

ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
Meeting Minutes – April 12, 2021

I. ROLL CALL

The Assembly Committee of the Whole meeting, held virtually via Zoom webinar, was called to order by Deputy Mayor Loren Jones at 6:00 p.m.

Assemblymembers Present: Loren Jones, Maria Gladziszewski, Michelle Hale, Carole Triem, Greg Smith, Christine Woll, and Mayor Weldon.

Assemblymembers Absent: Alicia Hughes-Skandijs, Wade Bryson,

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, Police Chief Ed Mercer, Deputy Chief David Campbell, Fire Chief Rich Etheridge, Finance Director Jeff Rogers, Parks and Recreation Director George Schaaf, Parks and Recreation Deputy Director Michele Elfers, CDD Planning Manager Alexandra Pierce, Assistant City Attorney Sherri Layne, BRH CEO Rose Lawhorne, and BRH Chief Behavioral Health Officer Bradley Grigg.

II. APPROVAL OF AGENDA

The agenda was approved as presented.

III. APPROVAL OF MINUTES

- A. August 31, 2020 Assembly Committee of the Whole Draft Minutes
- B. February 1, 2021 Assembly Committee of the Whole Draft Minutes

Hearing no objections, the minutes of the August 31, 2020 and the February 1, 2021 Assembly Committee of the Whole meetings were approved as presented.

IV. AGENDA TOPICS

A. Mental Health Interventions for Vulnerable Populations

Ms. Cosgrove provided an overview of the services available in Juneau for individuals who are experiencing a mental health crisis. She explained that when a member of the community is undergoing a mental health crisis, they may reach out for help through two different routes. If the individual is already familiar with local service providers, they may choose to contact JAMHI or BRH and connect with one of their psychiatric emergency services to address the crisis. Alternatively, an individual experiencing a mental health crisis could result in someone – a loved one, an observing stranger, or the individual themselves – calling 911 to have JPD address the crisis at hand.

Ms. Cosgrove added that the police officers dispatched to address the mental health crisis often have limited information on what is happening. An interaction between the police officer and the individual varies greatly: the officer may let the person leave, the person might undergo an assessment conducted by CCFR, the person may be transported to BRH, or the person may be taken into Lemon Creek Correctional Facility. BRH will perform a mental health evaluation on the individual, which could include voluntary or involuntary admission into the BRH Mental Health Unit. She said that it is not uncommon for people to be evaluated by the Emergency Department at Bartlett Regional Hospital and walk away without need for follow-up or treatment.

Mr. Bryson described a third outcome in which JPD officers determine that there is no crime being committed, and decide not to transfer the individual to BRH for whatever reason. In this instance, the officers leave and the individual experiencing a mental health crisis is left alone and the crisis is not resolved.

Ms. Cosgrove mentioned that in those situations, the individual in crisis does not receive the help and treatment that they need. She proceeded to share a detailed graph that displayed the different outcomes and scenarios that take place during a mental health crisis.

Ms. Cosgrove shared that a working group recently met to discuss these options, this group included Dave Branding from JAMHI, Bradley Grigg from BRH, JPD Chief Mercer, JPD Deputy Chief Campbell, Scott Ciambor and Jesse Perry from the Housing Office, and other CBJ staff. They discussed which crisis intervention methods have been working well, and what methods could be improved upon.

Ms. Cosgrove said that JAMHI and CBJ have been working on developing a mobile crisis intervention system which would dispatch a team of clinicians or behavioral health specialists to respond to the crisis.

Ms. Triem asked how the dispatcher would be able to determine whether a situation would require intervention from a JPD officer or from a behavioral health specialist. Chief Mercer said that the dispatcher would gather as much information as possible to assess the situation and determine the appropriate response team to address the crisis.

Ms. Cosgrove added that there are a lot of communities that are also working on similar response, such as the Alaska Mental Health Trust developing a Crisis Now model. She shared slides that detailed the Crisis Now framework, which included a Crisis Call Center, a Mobile Crisis Team, and a Crisis Response Center for short-term stabilization. BRH is currently establishing a short-term stabilization center that is expected to be operational by the summer of 2022. She referenced when the Assembly discussed this issue a few years ago, they highlighted the need for community navigators and community outreach. She mentioned that JAMHI has already established an active response team, which has been met with high regard. Ms. Cosgrove reminded the Assembly that this is still a work in progress that is moving in the right direction.

Ms. Gladziszewski asked Mr. Grigg to describe the coordination of BRH and other entities during the process of standing up a crisis stabilization center.

Mr. Grigg explained that there is coordination between all parties involved, however BRH is responsible for a significant amount of the process. He said that BRH adopted the Crisis Now model three years ago, over a year before Alaska Mental Health Trust (AKMHT) did. BRH met with JAMHI, JYS, SEARHC, JPD and CCFR, and other similar entities in town, where they discussed that BRH would be the entity that would operate a crisis stabilization center. Each of the other entities sent a letter of support in this decision. Additionally, BRH would need to depend heavily on JPD and CCFR and other local mental health providers for support. Mr. Grigg described BRH's coordination efforts as a front-and-center approach. BRH is currently providing 23-hour short-term stabilization for youth at the Mental Health Unit. He said that BRH will add adults to the stabilization program within the next few weeks.

Dave Branding added that JAHMI's focus will be towards their mobile crisis outreach team, and coordinating with BRH and JPD to ensure the safety of the outreach team.

Ms. Gladziszewski asked if the City Manager's office would be coordinating in this effort. Ms. Cosgrove confirmed that the City Manager's office have reached out to the different entities in an attempt to meet altogether to collaborate.

Mr. Smith referenced page 2 of Mila's memo, which mentioned individuals who have a high frequency of calls due to high-need situations. He asked Ms. Cosgrove if this kind of response is helpful to their situation. Mr. Smith also asked if there any facilities or services that Juneau does not have that would help individuals with high need.

Ms. Cosgrove explained that every individual has a unique set of needs, and JPD is trying to avoid acute crisis by admitting individuals into longer term care facilities. She also spoke to the difficulty in discussing topics like high-frequency users due to confidentiality reasons. A hypothetical example of this would be: if JPD had interacted with an individual five times in one week, if they were to ask JAMHI if they were familiar with the individual, JAMHI cannot provide that information. Ms. Cosgrove added that in some cases, the ability to have a back-and-forth conversation about these topics can help provide an individual with the assistance they truly need. Mr. Branding said that JAMHI is open to receiving information, but due to confidentiality reasons they cannot confirm or deny whether they have interacted with a particular individual. He identified one of the biggest challenges for JAMHI right now is trying to secure an adequate work force to fill a mobile team.

Ms. Cosgrove also addressed Mr. Smith's concern about adequate facilities for high-need individuals, as that is part of what BRH is trying to incorporate into their crisis stabilization center.

Mr. Bryson asked Ms. Cosgrove to explain what the Assembly can do to help push this process forward. He described this as one of the best things we can do for our community, and spoke to the importance of this issue.

Ms. Cosgrove described the process as ongoing, BRH is continuing forward with establishing the crisis stabilization center. She mentioned that JAMHI could potentially need some additional funding to stand up their mobile crisis outreach team, but there are some staffing concerns. Ms. Cosgrove said that she was not sure if there was anything needed from the Assembly at this time other than for them to understand the process.

Mr. Grigg explained one of the key components of the Crisis Now model is to reduce the involvement of law enforcement on crisis calls, and is more focused on implementing a triage system. Mr. Grigg identified that their goals are to support JAMHI, assist the patients in need, reduce the amount of law enforcement interactions, and continue to collaborate on their work together.

Mr. Branding said that the key to this process is to be able to work with individuals on an ongoing basis. While they want to be able to respond safely to emergency crisis in the community, he said their overall goal is to continue serving these individuals so that there is less crisis in the community.

Ms. Hughes-Skandijs asked Chief Mercer to explain the circumstances surrounding the arrest of an individual experiencing a mental health crisis. Chief Mercer said that JPD officers evaluate the situation, particularly if there is a criminal offense taking place. He said that JPD officers may arrest the individual if there is probable cause to do so. However, Chief Mercer added that in many cases officers are aware that they are dealing with an individual who may suffer from a mental illness, and thus operate under the statute of Title 47. This leads the officer to determine whether the individual is capable of caring for themselves, or if they are a danger to themselves or others. Chief Mercer explained that oftentimes, individuals they encounter meet neither of these requirements and do not meet the criteria to be taken into custody.

Ms. Triem asked which entity would be providing the crisis hotline and the mobile response services. Ms. Cosgrove explained that JAMHI will provide the mobile response service, and BRH will provide a crisis call center; which may involve working with the statewide group to develop a statewide crisis hotline.

Ms. Gladziszewski asked Mr. Grigg to describe the role of the clinicians and navigators, and how they would be dispatched in a time of crisis. Mr. Grigg explained that the Crisis Intervention Services team (CIS) had just been launched seven weeks ago. He described the process that involved the CIS team meeting with individuals who arrive at the emergency room experiencing a mental health crisis. Mr. Grigg said that in the past, when someone in crisis was not admitted into the MHU, there was a significant lack of services available to them once they are discharged. He identified this as a failure to those in crisis. Now, when someone is not admitted to the MHU, the CIS will provide in-home, community based support from clinicians and navigators to support the family. CIS outreach also includes in-home counseling and referral services to other healthcare providers in the community.

Mr. Grigg mentioned that in the seven weeks of operation, CIS has already served over twenty-five families without any marketing or public messaging of the program. He said that this exemplifies how great the need is for this program, and CIS is approaching each situation

cautiously. CIS is able to connect with individuals and families within 24 hours after discharge from BRH to provide support services for up to seven days a week, including weekends. Considering the response so far, Mr. Grigg expects the demand for CIS services to continue to grow as there has been an increase in mental health crisis.

Ms. Woll asked if someone were to call 911, would the dispatcher refer them to the crisis call center, or would JPD initially respond and then refer them to the crisis call center. Mr. Grigg said that BRH's goal is to create a triage system that will get the patient where they need to be as soon as possible, rather than to have JPD drop them off at the ED. Ultimately, CIS would want the dispatcher, individuals, and family members to all be able to call the crisis call center.

Mr. Smith expressed interest in learning more about this in the future.

The Committee of the Whole took a recess at 6:48p.m. and resumed at 6:55p.m.

B. Local COVID Response Moving Forward

Ms. Cosgrove provided updates on the COVID-19 risk metrics and they were included in the online packet under "Supplemental Materials." She explained that these are the things the EOC examines when making determinations for adjusting the community risk level. She also noted the changes and updates to the Community Mitigation Measures, which are proposed to replace the measures expiring at the end of the month.

She explained that very little changes were made to the moderate, high and very high levels. Substantial changes were made to the travel column to match with the current State Health Advisory. If Juneau were to drop down to the low level, the EOC would consider ways to reward the community for their efforts in keeping everyone safe, and to acknowledge the role of vaccines in reducing transmission. Ms. Cosgrove explained each of the sublevels: A) under 50% fully vaccinated, B) under 60% fully vaccinated, and C) above 70% fully vaccinated. The EOC anticipated that Juneau will reach Level 1b by mid-May.

Ms. Cosgrove spoke to the changes regarding masking which reflected the recent CDC recommendations. Masking is not required in areas in which everyone inside has been fully vaccinated; however, in public areas where the vaccination status of others is not certain or there are un-vaccinated individuals, masks will be required. She said that the EOC also changed the guidelines for indoor gatherings from being limited to 100 to being unlimited, provided that safety guidelines and social distancing are still enforced.

Juneau's local travel mandate expires on May 1, and it is difficult to anticipate if the State will choose to enforce specific travel mandates. Ms. Cosgrove shared that it is difficult for the EOC to make a firm recommendation without any clear direction from the State.

Ms. Gladziszewski mentioned that there was a variant case of COVID-19 found in Juneau, and asked Ms. Cosgrove if variant cases would impact the community mitigation measures. Ms. Cosgrove reported that the state has identified up to 80 variant cases of COVID-19 in the state. She described the process that follows when someone tests positive for COVID-19, which includes a sequential test for variant cases. Ms. Gladziszewski clarified that Juneau's variant case

– the B117 strain of the virus – was acquired through community transmission and was identified between April 4 and April 10.

Ms. Triem asked Ms. Cosgrove if it is possible for 70% of Juneau’s population to be fully vaccinated if children are not yet eligible to receive a vaccine. Ms. Cosgrove confirmed that was a possibility, as children under the age of 16 make up about 20% of Juneau’s population. She added that the CDC has indicated that they will be offering vaccines to children aged 12-15 sooner than previously expected.

Mayor Weldon noted that 70% of the total population is a tight goal, and mentioned that Anchorage is only factoring in 70% of the eligible population. She asked if 70% of the total population could be too high of a bar to reach, and if they should only consider the eligible population. Ms. Cosgrove believes that 70% of the total population is an achievable goal, and added that Anchorage’s community mitigation measures are quite a bit more restrictive than Juneau’s measures.

There was a discussion about vaccine incentives and state testing contracts.

Mr. Smith noted that the current travel mandate expires on May 1, and the next scheduled Assembly meeting will be held on April 26.

MOTION by Mr. Smith to direct Mr. Palmer to draft an Emergency Ordinance to be brought back to the April 26 Regular Assembly meeting. The ordinance to be drafted would require testing for those traveling upon arrival in Juneau, unless they are fully vaccinated. For those individuals who are fully vaccinated arriving in Juneau, they would be exempt from the testing social distance requirements.

Objection by Mr. Jones.

Objection by Mr. Bryson.

Mr. Jones asked Mr. Palmer if he would have enough time to draft an ordinance by April 26. Mr. Palmer confirmed that would be enough time for him to draft an emergency ordinance, and reminded the Assembly that the emergency ordinance would require at least six votes to pass.

Ms. Gladziszewski asked Mr. Smith if he was trying to extend the current mandate or to change the existing one. Mr. Smith said that his goal was to change the mandate to require travelers to test upon arrival (or to strict social distance if they decide not to test) unless they are fully vaccinated. Ms. Cosgrove explained that the current mandate requires travelers to test upon arrival regardless of vaccination status, and those who are not fully vaccinated are required to strict social distance until they receive their test results.

Ms. Hale and Mayor Weldon both said that they would like to be in sync with state travel guidelines, to help limit confusion.

Ms. Hughes-Skandijs and Ms. Gladziszewski both supported having something on the agenda for the April 26 meeting.

Mr. Bryson asked Mr. Smith to clarify his motion. Mr. Smith explained that his intent is just to require travelers to test when arriving to Juneau, with the exception those who are fully vaccinated.

The Committee took a recess for Mr. Smith to draft a motion at 7:42p.m. The Committee reconvened at 7:44p.m.

Mr. Smith restated his **MOTION**:

For the City Attorney draft an Emergency Ordinance for Introduction at the April 26 Regular Assembly meeting that requires travelers to test upon arrival unless they are fully vaccinated. If they test upon arrival, they are not required to socially distance. He asked for unanimous consent.

Objection by Mr. Jones.

Ms. Gladziszewski spoke in support of this motion, and spoke to the importance of having all travelers test regardless of vaccination status.

Objection by Mayor Weldon.

Objection by Mr. Bryson. He referenced the Governor's recent announcement of encouraging independent travelers to visit Alaska, and said that this motion would be in conflict with the state's messaging.

Amendment #1 by Ms. Woll to strike the last sentence in Mr. Smith's motion that specifies that if one does not test, they would have to social distance.

Ms. Triem spoke in favor of Ms. Woll's amendment, and asked Mr. Barr to provide the average amount of time it takes for travelers to receive their test results.

Mr. Barr explained that airport test results are generally received within 1-2 days.

Ms. Hale spoke in favor of the motion, and believes that this does not send a negative message if the motion itself is only about testing, as the State is still encouraging travelers tests.

Hearing no objections, Amendment #1 was adopted by unanimous consent.

Roll Call Vote on the motion as amended:

Ayes: Smith, Woll, Hughes-Skandijs, Hale, Triem, Gladziszewski.

Nays: Bryson, Jones, Mayor Weldon.

Motion passed. Six (6) Ayes, Three (3) Nays.

MOTION by Mayor Weldon that the proposed mitigation measures come back to the Assembly at the April 26 Regular Assembly meeting.

Objection by Ms. Woll. She said that the masking and social distancing incentives related to vaccinate rates required a bit more work.

Roll Call Vote on the Motion:

Ayes: Mayor Weldon, Smith, Hughes-Skandijs, Bryson, Hale, Triem, Gladziszewski, Jones.

Nays: Woll.

Motion passed. Eight (8) Ayes, One (1) Nay.

The Committee of the Whole took a recess at 7:57p.m. The meeting resumed at 8:12 p.m.

C. Visitor Industry Task Force (VITF) Report Implementation Plan

CDD Planning Manager Alix Pierce and Parks and Recreation Deputy Director Michele Elfers gave a presentation on the VITF Report Implementation Plan. Ms. Pierce explained that the Long Range Waterfront Plan (LRWP) portion on amendments requires a public process be incorporated. Ms. Pierce said that they believe the VITF provided a robust public process, but it will be up to the Assembly to determine if they also feel the public process was sufficient. If not, she recommended conducting a survey be done to further engage the public.

The VITF recommended that capacity should not exceed five large ships (greater than 750 feet) at berth or at anchor. Limit to 5 ships only and no ships anchored.

The VITF submitted the following recommendations with respect to the Norwegian Cruise Lines dock proposal for Assembly consideration:

1. One larger ship per day using one side of the facility.
2. Maximum of five larger ships in the port per day.
3. No hot berthing at new facility.
4. No larger ships allowed to anchor as 6th ship in town.
5. High quality uplands development for community and visitors.
6. Year-round development orientation.
7. CBJ manages dock to some extent.
8. The dock is electrified.

Ms. Pierce said that VITF shared their conditions with NCL design team. CBJ received a letter from NCL stating design goals that largely conform to VITF and LRWP processes.

Ms. Elfers shared a presentation about implementing a centralized tourism management system. She said there will need to be a lot more discussion about this, and the VITF recommended that CBJ establish a full time staff to carry out the 2022 Tourism Management Plan (TMP). The VITF recommended directing the Manager to begin working on this and bring it back to COW with a structured plan for implementation.

Mayor Weldon asked Ms. Pierce to clarify if there would be additional opportunities for public testimony if the Assembly were to decide that the public process was sufficient. Ms. Pierce confirmed that there would be additional opportunities for the public to provide comment on this

process. This would include public hearings before the Planning Commission and the Assembly, as well as a public opinion survey to receive community feedback on the project.

There was additional discussion about public processes related to LRWP.

VITF Recommendations for Immediate Steps:

1. Choose a process option for updating the LRWP:
 - a. Determine that the VITF public process, Assembly committee work and public hearing for the ordinance that would adopt LRWP changes are sufficient.
 - b. Add additional process step(s).
 - c. Decide if first year of survey recommendation should include questions about the NCL proposal or not.

Staff recommended the Assembly choose option 1(a) above.

2. Allocate funding for first year of a four year survey to be conducted in the spring of 2021 (passenger fees).

Staff recommended the Assembly direct the City Manager to draft an ordinance providing funding for a community survey.

3. Direct the City Manager to propose a centralized tourism management process, strategy and funding for the proposal.

Staff recommended the Assembly direct the City Manager to develop a proposal for COW review.

4. Begin implementation of 2021 items in the attached chart.

Staff recommended the Assembly direct staff to continue working on the 2021 actions and to bring back any documents needing Assembly approval and funding to the Assembly for action.

Ms. Gladziszewski had a question regarding the process for updating the LRWP. Due to the fact that the Mayor's original charge did not include this, she does not feel that this explicitly qualifies as the public process. Ms. Gladziszewski felt VITF was not explicit enough in their public process, and suggested they hold meetings specifically about this topic for the community to weigh in on.

Mr. Bryson believes that the VITF did a phenomenal job at inviting and encouraging the public to provide their testimony. He said that the public has shared their thoughts on the dock, and that the VITF were explicit in their meetings when discussing the project.

Ms. Hughes-Skandijs said that they should consider doing more for public process, and agreed with Ms. Gladziszewski's comments. She mentioned that this was not a charge for the task force, and in the past people have rejected a dock in the exact location as this project. Ms. Hughes-Skandijs advocated for specifically addressing this dock proposal in that particular location, and to allow for public comment on that issue.

Ms. Triem shared that she would like to include the uplands in the discussion. She mentioned that the small cruise ship dock parking lot directly goes against the LRWP. She believes the scope should be expanded to include the tidelands.

Ms. Hale said the public deserves to be allowed the opportunity to consider the reopening of the LRWP.

Ms. Woll believes the conversation that the community does not want to have a “yes or no” conversation about the dock, but rather a discussion about the terms and conditions of the dock itself. Since this was not the original charge, she feels that this is a conversation that still needs to happen.

Mayor Weldon felt that the VITF public process was thorough, but could see the need for at least one more public meeting about this dock itself.

Mr. Bryson disagreed with previous statements, and reminded the Assembly that the VITF has already received a considerable amount of public input over a period of several months.

Ms. Gladziszewski agreed with Ms. Triem’s comments to open the LRWP more, and to encourage additional public process.

MOTION by Mayor Weldon for the Assembly to consider VITF public process almost sufficient enough to reopen the LRWP. She suggested that they have one more public meeting to address the dock specifically. [This motion supports 1a and 1b with an additional public meeting to discuss the dock.]

Objection by Ms. Hale. Ms. Hale said that limiting the public process to one meeting may not be sufficient to fully address the issue.

AMENDMENT by Mayor Weldon to expand her motion to include “at least one more meeting”. Ms. Hale removed her objection.

Mr. Bryson shared that he felt hesitant to ask the public to testify once again, and he predicted that reopening the public process would lead to the same people give the same testimony they shared before. With that, Mr. Bryson said that he would agree with having an additional meeting. *Hearing no objections to the amendment, the motion, as amended, passed by unanimous consent.*

MOTION by Mayor Weldon for the Assembly to direct the Manager to draft an ordinance to allocate funding for first year of a four year survey to be conducted spring of 2021 (passenger fees). *Hearing no objections, motion passed by unanimous consent.*

MOTION by Mayor Weldon for the Assembly to direct the City Manager to draft a proposal for a centralized tourism management process and strategy, and funding for the proposal.

Ms. Gladziszewski said that this is a complicated issues which requires a complex solution, and she strongly encouraged having a lot more discussion on the proposal.

Mr. Jones suggested the City Manager present a draft proposal as a pending items at the AFC meeting for next year's budget, as this would be funded through next year's budget.

Ms. Triem mentioned that this issue would warrant a policy discussion prior to forwarding it to the AFC, and recommended bringing this back to the COW.

AMENDMENT: Mr. Jones suggested that Mayor Weldon may want to amend her motion to keep it in COW for further discussion. Mayor Weldon agreed to that amendment.
Hearing no objections to the amendment, the motion, as amended, passed by unanimous consent.

MOTION by Mayor Weldon for the Assembly to direct the City Manager to begin implementation of items 2021 Items List in the attached VITF chart. *Hearing no objections, the motion passed by unanimous consent.*

Mayor Weldon thanked Ms. Elfers and Ms. Pierce for their time and their efforts.

The Committee of the Whole took a break at 9:00p.m. The meeting resumed at 9:05p.m.

D. Ordinance 2021-03 An Ordinance Regulating Fireworks and Providing for a Penalty.

Mr. Palmer explained that most of the proposed amendments, the Assembly saw at the last COW meeting. He explained that following the initial eight pages of the ordinance, each of the proposed amendments can be found on the subsequent pages and the COW can decide to either vote those up or down. He said the he was available to answer Assemblymembers' questions.

AMENDMENT 1: Make grammatical and minor corrections as denoted. (Pg. 1 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Ms. Gladziszewski to adopt Amendment #1 and asked for unanimous consent.
Hearing no objections, Amendment #1 was adopted by unanimous consent.

AMENDMENT 2: Clarify firework storage is still regulated by Title 19. (Pg. 1 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Ms. Gladziszewski to adopt Amendment #2 and asked for unanimous consent.
Hearing no objections, Amendment #2 was adopted by unanimous consent.

AMENDMENT 3: (two parts): Only allow sale of fireworks outside fire service area and subject to a retail permit. (Pg. 2 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #3 for purposes of making an additional amendment.

Mayor Weldon said that she worked with Mr. Palmer to add an exemption to the retail firework permit, as that is a CBJ permit and she asked Mr. Palmer to share his screen to be able to show the language of her proposed amendment.

Amendment A to Amendment 3 Part 1 by Mayor Weldon to add language to 36.80.040(a). Mr. Palmer explained that this amendment would add language to the last sentence of (a)(2), which would include the following sentence: “A government vendor, including a federally recognized tribal government, is exempt from the permit requirement.”

Ms. Gladziszewski asked Mayor Weldon to clarify the intent of the amendment, to explain why the Assembly would choose to allow this exemption.

Mayor Weldon explained that the retail firework permit is a city permit, and it seemed strange to her to have a condition that would require both a city permit and a state permit.

Ms. Triem asked Mr. Palmer if this amendment would restrict the Assembly from preventing the permit entity from selling fireworks. Mr. Palmer confirmed that would be correct.

Objection by Mr. Jones. He said that he would understand if it was an issue involving tribal government on tribal lands, but he said that he does not believe that there are any tribal lands in Juneau.

Ms. Hughes-Skandijs spoke in favor of this amendment, and appreciated the inter-governmental relationship that it fosters. She also appreciated that the amendment recognized the sovereignty of the land itself.

Ms. Triem asked Mr. Palmer to clarify if a tribe could still sell fireworks if the Assembly gave them a permit, specifically without this amendment. Mr. Palmer confirmed that a tribal entity could get a fireworks permit through the city. If the Mayor’s amendment were to pass, then the tribal entity would not need to get a permit through the city. Objection by Ms. Triem. She agreed with Mr. Jones’ comments, and added that the Assembly should not give up their local control.

Objection by Ms. Gladziszewski. She said that if the state could require a permit, then they city could require a permit as well.

Mr. Smith asked if a tribal entity would need to get a permit from the city for building on tribal lands. Mr. Jones said that he was not aware of any tribal lands in the City and Borough of Juneau. Mr. Smith asked Mr. Palmer for additional input. Mr. Palmer said that he was also not aware of any tribal lands in Juneau. He recalled a petition from four years ago to put some land into trust, which would have included a large amount of land as tribal land. However, Mr. Palmer stated that has not happened yet, and the current guidance from the United States Department of Interior Solicitor’s Office states that if an entity wanted to build a structure, it would need to comply with city building codes under Title 49 and Title 19.

Roll call Vote on Amendment A to Amendment #3:

Ayes: Mayor Weldon, Woll, Hughes-Skandijs, Bryson, Hale

Nays: Smith, Triem, Gladziszewski, Jones

Motion passed. Five (5) Ayes, Four (4) Nays.

Hearing no objections, Amendment #3, as amended, was adopted by unanimous consent.

AMENDMENT 4: Require fireworks vendors to only sell to people 18 years old or older (Pg. 3 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mr. Smith to adopt Amendment #4 and asked for unanimous consent. *Hearing no objections, Amendment #4 was adopted by unanimous consent.*

AMENDMENT 5: Clarify possession of fireworks provisions (Pg. 4 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #5 and asked for unanimous consent.

Mr. Bryson asked Mr. Palmer to provide a definition of Section B, Line 10 “Possession of Dangerous Fireworks” as used in this section. Mr. Palmer clarified that the term “dangerous fireworks” are ones that you cannot buy in the state of Alaska. Mr. Bryson removed his objection. *Hearing no objections, Amendment #5 was adopted by unanimous consent.*

AMENDMENT 6: Increase the fireworks possession limit from 25 to 75 pounds (Pg. 5 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #6 and asked for unanimous consent.

Ms. Gladziszewski asked if the 75 pound restriction was determined by weight. Mr. Palmer confirmed that it would mean 75 pounds by weight.

Objection by Ms. Hughes-Skandijs. She said that 75 pounds may be too much, and did not think it would be great for the city if everyone was able to own 75 pounds worth of fireworks.

Ms. Hale shared that she has learned that fireworks are sold in big packs, and the limit in state law is 250 lbs. She added that this was an attempt is to be consistent with packaging.

Ms. Hughes-Skandijs removed her objection.

Amendment A to Amendment #6 by Ms. Gladziszewski to change the limit from 75 pounds down to 50 pounds.

Objection by Ms. Hale.

Objection by Mr. Smith.

Ms. Hughes-Skandijs asked Ms. Hale to clarify that an average package of fireworks is 75 pounds as a unit. Ms. Hale shared that she does not know the precise weight, and the units are commonly over 50 pounds, and she reiterated that the state allows 250 pounds.

Roll Call Vote on Amendment A to Amendment #6

Ayes: Gladziszewski, Hughes-Skandijs, Triem, Jones,

Nays: Woll, Smith, Bryson, Hale, Mayor Weldon.

Motion failed. Four (4) Ayes, Five (5) Nays.

Hearing no objections, Amendment #6 was adopted by unanimous consent.

AMENDMENT 7: For the purpose of using fireworks, clarify that a person is under the influence of alcohol when the person's blood alcohol is 0.08 or above. (Pg. 5 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #7 and asked for unanimous consent.

Mr. Smith asked if Chief Mercer could speak to his officers' ability to enforce the under the influence component, and if this language provides what JPD needs to potentially enforce this. Chief Mercer said that he believed the amendment was sufficient, and that this provides a way to measure the level of intoxication of individuals using fireworks. *Hearing no objections, Amendment #7 was adopted by unanimous consent.*

AMENDMENT 8: Insert clarifying definitions. (Pg. 6 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #8 and asked for unanimous consent.

Objection by Ms. Gladziszewski. She said that the Assembly is not doing the Eaglecrest Board any favors by putting this in their lap, and said that the Assembly should decide. Ms. Gladziszewski identified Eaglecrest as being outside of the fire service area and "out the road". Ms. Gladziszewski asked Mr. Palmer if striking the last sentence from the amendment would allow for what she is trying to achieve with Eaglecrest. Mr. Palmer said that he will review this amendment for any internal inconsistencies.

Mr. Smith supported Ms. Gladziszewski's amendment, and expressed concern of limited the space available to do so.

Ms. Hale suggested delaying action on Amendment #8 and examining Amendment #11 and #12 and come back to Amendment #8 at a later time.

The Committee of the Whole agreed to delay any action on Amendment #8.

AMENDMENT 9: Lower first offense fines (Pg. 6 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #9 and asked for unanimous consent. *Hearing no objections, Amendment #9 was adopted by unanimous consent.*

AMENDMENT 10: Insert new section to clarify fireworks use in CBJ Parks & Recreation managed property (Pg. 7 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #10 and asked for unanimous consent.

Mr. Palmer provided an explanation of CBJ 67.01.030 and the language that prohibits firework usage on CBJ Parks & Recreation property, unless the Assembly designates them for use through a resolution.

Mr. Palmer gave an explanation of the current language related to “missiles” and the ambiguous language. He mentioned the Parks & Recreation director asked for there to be a borough-wide prohibition of fireworks on Parks & Rec property. If the Assembly wanted to allow for certain areas to permit firework usage, then the Assembly would need to do so through a resolution.

Ms. Triem shared Ms. Gladziszewski’s concerns allowing for residents to use fireworks out the road, but then prohibiting the out the road areas that the City has control over. Mr. Bryson suggested keeping the regulations for parkland to be the same regulations they have for inside or outside the fire service area. This would allow for restrictions, given the exemption of the New Year’s and Fourth of July holidays, but any other time would be prohibited from fireworks usage.

Ms. Gladziszewski mentioned that this is along the same kind of amendment as the Eaglecrest amendment. She said that the Parkland should follow the Fire Service Area.

Mr. Palmer explained that the Assembly can decide to vote this up or down regardless of what happens with Amendments 11 or 12.

Amendment A to Amendment #10 by Ms. Gladziszewski to add the language at Line 10 of Amendment #10, to add the words “*that is inside the fire service area*” just after 67.01.030, such that CBJ 67.01.090(m) would read: “Fireworks. Except for an area specifically designated for use of fireworks by the Assembly, use of a firework is prohibited within the limits of any area designated in section 67.01.030 *that is inside the fire service area*. Firework and use of firework have the same meanings as in CBJ 36.80.070. The Assembly, by resolution may designated any area designated in section 67.01.030 for use of fireworks during specific times.”

There was a discussion about the types of lands that could be considered in this amendment.

Objection by Mr. Bryson.

Roll Call Vote on Amendment A to Amendment 10

Ayes: Gladziszewski, Hughes-Skandijs, Triem.

Nays: Woll, Smith, Bryson, Hale, Jones, Mayor Weldon.

Motion failed. Three (3) Ayes, Six (6) Nays.

Roll Call Vote on Amendment #10

Ayes: Mayor Weldon, Hughes-Skandijs, Triem, Gladziszewski, Jones.

Nays: Bryson, Woll, Hale, Smith.

Amendment #10 passed. Five (5) Ayes, Four (4) Nays.

AMENDMENT 11: Change when different types of fireworks may be used (Pg. 8 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #11 and asked for unanimous consent.

Mr. Palmer explained that the overarching concept is that the use of concussive fireworks is prohibited within the fire service boundary, and are only allowed outside service area boundary on New Year's Day or the Fourth of July.

Mr. Palmer explained the difference from concussive fireworks to "allowable fireworks" is that allowable fireworks are relatively less intrusive fireworks that are allowed year-round both inside and outside the fire service area from 10am to 10pm or on New Year's and the Fourth of July – this includes items such as sparklers. *Hearing no objections, Amendment #11 was adopted by unanimous consent.*

AMENDMENT 12: Amend the definitions consistent with Amendment 11 (Pg. 10 of 15 Ord. 2021-03 v. COW 1 Amendments)

MOTION by Mayor Weldon to adopt Amendment #12 and asked for unanimous consent. *Hearing no objections, Amendment #12 was adopted by unanimous consent.*

The Committee returned to Amendment #8.

AMENDMENT 8: Insert clarifying definitions. (Pg. 6 of 15 Ord. 2021-03 v. COW 1 Amendments)

Amendment A to Amendment #8 by Ms. Gladziszewski to remove the following last sentence (lines 7-11) from the amendment "The Eaglecrest Board and the Docks and Harbors Board may decide whether to designate department-managed public property for use of fireworks, however the Assembly – by resolution – may prohibit or limit use of fireworks on any property owned by the City & Borough of Juneau."

Ms. Gladziszewski explained the intent of her amendment is to allow the Eaglecrest properties to follow the same rules that the Assembly just passed, considering that the Eaglecrest is outside of the fire service area. She would like to permit firework usage at Eaglecrest and Docks & Harbors properties.

Objection by Ms. Hale. She said that fireworks usage might cause a conflict for the management of the Eaglecrest area.

Additional discussion took place regarding the use of fireworks on CBJ property or not and also who would have the management decisions for those properties managed by enterprise boards.

Roll Call Vote on Amendment A to Amendment #8

Ayes: Gladziszewski, Woll, Bryson, Smith, Mayor Weldon.

Nays: Hale, Hughes-Skandijs, Jones, Triem.

Motion passed. Five (5) Ayes, Four (4) Nays.

Hearing no objections, Amendment #8 as amended, passed by unanimous consent.

Mr. Jones noted that Amendments #13 and #14 are contradictory to Amendments #11 and #12 and will not be addressed at this time.

Additional discussion took place regarding whether or not to leave it in committee while Mr. Palmer drafted the finalized version with all the changes that were made at this meeting.

MOTION by Mr. Smith for Ordinance 2021-03, as amended, to be introduced at the April 26 Regular Assembly meeting. Objection by Ms. Hughes-Skandijs.

Ms. Hughes-Skandijs said that she would favor keeping it in Committee for one more COW meeting as she needs additional time to be able to review a finalized version and would like the opportunity to ask clarifying questions before it goes to the Assembly.

Ms. Gladziszewski agreed with Ms. Hughes-Skandijs comments, and would like to meet the deadline prior to Fourth of July.

Mr. Palmer explained that if the Assembly wanted this to be met by the Fourth of July, they would need to send it to public hearing no later than May 24 Regular Assembly meeting.

Mayor Weldon agreed with Mr. Smith's motion, and mentioned she would like to hear some public comment on the topic as well.

Mr. Bryson said he would like to see this in front of the Assembly, and spoke to the importance of clearly communicating this ordinance to the public in order to try to have an amicable Fourth of July. Ms. Woll agreed with Mr. Bryson that how they communicate this to the public is important. She said that they just processed a lot of substance and she would favor a special committee meeting for the Assembly to discuss it before it moved on to public hearing.

Mr. Jones, Mayor Weldon, and Mr. Palmer discussed upcoming meeting dates and the

Ms. Cosgrove suggested that they could have it introduced at an April 26 meeting, referred to the May 10 COW, and still set it for public hearing at the May 24 Assembly meeting. She noted that they could alternatively schedule a Special Assembly meeting for purposes of introduction on any of the nights that the Assembly Finance Committee met as well. Ms. McEwen then provided the full list of upcoming Assembly committee and special meetings dates between April 12 and May 24.

Roll Call Vote on introducing Ordinance 2021-03 at the April 26 Regular Assembly meeting and setting it for public hearing on May 24:

Ayes: Smith, Bryson

Nays: Woll, Hughes-Skandijs, Hale, Triem, Jones, Gladziszewski, Mayor Weldon.

Motion failed. Two (2) Ayes, Seven (7) Nays.

MOTION by Mayor Weldon for the Assembly to keep Ordinance 2021-03 within the COW and direct staff to set a Special Assembly Meeting on May 10 after the COW meeting for introduction.

Mr. Smith asked if they make amendments at the May 10 COW, would they then be able to make the necessary changes in time for it to be introduced at a Special Assembly meeting following the COW.

Mr. Palmer said that if they want to have this at the May 10 COW, he would need at least 24 hours to make any changes to the document coming out of the COW so he suggested they may want to schedule the Special Meeting for May 12.

Mayor Weldon amended her motion to schedule the Special Assembly meeting on May 12.
Hearing no objections, the motion as amended, passed by unanimous consent.

Mr. Jones thanked the closed captioner for staying past the 10pm scheduled end time.

V. ADJOURNMENT

There being no further business to come before the committee, the meeting was adjourned at 10:24 p.m.

Minutes drafted by Administrative Assistant Lacey Davis and respectfully submitted by Municipal Clerk Beth McEwen this 7th day of June, 2021.