loan would not be only derived from the lease of this property, but from any and all Docks & Harbors revenue. Mr. Uchytil confirmed that was accurate.

Mr. Jones supported giving Docks & Harbors a loan of at least $2.8M, but also mentioned the possibility of UAS vacating the building if the Assembly were to purchase the entire property.

He said that this should be discussed further at an AFC meeting. Mr. Jones also noted that Docks & Harbors property is still CBJ land, and he said that the Assembly should be looking at this not as a Docks & Harbors land purchase, but rather as a CBJ land purchase for use by Docks & Harbors.

Mr. Jones asked Mr. Uchytil if this property purchase could be covered by one of the grants recently received by Docks & Harbors. Mr. Uchytil explained that grant funding could not be used towards the purchase of land, but Docks & Harbors has been able to ask for federal grants for funding towards past projects.

C. Cruise Season Update - Verbal Report

Tourism Best Management Practices (TBMP) Manager Kirby Day shared that TBMP will still be operating this summer, and they are encouraged that Ketchikan, Skagway, Wrangell, and Icy Strait Point/Hoonah are looking to establish their own TBMP programs. TBMP feels that it is important to not only maintain TBMP this year, but to prepare for the 2022 summer season which will be coming back very strong. He said that TBMP wholeheartedly supports the Visitor Industry Task Force (VITF) recommendations. He commended Ms. Triem for her leadership with the VITF and they know that was a big lift and they support those recommendations going forward.

Mr. Dan Blanchard of Uncruise Adventures shared that Uncruise Adventures will have soon have six boats operating in Juneau, holding approximately 22 to 88 people per sailing. He shared that they originally anticipated they would have 4,500 passengers during the season, but they are now expecting 5,500 passengers due to the vaccine roll out. Uncruise Adventures are moving into the Seadrome building, and shrinking their Seattle offices significantly in favor of Juneau. Mr. Blanchard also mentioned that Uncruise Adventures just added four more weeks onto the end of their season. He extended his deepest thanks to the Assembly for all their support of him and his company.

Ms. Lanie Downs from Cruise Lines International Association (CLIA) shared that CLIA has been regularly meeting with the Center for Disease Control (CDC) since April to work on a multi-port agreement. The CDC has issued technical guidance for phases 2b and 3, which CLIA has reviewed and highlighted those areas in need of clarification. Ms. Downs said that CLIA had identified shore excursions as a high-priority concern, and they hope to address that issue with the CDC to everyone's satisfaction. She extended CLIA's thanks to Mr. Watt, Mayor Weldon, and the Legislative Delegation for all their efforts in trying to bring the cruise season back.

Mr. Watt said that CLIA and many of the port communities in Southeast Alaska have been meeting biweekly to collaborate and organize on the details for this year's cruise ship season. He said that one of the things that will happen as a result of the CDC requirements will be that he will be forwarding an ordinance to the Assembly to allow him to enter into Port Agreements with the various cruise lines to allow them to operate in Juneau in accordance with the CDC guidelines. Mr. Watt said he was pleased to see CBJ and CLIA working together to try to resume the cruise industry post-pandemic, especially considering the legal history between the two entities.

Ms. Gladziszewski asked Ms. Downs if the recent CDC recommendations and the Conditional Sail Order from Canada would impact their sailings. Ms. Downs explained the test sailing requirements established by the CDC, and the vaccination levels needed to conduct test and future sailings. Regarding the Conditional Sail Order from Canada, Ms. Downs said that CLIA would like to find a way that would satisfy the technical stop without allowing any passengers to disembark. She added that Alaska's delegation has been diligently working on that issue by introducing legislation for a temporary waiver.

Mr. Jones addressed concerns relating to shore excursions, particularly regarding passengers leaving the ships on their own. Mr. Jones asked Mr. Blanchard if that would apply to small cruise ships like Uncruise Adventures vessels. Mr. Blanchard said that the CDC requirements are for ships of 250 passengers and above, and his vessels do not fall under those requirements as their passenger sizes are much smaller. He also mentioned that all of Uncruise Adventure sailings have 100% vaccinated crew and passengers.

Mr. Jones asked Ms. Downs if her sailings would be subject to the 250 passenger limit set by the CDC. Ms. Downs said that CLIA vessels do fall into that category, so the CDC passenger limits will apply to their vessels. She added that this was another high-priority concern for them to address to the CDC.

Mr. Jones thanked Ms. Downs, Mr. Blanchard, and Mr. Day for their time and for providing information on the future of cruise ship sailings in Juneau.

The Committee of the Whole took a break at 7:10p.m. and resumed at 7:20p.m.

E. Amend Assembly Rules of Procedure

Mr. Palmer explained that this resolution has not yet been introduced and this was the first time it has been brought to the Assembly. This resolution would begin the process of transitioning all CBJ meetings back to in-person meetings. The other primary change made to the Rules of Procedure was to allow for "remote" participation on Zoom or other platform remotely. He acknowledged some Assemblymembers' interest to allow for the general public to continue to participate telephonically during in-person meetings.

Ms. Hughes-Skandijs had a question about Rule 16-F, and asked for Mr. Palmer to clarify when someone's video camera has to be on, and when it is allowed to be turned off. She questioned the need for this level of specificity regarding someone's camera.

Mr. Palmer explained that the public cannot see an Assemblymember or a staff member if their camera is turned off, and said that this was included to allow for transparency for the public. He added that it is at the discretion of the Assembly to use that level of specificity or not.

Ms. Triem asked Ms. McEwen if there was any potential for hybrid options to include in-person and virtual attendees at future meetings. Clerk McEwen explained that hybrid options were indeed possible to a certain extent, and that at least one Assemblymember has already planned to participate in the next Assembly meeting via Zoom. She explained how both in-person and remote Assemblymembers will appear visually.

Mr. Smith asked Mr. Palmer if conducting these hybrid meetings would result in an additional cost for equipment and technological supplies. Mr. Palmer explained that CBJ staff has been working diligently to make the Assembly Chambers a technology-friendly location, and they will be able to adapt if needed.

There was a discussion about the technological aspects of a hybrid meeting and the positioning of the camera display. Clerk McEwen assured the Assembly that they will work to ensure that the Assemblymembers present in the Chambers are as visible as possible.

Ms. Hale expressed appreciation for the Clerk's Office and MIS staff for developing a hybrid option that allows Assemblymembers to return to the Assembly Chambers.

Ms. Triem asked Mr. Palmer why the Assembly Finance Committee was not listed under Rule 16-O. Mr. Palmer said that the AFC could be added to the list. Mr. Jones suggested removing the Committee of the Whole from the list. Ms. Gladziszewski commented that all of the Assembly Standing Committees should be on the list.

Mayor Weldon mentioned that the last paragraph encapsulates all of the committees mentioned, and that the Assembly would not need to make a lengthy list of committees to be included.

Ms. Gladziszewski said that she was not too concerned about which meetings were broadcasted, she would just appreciate it if they were posted online so people can see them and watch them at a later time. Mr. Jones added that this past year has seen an increase in public attention and participation in Assembly meetings, and he would like to encourage that. He also does not what to limit those with disabilities from testifying on an issue they care about because they are unable to visit the Assembly Chambers. Conducting meetings via Zoom has allowed for public testimony to be received telephonically, effectively changing that issue. Mr. Jones said that this ordinance would allow for the Assembly and their committees to have a set standard to follow when participating in a meeting telephonically.

Ms. Hale agreed that virtual Assembly meetings have allowed for increased public participation, and the way that the language is worded is sufficient.

Amendment #1 by Ms. Gladziszewski to amend Rule 16-O to list all the Assembly Standing Committees. PWFC, LHED, and AFC added to the rule. She added that any action taken for the Assembly meetings should be done for all ASC meetings.

Ms. Hale asked if this meant that Clerk McEwen would have to get all of the Assembly Standing Committee meetings on Facebook Live. Ms. Gladziszewski said that the kind of live broadcast would not matter, just as long as it is being broadcast and recorded somewhere. Ms. Hale said that she did not want to create extra work for the Clerks' Office to broadcast all ASC meetings, especially in the event that the meeting being broadcast – such as a PWFC meeting – did not generate any public interest or participation.

Objection by Mayor Weldon. She said that her objection was similar to Ms. Hale's, said that the difference between "must be live" and "should be live" results in extra work that is not needed.

Amendment A to Amendment #1 by Ms. Triem for the amendment to state "Assembly Standing Committees" rather than list each committee. *Hearing no objections, Amendment 1A passed by unanimous consent.*

There was a discussion about Clerk staffing and the effort it takes to broadcast each of the Assembly Standing Committee meetings.

Roll Call Vote on Amendment #1 as amended:
Ayes: Gladziszewski, Bryson, Triem, Smith, Jones, Hughes-Skandijs.
Nays: Hale, Woll, Mayor Weldon.
Motion passed. Six (6) Ayes, Three (3) Nays.

Amendment #2 by Ms. Gladziszewski Rule 16-O to change the language to add the word "recording" to two paragraphs.

Objection by Mayor Weldon for purposes of a question. She asked Clerk McEwen to clarify how much extra work this would put on the Clerks' Office. Ms. McEwen explained that it would involve the Clerks working with MIS staff to figure out how to record and save all meetings onto the CBJ server. Mayor Weldon removed her objection.

Mr. Jones asked Mr. Palmer if there was any legal obligation that required the City to record all public meetings. Mr. Palmer does not believe that there is a legal obligation that requires CBJ to record all public meetings, as the minutes are the final record of the meeting. He agreed with Ms. McEwen, saying that doing so would require them to adapt and find ways to make past audio recorded meetings easily accessible to the public. Ms. McEwen referenced a current resolution that governs the City's records retention policy for any recordings is set at three years.

Hearing no objections, the Amendment #2 was adopted by unanimous consent.

Amendment #3 by Ms. Hughes-Skandijs to add "Land Acknowledgement" to the Agenda following Flag Salute.

Objection by Mayor Weldon. She said that she was still working on the wording of the acknowledgement with Ms. Woll, and added that it is more complicated than expressing gratitude and acknowledgement.

Ms. Hughes-Skandijs appreciated Mayor Weldon's comments, and agreed that it is a complicated matter is not as simple as it may look. She asked the Assembly if they would be interested in bringing this item back for consideration once the wording had been solidified.

Ms. Hale shared that she would be interested in reviewing this further at a later point in time. Ms. Triem clarified that Ms. Hughes-Skandijs' amendment is not to decide on the specific wording to use for a land acknowledgement, but to codify a land acknowledgement within the agenda, which is something the Assembly can decide upon tonight.

Ms. Gladziszewski spoke in favor of adding a land acknowledgement to the agenda.

Mr. Bryson also spoke in favor of adding a land acknowledgement to the agenda, but also questioned the ability to discuss this at tonight's meeting. Mr. Palmer explained that the Assembly has broad discretion on amending any portion of the Assembly's rules of procedure at tonight's meeting.

Mayor Weldon said that she would like to continue informally including the land acknowledgment at this point until they work out the complex wording. Ms. Woll spoke to the ability the Assembly has to acknowledge the land they occupy in a way that works for them, while also expressing gratitude towards the original stewards of this land.

Mr. Jones said that he would be voting against this amendment, as he said he does not think the Assembly needs to do a land acknowledgement.

Ms. Hale clarified that she will be voting no, though she does feel that the Assembly should include a land acknowledgement in their agenda at a later time.

<u>Roll Call Vote on Amendment #3</u>
Ayes: Hughes-Skandijs, Woll, Smith, Triem, Bryson, Gladziszewski.
Nays: Hale, Jones, Mayor Weldon.
Motion passed. Six (6) Ayes, Three (3) Nays.

Amendment #4 by Ms. Gladziszewski to amend Rule 6-B by striking the clause following the semicolon, "*…but if they do, they shall not have the power to vote on the board or commission, and are not to be counted as a determining member of a quorum if the board or commission is present.*"

Ms. Gladziszewski said that the clause implies that the liaison has more power than they actually have, and effectively muddies the role of liaison.

Ms. Hughes-Skandijs believed the clause helped clarify the role of liaison.

Ms. Triem agreed with Ms. Gladziszewski's comments and would like to further discuss the role of the liaison, although she would rather not have that discussion tonight.

Ms. Hale asked if Mr. Palmer could provide an explanation about the history of liaisons, and recalled a time in which liaisons were voting members of their committees in the past. Mr. Palmer said that he did not know the history of this issue. Ms. McEwen explained that this was included in the Rules of Procedure because there are some entities in which Assemblymembers are voting members. This clause was meant to provide clarity to those instances, since in most cases Assemblymembers are not voting members in their liaison positions.

Mr. Bryson spoke to his understanding of liaisons and their role as active participants in their committees, and suggested the Assembly discuss this at an HRC meeting to establish clearly defined roles for liaisons. Ms. Gladziszewski agreed with Mr. Bryson's comments and was open to having a discussion on the clause.

Objection by Mayor Weldon. She appreciated Ms. Gladziszewski's intent with the amendment, but agreed with Mr. Bryson and Ms. Triem on tabling this amendment for consideration at a later time.

Objection by Ms. Woll.

Roll Call Vote on Amendment #4:
Ayes: Gladziszewski.
Nays: Woll, Hughes-Skandijs, Bryson, Hale, Smith, Triem, Jones, Mayor Weldon.
Amendment #4 failed. One (1) Aye, Eight (8) Nays.

Mr. Bryson said that he would bring this topic to the next HRC meeting agenda for discussion. Ms. Gladziszewski mentioned Page 12 of the Resolution which states that no more than three Assemblymembers to contact the Clerk may participate remotely, and questioned the reason to have the number set at three. Mr. Palmer explained there is no legal issue with that number, as long as there is a quorum present. Mr. Jones mentioned that past Assembly(s) have preferred to have at least six Assemblymembers physically present in the room for motions that required at least a 6-3 vote.

MOTION by Mayor Weldon to move Resolution 2947 vCOW1 as amended to the full Assembly, and asked for unanimous consent. *Hearing no objections, the motion passed by unanimous consent.*

The Committee of the Whole to a break at 8:33p.m. and resumed at 8:40p.m.

D. Fireworks Regulations and Taxation

Mr. Palmer explained that the packet contained the ordinance the committee has been working on for the past few months, there were a few pages that contained potential amendments members had asked him to provide and there was a proposed map as well as chart comparing the types of fireworks and where they would fall under the ordinance. Other documents also included a new draft ordinance that clarified when fireworks sales would be exempt from sales tax.

Ms. Gladziszewski noted that she wished to withdraw the amendment she proposed which is referred to as "**Amendment 1**" on packet page 74. She said the reason she wished to withdraw that amendment was that it was that the purpose was to initially designate CBJ park land outside the fire service area to have the same status as other land. She felt it wasn't right to only allow fireworks on other people's land and not on CBJ land. However, she said that the way the Charter is written, only the Assembly can prohibit the use of fireworks. She said she found out that if the Assembly says yes you can have fireworks, then Eaglecrest can't say no, they cannot be allowed during X or Y dates/times that only the Assembly can prohibit those dates/times.

Ms. Hale asked if Section 4(m) on the last page of the draft ordinance would prohibit firework usage on CBJ park lands. Mr. Palmer explained that it would prohibit firework usage, but added that there was another provision in Title 67 that currently prohibits the use of missiles in CBJ parks. He said that this amendment would clarify that all fireworks are prohibited, however, this would explicitly allow the Assembly to authorize firework usage by resolution.

Chair Jones asked who had proposed Amendment #2 which was found in the supplemental materials on page 74 of the online packet. Mayor Weldon noted that was an amendment that she is proposing. She said that while they have worked on this ordinance in great depth this spring, she didn't think that it was ready enough at this point to meet everyone's compromises and she was concerned that it might not be able to be introduced in time for action by the May meeting date so it would be able to be in effect by July 3. Mayor Weldon summarized her Amendment #2 as follows correlates to the draft ordinance at packet page 36.

Amendment #2 by Mayor Weldon to strike *36.80.020(b): Firework Prohibitions and Exceptions 1*, *2*, and *3* and replacing it with the language provided by Mr. Palmer (packet pages 74-76)
She also wished to lessen the hours featured on the Holiday Chart:
December 31st – 6:00pm to 12:00am; January 1st –12:00am to 1:00am;
July 3rd – 6:00pm to 12:00am; July 4 – 12:00am to 1:00am, and 6:00pm to 12:00pm.

Mayor Weldon clarified that this would allow the use of all fireworks in the neighborhoods, including concussive fireworks. She said that she did not think the ordinance as drafted would be able to pass in time for the May 24 meeting for adoption. Ms. Hale asked if this amendment allowed concussive fireworks in the neighborhoods. Mayor Weldon confirmed that this amendment would allow for concussive fireworks usage in neighborhoods. She clarified that she would like to remove concussive fireworks out of the neighborhood prior to July 4, 2021, but considering the amount of time it has taken to work on this ordinance, she does not think that the Assembly will have something decided before the holiday. She said that she felt sections 1, 2, and 3 were too confusing and would be too confusing for JPD enforcement and for the public to follow. Her intention with this amendment is to have an ordinance on the books in time for the holiday and then continue to work on it after the holiday to fine tune things.

Objection by Ms. Hale.

Objection by Mr. Bryson. Mr. Bryson said that he felt like the Assembly had almost brought the firework discussion to completion, and spoke to the amount of community complaints they received that specifically mentioned concussive fireworks.

Amendment A by Ms. Gladziszewski to separating Part 1 and Part 2 and allow the Assembly to vote on each issue separately.

Ms. Gladziszewski explained that what is currently written is better than this amendment, and that she did not agree with Part 1 of the amendment.

Mr. Jones asked Mr. Palmer if her Amendment A to divide the question was in order. Mr. Palmer said that it was in order and they could vote on whether or not to divide the question. Mr. Jones clarified that the motion before the body was to divide the question with Part 1 being starting with “36.80.020 Fireworks prohibition and exceptions” and Part 2 starting with “36.80.070 Definitions.” Mr. Jones asked if there were any objection to dividing the question in this manner.

Objection by Mr. Smith. Mr. Smith explained that he was not in favor of restricting the hours of fireworks use, and would rather save time by voting against the entire motion.

Objection by Mayor Weldon to dividing the question as she wouldn’t want to vote for the second part if the first part didn’t pass.

Roll Call Vote on Amendment A to Amendment #2:
Ayes: Gladziszewski, Hughes-Skandijs.
Nays: Woll, Smith, Triem, Bryson, Hale, Jones, Mayor Weldon.
Motion failed. Two (2) Ayes, Seven (7) Nays.

Mr. Smith said he still objects to Amendment #2.

Ms. Hughes-Skandijs appreciated the intent of the amendment, saying it was evident by the continuous amendments the average person picking this up may have a hard time understanding what they are proposing. That said, she also acknowledged the amount of work that has gone into identifying the problems and trying to solve the issues and coming up with a solution that while it may not be perfect, it is a good start.

Ms. Hale noted that the average person won't be looking to read the full text of the ordinance but will be looking to the Assembly and staff to have posters similar to what have been created in the past to provide a clear outline of what the rules are related to this ordinance.

Objection by Ms. Gladziszewski. She said that the current draft of the ordinance was better than this amendment, and the Assembly would be able to pass this current draft version which would prevent concussive fireworks from happening within the neighborhoods.

Ms. Woll agreed with Ms. Hughes-Skandijs' comments of the ordinance being confusing to the public. She said that it isn't just that clarity is needed when writing the guidelines, clarity is also needed when the ordinance comes before the Assembly for the public to be able to comment upon.

Roll Call Vote on Amendment #2:
Ayes: Mayor Weldon, Jones.
Nays: Triem, Smith, Hale, Gladziszewski, Hughes-Skandijs, Bryson, Woll.
Motion failed. Two (2) Ayes, Seven (7) Nays.

Amendment #3 by Ms. Gladziszewski to move the hours in the chart under Amendment #2 "36.80.070 Definitions."

Objection by Mr. Smith. Mr. Smith felt that the Assembly was excessively restricting fireworks, and they should focus on getting the large, loud fireworks outside of the fire service area.

Ms. Woll asked for clarification as to how this is different from what was allowed in past years. Mr. Jones clarified that the chart showing the strikethrough and the replacement text compare previous years to this year and would reduce the number of hours from 14 hours on each of the days to 6 hours per day if the amendment is adopted.

Roll Call Vote on Amendment #3:
Ayes: Gladziszewski, Hughes-Skandijs, Bryson, Jones.
Nays: Woll, Smith, Triem, Hale, Mayor Weldon.
Motion failed. Four (4) Ayes, Five (5) Nays.

Mr. Jones asked Mr. Palmer if this ordinance had already been introduced, or if it will be set for introduction at the May 24 Regular Assembly meeting. Mr. Palmer clarified if this ordinance were to pass out of tonight's COW meeting, it would be introduced at the May 12 Special Assembly Meeting, and set for public hearing on May 24.

Ms. Woll asked if they were to give direction about allowing certain fireworks on CBJ lands via resolution, if a resolution could be brought back before the Assembly at the meeting of May 24 and have it be in effect prior to July 3rd/4th. Mr. Palmer said yes, that was possible. He explained that the big difference between a resolution and an ordinance is that a resolution can be effective immediately but an ordinance is not effective until 30-days after adoption. He said they could take up a resolution at either the May 24 or the June 14 meetings.

MOTION by Mr. Smith to introduce Ordinance 2021-03 vCOW3, as amended, at the May 12 Special Assembly meeting, and set for public hearing at the May 24 Regular Assembly meeting.

Objection by Mr. Jones and by Mayor Weldon. Mayor Weldon said that the ordinance as written will be confusing to the public, to the Assembly, and to the police officers who try to enforce it. She added that there are different regulations for different types of fireworks, which may lead to those not experienced in firework usage being unable to tell the difference between them.

Mr. Smith believed that the City could be able to communicate the necessary details to the public in a digestible manner, and said that this was a good compromise.

Ms. Hale asked Mr. Watt if the Assembly could provide a handout guide to the ordinance at the May 24 meeting so that the attending public can have a more thorough understanding on the ordinance before commenting. Mr. Watt confirmed that they could provide information to the public for that purpose.

Mr. Bryson spoke to the effectiveness of the flyer explaining the fireworks ordinance, and added that this ordinance had been resolved by simply removing large mortars from the fire service area.

Objection by Mr. Jones. Mr. Jones said that the only enforceable method would be a complete ban on fireworks. He felt that the Assembly has complicated this issue by confusing the public, burdening the Assembly, and making it difficult for the police to enforce this ordinance. Mr. Jones added that no one will pay attention to the flyer, they will shoot off whatever fireworks they wish and hope that the police officers are preoccupied.

Roll Call Vote on Motion:
Ayes: Smith, Woll, Hughes-Skandijs, Triem, Hale, Bryson, Gladziszewski.
Nays: Jones, Mayor Weldon.
Motion passed. Seven (7) Ayes, Two (2) Nays.

Mr. Jones noted that he had asked the City Attorney to draft up the final ordinance found in the packet, Ordinance 2021-18 "*An Ordinance Regarding Taxing the Sale of Fireworks.*" He said that it basically sets up that fireworks is not exempt from sales tax for any reason. Anyone that sales fireworks within the City and Borough of Juneau must pay sales tax. He is looking for an up or down to move this ordinance to the Assembly for introduction and public hearing.

MOTION by Ms. Hughes-Skandijs for the Assembly to move Ordinance 2021-18 to the full Assembly for introduction.

Objection by Mr. Smith for the purpose of a question. He said as he is thinking of this, he is thinking that Tlingit Haida Central Council may want to sell fireworks again and he asked if the only reason THCC does not pay sales tax is due to their exemption status. Mr. Palmer explained that due to confidentiality issues, it bars him from speaking about one vendor in particular and or a small group of vendors, but he said that generally, if this motion were to pass, he said the Law Department and Finance Departments would do their best to enforce it as best as they could. Mr. Smith said he would not vote to stop its introduction but he will have a number of questions prior to final Assembly action.

Ms. Hale asked Mr. Palmer if CBJ has the authority to assess sales tax on a business that is located on a Native allotment. Mr. Palmer said that is a complicated and technical question that relates to the conditions of the property lease. Ms. Hale asked Mr. Jones if it was his intent that this ordinance would be introduced at the May 12 meeting. Mr. Jones said that he wasn't aware of the May 12 Special Meeting until the fireworks discussion tonight but he would be OK with it being introduced at that meeting. He said that since the fireworks ordinance is moving forward, it is going to impact the entire community of Juneau, no matter what happens, they need to collect the sales tax that impacts the CBJ public safety response to fireworks. He wanted to make sure firework sales were not exempt from sales tax. He said that when they had a senior citizens sales tax exemption for restaurant meals, they would exempt the meal but the seniors still had to pay the alcohol taxes on any alcohol that may have been purchased with that meal. He compared this ordinance to that same type of exemption/collection requirements. No matter what an entity's other sales tax status is, under this ordinance, if you sale fireworks, you will collect and remit sales tax on those sales.

Mayor Weldon asked Mr. Palmer to clarify that the only change being made to this existing ordinance is the addition of fireworks sales. Mr. Palmer confirmed that was correct.

Ms. Woll asked if this ordinance were to pass, someone, who isn't a tribe, would still have to charge and collect sales tax. Mr. Palmer said that would depend. He noted that there are certain types of exemptions that do not require non-profits to collecting sales tax, as well as any tribal exemptions. He said that depending on how the fireworks vendor was formed, they may or may not be required to collect and remit sales tax.

Mr. Jones asked if there were any objections to forwarding this ordinance to the Assembly. Ms. Woll objected.

Mr. Jones asked the Clerk to call for the vote.

Clarification was requested on whether this was to be introduced at the May 12 Special Assembly meeting. Ms. Hughes-Skandijs noted that her motion did not specify when it was to be introduced.

Amendment #1 by Ms. Gladziszewski to introduce Ordinance 2021-18 at the May 12 Special Assembly meeting and put it on the same timeline as Ordinance 2021-03 vCOW3.

Objection by Ms. Hale. She said that this ordinance was just dropped in their lap and they have not had much time to discuss this ordinance and she would like more time for the Assembly to discuss and consider it.

Ms. Gladziszewski removed her amendment.

<u>Roll Call Vote on Motion to forward Ordinance 2021-18 for introduction:</u>
Ayes: Hughes-Skandijs, Smith, Bryson, Triem, Gladziszewski, Jones, Mayor Weldon.
Nays: Woll, Hale.
Motion passed. Seven (7) Ayes, Two (2) Nays.

Mr. Jones asked for any final comments. He reminded members that there is a Finance Committee meeting scheduled for Wednesday, May 12. Ms. McEwen noted that the Special Assembly meeting will be held starting at 5:30p.m. on Wednesday, May 12 immediately followed by the Assembly Finance Committee meeting and the Zoom link/information will be the same for both meetings.

VI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 9:32p.m.

Minutes drafted by Administrative Assistant Lacey Davis and respectfully submitted by Municipal Clerk Beth McEwen this 19th day of July, 2021.