

**ASSEMBLY STANDING COMMITTEE
COMMITTEE OF THE WHOLE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
December 9, 2019, 6:00 PM.
Assembly Chambers - Municipal Building**

AGENDA

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. July 29, 2019 Assembly COW Minutes**
- B. August 26, 2019 Assembly COW Minutes**
- C. September 23, 2019 Assembly COW Minutes**
- D. December 2, 2019 Assembly COW Minutes**

IV. AGENDA TOPICS

- A. Chronic Nuisance Property Ordinance 2019-30, Public Testimony**
- B. Non-Conforming Ordinance 2019-37**

The following additional documents related to this ordinance are linked at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

- August 27, 2019 Planning Commission Meeting Minutes
- September 17, 2019 Planning Commission Minutes
- October 15, 2019 Planning Commission Minutes
- For copies of the staff reports with attachments please follow the online link above to the October 15, 2019 Planning Commission meeting.

- C. Senior Housing Assisted Living Sealed Competitive Bid Results**
- D. Waterfront Museum Concept/Downtown Waterfront Improvements Phase 1 Update**

V. ADJOURNMENT

ADA accommodations available upon request: Please contact the Clerk's office 72 hours prior to any meeting so arrangements can be made to have a sign language interpreter present or an audiotape containing the Assembly's agenda made available. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: city.clerk@juneau.org

ASSEMBLY COMMITTEE OF THE WHOLE
July 29, 2019, 6:00 p.m.
Assembly Chambers - Municipal Building
Assembly Work Session - No Public Comment

DRAFT MINUTES

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Maria Gladziszewski, Rob Edwardson, Wade Bryson, Michelle Hale, Carole Triem, Alicia Hughes-Skandijs, and Mayor Beth Weldon.

Assemblymembers Absent: Mary Becker and Loren Jones

Staff present: City Manager Rorie Watt, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Police Chief Ed Mercer, Deputy Police Chief David Campbell, Incoming Finance Director Jeff Rogers, Assistant City Attorney Caleb Nagel, Douglas Library Supervisor Andi Hirsh

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

A. Assembly Committee of the Whole Corrected DRAFT Minutes, June 10, 2019

A corrected version of the minutes were sent out on Friday, posted online, and handed out at the meeting.

MOTION by Mr. Bryson to adopt the minutes of the June 10, 2019 Committee of the Whole meeting as corrected and asked for unanimous consent. *Hearing no objection, the minutes were approved as corrected.*

IV. AGENDA TOPICS

A. Centennial Hall/JACC Discussion

Ordinance 2019-35(a) and (b): Bond Ordinances \$10M or \$7M

Ordinance 2019-34: Advisory Vote re Grant to JACC

Ordinance 2019-06(B)(v.1) and (v.2): Appropriation Ordinance \$4.5M or \$7.5M

Ms. Gladziszewski noted that the business before the committee is to decide which versions of the ordinances in the packet to forward back to the Assembly for public hearing at the August 19, 2019 Assembly meeting. She said that it needs a vote of five members to send any item back to the Assembly for action. These items were referred

to the COW and they remain in committee unless the COW moves them back to the Assembly.

Ms. Gladziszewski noted there were two versions of the Centennial Hall Ordinance [Ordinance 2019-35(a) for \$7 Million and Ordinance 2019-35(b) for \$10 Million]. There were two versions about the Advisory Vote for the JACC: Ordinance 2019-34 original version was for \$7.5 Million in the packet and Ordinance 2019-34(b) for \$4.5 Million that was handed out at the meeting. There were two versions of the Appropriation Ordinance, one for \$4.5 Million [Ordinance 2019-06 (B)(v.1)] and one for \$4.5 Million [Ordinance 2019-06(B)(v.2)] for the JACC.

Mayor Weldon asked for confirmation that the first two items are ballot sensitive but that the appropriating ordinances were not time sensitive for the ballot.

Ms. Gladziszewski said that was correct. The first two sets of ordinances relating to Centennial Hall and the advisory vote item need to have something moved from committee in order for them to be up for public hearing and Assembly action at the August 19 meeting to be able to make it to the ballot. The last set of appropriating ordinances are not as time sensitive as they do not need to be passed to be able to be placed on the ballot.

MOTION by Mr. Bryson to forward ***Ordinance 2019-35(a): An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed Seven Million Dollars to Finance Capital Improvements to the Facilities of the City and Borough, and Submitting a Proposition to the Voters at the Election to be held therein on October 1, 2019,*** and asked for unanimous consent.

Ms. Gladziszewski called for discussion. Mr. Edwardson asked if they would be going through all the ordinances to decide whether they will be forwarding them to the Assembly. Ms. Gladziszewski said yes, they are trying to decide between (a) and (b) versions of all these items. Ms. Gladziszewski said Mr. Bryson's motion in essence is proposing to send the \$7 Million proposal to the Assembly and not the \$10 Million proposal.

Ms. Hale asked about the "Explanation language" on page 3 of Ordinance 2019-35(a) and in the proposition sections, specifically the wording that reads "and construction of new meeting rooms." Her concern is that if the \$7 Million goes forward, they do not know exactly what that would pay for. She does not want to misinform the voters that they will get a lot of new meeting rooms and that on the schedule that is attached, and new meeting rooms are not necessarily included.

Additional discussion took place and members agreed that the Assembly's intent was that items 1-4 on the architects' priority list plus the connection between the two buildings were the preferred priorities. Ms. Gladziszewski said that if the wording of the ordinance did not reflect items 1-4, the language should be amended accordingly.

Ms. Hale suggested amending the ordinance to delete the words "and construction of new meeting rooms" from both the Explanation paragraph and the Proposition paragraph.

Mayor Weldon asked that rather than delete that language, would Ms. Hale agree with a change to leave those words in and add the word "possible" so that it would now read "and possible construction of new meeting rooms." She said that since this is going to the ballot for a vote, if for some reason the new JACC was voted down, there would potentially be extra money to do the construction differently. Ms. Hale said she would agree with that change and withdrew her amendment. Mr. Bryson said he agreed with the Mayor's suggested change.

Mr. Edwardson said that while this meeting is the ideal place to make any language changes, there would also be an opportunity to make any amendments to the ordinances at the time they are before the Assembly for public hearing and action.

Ms. Gladziszewski said the additional wording proposed by Mayor Weldon to read "and possible construction of new meeting rooms" will be the version of the ordinance forwarded to the Assembly for action.

Mr. Watt clarified that the ordinances relating to G.O. Bonds are crafted by a special attorney/bond counsel who specializes in this and any finalized language changes will be sent to bond counsel for review to ensure language in the ordinance is legally sufficient. As Mr. Edwardson noted, the public hearing will be held on August 19. Mr. Watt said that after this meeting, leading up to the meeting of August 19, if there are any possible amendments that members may wish to make, to the extent staff could get a heads up on those so they could be run through bond counsel that would be appreciated.

Ms. Gladziszewski said the intent is to reflect in a general way, items 1-4 on the list without having explicitly restrictive language. ***Hearing no objection, the motion carried with the suggested wording change.***

Ms. Gladziszewski said they were then moving to the ordinances pertaining to an advisory vote regarding the grant for the JACC. Ordinance 2019-34 (\$7.5 Million) was in the packet and Ordinance 2019-34(b) (\$4.5 Million) was handed out at the meeting.

Ms. Hale asked to clarify that they did not need to take action on Ordinance 2019-35(b). Ms. Gladziszewski explained that since they did not take action on it, they were not forwarding it back to the Assembly so that ordinance dies in committee. The Manager's Report on the July 22 Assembly meeting was to introduce the ordinance and refer it to the COW but did not set it for public hearing so it is sitting in committee unless the committee acts to move it forward back to the Assembly.

MOTION by Mayor Weldon to move **Ordinance 2019-34(b): *An Ordinance Calling for an Advisory Ballot Proposition on Grant Funding for the New Juneau Arts and Culture Center*** to the Assembly. Mr. Edwardson objected to the motion.

Mayor Weldon spoke in favor of her motion stating that she was proposing the \$4.5 Million amount because that is the amount she feels is reasonable at this time with our financial constraints and that is the amount they can use from the 1% Sales Tax funding. She said that in the draft with the \$7.5 Million, she does not like the \$3 Million that is coming from the pot of sales tax money that might be the Assembly's last ability to be flexible and recover any unknown costs that might be coming from the state.

Mr. Edwardson said in the past year, they have voted on a number of things that have improved things for certain people in the city and that the JACC will provide both economic opportunities and cultural opportunities for anyone in the city who wants to partake for a fairly small price of \$7.5 Million. He said that as the Capital City, we clearly need a cultural center and \$7.5 Million is a modest fee and the amount their experts have told us they need to get the interest of major donors.

Ms. Hale asked for clarification on which ordinance was before them. Ms. Gladziszewski provided clarification that this would be to forward the ballot language advisory vote ordinance.

Mr. Palmer pointed out the language on page 3 of version (b) of the ordinance in the Explanation section that currently reads: "The Assembly intends to replenish the draw on fund balances by reallocating unassigned 1% sales tax over the next three years and partially reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017." Mr. Palmer asked them to let him know if the committee wants any of that language changed.

Ms. Gladziszewski said she does not understand the wording by saying "partially reallocating." She said that it is not partially but rather reallocating \$4.5 Million. Mr. Palmer explained that right now the way it is drafted is that the estimates from the Finance Department for the next three years of 1% sales tax, there is approximately \$1 Million of unassigned 1% sales tax funds. Over the next three years that would get to \$3 Million and in order to reach the \$4.5 Million, the current intention is to tap part of what is currently programmed for Centennial Hall and take \$1.5 Million of those funds and shift them to the JACC. That is why it is not completely taking the money from the Centennial Hall project.

Mr. Watt said if the intent is to reallocate the \$4.5 Million, then the right course would be to delete the words "reallocating unassigned 1% sales tax over the next three years and partially" so that the sentence would then read: "The Assembly intends to replenish the draw on fund balance by reallocating the \$4.5 million of 1% sales tax funds over the next three years that was originally programmed for Centennial Hall improvements, which the voters approved in 2017."

Ms. Hale said she was confused on the order in which they are taking up the various ordinances. Members then discussed the process by which they decide which ordinances would be forwarded to the ballot as well as how best to deal with the appropriating ordinances that are not as time sensitive as those related to the ballot.

Ms. Gladziszewski asked if there were any objections maintained. Mr. Edwardson stated that he maintained his objection.

Mr. Palmer requested a brief at ease to determine if a technical change was necessary that had not made it into draft (b) of Ordinance 2019-34. Following a brief at ease, Ms. Gladziszewski called the meeting back to order at 6:25 p.m.

Mr. Edwardson called for a point of order and removed his objection to the motion.

Incoming Finance Director Jeff Rogers explained that the change that needs to be made is not the difference between \$4.5 Million and \$7.5 Million but rather, it is about the difference between \$10 Million and \$7 Million for the general obligation bond for Centennial Hall. He noted that in the explanation of Ordinance 2019-34(b) on page 3 of 3 on approximately line 10 which currently reads: "The Assembly intends to replace the funding for Centennial Hall by issuing general obligation bonds to be paid back by raising the hotel-motel room rental tax by two percent and a 0.1 mill property tax increase (1% overall rate increase)." He said that would have been correct if they had chosen the \$10 Million Centennial Hall general obligation bond. However, with the \$7 Million general obligation bond, the 0.1 mill number should be changed to .04 mills and the property tax increase would be at a .4% overall rate increase instead of a 1% overall rate increase.

Mr. Rogers then explained that if they wished to see the corresponding language in the general obligation bond explanation in Ordinance 2019-35(a), it does not list the mill but it says \$4 for every \$100,000 property value.

Ms. Gladziszewski thanked Mr. Rogers for his clarification. Ms. Gladziszewski noted that the correction would be on page 3 of Ordinance 2019-24(b); line 10 would change the mills to .04 instead of .1 mills and to change the parenthetical phrase to .4% on line 10.5. Ms. Gladziszewski asked if anyone had any objection to the change or to the main motion as amended. ***Hearing no objection, Ordinance 2019-34(b) passed as amended.***

MOTION by Mr. Edwardson to recommend the COW move Ordinance 2019-34 to the Assembly and asked for unanimous consent.

Ms. Gladziszewski noted that is the version of the ordinance that is for the \$7.5 Million grant.

Mayor Weldon objected to the motion.

Mr. Edwardson said he believes the JACC partnership needs \$7.5 Million and that it has been made clear that the need to be precise does not really exist at this meeting

considering the changes they have been making. If there are any other changes that should or could be made, those could take place before the Assembly acts on this ordinance. Mayor Weldon said she still disagrees that this would require them to take \$3 Million from the general fund balance.

Additional discussion took place by members. Mr. Bryson expressed his concern that while the Assembly is in agreement on the \$4.5 Million, they are split on the \$7.5 Million amount. Mr. Bryson was concerned that this would be voted down at the \$7.5 Million amount.

Ms. Hale spoke in favor of the \$7.5 Million amount needed for the project.

ROLL CALL VOTE on forwarding Ordinance 2019-34 to the Assembly for action:

Yeas: Edwardson, Hale

Nays: Bryson, Hughes-Skandijs, Triem, Gladziszewski, and Weldon

Motion failed 2:5

MOTION by Mayor Weldon to move **Ordinance 2019-06(B)(v.2)** - packet page 26 with a small correction - item (c) to add the words: "of all costs required to open the facility for use" so (c) would read in full:

"(c) The Manager not release the grant funds until the New JACC project is funded at 90 percent of all costs required to open the facility for use."

Ms. Hale objected to the motion. Additional discussion then took place about the interpretation and definition of what would constitute "is funded" and what all costs would be. Ms. Gladziszewski said that this ordinance is not as time sensitive as those ordinances that are being moved forward for placement on the ballot. Mr. Watt provided an explanation of the differences between project costs and construction costs.

The result was to request that staff provide some additional language clarity regarding the definitions of project costs vs. construction costs and for staff to bring back a version 3 of Ordinance 2019-06(B) to the Assembly for re-introduction at the August 19, 2019 meeting. Mr. Watt stated that version 3 would also include clarification that the source of funds would be all sales tax funds in the amount of \$4.5 Million which would reflect the prior action taken earlier in the meeting. Mayor Weldon stated that she withdrew her initial motion.

MOTION by Mayor Weldon to request staff to draft version 3 of Ordinance 2019-06(B) and request that staff make the changes as discussed above to be brought back to the Assembly for re-introduction at the August 19, 2019 Assembly meeting. ***Hearing no objection, the motion carried.***

MOTION by Ms. Hale to request staff take Ordinance 2019-06(B) (v.1) and request that staff make the same changes as discussed above to be brought back to the Assembly

as Ordinance 2019-06(B)(v.4) for re-introduction at the August 19, 2019 Assembly meeting. Mayor Weldon objected to the motion.

Members discussed the memo from the new JACC partnership. Mr. Palmer noted that since this would be an appropriation ordinance, the full amount and funding source needs to be included in the title of the ordinance when it is introduced at the Assembly. Ms. Hale withdrew her motion in light of Mr. Palmer's explanation.

B. Support Land Purchase

Mr. Watt provided a report that the Alaska Mental Health Trust is providing a sealed bid process to dispose of Juneau Support Lot C1. There is a memo in the Lands Committee packet regarding this land sale and Mr. Watt's recommendation about possibly bidding on acquiring this parcel of land. There has been discussion back to the 1990's and Mr. Watt said he feels CBJ would be the best candidate to purchase this parcel in light of the Long Range Waterfront Plan goals as well as the proximity to the federal agencies who are the neighbors of this parcel. He said he is increasingly concerned with the movement of people by water and/or by land due to increases in people coming to the downtown area via cruise ships. He noted that acquisition of this parcel could assist in staging and the transportation corridor traffic flow that the increased visitor industry will require.

Mr. Watt noted that they have already positioned funds in the Open Space CIP and the minimum bid amount needs to be accompanied by \$100,000 and bidding opens on August 19. Mr. Watt recommended that if Assembly is supportive of bidding on the acquisition, to schedule an executive session on August 19 to give bidding instruction to the Manager.

He said he was pleased and heartened by receiving a letter of support from CLIAA about CBJ bidding on the parcel. He said that post-litigation, the communications between CLIAA and CBJ have been positive.

Mr. Watt said that for this meeting, he would like to get direction from the full Assembly if they agree with the Assembly Lands Committee and support CBJ pursuing acquisition of this parcel through the bid process. If they do, he also asked that they schedule this matter for an executive session at the August 19, 2019 Assembly meeting.

Discussion then took place as the potential funding sources mainly relating to Marine Passenger Fees (MPFs), Port Development Fees, and/or other CBJ funds. Mr. Watt stated that his recommendation was for it to be funded 100% by Marine Passenger Fees. Mr. Watt stated that with the information in his memo stating that if they do not use a portion of the property for vessel and passenger related uses or if they end up disposing of it to the private sector, that a full accounting of all portions would be made and either refund MPF spent or use general funds for those portions. The letter from CLIAA was in response to Mr. Watt's memo to the Lands Committee so they were aware of his position when they wrote their letter.

Mr. Edwardson asked Mr. Watt what he based his opinion on that CBJ would have the best use for the property. Mr. Watt explained that was based on the goals identified in the Long Range Waterfront Development Plan (LRWDP) that are specific to this area. Mr. Watt discussed the ownership of the neighboring properties and the possible partnerships that could be developed to make that a highest use area. He also addressed the LRWDP's mention of a lightering facility and/or waterfront taxi in that area and he has heard from the cruise ship industry has been in favor of. He said that is not something that would really be a revenue making enterprise and so it would be likely that the municipality may be the only entity willing to pursue that option. Mr. Watt also explained a similar option for ground transportation/shuttle services. Mr. Watt said that for these and many more reasons, he felt CBJ would be the 'best use' option for acquiring that property.

Members then discussed the mechanics of the decision-making and bidding process with Mr. Watt. Mr. Watt said if the Assembly ***is not interested*** in even submitting a minimum bid, tonight would be the time to tell him that. If they ***are interested*** in submitting at least a minimum bid, it would be appropriate to schedule the executive session for the August 19 meeting to discuss the matter in greater depth.

MOTION by Ms. Hale to schedule an executive session on August 19, 2019 to discuss CBJ bidding on acquisition of this land and spoke in favor of her motion for all the reasons given by Mr. Watt.

Mr. Edwardson said if it is all up or down tonight, he will object. He is not convinced that CBJ would have the highest and best use of the property. He said that he is not entirely opposed to the idea but if they need a decision tonight, he is not in support of this. He has seen proposals from the private sector that may be better uses than CBJ.

Mr. Bryson spoke in favor of CBJ bidding on this property and this is likely the last, most valuable piece of waterfront property in Juneau and would have the best possible outcome especially in light of using MPF money to pay for this.

Ms. Triem said she is highly in favor of this opportunity to use this parcel in alignment with the goals in the LRWDP. She also mentioned that as a tangential matter, the LRWDP is 16 years old and at some other time, they should look at reviewing and updating that plan.

Ms. Hale discussed the public process and elect Assemblymembers and that is the way the public can participate in the decisions of the community. She also noted that they need to be good stewards of the MPF money since that is other people's money.

Mr. Edwardson agreed that we need to be good stewards of all the city's monies as it is all paid for by taxpayers and the public in one way or the other. He noted that they also need to be aware that by doing this, they are potentially using taxpayers' money to deny others, such as the private sector, the opportunities that they may wish to pursue. He

said that if CBJ does bid and it does not win, that private entity would be subject to the rules of its competitor.

Ms. Hughes-Skandijs agreed with Ms. Hale's comments regarding public process. She also stated that our waterfront enhances our quality of life and she supports having it accessible to the public so she spoke in favor of this going to the August 19 meeting for executive session.

Mr. Edwardson said that rather than a roll call vote being required, he removed his objection since it was clear that members wished to discuss this further in executive session.

C. Resolution 2862 Amending the Assembly Rules of Procedure

Mr. Palmer explained that there was a memo in the packet that was sent to the Assembly Human Resources Committee (HRC) along with a proposed resolution that amended the Assembly Rules of Procedure.

Mr. Palmer explained that HRC Chair Edwardson had inquired about conflicts between the CBJ Charter, specifically section 5.3, and the Assembly Rules of Procedure related to how legislation is presented. Mr. Palmer said that presentation of legislation to the Assembly is a two-step process. The first step is that the legislation is "presented" which is where it appears on the consent agenda. Step 2 is the "action" taken from that presentation. If it is a resolution, it can be adopted. Other action could be to refer it to a committee or the Assembly could reject it. Or if the Assembly introduces it and sets it for public hearing. Mr. Palmer stated that the change on the top of page 46 would be to make the Assembly rules consistent with the Charter in that legislation could be requested by the Mayor, the Manager, or any of the remaining eight Assemblymembers.

Mr. Palmer noted that the proposed change on page 48 is to implement changes resulting from the Aquatics Board no longer being a fully empowered board. Because of the Aquatics Board ordinance change, it seemed appropriate to have the regular four-member HRC review their applications for appointment recommendations to be forwarded to the Assembly rather than requiring the full Assembly as HRC to review those applications.

MOTION by Mayor Weldon to forward Resolution 2862 to the Assembly for adoption.

Ms. Triem commented that as Mr. Palmer stated during the HRC meeting, this has not been the manner in which legislation has been requested and that it may adversely affect the staffing levels of the Law Department. Ms. Gladyszewski noted that this is bringing us into alignment with the Charter but also that the past practice of bringing up an item during the Assembly comments/questions section of a meeting to request agreement to consider possible legislation provides an opportunity for the member to gauge support to have the topic pursued. Additional discussion took place regarding the necessity to honor the staff time needed to work on drafting legislation and encouraged members to continue the past practice to obtain support before requesting drafting of

legislation to the extent possible unless a time sensitive matter needed prompt attention.

Mr. Edwardson explained his reasons for bringing this forward and that each member is elected by the voters and should be able to bring forth proposed legislation that they feel their constituents wish to see brought before the Assembly. He noted that this would be a shifting paradigm but that as a manner of honoring staff time along with the wishes of the public, it is a matter of courtesy to allow it to be brought forth and debated.

Mr. Watt, along with all others, agreed that bringing the language into compliance with the Charter is the appropriate step. He also noted that the language does not mandate the timing for which the legislative process occurs and if the City Attorney felt he or his staff could not respond immediately to a request for legislation due to workload or staffing constraints, he can make that known to the Assembly at the time. Mr. Watt noted that generally staff expects and plans for at least a few pieces of legislation each year that are requested by individual Assemblymembers.

Ms. Gladziszewski called for any objections to the motion to forward Resolution 2862 to the Assembly for adoption. Hearing none, the motion carried.

D. Ordinance re Criminal Justice Reform

Mr. Palmer stated that CBJ is one of the few municipalities that includes a prosecution arm and that CBJ prosecutes approximately 75% of the crime in Juneau with the State of Alaska prosecuting the remaining 25%. He stated that of those, CBJ code has consistently mirrored that of the State statutes. Recently, the Legislature passed House Bill (HB) 49 as well as companion bills including HB14. They generally increased the penalties for most crimes and elevated some crimes from Class A misdemeanors to Class C felonies so that elevated the severity of the violation. The state law has gone into effect and if CBJ wants to maintain past practice to remain consistent with state law, and if we want to continue control of local prosecution and offer solutions that include people getting treatment instead of sitting in jail, he recommended that the Assembly direct him to draft code changes consistent with state law. He said he could go into more detail at this time or after introduction if they wish to refer the matter to committee.

Mr. Palmer provided a memo in the packet that outlined many of the changes he would suggest implementing with the ordinance.

Ms. Gladziszewski asked what would happen if they did not incorporate these changes. Mr. Palmer explained that if the changes are not made, they are likely some misdemeanors in CBJ code that are now considered felony class charges and would likely be prosecuted as such by the state. He then went on to say that, it would be likely to have fewer prosecutions at the state level. He stated that while the state prosecutorial staff is doing the best they can, they are maxed out and they are pursuing mostly felony cases and dismissing misdemeanor cases due to workload considerations.

Mr. Palmer noted that if they don't have the higher penalties now found in state law, they are likely to continue to see some of the same criminal trends that have been happening and if our community wants to have local control of prosecutions, there is an impetus to make the code changes.

Additional discussion took place regarding various scenarios of implementation of the current code vs. what that might look like with possible code changes to match that of state law. Mr. Palmer also explained the specific language in the CBJ Charter that prefers treatment options over jail time for crimes involving controlled substances.

Ms. Hale asked that when Mr. Palmer brings the ordinance back for consideration that he also help educate the members on what the mandatory sentences are at both the state levels and how that compares to CBJ Code.

Ms. Hughes-Skandijs said that she supports this request but she also provided a word of caution that they are not responding to politically motivated legislation.

MOTION for the City Attorney to draft legislation to be consistent with state legislation and to bring the ordinance back for introduction on August 19.

Mr. Edwardson asked if there was any urgency on this. Mr. Palmer explained that the state law is already in effect and similar CBJ ordinance would likely go into effect in October.

Ms. Gladziszewski asked if members wanted to have the ordinance referred back to the Assembly COW for additional discussion. Additional discussion took place on the motion and timing and members agreed to have the ordinance introduced at the August 19 meeting and set for public hearing at the September 16 Assembly meeting.

E. Junk Cars – Incentives

Mr. Watt noted that in the interest of time, he would prefer they remove it from the agenda and take up this topic at a later meeting.

V. ADJOURNMENT

Ms. Gladziszewski thanked Police Chief Mercer and Deputy Chief Campbell for attending and she adjourned the meeting at 7:57 p.m.

Respectfully Submitted,

Elizabeth J. McEwen, MMC
Municipal Clerk

ASSEMBLY COMMITTEE OF THE WHOLE

August 26, 2019, 6:00 p.m.

Assembly Chambers - Municipal Building
Assembly Work Session - No Public Comment

DRAFT MINUTES

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting to order at 6:00 p.m. in the Assembly Chambers.

Assemblymembers Present: Maria Gladziszewski, Rob Edwardson, Wade Bryson, Michelle Hale, Carole Triem, Alicia Hughes-Skandijs, Mary Becker, Loren Jones and Mayor Beth Weldon.

Assemblymembers Absent: None.

Staff present: City Manager Rorie Watt, Deputy Manager Mila Cosgrove, Assistant City Attorney Teresa Bowen, Municipal Clerk Beth McEwen, Finance Director Jeff Rogers, Chief Housing Officer Scott Ciambor

II. APPROVAL OF AGENDA

Mr. Watt explained that they structured the agenda with the expectation that the Assembly would spend some time on the first two items and less so with the last two.

Ms. McEwen asked for an at-ease to ensure that the recording equipment was working. The meeting went back on the record at 6:10 p.m.

III. APPROVAL OF MINUTES

There were no minutes presented for approval.

IV. AGENDA TOPICS

A. Disposal of Vintage Park Subdivision Land for Assisted Living Development

Chief Housing Officer Scott Ciambor gave a presentation on the assisted living development and the packet contained a GANTT chart outlining the timelines involved for all the various pieces related to the Senior Housing Assisted Living Proposal and the anticipated next steps.

Mayor Weldon asked for clarification on Mr. Ciambor's terms relating to "Senior Housing Development" vs. "Assisted Living" as she thought they were one and the same but they are used differently in his memo. Mr. Ciambor clarified that the goal all along has been with respect to assisted living and memory care and he said they could change the language going forward for clarity to refer to it as "Senior Housing Assisted Living."

Mr. Jones expressed his concerns regarding the sealed competitive bid proposal to sell the land at Fair Market Value (FMV). They are trying to build senior assisted housing. The Assembly purchased the land so it would be available for this use and they passed the tax abatement ordinance to make it financially sound. He said the three tools to use to achieve the goal of senior assisted living are making the land available, providing for tax abatement, and use of the housing fund. In light of those tools, he suggested that the evaluation should be on what the bidders will be proposing, and how much of each of those tools will they will want to use.

Members asked a series of questions of staff about the various levers that the proposers might use. Mr. Ciambor and Mr. Watt provided the answers. Mr. Watt explained that the method of using the sealed competitive bid was designed to pick the best project proposal and base the award on the project rather than the lowest cost bidder. The goal is to pick a land purchaser that is best for the project. Parallel to that is the grant process. If the grant process erases the cost of the land, it is achieved in the grant process rather than the land sale getting complicated by picking things other than the best grant proposal.

Mr. Ciambor discussed the process they have gone through over the past few years. At this time, they are trying to set up a process to get information. The information that will be requested will set the structure to get the fact-finding analysis to have the comparative discussions. They will be asking submitters to provide full pro formas.

Mr. Edwardson compared this process to the ocean ranger program in which they used a “best value” contract to spend a specific amount of money and to see what return they could get for the same dollar number from different proposers. In essence, they were looking for who could provide the best widget for the amount of funding that was available.

Mr. Watt said that is the scenario they are looking at with this process. The sealed competitive bid process is to get the best program purchasing the land as the first widget and keep that process separate from the grant process through the Affordable Housing Fund.

Assemblymembers and staff then discussed the potential use of Affordable Housing Fund (AHF) monies. Mr. Ciambor explained that AHF still needs to be finalized and whether or not it can be used as part of this or other opportunities will be up to the Assembly to decide. Mr. Watt suggested that the status of the AHF should be discussed when they come back to the Assembly with the project proposals. The Assembly may choose to use those funds towards the proposals received or to reserve those funds for use in meeting other housing goals.

Mr. Edwardson shared his concerns that they will come down to the wire and things will come to the Assembly at the stage that there are no alternatives and the decision to vote up or down on a project will come down to the wire. Assemblymembers then discussed the process and timelines involved in more detail.

Mr. Watt explained that the Assembly would be asked to approve two ordinances. One ordinance would be authorizing the land sale and any conditions required. The other ordinance would relate to any grant support.

Mr. Jones expressed a concern that for-profit companies' financial documents would be subject to public review if they were submitted as part of the bid packet. Mr. Watt said that anything submitted to the Assembly would be subject to public disclosure. They will keep their financial pro formas to themselves. He said in this type of situation, if they get a developer and it is a for-profit developer, they would have a starting assumption on things such as their room rates and their payer mix. That may or may not pen out and change over time.

Mayor Weldon asked if staff picks a proposer and the Assembly does not like that proposal, what their options might be and if it would leave the project hanging.

Mr. Ciambor said that if staff brings a project proposal to the Assembly and the Assembly disapproves, his understanding is that process is done and they would need to start from scratch again. Members and staff then discussed the timelines anticipated and Mr. Watt explained that they envision a several month period for the solicitation. Mr. Ciambor said they anticipate the bid packet to be available in September. By code, it is required to be out on the street for at least 21 days and they anticipate bringing the successful bid proposals back to the Assembly on December 9.

Ms. Hale said that she hopes that ground could be broken in 2020 and that the time line in the packet would have to be adhered to very closely in order to meet that timeline. She asked that the Assembly be kept up to date on this project to ensure this moves forward according to the proposed timeline.

MOTION by Mayor Weldon to direct staff to begin the sealed competitive bid process for the Vintage Park Subdivision Land for Assisted Living Development and asked for unanimous consent. *Hearing no objection, the motion passed.*

B. JRES (Juneau Renewable Energy Strategy) CIP & HeatSmart proposal

Ms. Gladziszewski noted that this matter was referred to the COW from the Assembly Public Works and Facilities Committee (PWFC). She also noted that members of the HeatSmart Board were present to answer questions if the Assembly had any.

Manager Watt provided an overview stating that this issue came to the PWFC in July. In January, they recommended inclusion of \$250,000 in the Capital Improvement Program (CIP) for undefined activities that the Assembly chose for implementing the JRES. He said there are broad strategies in the JRES but there are two that he thinks are more attainable in the short term. One is reducing dependence on fossil fuel for transportation and the other is fossil fuel reduction for heat.

Mr. Watt explained that this group has formed a new organization called Alaska HeatSmart and they have a proposal that they included in the packet that would use

some of the funding that is already in the CIP. He stated that Mr. Vigue's memo to PWFC suggests breaking that \$250,000 into two activities. One part would be for the non-profit HeatSmart group to start up advocacy, education, technical support for conversion to heat pumps and leave some money in the CIP for staff to work on transportation issues with the Assembly.

Mr. Watt said that generally heat pumps have been very popular in Juneau and are a bit more complicated than people appreciate. He said they are not always a good application for all types of structures and having technical, impartial advice available to homeowners and commercial property owners is a good idea. The technical advice is important for success. In terms of public engagement, the group proposes elevating heat pumps in the community in a publicly visible way. There are good reasons to support that and get away from the idea of using fossil fuels and to promote using renewable energy for heat pump systems.

He said this is a good start but there are some things that give him pause but they are not deal killers. Those include the following concerns:

- 1) In reviewing their draft budget, he would prefer to see more of the budget fall into direct services and direct technical support to the property owners.
- 2) If the Assembly is buying into this concept, they would be buying into a multi-year approach. They should be fully aware that this would not just be a one-year event.
- 3) He sees that at some point, in order to get heat pump conversions, financial incentives will eventually be required. If at some point as a community, we are trying to push the needle on heat plant conversions financial support will become necessary and he likened it to the accessory apartment grant program.

Mr. Watt then addressed the proposal for data collection, and through that process, the lessons learned on how much savings it will provide is all a beneficial part of the public process. He said that this is a year one proposal and it is realistic to think that the program will evolve with as much money as possible going into technical support and eventually some Assembly analysis and understanding of what a grant program might achieve.

He said the last piece would be to reserve some funds in the CIP for staff to be available to work on the issues. Ms. Gladziszewski said that the CIP was envisioned to be a multi-year thing, not just a one-year thing.

Mayor Weldon thanked the group for submitting a proposal. Assemblymembers and members of HeatSmart: Alec Mesdag and Steve Behnke then discussed the anticipated deliverables, the funding needs and timing of this process in great depth. Assemblymembers then discussed the financial aspect of one time vs. long term funding as well as the process for sending this and future items through the Assembly Finance Committee grant process.

MOTION by Mayor Weldon to give direction to the manager to draft an ordinance to provide a grant in the amount of \$147,000 to AK HeatSmart and asked for unanimous consent.

Objection by Mr. Jones.

Mr. Jones spoke to his objection. He said that if they are going to own the goals the Assembly set, it is going to cost some money and resources and he does not disagree with that. He said that he doesn't think this Assembly has made any conscious decision as to what that means or what direction they should go or what should be first, second, and third emphasis. He said that they have a proposal for one part of it in the absence of anything coming from the Assembly.

Mr. Edwardson spoke in favor of the motion. He said that the Assembly has passed the JRES and he would like to receive more information going forward and that this is a onetime shot and he will be looking to scrutinize future requests.

Mr. Bryson also spoke in favor of the motion as he would prefer residents contribute to our local economy rather than towards 95% of every gallon of fuel purchased leaving the community to the fuel companies.

ROLL CALL VOTE

Ayes: Weldon, Hale, Bryson, Edwardson, Triem, Hughes-Skandijs, Becker and Gladziszewski

Nays: Jones

Motion carried 8:1

C. Subport Bid Process- verbal report

Mr. Watt noted that there was a memo in the red folder from Finance Director Jeff Rogers regarding the subport bid. Mr. Watt explained that staff got direction at the meeting on August 19 during the executive session on bidding. There is a procedural process to follow if CBJ wins the bid.

If CBJ wins the bid, we then have to have a Special Meeting to deal with the appropriation of the funds to purchase the property and we need to do that so that the Manager would be authorized to sign the purchase and sale agreement. The bids will be opened on September 9 at 10 a.m. If CBJ wins the bid, there would be a Special Assembly meeting on September 12 for the sole purpose of introducing an ordinance. It could be a five-minute meeting and Mr. Watt asked if they should try to schedule it for noon or 5 p.m.

Ms. Triem noted that there are candidate forums that day at 6:30 a.m. and 11:30 a.m. – 1:30 p.m. Ms. Gladziszewski noted that they only need five people who can be present. It was determined that there could be a quorum present at 5:00 p.m. on September 12. Mr. Watt noted they would tentatively calendar the special meeting for September 12 at

5:00 p.m. but wait to finalize it until the bids are open in the event the bid opening shows CBJ conclusively loses or if there is a second phase because the top bidder has a second bidder within 5%, in which case, there will be an outcry. They will only need the special meeting if CBJ conclusively wins the bid.

Ms. Gladziszewski noted that this memo requires transferring funds from one CIP to another and asked if that requires meetings. Mr. Watt explained that it would be the Finance Director's preference to do an appropriation of a central treasury loan as the cleanest path and then back filling that with the FY21 Marine Passenger Fees. There are other methods that are a lot less elegant and clean from a financial standpoint.

D. Assembly Goals Update

Mr. Watt gave a brief synopsis of the goals document found in the packet. He pointed out that the Assembly has made a lot of progress on its goals. That was accomplished during the same year that they spent a lot of time on the CLIAA litigation topic and a lot of time on state budget considerations. He wanted to provide this snapshot to the Assembly as they gear up towards the Financial Sustainability process and as they work towards developing their next year's goals to be considered at the December 7 Assembly retreat.

V. ADJOURNMENT

There being no further business to come before the committee, Ms. Gladziszewski adjourned the meeting at 9:12 p.m.

Respectfully Submitted,

Elizabeth J. McEwen, MMC
Municipal Clerk

ASSEMBLY COMMITTEE OF THE WHOLE
September 23, 2019, 6:00 p.m.
Assembly Chambers - Municipal Building
Assembly Work Session - No Public Comment

DRAFT MINUTES

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting to order at 6:02 p.m. in the Assembly Chambers.

Assemblymembers Present: Maria Gladziszewski, Mary Becker, Rob Edwardson, Wade Bryson, Michelle Hale, Carole Triem, Alicia Hughes-Skandijs, and Mayor Beth Weldon.

Assemblymembers Absent: Loren Jones

Staff present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Finance Director Jeff Rogers, Parks and Recreation Director George Schaaf, JPD Lt. Jeremy Weske, Community Development Director Jill Maclean, CDD Code Enforcement Officer Nate Watts, Port Director Carl Uchytel

II. APPROVAL OF AGENDA

Manager Watt noted that he spoke with Lee Kanding and they agreed to postpone the Southeast Heritage Institute Arts Campus Update to a future COW meeting.

III. APPROVAL OF MINUTES

IV. AGENDA TOPICS

A. Southeast Heritage Institute (SHI) Arts Campus Update

See note above under "Approval of Agenda."

B. Southeast by the Numbers

Raincoast Data presentation information on their website at
<http://www.raincoastdata.com/portfolio/southeast-alaska-numbers-2019>

Meilani Schijvens gave a presentation of Southeast by the Numbers for 2019 and the forecast for 2020 economy. Assemblymembers asked a number of questions regarding specific slides and points during the presentation.

C. Subport Update/LRWP Review

The Long Range Waterfront Plan (LRWP) is available on the CBJ website at
http://www.juneau.org/cddftp/documents/CBJ_Waterfront_Plan_FINAL_112204.pdf

Mr. Watt shared his perspective on what our waterfront looks like to the cruise industry and why they may have put in such an aggressive bid for the subport property.

He explained that the good news is that the Assembly does have a lot of control with regards to what may happen at the subport in terms of infrastructure. He explained that when we did the LRWP, there were a lot of successful items including two pretty big ideas that gave us a compelling vision of our waterfront. One is the seawalk from the bridge to the rock dump that was well supported by the public. The other was the decision to build the 16B Docks floating berths at the city facility/cruise ship terminal and steamship wharf. The flip side of the decision to build the berths there was to consciously choose not to have berths at Gold Creek. The LRWP spent a lot of time on that question, should there be cruise ships at Gold Creek. The decisions when the plan was adopted was for no cruise ships at Gold Creek.

Mr. Watt said he is assuming that Norwegian Cruise Lines (NCL) will want to build a dock in the subport property. He said that is likely what they will want to do and if that is going to happen, there are zoning issues, waterfront plan issues that would have to be solved, and the big blue area on the map around that property are municipal tidelands. There would have to be a decision for either the municipality to build a dock or for the municipality to lease those tidelands to somebody else. That means that ultimately the decision on whether to allow a cruise ship dock in Gold Creek rests with the Assembly. He said it will be an Assembly decision and Norwegian bought themselves a seat at the table.

Mr. Watt then provided an overview of the cruise industry: ports, schedules and patterns within the Southeast Alaska, Seattle, WA, and Vancouver, BC corridor from a historical perspective and the anticipated horizons that are likely coming in the future.

Mr. Watt answered questions from Assemblymembers regarding the industry and Juneau's piece in the big picture. Mr. Watt said there would be representatives from NCL coming to Juneau in the next week or so. Ms. Hale said it would be good for the Assembly and public to meet with NCL. Mr. Watt said it would be beneficial to have NCL representatives come to meet with the Assembly but next week's meeting will be more of a meet and greet and an actual meeting might be best scheduled at a later date. In his initial phone call with NCL, they didn't identify any fast track timeline or specific plan. He said that it stands to reason that they will be working on it and they will eventually have a plan that are likely to include one or more docks.

Mayor Weldon asked about the differences in the security procedures when boarding a cruise ship here in Juneau vs. those required when they boarded the same ship in Sitka at Southeast Conference. Mr. Watt explained that he would provide those details to the Assembly at a later time.

D. Tourism Planning Discussion

Deputy Mayor Gladziszewski provided an extensive historical overview of all the efforts to address and work on tourism issues over the years. She provided copies of the various documents via email to the members just before the meeting and the Clerk would be loading those up to the COW packet as well.

Ms. Gladziszewski said the point of her historical recap was to give a framework for how to talk about tourism moving forward.

After hearing from Ms. Gladziszewski on the historical perspective of tourism issues in Juneau, Mayor Weldon distributed a document with which she is proposing the creation of a Tourism Task Force. The charging document that she distributed proposed task force that will work on big picture questions and answering the following with recommendations brought back to the Assembly by January 31, 2020.

1. *Should the Assembly work on updating the Long Range Waterfront Plan, or is the LRWP still relevant? If the Task Force recommends opening the LRWP, to what extent does it recommend the LRWP be updated?*
2. *Should the Assembly attempt to address or manage tourism growth or is the tourism growth effectively managed by existing and upcoming infrastructure projects?*

Mayor Weldon said she did not want to duplicate the efforts of the Southeast Cluster Group or the TBMP process but she envisions creating a mixed group and not making it an Assembly subcommittee. Rather she is looking for a mixture of people including citizens, industry representatives, businesses, Planning Commission, a couple of Assemblymembers as well as advisors from Docks and Harbors and the Forest Service but she is also trying to keep the membership numbers small while keeping in mind the demographics of CBJ. She has not worked out yet who would be staff to the committee but she wanted to start with asking the Assembly for their feedback.

Assemblymembers shared their thoughts and suggestions. They discussed whether or not to add a question related to “carrying capacity” or trying to place some kind of cap on the number of tourists Juneau can handle. Mr. Palmer shared that it is hard legally to implement something that would impose limitations on the number of tourists but said he will work with the group and Assembly on identifying those issues and addressing them. Mayor Weldon said they are not trying to solve all the issues tonight but will incorporate the Assembly’s suggestions into the ultimate charging document for the task force.

E. Ord 2019-30: Chronic Nuisance Property Ordinance

Mr. Palmer presented the main points found in his most recent memo in the packet. He said he modified the newest version of the ordinance to address the issues brought up by the COW at the last meeting this was before them.

Mr. Palmer pointed to one of the most important changes which was the inclusion on page 1 of the ordinance lines 22-24 that states: “However, victims of crime are not nuisances and this ordinance shall not be construed as the basis of evicting a tenant solely because the tenant requested assistance as a victim of crime.”

Mr. Palmer answered a number of questions as they were addressed in the changes made to the draft ordinance. He also pointed out the changes per the COW request to page 8 of the ordinance as well as putting in a three-year sunset date.

Mr. Palmer asked members to give him any particular changes they wished to see at this time, otherwise he suggested this come up back to a future COW (possibly on December 2) with an opportunity for the public to provide testimony. The COW could decide to forward a finalized version from the COW for introduction and Assembly action, it could decide to kill it, or make changes.

Mr. Palmer and Lt. Weske answered a number of questions from members about notice, process and how fees would be calculated. It was decided to bring this back to a future COW meeting in December to take public testimony.

V. OTHER BUSINESS

Ms. Triem notified the Assembly that on October 8, Alaska Municipal League (AML) is hosting a PERS workshop in Anchorage and since she will already be in Anchorage for personal travel, she will be staying for an extra day to attend the AML workshop.

Mayor Weldon stated that she would also be in Anchorage but not at the same time as Ms. Triem. Mayor Weldon stated that was asked to attend the Thread Child Care Conference and be one of their panelists so she will be attending that on October 10.

Mayor Weldon also announced that there will be a celebration to commemorate 18 years of elected public service by Ms. Becker for her service on the School Board and Assembly on October 4. It will be held at DIPAC at 5:30 p.m. and everyone is invited.

Mr. Edwardson was asked to read the deed for the CBJ land (jar of dirt) that Ms. Becker was presented during her last Lands Committee meeting earlier in the evening. Everyone thanked Ms. Becker for all her years of public service and wished her the best in all the copious hours of non-meeting bliss ahead!

V. ADJOURNMENT

There being no further business to come before the committee, Ms. Gladziszewski adjourned the meeting at 8:26 p.m.

Respectfully Submitted,

Elizabeth J. McEwen, MMC
Municipal Clerk

ASSEMBLY COMMITTEE OF THE WHOLE
December 2, 2019, 6:00 p.m.
Assembly Chambers - Municipal Building
Assembly Work Session - No Public Comment

DRAFT MINUTES

I. ROLL CALL

Deputy Mayor Maria Gladziszewski called the meeting to order at 6:00 p.m. in the Assembly Chambers.

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

Assemblymembers Absent: None.

Staff present: City Manager Rorie Watt, City Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Manager Mila Cosgrove, Finance Director Jeff Rogers, Assistant City Attorney Teresa Bowen, Assistant City Attorney Emily Wright, Library Director Robert Barr, Parks and Recreation Director George Schaaf, Lands Director Greg Chaney, Deputy Lands Director Dan Bleidorn, Community Development Director Jill Maclean, Planning Manager Alexandra Pierce

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved as presented.

III. APPROVAL OF MINUTES

IV. AGENDA TOPICS

A. Mendenhall Loop Road Project

Mr. Watt explained that last Monday at the regular Assembly meeting, there had been items that should have been included in the Assembly packet that were not and that led to them getting off course on the issue of the Mendenhall Loop Road Project. He said that the right information would have included the materials resulting from the Planning Commission (PC) having reviewed the project in June 2019. Not only was the information not included in the Assembly packet but when the Planning Commission reviewed the project, staff should have then forwarded that information to the Assembly during the summer so that if the Assembly did not like the Planning Commission's decisions that it made, there would have been time for the Assembly to weigh in on the issue. State statute requires that we notify them within 90-days if we object to the project. By the time it got to the Planning Commission there was at least one month or possibly more had gone by. The Assembly then would have had their opportunity to

comment on the project sometime in July. He explained that they have a process fix for that in the future and will include similar Planning Commission Notices of Decision on the Assembly's consent agenda following any PC review of state projects so they have a timely manner in which the Assembly can discuss those.

Mr. Watt went on to explain that what the Assembly had last Monday night was the next phase of approval which was the land section. State Dept. of Transportation/Public Facilities (DOT/PF) wants and needs to purchase small slivers of land and the process in our Land Code is to come to the Assembly with a threshold question "Should we discuss this further?" and then it goes to a Planning Commission review, it would go to the Parks and Recreation Advisory Board for review since one sliver relates to park land and it would go to the Assembly Lands Committee and make its way back to the Assembly. The discussion last week was about the merits of the project as opposed to the procedure and merits of the sliver of land disposal. He said that is where this has ended up.

Mr. Watt said that given that they now have the background information and given that they already voted in the absence of the proper information, it is more difficult for the Assembly to unspool that and in this case it would be similar to a reconsideration. It would actually need to have the Assembly make a motion to rescind, at the December 16 meeting, the action that was previously taken at the November 25 meeting. He said that after the COW has an opportunity to ask questions and discuss this, he would request that the COW adopt a motion to forward the requests from DOT/PF to purchase those land slivers back to the Assembly so that it can consider them at the meeting on December 16.

Ms. Gladziszewski recapped the timelines involved and process before them.

Members then discussed the process and timelines involved and staff answered several questions related to the projects as well as the parliamentary procedures involved.

After a brief at ease, Ms. Gladziszewski clarified that the action to be taken tonight would be to refer the matter back to the Assembly. The next steps at the Assembly meeting would then be to take up a motion to rescind the previous action, which would take a vote of six members in the affirmative. If that motion to rescind the previous action passed, it would then need a subsequent motion to authorize the Manager to work with DOT/PF on negotiations to sell the slivers of land in question and that motion would only require five votes to pass.

MOTION by Mayor Weldon to refer this matter back to the Assembly. *Hearing no objection, the motion carried.*

B. Child Care Follow-Up

Ms. Gladziszewski stated that they have received a lot of information on the Child Care Committee follow-up and at the last meeting the COW requested answers to the following information:

- 1) A cost breakdown per child and capacity for the various items suggested and staff has provided that information in the packet.
- 2) The practical differences between Best Starts and provider stipend option and staff has provided that information in the packet.
- 3) Get a brief overview of the Best Starts program and that is provided in the packet.

Ms. Cosgrove gave a presentation on the materials found in the packet and the work of the staff group assigned to work out the practical aspects coming out of the Child Care Committee recommendations this past spring.

Ms. Cosgrove explained that the staff recommendations that have changed since the last COW meeting at which this was discussed were:

- Eliminated property tax exemption
- Eliminated provider stipend option in favor of a simplified per child model
- Eliminated quality coach

Some of the key points the recommendations were trying to address were from the McDowell survey that estimated 74% of those with infants and 47% of toddlers in need of child care do not have access to child care. In contrast to that, only 11% of preschoolers do not have access to care.

Ms. Cosgrove, Mr. Kevin Ritchie, and Ms. Joy Lyon then answered questions from Assemblymembers about the Simplified option, the Best Starts program, and Learn & Grow programs respectively. When asked who would administer the simplified program if that was the route that the Assembly chose, Ms. Cosgrove explained that CBJ does not have that expertise on staff and it would likely be something that AEYC would administer under a Memorandum of Agreement. Ms. Lyon agreed that they would be willing to take on that role if the Assembly chose to use that method.

Assemblymembers compared and contrasted the Simplified vs. Best Starts program models as well as home care models and the recommendations from the Child Care Committee and the staff group assigned to further that work. They also discussed long term vs. short term goals and financial constraints.

MOTION by Mayor Weldon to forward the Simplified per child solution forward with a request of the Deputy Manager to look at a piece that increases funding at the level 3 Learn and Grow level and the lower income level to receive increased funding.

Ms. Hale objected to the motion for purposes of a question.

The committee then discussed the language of the Mayor's motion and her intent. Mayor Weldon clarified that she wanted to go with the Simplified model since that starts the process at the bottom and at the same time she would like the Deputy Manager to bring back some additional proposed language to increase incentives for assisting low income families as well as the moving from level 2 to level 3 in the Learn and Grow

program. She also amended her motion to refer this matter to the Assembly Finance Committee.

Members of the Assembly then discussed some of the nuances of the simplified vs. the Best Starts programs.

Ms. Hale removed her objection.

Ms. Gladziszewski asked if there were any further objection to the motion as follows:

MOTION by Mayor Weldon to direct staff to proceed with the Simplified model with some tweaks to incentivize moving facilities from level 2 to level 3 and low income any age level 3 and to also refer this to the Assembly Finance Committee. *Hearing no objections, the motion carried.*

Ms. Gladziszewski noted that the final requested Assembly action bullet items in Ms. Cosgrove's presentation all relate to items that will be taken up during Finance Committee consideration. Mr. Jones outlined the timing and process that those items will need to be done starting sooner than the main budget process begins. Ms. Cosgrove said she could bring back information for the January Finance Committee meeting.

C. Dockless Transportation

Ms. Cosgrove gave a report that following the adoption of the ordinance implementing the moratorium, they formed a staff committee to work on this issue and the four staff members were Michele Elfers, Teresa Bowen, Scott Hinton, and Tim Felstead. The moratorium sunsets on February 1, 2020 so this matter is before the Assembly COW to provide updated information from the staff committee and see what the Assembly wishes to do with this issue going forward.

Mr. Felstead gave a presentation and highlighted that some of the issues the project team looked at relating to dockless vehicles also brought up the fact that any of these same concerns would also apply to docked vehicles.

Those concerns related to:

- Parking on sidewalks, retrieval (possibly from the channel), parking in corrals
- Seawalk congestion
- Riding on sidewalks
- Lack of safety equipment
- Items left at transit stops

When looking at regulatory guidance, there is comprehensive guidance when looking at trying to put together a policy. Mr. Felstead shared the following recommendations from the staff committee:

Commercial shared micromobility recommendations

1. Commercial shared micromobility devices should be subject to a regulatory and permit process.
2. Regulations and permitting should apply to both docked and dockless devices.
3. Commercial services should be offered first on a pilot basis to assess community impact.
4. Commercial shared micromobility devices should not be allowed in the downtown core.

Additional recommendation

1. Address existing definitions for micromobility devices in general to clarify where they can be used and parked

Mr. Felstead explained that there would need to be changes to the code language to bring it up to date with respect to definitions since the current code language was developed in the 1970s and there have been many modern changes that should be included in the code language.

Assemblymembers then discussed the work of the committee and asked a number of questions. With respect to the recommendations, they discussed whether or not to allow micromobility devices in the downtown core or boroughwide if at all. Members also discussed the safety concerns regarding allowing micromobility devices and lawsuits that other communities have experienced. Ms. Cosgrove explained that there was at least one lawsuit in a California community related to ADA concerns caused by micromobility devices being left on sidewalks.

MOTION by Mr. Edwardson to continue the moratorium as is and to remove the sunset date.

Additional discussion took place regarding whether the moratorium should be extended to docked vehicles as well as dockless vehicles. Discussion also took place about whether the moratorium would be for just the downtown area or boroughwide.

AMENDMENT by Ms. Hale to extend the moratorium on commercial microbilitly devices in the downtown core.

Mr. Edwardson objected to the amendment since the staff briefing was requested to address just the dockless vehicles and if the subject was to also include action on docked vehicles, that would need additional public notice and they should be briefed on docked vehicles.

Additional discussion took place on the amendment. Ms. Gladziszewski asked Ms. Hale to restate her amendment.

AMENDMENT by Ms. Hale for the moratorium on commercial shared micromobility devices to be extended in the downtown core but not borough-wide. For purposes of

this amendment, “micromobility devices” include dockless vehicles such as bicycles, e-bicycles, scooters and electric scooters.

Mr. Bryson noted that at this point, he may have a conflict of interest due to his business. Mr. Palmer asked to take a brief at ease.

After a brief break, Mr. Palmer reported that Mr. Bryson does have an economic conflict of interest on the amendment that prohibits him for participating any further. Mr. Palmer also stated that Mr. Bryson does not have a current conflict of interest on the underlying main motion. Mr. Palmer said Mr. Bryson should be recused from voting on the amendment and depending on the outcome of that vote, he may also need to be recused from the remainder of the matter before the committee.

Roll Call vote on the amendment:

Yeas: Hale, Hughes-Skandijs, Triem, Gladziszewski, and Weldon

Nays: Edwardson, Smith, Jones

Recused: Bryson

Motion carried 5:3

Mr. Palmer noted that since the amendment passed, Mr. Bryson will need to remain recused for the vote on the main motion.

Mr. Edwardson asked if he could withdraw his motion. Mr. Palmer said that Mr. Edwardson could withdraw his motion but that does not prevent another member from making that motion. Mr. Edwardson then withdrew his motion. Mr. Palmer explained the next steps since the main motion was withdrawn.

MOTION by Ms. Hale for the Assembly to establish a moratorium on micromobility devices in the downtown core with the downtown core to be defined by staff in the ordinance.

Ms. Hale’s initial motion was for the moratorium to be established for a one-year period but then she withdrew the one-year period language.

Additional discussion took place regarding the downtown core definition. Staff was asked to define that within the ordinance if the motion carried.

Roll Call vote on the motion:

Yeas: Hale, Hughes-Skandijs, Triem, Gladziszewski, and Weldon

Nays: Edwardson, Smith, Jones

Recused: Bryson

Motion carried 5:3

Mr. Bryson rejoined the meeting at 8:28p.m.

C. Blueprint Downtown

Mr. Watt explained that the packet contained a memo from Community Development Department (CDD) staff about the Blueprint Downtown project. The timeline is on the last page of the memo. The Assembly should expect to see this coming to them sometime in late spring 2020. He said that Ms. Maclean and Ms. Pierce were present in the audience if the Assembly had any questions.

The Assemblymembers asked when the next meeting of the Blueprint Downtown Steering Committee was. Ms. Pierce said that the next meeting is scheduled for December 12 at 6p.m. in the Assembly Chambers.

D. Telephone Hill Update

Mr. Watt provided two handouts regarding Telephone Hill.

The first handout was prepared by State DOT – “Department: Transportation & Public Facilities – South Coast Region” and the second was a map from our GIS system showing a better map of the properties than that shown in the DOT handout.

Mr. Watt said that DOT has been asked by the Governor’s economic development team to identify under-utilized properties that could lead to economic development in the state and this is part of that effort.

Mr. Watt gave brief history of the property. Telephone Hill was identified by the Heery Report in the late 1970s as the location for where a new Capitol Building would go. That then led to the city and state working together to get the funds to acquire the property. The city appropriated \$2 Million to the state and the state then used our funds with state funds to acquire, some with purchase and some through eminent domain, all the properties showing in the yellow and red areas of the map he handed out.

Mr. Watt explained that the state fell on harder economic times in the 1980s so the building of a new Capitol Building was not likely. There were several attempts after that, mainly led by CBJ to look at building a new Capitol Building. The property fell under a joint use management agreement between the city and the state.

In approximately 2007, as CBJ was undertaking the planning for the Downtown Transit Center (DTC), the Assembly passed an ordinance which formalized the agreement with more detail especially with regard to the properties identified in the red box on the GIS map. He said they have made preliminary contact with the state as it is an important issue and an important piece of land, approximately 2.5 acres or more.

Mr. Watt said it is a very large parcel of land and he has made contact with the governor’s economic team about the property. At root level, the state has identified it as underutilized property and an opportunity for economic development and he thinks they are right. That is not to say that seven homes in downtown Juneau isn’t insignificant. He said that the solution of the state to rent these properties has gone on for approximately

35 years and while some have been kept up, some of the homes have not been maintained well and have building maintenance needs.

Members asked staff a number of questions regarding ownership, and if CBJ would have first right of refusal and what potential litigation might be involved.

Mr. Watt and Mr. Palmer answered questions and said that everything is in the beginning stages of discussions with the state and many of the issues are subject to legal review and interpretation at this time.

V. ADJOURNMENT

There being no further business to come before the committee, Ms. Gladyszewski adjourned the meeting at 8:41 p.m.

Respectfully Submitted,

Elizabeth J. McEwen, MMC
Municipal Clerk

Chronic Nuisance Ordinance**CBJ 36.70****Purpose**

The purpose of draft Ordinance 2019-30 is to give the CBJ a tool to ensure neighborhoods are not subject to problem properties for extended periods of time and to hold landlords and tenants accountable for their actions.

Over the last 5 years, the CBJ has dealt with multiple properties that received an inordinate amount of CBJ resources. Multi-unit dwellings like the Bergman Hotel and Gastineau Apartments, as well as single family homes like one on Harris St, have required years of time, resources, and attention that could have been spent elsewhere. Community Development, Engineering and Public Works, the Law Department, the City Assembly, and first responders like the Police Department and Capital City Fire and Rescue all contributed resources to these properties for years in an effort to abate the problem. The neighborhoods affected by these problem properties felt the process was inefficient and resolutions were far too slow.

Process

A Chronic Nuisance Property is defined as a residential property that has had 8 enforcement responses in a 12-month period or a commercial property that has had 16 enforcement responses in a 12-month period. The Chronic Nuisance Ordinance is not intended to discourage victims from calling the police. To this end, calls involving Domestic Violence, Sexual Assault, and Child Neglect are not considered enforcement responses. The Chronic Nuisance Ordinance is not intended to be a punitive tool for unhappy neighbors. To address this, an enforcement response may only be counted if probable cause exists that a qualifying crime has occurred.

When a property has had 6 qualifying enforcement responses, the owner of the property will receive a warning letter that their property is in danger of becoming a Chronic Nuisance. This warning will explain next steps and possible penalties associated with a Chronic Nuisance Property.

If that property continues to have qualifying enforcement responses, the owner will be informed that the property has become a chronic nuisance. The owner will then have to work with the JPD to develop an Appropriate Corrective Action Plan. That plan can include a Notice to Quit, trespass orders, evictions, new or upgraded security measures, or other actions deemed appropriate to address the problem.

If the owner complies with the Corrective Action Plan or if there are no more qualifying calls to the property for 60-days, the count will reset to zero. If the owner does not enter into a Corrective Action Plan and there are more qualifying responses to the property, the property owner can be fined \$400 per response. This fine is recorded as a lien on the property and can be collected by the property through any legal means. The desired outcome of the Chronic Nuisance Property is to empower and encourage landlords to ensure that their properties do not become a Chronic Nuisance.

Lt. Jeremy Weske

Juneau Police Department



MEMORANDUM

DATE: September 23, 2019
 TO: Maria Gladyszewski, Chair Assembly Committee of the Whole
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Ord 2019-30, Chronic Nuisance Ordinance

The chronic nuisance concept was initially presented to the Assembly Committee of the Whole on May 20, 2019, and then on June 10, 2019. During those meetings, staff provided a brief overview of the topic and returned with a draft ordinance, which the Committee provided comments on. I have revised the attached draft ordinance in accordance with those comments and made other slight revisions depicted with strikethroughs and underlining. Two revisions are especially notable:

- Clarified that victims of crimes are not nuisances (ordinance page 1 & 4)
- Added a three year sunset provision (ordinance page 11)

I have also reviewed the legislation history of AS 29.35.125 (HB 125 (2002)), which this ordinance is modeled after, and a variety of legal and public policy articles related to chronic nuisance ordinances. I believe the issues raised during the Legislature's committee meetings are still relevant today. The attached draft ordinance attempts to address the legal and public policy issues. However, the Committee may want to solicit public comments from a wide array of the community before taking any action on this ordinance. The following are numbered for ease of reference but are in no particular order:

1. **Original intent:** Give municipalities a tool for assessing a fee for excessive police services of residential properties that had irresponsible or absent owners. The municipality would have authority to lien and define what is excessive in that community. Co-sponsor Rep. Guess, HCRA Committee (March 15, 2001).
2. **Existing authority:** There was discussion whether municipalities had the authority to assess fees for excessive police services already and whether municipalities had authority to impose a lien for those excessive fees. Co-chair Rep. Meyer summarized that municipalities probably already had the power to enact such ordinances, but HB 125 makes it clear. In 2012, the Alaska Supreme Court concluded that municipalities could not lien property without authority from statute, *Cutler v. Kodiak Island Borough*, 290 P.3d 415 (Alaska 2012), but the Legislature cured that problem with SB100 in 2017, which authorized municipalities to impose liens if provided by statute or municipal ordinance. AS 09.45.169(2).
3. **Residential v. Commercial property:** HB 125 was drafted to focus on the residential property problems, which was perceived as the bigger problem area. HB 125 was not

drafted to focus on commercial property. There was uncertainty on how HB 125 would work for commercial property, so HB 125 did not address commercial property. Rep. Scalzi suggested that municipalities could address commercial properties in their local ordinances. HCRA Committee (March 15, 2001).

4. **Discourage reporting:** There was concern that HB 125 would discourage people from reporting crimes to the police. This concern was especially raised in relation to commercial properties like bars afraid from calling for fear of being fined, but other members described that maybe some bars were not being responsible neighbors. HB 125 requires exemptions for potential child neglect, domestic violence, or stalking. HB 125 did not limit municipalities from exempting more topics.
5. **Social justice:** There was concern that if areas of lower income are typically receiving the majority of police protection, “Is it fair to punish those folks in low income areas because they call?” Rep. Halcro, HCRA Committee (March 15, 2001). Co-sponsor Rep. Guess responded that HB 125 could apply to places like low income housing and Alaska Housing Finance Corporation properties because they are residential properties.
6. **Example municipalities:** Testimony described that the City of Fairbanks chronic nuisance law, which was modeled after Portland Oregon’s law, had a nuisance property ordinance that has been used effectively to shut down businesses when the owner did not cooperate after an excessive number of police responses. Lieutenant Miller, HCRA Committee (March 15, 2001). Members of the Anchorage Assembly expressed an interest in adopting an ordinance based on HB 125. HCRA Committee (March 15, 2001).
7. **Tenant & Owner concerns:** Members expressed a need for leniency if the owner is actively engaged, is in a process to correct tenant behavior, or is proceeding to evict a tenant. Safeguards were discussed for such a concern like setting the number of police calls at fair number for that municipality (i.e. Fairbanks: 3 times in 6 months); making sure the owner had actual notice of the problems prior to lien, and making sure the owner was given a reasonable time to take corrective actions.
8. **Revenue generating:** Concern was expressed to make sure HB 125 would not create a revenue generating measure for law enforcement, so HB 125 limited the ability to charge a fee to the cost of the police service. However, HB 125 ultimately left it up to municipalities to determine what an excessive number of police calls were.
9. **Nosey neighbors:** Concern was raised that if a nosey neighbor made repeated calls (i.e. animal control or noise complaints), would HB 125 apply to the nosey neighbor or the supposed problem property? Co-sponsor Rep. Guess described that municipalities would need to address that in their local ordinances.
10. **Timing of notice:** Concern was expressed over when notice of excessive police calls was given. HB 125 included some notice requirements but also left discretion to the municipality regarding when a warning is issued and how notice is actually made.



DATE: June 7, 2019
 TO: Maria Gladziszewski, Deputy Mayor, Committee of the Whole
 FROM: Robert Palmer, Municipal Attorney
 SUBJECT: Draft Ord. 2019-30: Chronic Nuisance

On May 20, 2019, the Juneau Police Department presented the concept of a chronic nuisance ordinance. The Committee requested staff to develop the concept and return with a draft ordinance. The Committee also asked questions about the State law (AS 29.35.125), which was adopted in 2002. I drafted the attached ordinance based on AS 29.35.125 and chronic nuisance codes from other communities: Anchorage, AK (AMC 8.80); Portland, OR (PMC 14B.60), and the City of Ashland, OR (AMC 9.18).

AS § 29.35.125. Fees for police protection services

(a) A municipality may by ordinance impose a fee on the owner of residential property, including multi-family housing, if a member of the municipal police department goes to the property an excessive number of times during a calendar year in response to a call for assistance, a complaint, an emergency, or a potential emergency. The number of responses considered to be excessive and the amount of the fee shall be set out in the ordinance that establishes the fee. The fee may not exceed the actual cost to the municipality for the excessive responses. A fee may not be imposed under this subsection for responses to calls that involve potential child neglect, potential domestic violence, as defined in AS 18.66.990, or potential stalking under AS 11.41.260 or 11.41.270.

(b) An ordinance enacted under this section shall require actual notice to the property owner of police contacts and a warning that failure to take appropriate corrective action may result in the imposition of a fee. The ordinance must also define "appropriate corrective action" to include written notice to quit under AS 09.45.100--09.45.110 in appropriate situations as well as other types of corrective action, and provide that the property owner is not liable for the fee if that action is promptly taken.

(c) A municipality may provide that a fee imposed under (a) of this section is a lien on the property to which the municipal police have been called an excessive number of times and may provide for the recording and notice of the lien. When recorded, a lien under this subsection has priority over all other liens except

- (1) liens for property taxes, special assessments, and sales and use taxes;
- (2) liens that were perfected before the recording of the lien under this subsection; and
- (3) mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this subsection.

(d) This section applies to home rule and general law municipalities.

Presented by:
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-30 vCOW2

An Ordinance Related to the Regulation of Chronic Nuisance Properties.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Title. Title 36 is amended by adding a new chapter to read:

36.70 Chronic Nuisance Property

36.70.010 Purpose

The purpose of this section is to protect the health, welfare, and safety of the City and Borough's residents and environment by regulating chronic nuisance property. Consistent with A.S. 29.35.125, the intent of this section is to prevent properties from becoming chronic nuisances, provide reasonable procedures to abate properties that are public nuisances, and provide enforcement tools to recover municipal costs in responding to chronic nuisance properties. However, victims of crime are not nuisances and this ordinance shall not be construed as the basis of evicting a tenant solely because the tenant requested assistance as a victim of crime.

36.70.020 Definitions

Enforcement agent means a person authorized by section 3.45.010 or by law to enforce City and Borough of Juneau laws.

Chronic nuisance property means

1. Residential property that has had eight or more law enforcement responses to a dwelling unit in a twelve-month period.
2. Non-residential property, including common areas of multiple dwelling unit developments, that has had sixteen or more law enforcement responses to a commercial unit, or if none per parcel, in a twelve-month period.

Residential property means an individual parcel, tract, or lot shown on the most recent plat of record containing one or more dwelling units or a mobile home.

Commercial unit means an area within a property that is readily identifiable by visual inspection as an area used by a single business or commercial enterprise.

Property means any property, including continuous parcel or area of land undivided in ownership.

Law enforcement response means a police officer or enforcement agent responded to and charged or issued a warning based on probable cause of a nuisance activity.

Nuisance activity means any of the following activities, behaviors or conduct:

1. A violation of CBJ 36.20, Nuisances;
2. A violation of CBJ 36.30, Litter;
3. A violation of CBJ 36.40, Solid fuel-fire burning devices;
4. A violation of CBJ 36.50, Tobacco;
5. A violation of CBJ Title 42, Penal code;
6. A violation of A.S. Title 11, Criminal Law;

A nuisance activity does not include a response to any of the following:

1. A report ~~Receipt~~ of false information as defined by A.S. 11.56.800 or CBJ 42.30.040, unless the false information was provided by an occupant or owner of the property;
2. A false alarm as defined by CBJ 42.30.030, unless the false alarm was caused, permitted, or allowed by an occupant or owner of the property;
3. A report ~~call or response~~ involving potential child neglect, potential domestic violence as defined in A.S. 18.66.990, or potential stalking under A.S. 11.41.260 or 11.41.270;
4. A report of sexual assault as defined by AS 11.41.410-427;
5. A report of response ~~for~~ a medical emergency for serious bodily injury or death;
6. A report ~~call~~ from a ~~the~~ tenant or owner of commercial property used as a retail store for law enforcement assistance with (a) theft or potential theft from the retailer, (b) report of the presence or identification of a person subject to a state of federal warrant; or (c) trespass;
7. A report ~~call~~ from the tenant or owner of commercial property used as a licensed premises regulated by A.S. Title 4 (alcohol) or A.S. 17.38 (marijuana) for police assistance with law enforcement matters including: (a) a minor seeking unlawful admittance or service, (b) a person under the influence seeking admittance or service,

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(c) a report of the presence or identification of a person under state or federal warrant,
or (d) a person under the influence preparing to operate a motor vehicle upon leaving
the premises; or

8. A tenant requesting assistance as a victim of crime.

Owner means the person in whose name the property is listed as owner in the State Recorder's
Office is conclusively presumed to be the legal record owner.

Dwelling unit means a structure or portion thereof providing independent and complete
cooking, living, sleeping, and toilet facilities for a person or group of persons living as a single
housekeeping unit.

36.70.030 Violation

(a) Subject to subsection (b), the owner shall be liable to the City and Borough of Juneau or the
owner and the tenant of a unit thereon shall jointly be liable to the City and Borough of Juneau
for a fee of \$400 per additional law enforcement response to a chronic nuisance property.

(1) For property with more than one owner, all owners shall be jointly liable with the
tenant for any fee imposed under this chapter. Actual notice to one owner creates a rebuttable
presumption of actual notice to all other owners.

(2) For property owned by a condominium, a fee based on law enforcement response to a
chronic nuisance to a single dwelling unit shall be assessed against the owner of the dwelling
unit, jointly with the tenant if there is one, and not against the condominium.

(3) A tenant shall not be liable for the fee if the tenant's conduct did not require the chronic nuisance law enforcement response and the tenant's right to possession commenced on a date subsequent to the date of the first law enforcement response that is counted for purposes of the fee imposed under this chapter.

(4) If the chronic nuisance property is a mobile home located in a mobile home park, the fee may not be imposed on the owner or operator of the mobile home park, unless the owner's or operator's conduct caused the chronic nuisance. The fee may be imposed jointly on the owner and tenant of the mobile home.

(b) A person is exempt from liability for the fee established by this chapter if:

(1) The person is a federal, state, or local government agency;

(2) The property or unit responded to is used exclusively for nonprofit religious, charitable, cemetery, hospital, or educational purposes;

(3) The municipality has not provided notice to the person in writing as provided in section 36.70.040(b);

(4) Any person has taken appropriate corrective action and given written notice to police of the action as required by section 36.70.050;

(5) The owner or tenant of the commercial property or unit responded to has entered a current written agreement with the Juneau Police Department to actively abate nuisance activity on the property; or

(6) If a lieutenant or higher ranking official of the police department determines appropriate corrective action was taken with respect to a specific chronic nuisance property, the count of law enforcement responses to the unit shall reset to zero, effective the date of the determination.

(c) The fee imposed by this chapter may be collected in any lawful manner, including bringing an action in court for a personal judgment against any one or more of the persons liable.

(d) An owner or tenant liable for a fee under this chapter may bring an action in court against a person whose conduct required the law enforcement responses to the chronic nuisance property to recover the amount of the fee and related costs. An owner or tenant shall not be granted any extension of time or continuance to pay the fee based on a pending action against a third party.

36.70.040 Notices

(a) Warning Notice. The municipality shall provide a warning notice to the owner or the owner and tenant of a property when the number of law enforcement responses approaches a chronic nuisance property. Notice may be by mail and need not be certified. Failure to provide a warning notice under this subsection shall prevent the assessment of fees under this chapter.

(b) Notice of Chronic Nuisance Determination. Prior to assessing a fee under this chapter, the municipality shall notify the owner or owner and tenant, if applicable, in writing when a chronic nuisance property exists.

(1) A notice under this section shall be given in a manner reasonably calculated, under all the circumstances, to provide actual notice to the person of the potential liability for the fee. Notice to an owner is sufficient if sent by certified mail, return receipt requested, to the owner's mailing address listed on the real property tax assessment records. If the mailed notice is returned refused for signature by the owner, actual notice shall be conclusively presumed on the date refused. If the mailed notice is returned unclaimed or undeliverable, the municipality

shall accomplish notice by another method and attest to the date notice is accomplished by affidavit or in a police report. Notice to the owner or tenant may be accomplished by any lawful manner.

(2) The notice shall:

(A) Identify the property that is the subject of the notice by street address and legal description, and, if the property has multiple units, identify the dwelling unit or commercial unit;

(B) State the number of qualifying law enforcement responses and state additional law enforcement responses to the unit or property may result in imposition of fees under this chapter;

(C) State the person shall be liable for a fee for each law enforcement response to the chronic nuisance property, unless, within 30 days, a person takes appropriate corrective action promptly and gives written notice to the Juneau Police Department of the action taken;

(D) State the amount of the fee per law enforcement response to the chronic nuisance property; and

(E) State the name and telephone number of a representative of the Juneau Police Department to contact concerning the notice.

(3) Appeal right. A Notice of Chronic Nuisance Determination is appealable to a hearing officer designated by the manager pursuant to 36.70.070. No person shall be entitled to appellate review of a Notice of Chronic Nuisance Determination who fails to file a ~~proper~~ notice of appeal ~~with the hearing officer at the municipal clerk's city manager's~~ office within 20 days of when the Notice of Chronic Nuisance was served. An appeal of a Notice of Chronic Nuisance is

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2 limited to the issue of whether the property is a chronic nuisance. ~~The failure to exhaust this~~
3 ~~administrative remedy prevents a later challenge to whether the property was a chronic~~
4 ~~nuisance.~~

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6 **36.70.050 Appropriate Corrective Action**

7 (a) An owner or tenant of a property shall have 30 days from the date notice is accomplished, as
8 required under section 36.70.040(b), to promptly take appropriate corrective action. Appropriate
9 corrective action is action reasonably expected to correct the cause of the law enforcement
10 responses to the property. Police officers holding the rank of lieutenant or higher are authorized
11 to determine whether corrective action is appropriate under the specific circumstances. The
12 officer's determination shall be in writing and issued within five days of receipt of the person's
13 written notice of the action taken. Should the officer determine the action taken is not
14 appropriate corrective action, the officer shall explain the reasons and the person shall have ten
15 days from the date of the determination to take appropriate corrective action. ~~The ten-day~~
16 ~~extension shall be provided only once in twelve months for each unit receiving excessive law~~
17 ~~enforcement responses. Examples of appropriate corrective action, subject to a law enforcement~~
18 ~~officer's determination, may include, without limitation:~~

19 (1) Written notice to quit under AS 09.45.100—09.45.110;

20 (2) Eviction notice served on the tenant or lessee requiring vacation of the premises within
21 30 days or a reasonable time less;

22 (3) Obtaining a restraining order, or issuance of a no trespass order; ~~if appropriate~~;

23 (4) Installation or implementation of new or additional security measures;

24 (5) Constructing, reconstructing, or removing a structure from the property; or
25

(6) Action recommended by the Juneau Police Department in writing and implemented to the satisfaction of a police officer the rank of lieutenant or higher.

(b) Appropriate corrective action does not include:

(1) Relocating a tenant or lessee of a unit to a different unit on the same property, unless a police officer the rank of lieutenant or higher determines the relocation is reasonable under the circumstances ~~appropriate~~. If a person is relocated, the municipality may transfer the number of law enforcement responses from the former unit to the new unit.

(2) Communicating only orally with the person causing the law enforcement responses.

(c) No fee may be imposed for additional law enforcement responses to the unit that is the subject of the notice during the 30-day period allowed under subsection A. if any person takes appropriate corrective action and gives written notice to the Juneau Police Department of the action taken during the 30-day period. There is a conclusive presumption that appropriate corrective action was taken if there are no additional law enforcement responses to the property from the end of the 30-day period and for the next sixty ~~ninety~~ days.

36.70.060 Lien on property

(a) A fee imposed under Section 36.70.030(a) is a lien on the property to which there have been an excessive number of law enforcement responses to a chronic nuisance property.

(b) The lien becomes effective upon the recording of a Notice of Chronic Nuisance Lien that:

(1) Describes the property that is the subject of the lien;

(2) States the amount of fees accrued at the time of recording;

(3) States the lien has been recorded pursuant to this section; and

(4) The notice is then served on the property owner.

(c) When a Notice of Chronic Nuisance Lien has been recorded, the lien has priority over all other liens except:

- (1) Liens for property taxes, special assessments, and sales and use taxes;
- (2) Liens perfected before the recording of the lien under this section; and
- (3) Mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this section.

(d) A Notice of Chronic Nuisance Lien is appealable after recording to a hearing officer designated by the manager pursuant to 36.70.070. No person shall be entitled to appellate review of a Notice of Chronic Nuisance Lien who fails to file a ~~proper~~ notice of appeal with the hearing officer at the city manager's office within 20 days of when the Notice of Chronic Nuisance Lien was served. An appeal of a Notice of Chronic Nuisance Lien is limited to the issue of whether the person is liable for each fee imposed under this chapter. ~~The failure to exhaust this administrative remedy prevents a later challenge to whether the owner of the chronic nuisance property is liable for the chronic nuisance fees.~~

36.70.070 Appeal Hearing

A hearing before a hearing officer shall be informal and be held within 15 days of receipt of the notice of appeal unless extended for good cause. Relevant evidence must be admitted if it is probative of a material fact in controversy. Irrelevant and unduly repetitive evidence shall be excluded. The hearing officer shall issue a written decision within 15 days of the hearing. A decision from a Notice of Chronic Nuisance Determination appeal is not a final administrative decision. A decision from a Notice of Chronic Nuisance Lien appeal is ~~shall comprise~~ a final

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2 administrative decision of the City and Borough of Juneau. Within 30 days of service of the
3 written decision, a person aggrieved by the decision may appeal to the Superior Court of the
4 First Judicial District in Juneau in accordance with the Alaska Rules of Appellate Procedure.
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6 **36.70.070 Sunset Provision**

7 No property shall be deemed a chronic nuisance three years after Ordinance 2019-30 becomes
8 effective.
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11 **Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

12 Adopted this _____ day of _____, 2018.
13

14 _____
15 , Mayor

16 Attest:

17 _____
18 , Municipal Clerk
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(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Date: December 5, 2019

To: Committee of the Whole, Maria Gladziszewski, Deputy Mayor

From: Jill Maclean, AICP, Director *Jill Maclean*

RE: Ordinance 2019-37 v.3 Nonconforming Development Code

Proposed Ordinance 2019-37 v.3 amends CBJ Title 49, the Land Use Code, to repeal and replace Title 49.30 – Nonconforming Development.

Proposed Ordinance 2019-37 v.3 establishes that not all nonconformities are the same. Some nonconformities are benign while some have significant detrimental effects. In some instances, continuance or expansion of a benign nonconformity may not threaten public health or safety, may have little impact on long-term land use objectives, and may even be preferable to the alternative of disinvestment. For this reason, benign nonconformities are treated differently than those more likely to have significant detrimental effects.

Proposed Ordinance 2019-37 v.3 mixes the phasing out of detrimental nonconformities and recommends maintaining the status quo or allowing limited modification and expansion to benign nonconformities. The proposed ordinance repeals and replaces all of 49.30. The ordinance clarifies and defines the following non-conforming situations:

1. Nonconforming uses;
2. Nonconforming residential densities in residential zoning districts that allow residential development;
3. Nonconforming structures;
4. Nonconforming lots and lot fractions; and
5. Nonconforming parking.

Proposed Ordinance 2019-37 v.3 creates a process for the review of nonconforming status, a method for obtaining certification of legal nonconforming status, and a new public hearing process through the Board of Adjustment – Nonconforming Situation Review. This process provides for review of proposed modifications to nonconforming situations, with public input, and the ability to limit, approve or deny the proposal.

On October 15, 2019, the Planning Commission at a special meeting adopted the analysis and findings listed in the Community Development Department's staff report dated September 12, 2019 and October 8, 2019, and recommended that the Assembly adopt the ordinance consistent with the amendments made at the October 15, 2019 meeting.

Presented by: The Manager
Introduced:
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2019-37 COW v.3

An Ordinance Amending the Land Use Code to Repeal and Replace the Nonconforming Development Code.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.25.300 Determining uses, subsection (a) is amended to read:

49.25.300 Determining uses.

(a) (1) *Listed uses.* There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the zone thus located shall be as indicated thereat by the digits "1," "2" or "3" as more fully set out in this section and by letters of the alphabet as more fully set out by footnotes in the table. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified zone.

(2) *Unlisted uses.* The allowability of a use not listed shall be determined pursuant to section 49.20.320.

(3) *Uses listed more than once.* Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.

(4) *Accessory uses.* Uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.

(5) *Nonconforming uses.* Nonconforming uses, including nonconforming residential densities in residential districts that allow residential development, are subject to chapter 49.30.

...

Section 3. Amendment of Section. CBJ 49.25.430 Yard setbacks, is amended at subsections 49.25.430(4)(M) and (5) to read:

49.25.430 Yard setbacks.

...

(M) *Additional stories.* The commission, through the conditional use permit process, may allow the addition of a second or third story atop or below an existing enclosed structure which projects into a required yard setback if the structure is either lawfully nonconforming or if a variance was previously granted for the structure. The commission may deny such request if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

...

(5) *Replacement and reconstruction of ~~certain nonconforming buildings~~ structures.* The replacement and reconstruction of ~~certain nonconforming buildings~~ structures in residential districts shall be governed by ~~subsection 49.30.500(b)~~ chapter 49.30.

Section 4. Amendment of Section. CBJ 49.25.510 Special density considerations, is amended at CBJ 49.25.510 (f) to read:

49.25.510 Special density considerations.

...

(f) *Replacement and reconstruction of ~~certain nonconforming buildings~~ structures.* The replacement and reconstruction of ~~certain nonconforming buildings~~ structures, including multi-family dwellings, in residential districts in zoning districts that allow residential development shall be governed in part by ~~subsection 49.30.500(b)~~ chapter 49.30. ~~The replacement and reconstruction of multifamily dwellings in all multifamily residential districts shall be governed in part by subsection 49.30.500(c).~~

...

Section 5. Amendment of Chapter. Chapter 49.30 Nonconforming Development is repealed and replaced to read:

Chapter 49.30 - NONCONFORMING SITUATIONS

ARTICLE I. GENERAL

49.30.110 Purpose and intent.

This chapter provides standards for the review of nonconforming situations, including a process for obtaining certification of nonconforming status by the director, and a process for

obtaining a nonconforming situation review by the board of adjustment. The intent is to reduce the impacts of nonconforming situations and promote public health, safety and general welfare. Nothing in this chapter is intended to affect otherwise existing rights under CBJ Code.

49.30.120 Applicability.

(a) This chapter applies to the following nonconforming situations, whether existing alone or in any combination:

(1) Nonconforming uses (49.30.230),

(2) Nonconforming residential densities in residential zoning districts that allow residential development (49.30.240),

(3) Nonconforming structures (49.30.250),

(4) Nonconforming lots and lot fractions (49.30.260),

(5) Nonconforming parking (49.30.270).

(b) This chapter does not apply to nonconforming signage, which is addressed in chapter 49.45.

ARTICLE 2. STANDARDS

49.30.210 Nonconforming situations in general.

(a) *Continuation of nonconforming situations.* Except as otherwise provided in this chapter, nonconforming situations may remain.

(b) *Change of nonconforming situation to comply with this title.* Any nonconforming situation may be changed to comply with this title. Once a nonconforming situation becomes compliant, the nonconforming rights under this chapter are lost, with respect to that nonconforming situation, and the nonconforming situation may not be re-established.

(c) *Ownership.* Change in ownership does not affect the legal status of a nonconforming situation.

(d) *Routine maintenance and repair.* Nothing in this chapter prohibits normal maintenance and routine repairs, which include, but are not limited to, roofing repair or replacement, window replacement, and minor structural repairs.

(e) *Certification of nonconforming status.* A property owner or authorized agent of the owner may apply for a certification of nonconforming status at any time, pursuant to the procedures provided in section 49.30.310.

(f) *Nonconforming status review prior to issuance of permit.* Prior to the issuance of a permit for work or development related to a potentially nonconforming situation, a nonconforming status review pursuant to the procedures provided in section 49.30.310, is required. Review and issuance of permits related to a nonconforming situation(s) will be subject to this chapter.

(g) *Certification of nonconforming status prior to a nonconforming situation review.*

Certification of nonconforming status must be obtained prior to proceeding with a nonconforming situation review pursuant to the procedures provided in section 49.30.320.

(h) *Structure deemed destroyed.* A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when damaged by any means to an extent of more than 75 percent of the cost of the replacement of the entire structure, exclusive of foundations.

(i) *Intentional damage, destruction, removal or demolition.* The nonconforming rights provided in this chapter are lost when a nonconforming situation is damaged, destroyed, demolished or removed by any means intentionally and within the control of the owner or the authorized agent of the owner.

(j) *Accidental damage or destruction.* Except as otherwise provided in this chapter, nonconforming rights are retained when a nonconforming structure or structure containing a nonconforming use or residential density is damaged or destroyed accidentally or by any means beyond the control of the owner or the authorized agent of the owner.

(k) *Building official determinations under (h), (i) and (j).* The building official shall determine the extent and cause(s) of damage and/or destruction under subsections (h), (i) and (j) of this section, pursuant to CBJ 19.01 Building Regulations, Administrative Code.

(l) *Failure of a situation to qualify for nonconforming status certification.* If a situation does not qualify for, or is denied, nonconforming status certification, it is noncompliant and subject to applicable compliance action.

(m) *Effect of loss or abandonment of nonconforming situation or nonconforming situation rights.* The loss or abandonment of a nonconforming situation or of nonconforming situation rights under this chapter means the situation is subject to applicable compliance action.

49.30.220 Abandonment of a nonconforming situation.

(a) The abandonment of a nonconforming situation extinguishes all nonconforming rights associated with that situation.

(b) A nonconforming situation is abandoned if and when any of the following events occur:

- (1) The owner indicates in writing that the nonconforming situation is being permanently discontinued or abandoned;
- (2) The nonconforming situation becomes compliant with this title;
- (3) The nonconforming situation is intentionally damaged, destroyed, removed or demolished, as provided in CBJ 49.30.210(i).

- (4) With respect to a nonconforming structure, the structure is moved.
- (c) A nonconforming situation is presumed to be abandoned if:
 - (1) The owner takes action consistent with an intent to abandon the nonconforming situation;
 - (2) The structure(s) associated with the nonconforming situation has been vacant or the nonconforming use or situation has been discontinued for 365 consecutive days;
 - (3) The nonconforming situation has been replaced by another nonconforming situation, through the nonconforming situation review process provided in 49.30.320; or
 - (4) With respect to nonconforming residential density, the structure has been unoccupied for more than three years or, if being reconstructed pursuant to CBJ 49.30.240(b), the structure does not have a temporary certificate of occupancy within three years of the building permit being issued.
- (d) Determination of abandonment shall be made by the director and supported by findings under CBJ 49.30.220(b) or (c).

49.30.225 Overcoming presumption of abandonment.

- (a) A director's determination of abandonment under 49.30.220(c) is rebuttable and may be overcome upon a finding by the director that the information submitted establishes all of the following with respect to the nonconforming situation:
 - (1) The owner has been maintaining the land and structure(s) in accordance with applicable building, fire and other codes and regulations;
 - (2) The owner has been maintaining or pursuing applicable permits and licenses; and
 - (3) The owner has filed applicable tax documents.

(b) Other factors that may be considered include whether:

(1) The owner has been engaged in activities that are consistent with or would

affirmatively prove there was no intent to abandon, such as actively and continuously marketing the land, business or structure for sale or lease; and

(2) The owner has applied for a nonconforming situation review in accordance with section 49.30.320.

(c) The burden of proof for overcoming a presumption of abandonment is on the applicant.

49.30.230 Nonconforming uses.

(a) *Change of nonconforming use to another nonconforming use.* The owner may change a nonconforming use to another nonconforming use if approved by the board of adjustment pursuant to section 49.30.320, including a change from a nonconforming non-residential use to a residential use that exceeds the allowed maximum density in RR, D1, D3, D5, D10SF, D10, D15 and D18 zones.

(b) *Expansion of nonconforming use.* A nonconforming use within a structure may not be expanded to other structures or to other land beyond the original structure. A nonconforming use of land may not be increased or extended to occupy a greater area of land.

(c) *Modifications to nonconforming use.* Modifications to a nonconforming use are permissible and do not constitute a change or expansion of the nonconforming use, providing the impacts of such modification are nominal and do not impose a significant or new impact that is out of harmony with the neighborhood, as determined by the director.

(d) *Nonconforming residential uses in industrial and waterfront industrial zoning districts.* If a structure containing a nonconforming residential use in the industrial and waterfront

1
2 industrial zoning districts is accidentally damaged, as provided in CBJ 49.30.210(j), the
3 following applies:

- 4 (1) Nonconforming residential use rights are maintained and the structure may be rebuilt
5 within three years if all of the following are met:
- 6 (A) Nonconforming residential use is or has been certified pursuant to the
7 procedures set forth in section 49.30.310;
 - 8 (B) The building official has not deemed the structure destroyed, under CBJ
9 49.30.210(h);
 - 10 (C) Written notice of intent to reconstruct is provided to the department within 365
11 days of the date the accidental damage or destruction occurred, as determined
12 by the building official;
 - 13 (D) The reconstruction complies with applicable zoning district dimensional,
14 development and design standards including but not limited to setbacks,
15 parking, and landscaping that apply to new development.
- 16
17 (2) If a temporary certificate of occupancy for the structure has not been obtained within
18 three years of issuance of a building permit, the nonconforming residential use rights
19 are lost, and existing and future development on the site must comply with all
20 provisions of this title.
- 21
22 (3) The director, in consultation with the building official, may approve one 18-month
23 extension for the reconstruction, or for obtaining the temporary certificate of
24 occupancy, of the nonconforming residential use upon written request showing good
25 cause.

49.30.240 Nonconforming residential densities in zoning districts that allow residential development.

(a) *Modification of existing dwelling units.* A structure containing nonconforming residential density may be modified subject to the following:

- (1) The nonconforming residential density is certified pursuant to the procedures provided in section 49.30.310 prior to commencing any modification that requires a building permit.
- (2) Applicable dimensional standards and parking requirements of this title are met unless otherwise provided in this chapter.

(b) *Accidental damage or destruction.* A structure containing nonconforming residential density, which is damaged or destroyed may be reconstructed to contain nonconforming residential density, regardless of the cost of replacement or building official's determination under CBJ 49.30.210(h), subject to the following:

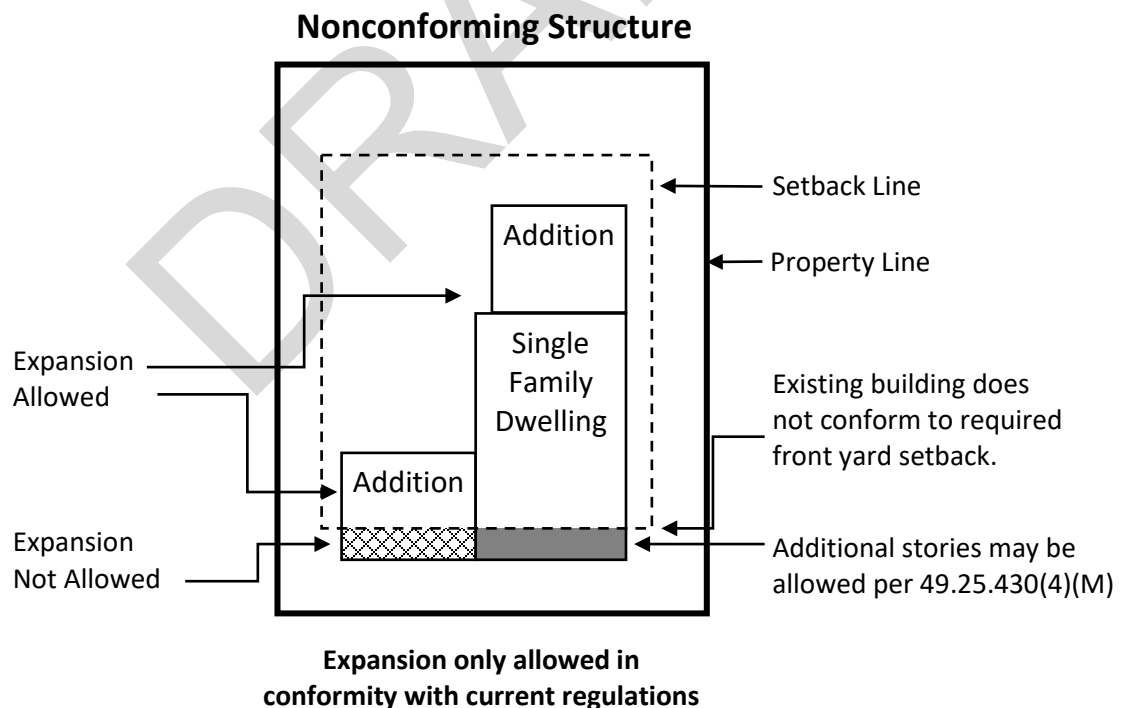
- (1) The nonconforming residential density is or has been certified pursuant to the procedures provided in section 49.30.310 prior to any work that requires a building permit;
- (2) Written notice of intent to reconstruct is provided to the department within 365 days of the date the damage or destruction occurred, as determined by the building official;
- (3) The total number of dwelling units established by the certification of nonconforming status is not increased;
- (4) A temporary certificate of occupancy for the structure has been obtained within three years of issuance of the building permit; and

- (5) The director, in consultation with the building official, may approve one 18-month extension for the reconstruction or for obtaining the temporary certificate of occupancy, upon written request showing good cause.

49.30.250 Nonconforming structures.

- (a) A nonconforming structure may be enlarged, altered or reconstructed as long as the enlargement, alteration, or reconstruction does not increase or aggravate the nonconforming situation and complies with other dimensional and parking standards of this title, except as otherwise provided in this chapter. (See Figure 1)

Figure 1



(b) Certification of nonconforming status pursuant to section 49.30.310 must be obtained prior to any enlargement, alteration or reconstruction of a nonconforming structure.

(c) Improvements or renovations within an existing structure shall not be considered an enlargement, alteration, or reconstruction for purposes of this section.

(d) Projections allowed in yard setbacks under CBJ 49.25.430(4) shall not be considered to increase or aggravate a nonconforming situation.

(e) This subsection shall not be interpreted to allow the expansion of a nonconforming use or nonconforming residential density, which are governed by sections 49.30.230 and 49.30.240.

(f) *Reconstruction.*

(1) Non-residential. A nonconforming structure or nonconforming portion of a structure, the principal use of which is non-residential, which is deemed destroyed by the building official under 49.30.210(h), may not be reconstructed except in conformity with this title.

(2) Residential. A nonconforming structure or nonconforming portion of a structure, the principal use of which is residential, may be reconstructed regardless of the extent of the damage or destruction, as long as the structure is in a zoning district that allows residential development. The reconstruction may be in the existing footprint, except for encroachments into rights-of-way or adjacent property.

49.30.260 Nonconforming lots and lot fractions.

(a) A nonconforming lot has the same development rights as a compliant lot subject to the following:

(1) A certification of nonconforming status is obtained pursuant to the procedures provided in section 49.30.310;

(2) The use on a lot does not have a minimum lot size requirement greater than the minimum lot size required by the underlying zoning district, unless otherwise authorized by this title; and

(3) Applicable zoning district dimensional, development and design standards, including, but not limited to setbacks, parking and landscaping, are met.

(b) Unless located in an industrial or waterfront industrial zoning district, an undeveloped nonconforming lot or lot fraction that adjoins and has continuous frontage with one or more other undeveloped conforming or nonconforming lots under common ownership, may each be developed with a single-family dwelling or as otherwise provided in this title.

49.30.270 Nonconforming parking.

(a) A nonconforming parking situation may continue, be replaced or reconstructed under this subsection with the same number and type of off-street parking spaces as were provided for the original structure or use, if the government entity that controls the right-of-way determines that it does not endanger public health, safety or welfare, including but not limited to back-out parking.

(b) When a nonconforming parking situation is changed to become more compliant with 49.40, newly provided parking may not be removed unless in accordance with this chapter. This does not preclude the applicant's right to obtain a parking waiver in accordance with sections 49.40.210(d) Exceptions or 49.20.200 Variance.

ARTICLE 3. REVIEWS

49.30.310 Nonconforming status review and certification.

(a) *Purpose.* The purpose of nonconforming status review is to determine whether nonconforming rights under this chapter exist, and certification is therefore appropriate. In addition, it is intended to determine the current use of the lot, based on the use categories in section 49.25.300. In the case of nonconforming residential density, the review also determines the maximum extent of the nonconforming residential density.

(b) *When to seek certification of nonconforming status.* An owner may apply for certification of nonconforming status, at any time. An owner must have a certificate of nonconforming status prior to a nonconforming situation review.

(c) *Certification.* A nonconforming situation will be certified as having nonconforming status, if the director finds the applicant's information establishes all of the following:

(1) The nonconforming situation was allowed, or not prohibited by law, when it was created or established; and

(2) The nonconforming situation has not been abandoned.

(d) *Application.* An application for certification of nonconforming status shall be submitted with the department on forms approved by the director, with relevant information establishing the factors set out in (c) above. The application should identify and include each nonconforming situation known to exist on the subject property.

(e) *Relevant information.*

(1) Information that may be relevant to nonconforming status may include, but is not limited to, the following:

(A) Building, land use, or development permits;

- (B) Zoning codes or maps;
 - (C) Recorded plats;
 - (D) Dated photographs;
 - (E) Dated aerial photography;
 - (F) Insurance maps that identify use or development, e.g. Sanborn Maps.
- (2) Information that may be relevant to whether the nonconforming situation has been continuously maintained without interruption may include, but is not limited to the following:
- (A) Utility bills;
 - (B) Income tax records;
 - (C) Business licenses;
 - (D) Telephone listings;
 - (E) Advertisements in dated publications;
 - (F) Building, land use, or development permits;
 - (G) Insurance policies;
 - (H) Leases;
 - (I) Dated photographs;
 - (J) Dated aerial photographs;
 - (K) Insurance maps that identify use or development, e.g. Sanborn Maps; or
 - (L) Land use and development inventories prepared by a government agency.
- (f) *Decision.* The director shall review the applicant's information and issue a written decision that includes separate certification findings on each nonconforming situation included in the application.

(g) *Burden of proof.* The burden of proof to establish nonconforming status is on the applicant.

(h) *Fee.* An application for a certification of nonconforming status shall include a fee as established by chapter 49.85.

49.30.320 Nonconforming situation review.

(a) *Purpose.* The board of adjustment shall hear all nonconforming situation reviews for the purpose of reviewing proposed changes to nonconforming situations as provided in this chapter. The nonconforming situation review process provides an opportunity for public input, and authorizes the board of adjustment to review, limit, approve or deny proposed changes.

(b) *Applicability.* The following may be allowed through a nonconforming situation review as provided in this chapter:

(1) A change of a nonconforming use to another nonconforming use that is prohibited in the zoning district.

(2) A change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density in the RR, D1, D3, D5, D10SF, D10, D15 and D18 zoning district.

(c) *Submittal.* An application for a nonconforming situation review shall be submitted to the board of adjustment through the department on forms approved by the director.

(d) *Director's review procedure.*

(1) The director shall endeavor to determine whether the application accurately reflects the applicant's intentions, shall advise the applicant whether or not the application is acceptable, and, if it is not, what corrective action may be taken.

(2) After accepting the application, the director shall schedule it for a hearing before the board of adjustment and shall give notice to the applicant and the public in accordance with CBJ 49.15.230.

(3) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.

(4) The director shall forward the application to the board of adjustment together with a report setting forth the director's recommendation for approval or denial, with or without conditions, and the reasons therefore. The director shall review and make findings on the approval criteria specified in subsection CBJ 49.30.320(f).

(e) *Fee.* An application for a nonconforming situation review shall include a fee as established by 49.85.

(f) *Approval criteria for nonconforming situation reviews.*

(1) All nonconforming situation review approvals require the following findings:

(A) The value of adjoining property is unlikely to be more negatively affected from the proposed nonconforming situation than it is from other permitted or conditionally permitted uses in the district;

(B) Public services and facilities are, or will be prior to occupancy, adequate to serve the proposed use, density and structure;

(C) The nonconforming situation proposed will not cause undue harmful effects or be out of harmony with property in the neighboring area on account of its scale, bulk,

coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects; and

(D) The nonconforming situation proposed will not materially endanger the public health, safety or welfare.

(2) Additional findings required for approving nonconforming use proposals:

- (A) The proposed nonconforming use is more appropriate to the district than the existing nonconforming use and does not significantly jeopardize future development of the area in compliance with the intent of the zoning district;
- (B) Any characteristics of the nonconforming use that are out of compliance with this title are not changed to become less compliant with the requirements of this title;
- (C) The nonconforming use will not result in the creation of additional nonconforming situations or the need for any variances;
- (D) With mitigation measures, there will be no measurable increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
 - (i) The hours of operation;
 - (ii) Vehicle trips to the site and impact on surrounding on-street parking;
 - (iii) Noise, vibration, dust, odor, fumes, glare, and smoke;
 - (iv) Screening, public safety, neighborhood harmony;
 - (v) The amount, location, and nature of any outside displays, storage, or activities;
 - (vi) Building scale, placement, and facade;

(vii) Parking area placement;

(viii) Buffering or screening and the potential loss of privacy to abutting residential uses; and

(ix) Lighting and signs.

(3) Additional findings required for approving nonconforming residential density proposals:

(A) When a nonconforming use is proposed to become a nonconforming residential density, it will have no measurable increase in overall detrimental impacts on the surrounding area taking into consideration factors such as:

(i) Vehicle trips and impact on surrounding on street parking;

(ii) Lot coverage,

(iii) Vegetative cover;

(B) The proposed nonconforming residential density does not exceed 1.5 times the base density permissible for the underlying zoning district in RR, D1, D3, D5, and D10SF zoning districts, and 1.25 times the base density permissible for the underlying zoning district in the D10, D15 and D18 zoning districts, rounded to the nearest whole number.

(g) *Board of adjustment hearing and determination.*

(1) At the hearing on the nonconforming situation review, the board of adjustment shall review the director's findings and recommendation(s) and determine:

(A) Whether the application is complete;

(B) Whether the proposed nonconforming use is appropriate according to this section;

(C) Whether the development as proposed will comply with other applicable requirements of this title;

(2) The board of adjustment shall adopt the director's finding on each item set forth in paragraph (f) of this section unless it finds, by a preponderance of the evidence, that the director's finding was in error, and states its reasoning for each finding with particularity.

(3) Even if the board of adjustment adopts the director's findings, it may nonetheless deny or condition approval of the proposed nonconforming situation if it concludes, based upon its own independent review of the information submitted at the hearing, that the nonconforming situation will more probably than not:

(A) Lack sufficient conformity with the comprehensive plan, land use plan, thoroughfare plan or other officially adopted plans; or

(B) Conflict with the chapter's intent to reduce the impacts of nonconforming situations and promote public health, safety and general welfare and is not needed to minimize an unreasonable impact to the subject property caused by a zoning change.

Section 6. Amendment of Section. CBJ 49.80.120 Definitions, shall be amended to incorporate the following **new** definitions in alphabetical order:

49.80.120 Definitions.

...

Change means, with respect to a nonconforming use, that the nonconforming use has been converted to a different use for any period of time, regardless of intent.

Discontinued means that a nonconforming use has ceased, and has not substantially resumed.

Nonconforming means allowed, or not prohibited by law, when established, but due to the subsequent adoption, revision or amendment of a zoning ordinance, became noncompliant under this title.

Nonconforming lots and lot fractions means a lot, or lot fractions, that were allowed, or not prohibited by law, when established, but due to the subsequent adoption, revision or amendment of a zoning ordinance, became noncompliant under this title.

Nonconforming parking means parking standards, including types of off-street parking, that were not in effect when the use was established, but due to the subsequent adoption, revision or amendment of a zoning ordinance, are required under this title.

Nonconforming residential density means residential development of a density that was allowed, or not prohibited by law, in the zoning district when constructed, but due to the subsequent adoption, revision or amendment of a zoning ordinance, is a greater density than allowed in the zoning district under this title.

Nonconforming rights means the rights provided in 49.30 applicable to situations that are certified or qualify to be certified as nonconforming situations, including rights relating to the continuation, maintenance, modification and reconstruction of nonconforming situations.

Use means activity, physically conducted on a lot or in a structure, regardless of intent.

...

Section 7. Amendment of Section. CBJ 49.80.120 Definitions, shall be amended to incorporate the following **amended** definitions in alphabetical order:

49.80.120 Definitions.

...

Nonconforming situation means a ~~nonconforming lot, use or structure, or any combination thereof~~ situation that was allowed, or not prohibited by law, when established, but due to the subsequent adoption, revision or amendment of a zoning ordinance, became noncompliant under this title, and has been continuously maintained without interruption as specified in this chapter. Nonconforming situations include nonconforming uses, nonconforming residential density, nonconforming structures, nonconforming lots and lot fractions, and nonconforming parking standards, whether existing alone or in any combination.

Nonconforming structure means a structure, ~~the size, dimensions or location of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision, or amendment, to conform to present requirements.~~ the dimensional standards or siting of which was allowed, or not prohibited by law, when constructed, but due to the subsequent adoption, revision or amendment of a zoning ordinance, became noncompliant under this title.

Nonconforming use means a use ~~or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.~~ that was allowed, or not prohibited by law, when established, but due to the subsequent adoption, revision or amendment of a zoning ordinance, became noncompliant under this title.

...

Section 8. Amendment of Section. CBJ 49.80.120 Definitions, shall be amended to **delete** the following definition:

49.80.120 Definitions.

...

Nonconforming lot means a lot, ~~the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails by reason of such adoption, revision or amendment to conform to present requirements.~~

...

Section 9. Amendment of Section. CBJ 49.85.100 Generally, is amended to read:

49.85.100 Generally.

Processing fees are established for each development, platting and other land use action in accordance with the following schedule:

...

(10) Board of adjustment.

(A) Administrative variance, \$120.00;

(B) Non-administrative variance, \$400.00;

(C) Alternative development permit, \$400.00;

(D) Nonconforming situation review, \$400.00.

...

(20) Certification of nonconforming status, \$150.00; fee is waived if applied for in conjunction with a development permit.

Section 10. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2019.

Attest:

Beth A. Weldon, Mayor

Elizabeth J. McEwen, Municipal Clerk



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: October 16, 2019
Case No.: AME2018 0009

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to repeal and replace 49.30 – Nonconforming Development

Legal Description: Borough-wide

Hearing Date: August 27, 2019, September 17, 2019, and October 15, 2019

The Planning Commission, a special public meeting, adopted the analysis and findings listed in the attached memorandums dated September 12, 2019 and October 8, 2019, and recommended that the City and Borough Assembly adopt staff's recommendation for a text amendment to repeal and replace CBJ 49.30 – Nonconforming Development, consistent with the amendments made at the October 15, 2019 meeting.

Attachments: September 12, 2019 & October 8, 2019 memorandums from Beth McKibben, AICP, Senior Planner, Community Development, to the CBJ Planning Commission regarding AME2018 0009.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020 (b).

City and Borough Assembly

Case No.: AME2018 0009

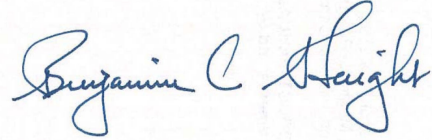
October 16, 2019

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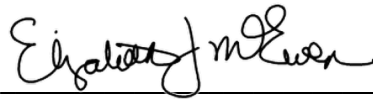
Project Planner:



Beth McKibben, AICP, Senior Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With Municipal Clerk

10/30/2019

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

MEMORANDUM



155 S. Seward St. Juneau, Alaska 99801
 Scott.Ciambor@juneau.org
 Voice (907) 586-0220
 Fax (907) 586-5385

Date: December 5, 2019

TO: Committee of the Whole

FROM: Scott Ciambor, Chief Housing Officer 

Re: Update: Sealed Competitive Bid to Purchase or Lease Land in the Vintage Business Park for Senior Assisted Living and Memory Care

Sealed competitive bid forms, development proposals, and registration fees for the opportunity to purchase or lease CBJ land for a senior assisted living and memory care facility were due Thursday, November 21, 2019. ([CBJ sealed competitive bid documents](#))

Two bid proposals were received. A staff committee reviewed each proposal. Based on scoring criteria included in the bid packet, the committee has made a preliminary recommendation to the Manager of the best bidder capable of completing the project and successfully meeting the community's assisted living and memory care needs.

Consistent with *CBJ53.09.250*, the Manager intends to enter into post bid negotiations with Torrey Pines Development and return to the Assembly with the final project proposal details. In the event that suitable terms cannot be arranged with apparent best bidder, the Manager is leaving open the opportunity to negotiate terms with the other applicant.

The Manager will report to the Assembly upon completion of tentative negotiations.

Sealed Competitive Bid (*CBJ code 53.09.250*)

53.09.250 - Sealed competitive bids.

(a) Registration. The registration fee for participating in a sealed bid sale shall be \$500.00 per application. The registration fee shall be returned to unsuccessful bidders. For a successful bidder, the registration fee shall be applied toward the down payment of the lot for which the fee was paid.

(b) Post bid negotiations. If a significant factor in the award of the bid is to be the development proposal made by the bidder and if the bidders have been so informed either in the advertisement or on the bid form, the manager may negotiate with the best bidder or, in the manager's sole discretion, with the two best bidders.

(c) Assembly approval. The award of a bid in which the development proposal is a significant factor in the award is subject to approval by the assembly.



City and Borough of Juneau
City & Borough Manager's Office
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

DATE: December 6, 2019

TO: Deputy Mayor Gladziszewski and Assembly COW

FROM: Rorie Watt, City Manager

RE: Waterfront Museum Concept/Downtown Waterfront Improvements Phase 1 Project Update

Development of infrastructure on the Downtown Waterfront Improvements Phase I project is well under way. This current construction contract of \$12.5M is scheduled to be completed by October 2020 and consists of the following scope of work: The construction of a new vehicle staging area with a canopy, foundation and utilities for a waiting shelter and restrooms building, and pile supported deck over. Phase I includes a 390ft long concrete retaining wall, steel piles and pile caps, canopy, concrete and timber decking that will create a pedestrian connection between the Seawalk and the Archipelago Properties, LLC development and to South Franklin Street.

A second phase of work valued at approximately \$2.5M is scheduled to go to bid in May 2020 and be completed by April 2022. The scope of Phase II includes: The completion of the 40' x 80' waiting shelter and restroom building, as well as landscaping and site features in the deck over pedestrian plaza.

In between the two CBJ phases is the construction of the private activity on the uplands owned by Archipelago Properties, LLC. The construction sequence was negotiated and scheduled as part of the land purchase and sale agreement that was authorized by the Assembly on Jan 28th, 2019. As part of that PSA, CBJ agreed to language partially limiting development of a portion of the CBJ tidelands. That language reads:

"With respect to Future Improvements other than the Approved Structures, Archipelago shall have, and hereby reserves for itself and its successors and assigns, a limited right to object in advance of placement or construction of such improvements on the portion of the subject property designated on Exhibit E hereto, based upon the following considerations: Archipelago may object if the Future Improvement does not provide an identifiable public purpose or benefit, and is reasonably likely to impair, interfere with, or unfairly compete with, the businesses and operations taking place on the adjacent Archipelago premises. If CBJ proposes a Future Improvement it shall notify Archipelago in writing at least 180 days in advance of the intended date of commencement, and Archipelago shall have not more than 60 days to consider and state in writing its objection to the improvement, if any. In the event of objection, the two Parties will work in good faith to attempt to resolve the objectionable issues. Archipelago's approval shall not be unreasonably withheld, provided the above conditions are met. "

I would like to present a new idea for consideration.

JDCM Relocation Concept:

The Juneau Douglas City Museum is housed in the CBJ owned Veteran's Memorial Building at 4th and Main, across from the Capitol. It was the site of the Alaska Statehood Ceremony on July 4, 1959. It receives 24,000 visitors a year and earns \$64,000 of revenue and requires \$475,000 of general fund support. During the Assembly's recent budget exercise, the JDCM was ranked quite low as a discretionary service. Yet it is unlikely that the Assembly would easily decide to unspool the museum collection and to decide to not provide this public service. The JDCM building currently is around 6,000

sf in size and is at capacity in terms of historical artifact storage space. The location does not generate enough visitor traffic to be self-sustaining and the space is cramped. In terms of cost recovery, it is performing as well as can be expected.

It is now a good time to think of the bigger picture; I have done some preliminary work on the question of whether the construction of a new facility on the waterfront would allow the JDCM to become self-sustaining and could eliminate the need for GF support. The current facility could be incorporated into the Capitol campus and serve to advance other important municipal goals related to our endless goal of improving ourselves as the Capital City. Additionally, the 2018 *Marine Park to Taku Dock Urban Design Plan* acknowledged a future "waterfront attraction" in this space, which was envisioned to be a public museum-like facility.

Conceptually, a move to the waterfront and a facility in the range of 10,000 sf has been estimated to be in the range of \$8-9M. While a funding package has not been developed, there are some obvious opportunities. In our MOA with CLIA, the cruise ship industry has *already* agreed to not object to provision of facilities such as restrooms, seawalks and visitor information (signage/wayfinding) and passenger queuing.

Further, the MOA requires early consultation by the parties, and in the spirit of the agreement, I have preliminarily floated the idea with CLIA. In general, CLIA's position is:

- a. That they acknowledge that restrooms would be an eligible use of passengers fees.
- b. They are interested in discussing new partnership opportunities which would improve the community, but would prefer to follow community direction.
- c. They are supportive of requesting funding from the cruise industry charitable foundation to help cover temporary storage.
- d. That a museum on the waterfront would be an attractive addition to Juneau's waterfront, particularly for several reasons – it would be new tour opportunity, would be a lower cost opportunity (we do not have many), could be bundled with other tours, could either keep people downtown or allow for delayed dispatching to other tours (both would help on congestion issues).
- e. That they are open to and welcome further discussions.
- f. That the devil is always in the details.

It also seems likely that an application to the Rasmuson foundation could possibly be successful for partial funding. It may be further possible to achieve corporate support. Between passenger fees, corporate support and grant funding, it does not seem unreasonable that a third or more of project cost could be obtained.

Attached is a rough rendering of a museum concept, sited near the Marine Park Parking Garage and Library structure.

Morris Alaskan Art Collection

Through the course of owning and operating the Juneau Empire for approximately 40 years, Mr. Morris acquired a substantial, valuable and remarkable collection of original Alaskan art work. In acquiring the Archipelago property, one of his purposes was to find a way to share that art in Juneau. As an example of his vision, he helped found the [Morris Museum of Art](#) in his hometown of Augusta, Georgia. The museum is dedicated to the art and artists of the American South and was founded in the memory of Mr. Morris' parents. His speech (attached) at the opening of the museum, speaks for itself.

The art collection consists of around 250 pieces, mostly oil paintings by Alaska masters, including Sydney Laurence, Eustace Paul Ziegler, Fred Machetanz, Bill Ray, Jr., Rie Munoz and Theodore Lambert.

I have had a number of conversations about what it would take to keep his private art collection in Juneau. In short, he is enthusiastic about the idea and is willing to try to work with Juneau to achieve a loan agreement with the JDCM. He has a limited number of requests for such an agreement:

1. That the art be properly cared for and displayed.
2. That there be some exterior naming opportunity.
3. That the Morris family be able to borrow and add to the collection.

It is an exciting opportunity.

Summary:

This idea clearly needs further work, but has huge potential. I've advanced understanding as far as I can without getting (too far...) in front of the Assembly. In order to work the idea further, I need consent of the Assembly and some time to fully develop the idea.

In the end, it seems likely that many details can be ironed out, but some municipal funding support would be required. It would likely boil down to a question of shorter term debt versus reduction in long term operating costs. In some ways it is similar to the proposed New City Hall vision – invest now and get a better facility suited to the long term needs of the organization.

This idea has great potential to "build on our strengths" and support Objectives 13-16 of the Juneau Economic Plan (attached).

Recommendation:

If the Assembly is agreeable, we will initiate activities that will include:

- A. Further development of a budget, submission of non-profit grant applications, further discussions with Cruise Ship industry (CLIA and individual lines) and other potential corporate support.
- B. Coordination with Docks & Harbors, including logical adjustments to the DWI project, altering the phasing and reconsidering the waiting shelter/restroom facility.
- C. Robust public process.

And reporting back to the Assembly early and often (at PWFC, COW or Finance as directed).





Juneau-Douglas City Museum

MAIN ST

Capitol Building

FOURTH ST

CALHOUN AVE

State Office Building



MARINE WAY

Library/
Parking Garage

Archipelago Property

Gastineau Channel

S FRANKLIN ST

Visitor Center

Mt Roberts Tram







<i>Initiative</i>	<i>Goal: What is advanced or transformed?</i>	<i>Why Pursue?</i>	<i>Objective to Accomplish</i>		<i>Milestones or Metrics</i>
Build the Senior Economy	Facilitate development of the services and facilities necessary for residents to comfortably and affordably retire in Juneau.	To allow residents to continue participating in and supporting the economy as they age and retire.	3. Support development of a range of housing options and support services that meet the needs of Juneau's senior population.		# of dwelling units specifically designed/designated for seniors. # of businesses that specifically serve seniors/tax revenue from these businesses. - Care-A-Van rides by seniors.
			4. Increase the depth and breadth of local, skilled health care workers and services for seniors.		# of health care positions in field related to care of seniors. # home health care workers (and types), # training programs & # trained. - Prepare a needs lists/gap analysis for health care services for seniors by 2016.
Attract and Prepare the Next Generation Workforce	Prepare and attract the professional, technical, skilled, entrepreneurial, and creative labor force that Juneau's diverse employers, businesses, and non-profits need.	Foundational for effective workforce development, to ensure job retention, and prevent capital creep. Critical for attracting millennials and retaining existing young families. CBJ controls public infrastructure that is central to quality of life measures that influence location decisions for millennials and others. Generates wealth and ensures job retention.	5. Develop a better understanding of the professional, technical, and other workforce needs of Juneau's key employers, especially state government.		- State worker position profile prepared by year-end 2015. Identify State workforce needs and track/anticipate potential changes in State employment in Juneau. - Juneau "top jobs" list with recruiting and training needs prepared by year-end 2016.
			6. Increase availability of childcare year round, with an emphasis on Kindergarten readiness.		- Ratio of childcare slots in Juneau to population of children under six. - By year-end 2015, complete an ordinance and zoning code review to ensure they allow for appropriate development of child care facilities.
			7. Actively support and maintain quality of life infrastructure that attracts and retains a desired workforce.		- Usage and participation counts. \$ Track trends in cost per participant. - Track age distribution of Juneau population.
			8. Prioritize an education system that prepares youth to participate successfully in the Juneau workforce, in vocational and professional jobs.		- Graduation rates and test scores of Juneau HS students. # student participants in STEM education programs. # of HS students eligible for Alaska Performance Scholarship. - Educational attainment of Juneau population.
Recognize & Expand Juneau's Position as a Research Center	Take advantage of Juneau's natural assets and competitive advantages by making tighter connections to basic and applied research, funding, and employment. Strengthen links between Juneau's scientists, researchers, and businesses.	New jobs and wealth creation based on natural assets and advantages. Adds resilience by strengthening the federal jobs base and activity. Adds to diversification, as well as investment in education and future generations.	9. Locate Alaska fisheries science and management jobs in Juneau.		- Track AFSC job listings in AK, WA, and OR. - By year-end 2016, identify specific targets and a strategy to promote Juneau as a research/science center for excellence. # FTE positions and # empty offices at NOAA and PNWRS facilities in Juneau. # meetings with Congressional delegation and NOAA on jobs.
			10. Better connect Juneau's scientists and researchers with business and industry. Conduct applied research to benefit local business' ability to compete and expand.		\$ Federal, state or private grants or loans to an applied science or supporting business. # patents to Juneau businesses or researchers.
Build on Our Strengths	Build on our strengths to expand business opportunities where we have natural/competitive advantages.	New jobs and wealth generation, adds to community resilience and CBJ revenue. These jobs are broadly distributed through economy.	11. Increase independent visitor travel to Juneau.		Track hotel and B&B occupancy, room tax revenues, counts of independent visitors.
			12. Create more value from seafood and other maritime resources and services.		\$ Track value of fish landed, fish taxes paid to CBJ. - Annual communication with Juneau processors on land, infrastructure, or permit needs.
			13. Build Juneau's role as a regional arts and culture hub.		\$ Annual spending by Juneau arts/cultural organizations. \$ Event-related spending by audience. - Progress on Willoughby Arts Complex.
Protect and Enhance Juneau's Role as Capital City	Maintain state government employment and real wages in Juneau and "brand" Juneau as a great Capital City.	New and retained jobs (support Juneau's most important source of employment and income). Wealth creation and foundational development, attract investors and next generation workforce.	14. Make Juneau the best possible Capital City.		- Maintain funding for the Alaska Committee. - Track state employment & payroll. - Initiate a long-range Capital Campus planning effort by July 2016.
			15. Brand and market Juneau as a desirable place to live, work, raise a family, and start a business. Focus brand on Juneau as Alaska's Capital, a Center for Science & Research, a vibrant arts & culture destination, and place with diverse recreational assets and opportunities.		- Identify specific employment needs and locations to target marketing. - Branding and targeted marketing plan in place by mid-year 2016.
Revitalize Downtown	Revitalize Downtown, building the link between economic vitality and livable, mixed-use neighborhoods.	New jobs and businesses, leverages other investment, generate CBJ revenue, existing support by CBJ and business owners.	16. Develop and implement a CBJ downtown improvement strategy.		- Immediately begin to identify and apply for grant funding to supplement downtown planning. - Begin downtown neighborhood and business plan process by August 2015. Include a funding commitment, identification of project partners, and project scope. # businesses in area; # vacant properties in area. \$ property tax revenue from area; \$ sales tax revenue from area.
Promote Housing Affordability and Availability	Break down the housing barriers that are dampening economic growth.	Foundational. Lack of "starter" or affordable housing is critical economic barrier holding back progress on other initiatives.	17. Complete a Housing Action Plan, followed by action. Set goals for "starter" and affordable housing, senior housing, as well as special populations downtown.		- Set specific and measureable housing goals and implementing programs in 2015. - Annually track: # dwelling units (DU), # new DU starts and remodels, # DU selling below \$300,000, # DU for rent in Juneau total and in Downtown/Willoughby.

Morris Museum of Art

An address given
by William S. Morris III
on the occasion
of the dedication ceremonies
of the Morris Museum of Art,
Augusta, Georgia, September 24, 1992.



*Good evening, ladies and gentlemen.
Welcome to the opening of the Morris
Museum of Art.*

You have honored us with your presence tonight. Sissie, Will, Tyler, Susie, and I are grateful to you for being here on what is truly a very special day in the life of the Morris family.

It is also a special day for Southern art. In a few minutes, we will open the only museum in America dedicated to the art of the South. This is a special undertaking, and one that is long overdue.

The South has given a rich legacy of fine art to the nation. Some of our nation's earliest and best painters lived and painted here. Cities such as Charleston, New Orleans, Savannah, and Richmond come to mind as centers of excellent artistic work from the early days of the Republic. The efforts of these painters rank well with artists from New York, Boston, and Philadelphia.

At the same time, talented, itinerant portrait painters worked throughout the rural South, creating a remarkable social document of people living in and on the land.

The contributions of Southern artists to the national scene were not restricted to provincial painters of limited local interest. Several major American artists during the nineteenth and



twentieth centuries have had either a strong Southern heritage or a productive Southern period.

John James Audubon and George Caleb Bingham found inspiration along the banks of the Mississippi River. William Tylee Ranney created American history, painting from Southern roots. Martin Johnson Heade renewed a brilliant career in the luminist style during his late years in Florida. Winslow Homer, John Singer Sargent, and Edward Hopper were intrigued by the South as well, and painted it.

The achievements of Southern artists are not mere remnants of the past. Southern art has continued to grow and thrive even as it diverged from certain national patterns, gaining momentum along the way. Throughout this century, for example, Southern artists of considerable talent and skill have created a body of work that exemplifies the strong, storytelling power seen in the great Southern literature of the same period.

In addition, the works of the rural, self-taught artists have received national attention as has no other Southern art form in the cultural history of

the region. Interest in these artists reflects a genuine appreciation for the folk life and personal visions still intact on their Southern cultural terrain.

It may well be that the greatest days of Southern painting lie before us. Many Southern artists, some of whom are here tonight, are commanding national attention for their powerful images, which often draw upon the sights, scenes, and myths of the South. Fifty years from now, the heirs of the heritage that we set forth may look back upon this time as a truly golden era.

As many of you know, Sissie and I have been collecting art of one kind or another for all of our married lives. We have derived great pleasure from this pursuit, but the greatest pleasure has come from sharing these lovely works with others.

No artist ever intended for his or her work to be in the basement or storage room out of view, where it could not be enjoyed. In the same way that music is composed to be played, pictures are painted to be viewed. So it was with great pleasure that we donated this collection of Southern art to the Morris Museum for the permanent display and enjoyment of all who choose to view it or learn from it.

There is another reason, as well. Augusta has been the home of the Morris family for six generations. We love Augusta and want to give something to this great community that has given so much to us. It has been my longtime dream to establish an art museum in memory of my parents, William Shivers Morris, Jr. and Florence Hill Morris Rickenbacker. I can never

repay them for the start they gave me in life, the inspiration they imparted to me, and the legacy they left me. I hope this museum will stand as a continuing tribute to their memory and to their love for this community and its people.

So much of our journey through life is made beautiful by the works of God and our ability to see them. One of God's richest blessings is to allow us to see and enjoy His creation. It is God, the original Artist, who painted the rainbow, the sunrise, the sunset, and the morning mist in such a way as to capture our attention and wonder. It is not surprising, then, that man, inspired by His creations, would try to imitate the works of our Creator.

And so each generation produces its painters, sculptors, and artisans who bring fresh, new imagination to what God created and painted long, long ago.

It is my hope that the Morris Museum of Art, in time, will play a major role in the cultural life of our community, our region, and our nation, that it will become a focal point for the creative energy of Southern art scholarship, and that by preserving and building upon our artistic heritage, we will create a legacy to enrich the lives of generations to come.

At a meeting of the trustees and directors today, our director and curator outlined a program for five years of traveling, changing exhibits that will be displayed in the museum.

I hope the Morris Museum of Art adds to the climate of culture in Augusta and that it will inspire others to undertake endeavors for our mutual good and enjoyment.

Creating a museum is more than laying

bricks and mortar and acquiring interesting paintings. To have life, a museum must look within and without to attract and hold a wide audience of different tastes and backgrounds. This can be accomplished through thoughtful acquisitions of objects of superb connoisseurship and by diverse exhibitions and challenging education programs.

No institution of this nature works, however, without a broad base of community support. It is essential that any cultural institution gain that mandate if it is to succeed and fulfill a promising potential.

That will mean work, sacrifice, and commitment on the part of the citizens of Augusta. I know that will be forthcoming; as a matter of fact, it has already started.

This is not *my* museum. It is *our* museum. Yes, I have been fortunate enough to found it. I am providing the start-up and early funding; but when we cut that ribbon in a few minutes, this will be *your* museum, and without *your* support and participation, it will neither flourish nor grow. I invite you to join with me and my family in making this museum one of the finest and most focused in the country.

We open with an outstanding and varied collection, but an incomplete one. No art collection is ever complete. We will want to add to our collection on a frequent basis. From time to time, paintings will become available that will suit our museum, and we will want to add them to our holdings. Obviously, you and others can help with this.

In this, the Morris Museum of Art's inaugural exhibition, which presents a survey of unique and remarkable works from our Southern collection, we are illuminating and celebrating an artistic heritage as rich and diverse as the South itself. The museum has 10 main galleries, focusing upon:

1. Antebellum Portraiture
2. Civil War Illustration
3. The Black Presence in Southern Art
4. Still-Life Painting
5. Southern Impressionists
6. Works on Paper
7. Twentieth-Century Art
8. Self-Taught Artists
9. Contemporary Art of the South, and a
10. Landscape Survey Spanning More than 150 Years.

In addition, we have a gallery devoted to the works of Robin Hill. I was attracted to Robin's work soon after I began to appreciate art. He and I have had a great friendship for many years, and I am proud to have him so prominently represented in the permanent collection of the Morris Museum. Robin is here tonight, and I know he will be glad to speak to each of you.

We also have a gallery in memory of Dr. Robert P. Coggins, whose personal quest to discover the art and artists of the South gave us the foundation on which to build a unique and significant collection.

The opening of the Morris Museum of Art is a tribute to the efforts of many people: to my family, who have shared the dream, and who will continue to be trustees of the vision; to many friends and trusted advisers, who have

given support and encouragement.

Not the least of those who has given encouragement from the beginning is the eminent Southern artist, Lamar Dodd. Lamar has made the most lasting contribution to art in the South of anyone in this century. It was his visionary combination of artistic excellence and educational opportunity that ensured the careers of so many Southern artists, some of whom are here tonight.

It is a tribute, also, to Estill Curtis Pennington, Southern art historian, whose dedication and scholarship have given the institution both shape and substance; to the museum's first director, Keith Claussen, a true friend, who has shared my vision and enthusiasm for this undertaking; to Robert Kuhar, who has very sensitively translated rough floor plans and basic design ideas into a charmingly intimate and elegant setting for a disparate body of works; and, finally, to my wife, Sissie, whose interest in and eye for things of beauty have always been an inspiration to me.

Before we adjourn to cut the ribbon, let me say two additional things. The museum is designed to be viewed in a certain sequence starting in the Antebellum Gallery on the west side of the lobby on the levee level and proceeding through the Civil War Gallery and the other smaller galleries, ending in the Landscape Gallery, which runs around the outside walls of three sides of the building.

Because of the large number of people with us this evening, it may be difficult for us all to follow that sequence at the same time. If it is too crowded at the beginning, please move about freely through the museum. Each gallery

is special, and a docent will be stationed in each to assist you. Don't be rushed. Take your time and enjoy the paintings. Look with an open eye tonight and return often to learn more about the life of each object.

We have some favors for you to pick up as you leave. I especially want each family to have an autographed copy of the opening catalog, so please don't forget it. There will be two desks – one at the front door at the levee, and another one at the ground floor lobby level.

And now, ladies and gentlemen, please join me and my family in opening the Morris Museum of Art.

The blessing will be pronounced by the Reverend Dan McCall, pastor of Reid Memorial Presbyterian Church, after which my family and I will cut the ribbon.

W.S.M.III

Blessing of the Morris Museum of Art

September 24, 1992

*"Let the favor of the Lord our God be upon us,
and establish Thou the work of our hands upon
us, yea the work of our hands establish Thou it"
(Psalm 90:17).*

*So prayed the ancient psalmist, and in that
same spirit we pray tonight Divine blessing upon
this wonderful museum of art, a marvelous gift to
our community, our region, and our country. May
the worthy intentions of its founders bear fruit in
the blessing of many people as they are pleased
and inspired by the beauties they shall see here.*

*May the memory of William Shivers Morris, Jr.
and Florence Hill Morris Rickenbacker be hon-
ored as children, young people, and adults from
far and wide move through these galleries and
savor the beautiful and meaningful art on display
here, gaining themselves inspiration to create
works of art for still others to enjoy.*

*"Let the favor of the Lord our God be upon us,
and establish Thou the work of our hands upon
us, yea the work of our hands establish Thou it"!*

*As one who prays in the Christian tradition, I
offer this prayer on behalf of us all in the name of
Jesus Christ.*

Amen.

DR. G. DANIEL MCCALL
Pastor
Reid Memorial Presbyterian
Church, U.S.A.

